



**REPORT FROM:** ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL  
AND REGULATORY SERVICES

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

**DATE:** 5<sup>TH</sup> JUNE 2023

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 5<sup>TH</sup> JUNE 2023

**Application Ref:** 23/0016/FUL  
**Proposal:** Full: Retaining of shutters and canopies.  
**At:** Springbank Buildings 226 – 248 Every Street, Nelson, BB9 7BS  
**On behalf of:** Mr Amjad Khan  
**Date Registered:** 07.02.2023  
**Expiry Date:** 04.04.2023  
**Case Officer:** Yvonne Smallwood

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

## **Site Description and Proposal**

The application site is an existing grocery store located on Every Street, Nelson within Whitefield Conservation Area. The first floor of the building is used as a gym and the ground floor is divided into industrial/business units.

The proposal seeks to retain the shutters and canopies that have been erected. The canopy to the south of the site has been in situ since at least 2009. The proposal seeks to retain the RHS roof sheeting. There is an additional proposal to retain a canopy to the north east of this, between the store and the office. This canopy would project forwards from the office by circa 2m, covering the area in between the office and the store, creating a shelter above the parking area of circa 5m length and 4.5m width. The canopy would also provide shelter above the doorway to the south west of the office.

There is an existing steel roller shutter door to the south of the site. There are two additional roller shutter doors proposed to the south east elevation, one would be alongside the sliding fold door to the east of the development and there would be a smaller roller shutter door to the east of the proposed parking area.

It is noted that some signage was included on the first iteration of the plans. The signage has been removed from the application and the title amended, as an Advertising Consent application would be required for the erection of signage.

## **Relevant Planning History**

21/0055/CEA – Lawful Development Certificate (Proposed Use): Use of premises for retail (Class E). – Certificate Not Issued – 09.06.2022

20/0613/FUL - Full: Change of Use from Use Class E (Commercial, Business and Service) to a mixed use of shop and cash and carry (Use Class E and B8 (Storage and Distribution)). – Refused – 25.02.2021

13/11/0251P – Full: Change of use of part of the ground floor and part of the first floor of the building from light industry (Use class B1) to a gym (D2) – Approved with Conditions – 08.07.2011

13/08/0385P – Full: Change of use of part of the first floor from manufacturing to gym (D2) – Approved with Conditions – 06.11.2008

## **Consultee Response**

Highways LCC –

I note this is a retrospective application. I consider the signs, none of which are illuminated, to have a negligible impact on highway safety and capacity in the vicinity of the site, therefore, there is no objection to the proposal. Informative Note - The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on [Ihsstreetworks@lanashire.gov.uk](mailto:Ihsstreetworks@lanashire.gov.uk) or on 01772 533433.

Regarding the canopy: An amended scaled plan is required to show details about the drainage and it must be shown that No part of the canopy can over sail the highway.

Parking : The storage of fruit and vegetable on the frontage must be moved in order that it does not conflict with the parking spaces , Ref parking plan shown on (226 EVER) (20)-L-03 Sept 20-20

Proposed site layout drawing (App 13/202/613) attached.

Upon receipt of the requested information, I will provide my final comments.

(Amended plans were received 04.05.2023)

09.05.2023 - Highways LCC confirmed that the amended plans were acceptable.

Architectural Liaison Unit

Environmental Health

Nelson Town Council

## **Public Response**

Press and site notices placed and nearest neighbours notified by letter without response.

## **Officer Comments**

### **Policy**

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

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

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

National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in

the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

The Conservation Area Design and Development Guidance SPD gives guidance for developments within Conservation Areas.

## **Design and Materials**

The Conservation Area Design and Development Guidance SPD states that external security shutters have a deadening effect on the character of streets and create a fortress-like effect in the streetscene after business hours.

The structure of the canopy has been in situ since at least 2009. There is Google Earth satellite imagery to support this from 2009. Planning permission had not been granted for the canopy, however as this structure has been in place for over 10 years, it would now be immune from enforcement action. The proposal seeks to retain a RHS steel sheeting roof. Metal or timber are acceptable materials in a Conservation Area.

There is an additional proposed canopy to the north east that lies in between the larger canopy and the office. The canopy would be circa 9m in width and would project out from the premises by 2m from the office and would cover the area between the store and the office, creating a covered parking area of circa 5m in length.

The proposal would retain the shutters and canopies that have been erected. The canopy to the south of the site has been in situ since at least 2009. The proposal seeks to retain the RHS roof sheeting. There is an additional proposal to retain a canopy to the north east of this, between the store and the office. This canopy would project forwards from the office by circa 2m, covering the area in between the office and the store, creating a parking area of circa 5m length and 4.5m width. The canopy would also provide shelter above the doorway to the south west of the office.

There is an existing steel roller shutter door to the south of the site. There are two additional roller shutter doors proposed to the south east elevation, one would replace a section of a sliding door to the east of the development and there would be a smaller roller shutter door, central to the others, to the east of the proposed parking area.

## **Conservation Area**

The application site is within a Conservation Area. It is normally preferred that roller shutter doors are the pin-hole type that can be seen through. The roller shutter doors are for security, however they do not match the existing sliding doors and are not the punched or slotted pin-hole type and therefore are not suitable for a Conservation Area.

The premises forms part of the commercial and business block within the Conservation Area. The materials for the corrugated canopy coverings would not be acceptable, as they are not natural materials in heritage colours. The development destroys the uniform visual aspect of the streetscene. There are no public benefits to the scheme, therefore the development would result in less than substantial harm to the setting and significance of the Conservation Area, contrary to ENV1 and the Conservation Area Development Guidance.

## **Residential Amenity**

The proposed shutters and canopies to the premises would not result in any unacceptable adverse impacts for the residential amenity of neighbouring properties.

**RECOMMENDATION: Refuse**

By virtue of the poor design of the proposed shutters and canopies, the development would result in less than substantial harm to the Conservation Area. The design and materials are not in keeping with the character of the location. The shutters do not have the pin-hole effect and do not match the existing sliding doors.

There are no public benefits to the proposal, which clutters the frontage of the application site. Therefore the development would result in poor design, contrary to ENV1, ENV2 and the Conservation Area Development Guidance SPG.

**Application Ref:** 23/0016/FUL

**Proposal:** Full: Retaining of shutters and canopies.

**At:** Springbank Buildings 226 – 248 Every Street, Nelson, BB9 7BS

**On behalf of:** Mr Amjad Khan

**Date Registered:** 07.02.2023

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON THE 05<sup>TH</sup> JUNE 2023

**Application Ref:** 23/0185/VAR

**Proposal:** Full: Variation of Condition: Remove Condition 3 (Pedestrian Access Point) of Planning Permission 22/0504/FUL.

**At:** Morrisons Supermarket, Pendle Street, Nelson.

**On behalf of:** Wm Morrisons Supermarkets PLC.

**Date Registered:** 29/03/2023

**Expiry Date:** 24/05/2023

**Case Officer:** Joanne Naylor

## **Site Description and Proposal**

The application site is located within the existing car park of Morrisons supermarket which is within the Town Centre Boundary. Pendle Street forms the boundary to the north-east of the site which has a Mosque and petrol station, the Leeds and Liverpool Canal forms the north-west boundary, to the south-east Every Street forms the boundary with terraced housing, and to the south-west Wellington Street forms the boundary with terraced housing. The application site has vehicle access from Pendle Street, there is pedestrian access from Pendle Street, Every Street and Wellington Street, and a bus shelter located on Pendle Street.

The application seeks permission to vary the original permission 22/0504/FUL which was to erect a car window screen repair pod and associated canopy with storage pod within Morrisons car park. This application seeks to remove a Condition 3 for a Pedestrian Access Point on Pendle Street to replace the existing pedestrian access point which will be removed.

## **Relevant Planning History**

22/0764/CND: Approval of Details Reserved by Conditions: Discharge of Condition 3 (Pedestrian Access Point) of Planning Permission. 22/0504/FUL. Approved.

22/0504/FUL: Full: Erection of car windscreen repair pod and associated canopy and storage pod within car park. Approved with Conditions (15/09/2022).

22/0505/ADV: Advertisement Consent: Various vinyl signage/branding (Non-illuminated) on all elevations of pods. Approved with Conditions (19/10/2022)

13/11/0199P: Full: Major: Erect Foodstore (6588m<sup>2</sup>), basement and surface car parks, filling station, car wash and new access: Variation of Condition 4 of Planning Permission 13/98/0318P to extend opening hours. Approved with Conditions.

13/12/0048P: Advertisement Consent: Display 1 No fascia sign, 3 No hanging signs and 1 No directional sign (All non-illuminated). Approved with Conditions.

13/12/0049P: Full: Alterations to create a garden centre in the shuttered trolley bay area. Refused.

13/98/0318P: ERECT FOODSTORE (6588M<sup>2</sup>), BASEMENT AND SURFACE CAR PARKS, FILLING STATION, CAR WASH AND NEW ACCESS. Approved with Conditions.

13/99/0202P: ADV: SIGNAGE SCHEME AT NEW FOODSTORE. Approved with Conditions.

13/99/0345P: FULL: RE-ALIGN BASEMENT ACCESS WITHIN SITE. Approved with Conditions.

13/99/0387P: FULL: CHANGE OF USE OF CONCESSIONARY SHOP UNIT TO BANK AT MORRISONS SUPERSTORE AT SEED HILL MILL. Approved with Conditions.

16/0518/ADV: ADV: Advertisement Consent: Display 8 illuminated signs on the store and petrol filling station including fascia, canopy and totem signage (part retrospective). Approved with Conditions.

18/0891/FUL: Full: Erection of home shopping canopy and sheltered walkway. Approved with Conditions.

## **Consultee Response**

### **LCC Highways**

Having reviewed the information submitted, including the letter from Peacock & Smith ref CAP/5578/03(29March2023)S73 dated 29 March 2023, the highway authority makes the following comments.

The existing pedestrian access between the car park and Pendle Street is not just used by customers going to and from the bus stops on Pendle Street but also those approaching from the town centre/Every Street. Removing the pedestrian access on Pendle Street would reduce the site's permeability. Whilst the comments about pedestrians being in amongst manoeuvring vehicles are noted this is no different from customers going to and from their vehicles in this section of the car park where there is no dedicated walkway.

Taking the above into consideration the highway authority does not support the removal of Condition 3.

### **Parish/Town Council**

No Comment

## **Public Comments**

Nearest neighbours were notified by letter, two responses received objecting to the variation as it is vital this pedestrian access point is retained on Pendle Street, it is used daily by shoppers, for accessing the bus stop and for crossing the road to the local faith services.

## **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 111 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

### Officer Comments

The application site is within Morrisons Supermarket car park, permission was granted in 2022 for the erection of a car windscreen repair pod with storage pod and canopy. The location of the proposed windscreen pod would block the pedestrian access point from Pendle Street to the car park, Condition 3 required a new pedestrian access point to be created to enable access from the car park to Pendle Street.

Planning permission was granted by 22/0504/FUL to erect a car window screen repair pod and associated canopy with storage pod within Morrisons car park. This application seeks to remove Condition 3 for a new Pedestrian Access Point on Pendle Street which would replace the existing pedestrian access point which will be removed.

The applicant wants to remove Condition 3 and to not create a new pedestrian link to the car park. The applicant has reasoned that the new pedestrian link is further away from Morrisons store and bus stops on Pendle Street than the existing pedestrian access, and this new pedestrian route would not be used as it would be quicker to use the footway along the southern side of Pendle Street to access Morrisons. The applicant provided a second reason that the existing and proposed pedestrian access from Pendle Street to the car park is considered dangerous as it encourages people to cross the car park where vehicles are manoeuvring, therefore it is safer for people accessing the site from Pendle Street and from the bus stop to use the existing pedestrian footway to Morrisons Supermarket where there is no conflict between pedestrians and vehicles along this route.

LCC Highways does not support the removal of Condition 3 as the existing pedestrian access from the car park to Pendle Street is used by Morrisons customers, those using the bus stop and pedestrians accessing the town centre, removing the pedestrian access reduces the sites permeability. Pedestrians are already crossing the car park for shopping and accessing Pendle Street, the Mosque and the town centre. Whilst the comments about pedestrians being in amongst manoeuvring vehicles are noted this is no different from customers going to and from their vehicles in this section of the car park where there is no dedicated walkway.

Notwithstanding LCC Highways objection to the removal of Condition 3, the application site is in private ownership, the existing pedestrian access could be closed off at any time. Although we would want to see permeability retained on this site, this is not something that planning can address in terms of retaining access to the site and to keep routes open for people to walk



through. There is an existing footpath along Pendle Street to Morrisons Supermarket, and there are other access points to the car park from Every Street and Wellington Street. Therefore, the proposed variation to remove Condition 3 (Pedestrian Access Point) would be acceptable.

### **Reason for Decision**

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

### **RECOMMENDATION: Approve**

1. The proposed development hereby permitted shall be begun before the 14<sup>th</sup> November 2025.  
**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: AG - 18.01.003\_002C – Autoglass Modules; AG – 18.01.003\_002C – Autoglass; 170285 104\_PL\_01 – Nelson 104 Location Proposed.  
**Reason:** For the avoidance of doubt and in the interests of proper planning.

**Application Ref:** 23/0185/VAR

**Proposal:** Full: Variation of Condition: Remove Condition 3 (Pedestrian Access Point) of Planning Permission 22/0504/FUL.

**At:** Morrisons Supermarket, Pendle Street, Nelson.

**On behalf of:** Wm Morrisons Supermarkets PLC.

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON THE 05<sup>TH</sup> JUNE 2023

**Application Ref:** 23/0199/FUL  
**Proposal:** Full: Erection of a telecommunications tower with associated antennae.  
**At:** Storage Land North of 11 to 13 Hey Street, Nelson  
**On behalf of:** MBNL (EE UK Ltd & Hutchison UK Ltd)  
**Date Registered:** 04.04.2023  
**Expiry Date:** 30.05.2023  
**Case Officer:** Yvonne Smallwood

This has been brought to Committee as it has been called in by a Councillor.

## **Site Description and Proposal**

The application site is storage land to the north of 11 to 13 Hey Street. The location is mixed residential and commercial use, adjacent to a car wash to the north. There is an electric substation to the south and Throstle Nest Mill Business Centre is to the west of the site. There are circa 2m metal fences along the eastern boundary of Hey Street. There is an existing telegraph pole to the north of the site and another to the west of the site.

The proposal seeks to retain an existing temporary tower of 15m height, supported on precast concrete blocks and associated ancillary works for an additional 12 month period. There would be an equipment cabinet supported on timber sleepers and 2m security herras fence erected around the equipment.

The temporary tower was erected in March 2018 in accordance with the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003. The tower was erected under Emergency Powers granted in 2017 and is ICNIRP compliant. The temporary period for the tower to exist under Permitted Development was for 18 months. Therefore the permission expired in September 2019.

EE (UK) & Hutchison 3G UK Limited are licensed operators of an electronic communications network in accordance with the Communications Act 2003. There is an obligation to provide mobile telecommunication networks in the United Kingdom to meet all reasonable customer demands.

## **Relevant Planning History**

None.

## **Consultee Response**

LCC Highways –  
No objection

United Utilities

PBC Engineering – Drainage

Environmental Health

Cadent Gas

Nelson Town Council

## **Public Response**

Nearest neighbours notified. No response.

## **Officer Comments**

### **Policy**

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

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

#### **Replacement Pendle Local Plan**

Policy 38 (Telecommunications) of the Replacement Pendle Local Plan states that proposals for new telecommunications development should, in the first instance, seek to share an existing mast or site. All proposals should minimise the impact on the natural and built environment, designated areas, listed buildings, educational establishments and residential amenity. Design should be sympathetic in respect of height, materials and colours.

Applicants are also required to submit a statement which certifies that ICNIRP guidelines will be met.

Policy 38 is supported by the Adopted SPD: Guidelines for the Control of Telecommunications Equipment. In relation to development in urban area this states:

"Telecommunications apparatus may be refused consent where they adversely affect the character and appearance of a listed building or its setting, or would be detrimental to amenity within conservation areas and other special areas. There should be no needless duplication. Development should be adequately distanced from residential properties. In any urban area, masts and antennae should be integrated into the townscape by utilising existing structures and buildings."

Guidance on telecommunications development is also contained within the National Planning Policy Framework paragraphs 114-118.

Paragraph 118. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

### **Principle of the Development**

An ICNIRP certificate declaring compliance with guidelines for public exposure has been submitted with the application and therefore the application is acceptable in terms of public health.

There telecoms tower is on the site. The application seeks to retain the tower and extend the temporary permission for its use for an additional 12 month period.

The tower and ancillary equipment was erected in March 2018 in accordance with the electronic communications code under the Telecommunications Act 1984 Schedule 2 as amended by the Communications Act 2003, under Permitted Development:

- A. Development by or on behalf of an electronic communications code operator for the purpose of the operator's communications network in, on, over or under land controlled by that operator or in accordance with the electronic communications code, consisting of –
  - a) The installation, alteration or replacement of any electronic communications apparatus,
  - b) The use of land in an emergency for a period not exceeding 18 months to station and operate moveable electronic communications apparatus required for the replacement of unserviceable electronic communications apparatus, including the provision of moveable structures on the land for the purposes of that use, or
  - c) Development ancillary to radio equipment housing.

The proposed retention of the existing telecommunications tower and ancillary equipment is acceptable in principle, in accordance with Policy 38 and Paragraphs 114-118 of the Framework.

### **Visual Amenity**

The telecommunications tower is located within a commercial setting, with telegraph poles to the north and west of the site. The proposal would not result in any additional adverse impact to visual amenity.

### **Residential Amenity**

The proposed development complies with ICNIRP guidelines and would not harm the amenity of nearby residents. It is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and 38.

### **Highway safety**

The proposed development would raise no adverse highway safety issues. Highways LCC raise no objection to the proposal. The development would be acceptable with regard to highway safety.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity and highway safety and heritage impact. 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: 1-5 Hey Street Temp\_37827\_A1\_GA 01-08 37827\_ Location Plan.

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

3. The telecommunications tower hereby approved shall be in use for a maximum of 12 months from the date on the Decision Notice and removed from the site within three months of ceasing to be used for telecommunications purposes.

Reason: in the interests of visual amenity.

# REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE ON 5<sup>TH</sup> JUNE 2023

**Application Ref:** 23/0263/FUL

**Proposal:** Full: Erection of a detached 3 storey dwelling with 5 no. bedrooms and associated external landscaping and parking

**At:** Land to the South East of Bamford Street, Nelson

**On behalf of:** Mr Faisal Aslam

**Date Registered:** 09/05/2023

**Expiry Date:** 04/07/2023

**Case Officer:** Laura Barnes

## **Site Description and Proposal**

The application site relates to a plot of land which has previously had planning permission for up to 4 dwellings, in Outline (application reference 22/0268/OUT). It is located within the settlement boundary of Nelson and is surrounded by residential accommodation.

The proposed development seeks to erect a three storey dwelling on 'plot 1', which is the parcel of land closest to Barkerhouse Road, the northern end, of the wider area of land.

## **Relevant Planning History**

13/15/0541P: Outline Erection of 5 detached dwellings (Access only) (Reg 4)  
Approved with conditions

19/0017/OUT: Outline: Erection of 5 detached dwellings (Access only) (Reg 4).  
Approved with conditions

20/0339/CND: Approval of Details Reserved by Condition: Partial discharge of Conditions 4 (Drainage) and 5 (Access and off-site highway works) of Outline Permission 19/0017/OUT.  
Conditions partially discharged

22/0268/OUT: Outline: Erection of 4 dwellings (Access only) (Reg 4).  
Approved with conditions

## **Consultee Response**

### **LCC Highways**

Requested amended plans indicating an alternative parking layout.

### **United Utilities**

United Utilities wish to make the following comments regarding the proposal detailed above.  
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.

We recommend the applicant considers their drainage plans in accordance with the drainage hierarchy outlined above.

### Environmental Health

Recommended a Construction Method Statement

informative suggested in relation to contaminated land, control of dust and burning on site

### Public Response

Multiple letters have been received in response to neighbour notification, they have objected to the proposals raising the following issues:

- Destruction of green space will impact wildlife
- Flood risk
- Value of properties nearby
- Climate crisis
- Strain on Council services
- Height of building and loss of light / overlooking / overshadowing
- Re-housing of rodents which are on the site
- Flooding due to creating hard surfacing on an existing area of grass / natural drainage
- Danger on the highway during the construction phase
- It is not clear if the style is to be in keeping with modern or more traditional housing
- Cats and dogs play in this land
- This would only benefit the developer and not the wider community
- This is actually a four storey property due to the level change of 2.7m on Bamford Street and would result in the patio doors looking into the bedroom windows of Bamford Street
- The decision making process needs to be fair and un-biased, with Councillors ensuring there is no conflict of interest
- The property should follow the natural ground levels, not create a flat car parking area
- Children with special needs have used this land as a safe space to play

- Loss of light to rear of properties on Barkerhouse Road
- Loss of privacy to a velux kitchen window to rear of Barkerhouse Road
- The proposed development would result in parking issues
- Owner offering money to purchase additional areas of grass land surrounding the property
- The local residents were building together for the area of land to be registered as a village green. The sale of this land was not notified to nearby owners

There have also been some letter of support:

- This will reduce fly tipping in the area because the land has become an area which people use to dump waste on
- Reduction in anti-social behaviour which occurs on and around the land, due to more surveillance with additional property frontages
- Conservative Party are trying to boost the supply of housing
- The property will have its own parking so it will not result in additional on-street parking

## **Officer Comments**

### **Policy**

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

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing.

Policy ENV1(Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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

The following saved Replacement Pendle Local Plan policies also apply:

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

### **Principle of the Development**



The principle of development has been established through the previously approved outline applications. The application site is located within the settlement boundary and in an sustainable location. The principle of development is acceptable, subject to conformity with other policies of the Local Plan.

## **Design**

The proposed dwelling is a large detached property with five bedrooms. It is to be constructed of stone walls with interlocking tiles to the roof. The dwelling is to be three storey in height. The dwelling is to be positioned so that the side elevation would face the rear of properties on Barkerhouse Road. The front elevation would face towards properties on Tweed Street. The front elevation plan indicates a double fronted property with two gables, both of which have feature windows. The rear elevation is to have a single storey outrigger which is to have bi-folding doors and roof lights.

The layout of the site is broadly rectangular with access to the front and rear, off Tweed Street and Bamford Street. The site has been laid out to have parking to the front, off Tweed Street, with a steep rear garden accessed by a set of steps off Bamford Street. It is noted that Bamford Street and Barkerhouse Road are both made up of terraced dwellings, whilst there is a mix of semi-detached and detached dwellings on Trent Road and Willow Drive. However, in this case, the wider site has been split up into five plots. As such, it was unlikely that a terraced design would come forward. The proposed detached dwelling is not entirely out of keeping with the area, given the wider context of the more modern dwellings on Willow Drive and Trent Road.

In terms of the boundary treatments, the applicant has proposed 1.8m high close boarded fencing to each boundary. In relation to the side elevations this would be an acceptable boundary treatment, provided that the fencing is constructed in such a way that it is no greater than 1m in height for a distance 2m from the back of the pavement, in the interests of highway safety. However, to the Bamford Street boundary, this treatment is not acceptable and would result in an unacceptable impact upon the street scene and wider visual amenity. Having a 1.8m high close boarded fence which fronts a highway is not good design and would be contrary to paragraph 134 of the Framework. However, a condition could be placed upon any decision notice which prevents the fencing from being greater than 1m in height along the boundary with Bamford Street. The applicant has been made aware of this and amended plans are anticipated. An update to members will be provided regarding the amended plans.

Subject to the condition regarding the fencing height, the proposed development is in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

## **Impact on Amenity**

The proposed development has been laid out so that there is a distance of 20m between the front elevation of dwellings on Bamford Street and the rear elevation of the single storey outrigger, to the rear of the proposed development. Bamford Street is a terraced row, which forms the frontage to the site. It is acknowledged that the character of terraces is to have separation distances of less than 21m. It is important to have regard to the existing street pattern, this is set out in the Design Principles SPD. This view that existing street patterns and terraces not necessarily having 21m between has been upheld by an Inspector in an appeal decision in Salterforth. The distance between the first and second floors of the proposed dwelling from the frontages of the dwellings on Bamford Street is 24m.

Given the separation distance of 20m between the dwellings and the existing street pattern of the terraced properties opposite the application site on Bamford Street, the proposed development

would not result in an unacceptable privacy, overshadowing or overbearing impact upon the neighbouring dwellings.

To the side of the application site there is an existing terraced row of dwellings on Barkerhouse Road. The closest of the outriggers to the existing terrace with the side of the proposed development is 13m. The Design Principles SPD sets out that a separation distance between a principal window and a gable elevation should be at least 12m. In this case there is at least 12m between the gable wall of the proposed dwelling and the existing windows to the rear elevation on Barkerhouse Road. Although it is noted that the proposed dwelling is three storey in height the floor to ridge height is 8.6m. This is not excessive in height within a residential area and would not result in an unacceptable overbearing or overshadowing impact to Barkerhouse Road. The proposed dwelling is to have one first floor window to the side and two ground floor windows to the side, in addition to the access door. The first floor window is serving a stairwell and is not a habitable room, which would require the use of obscure glazing in the interests of privacy. To the ground floor the windows are serving a WC and kitchen respectively. The boundary treatment to the side is to be a 1.8m high close boarded fence. It is noted that a member of the public has raised concerns about a velux window serving a kitchen to one of the outriggers on Barkerhouse Road but a kitchen would not be a habitable room affording protection firstly and in addition, given the separation distance of greater than 12m and the boundary treatment proposed, the windows would not result in an unacceptable impact for the neighbouring dwellings. Overall, the proposed development would not result in an unacceptable privacy, overbearing or overshadowing impact upon the dwellings to the side at Barkerhouse Road.

In terms of the relationship of the proposed dwelling with Tweed Street and the properties on Trent Road, the front elevation of the proposed dwelling is to be 25m from the side elevation of 1 Trent Road. As such, this is in excess of the guidance in the Design Principles SPD in terms of gable and principal elevations. The proposed development would not result in an unacceptable impact upon the dwellings on Trent Road.

To the opposite side of the proposed development from Barkerhouse Road, the land is currently open and has outline planning permission for a further three dwellings to be erected. At this stage there are no planning applications for the other plots for consideration. However, to the ground floor there is a dining room window which looks towards plot 2. This is a habitable room window and could result in an unacceptable neighbouring impact. However, the proposed boundary treatment to this elevation is a 1.8m high close boarded fence. In this case given that the window is to the ground floor, the boundary treatment would mitigate any potential loss of privacy to a future plot.

Environmental Health have requested that a construction method statement is submitted in order that the construction phase nuisance can be controlled in relation to the neighbouring properties. This is something which can be secured by planning condition.

Overall, the proposed development would not result in an unacceptable impact on neighbouring dwellings and accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

## **Highways and Access**

The highways authority have recommended amended plans indicating a change to the parking layout and to the fencing heights, in the interests of highway safety. Members will be provided with an update in relation to amended plans, which the applicant has been asked for. Should this plan not be received prior to the committee date, delegated powers are sought for the Head of Service to agree the car parking layout and fencing heights.

## Drainage

United Utilities have responded to the application stating that the drainage hierarchy must be followed in relation to the final drainage strategy. This is something which can be secured by planning condition.

## Other Matters

Members of the public have raised concerns about the loss of green space. The proposed site is not a designated area of open space within the Local Plan: Part 1 Core Strategy proposals map. Issues relating to car parking / construction vehicles causing issues would be a temporary effect during the construction process and is not a reason to refuse planning permission. The construction phase of development can be carefully controlled by planning condition.

The application site is within an area of low surface water flood risk, as set out on the Government flood risk map for planning. The applicant would be required to submit details of the surface and foul drainage as part of a planning condition, prior to commencement of development.

The value of property is not a material planning consideration, neither is the strain on Council services or the financial gain to the developer, which some members of the public have raised.

In terms of the climate crisis, the Local Plan includes policies for renewable energy projects such as solar panels. There is no specific policy reason to refuse the application based upon climate change.

A number of residents have made reference to rodents in the area using this land. If there is an issue with rodent this should be reported to the Council's pest control services. Rodent are not a protected species. New housing development does not cause rodent problems to suddenly occur.

A member of the public has expressed concerns about the displacement of children who use this land as a safe place to play. They have noted the special needs of the children. The planning application is on a piece of land which is not designated as open space and there are no public rights of way through it. The individual special needs of the children cannot be taken into account as a material planning consideration in the circumstances described here.

Concerns regarding a lack of advertisement that the land was for sale on behalf of Pendle Council have been raised, in relation to the local community and an intention to register a village green. The land has been for sale and has gone through the relevant process in relation to this. An excerpt from a report to the Executive committee on 25<sup>th</sup> May 2017 sets out this process:

*"The Council promoted the fact that it intended to sell the site as five individual building plots during summer 2016. Anyone interested in bidding for a plot was asked to register their details on the Council's Self and Custom Housebuilding Register. Further details about the site and the process for buying a plot were then sent out to everyone on our register (approx. 125 people) in late Autumn 2016. Sealed bids were invited by 31<sup>st</sup> January 2017."*

An application to register land as a Town & Village Green precludes a Town & Village Green application if there has been a 'trigger event'. A trigger event could be a number of things but one such trigger is the submission of a planning application. In this case on 5<sup>th</sup> November 2015 an application was submitted in outline for the erection of 5 dwellings. This is the trigger event which would preclude a Town & Village Green application under the Growth and Infrastructure Act 2013 section 15C and Schedule 1A into the Commons Act 2006.

Issues regarding a monetary transaction in exchange for land including grass verges outside the application site boundary are not within the parameters of this application to consider. In addition they would be a private transaction between individual parties.

Regarding the decision making process, there is a procedure and legal obligation to declare an interest in any planning application. Councillors will be aware of this and should ensure they are following the process set out in the interests of transparent decision making.

### **Reason for Decision**

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

### **RECOMMENDATION: Delegated grant consent, subject to amended plans for car parking arrangements and fencing heights**

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan A006\_L(00)001 Rev A, Site Plan A006\_L(00)002 Rev A, Proposed floor Plans A006\_L(00)003 Rev A, Proposed Front & Rear Elevation Plans A 006\_L(00)004 Rev A, Proposed South Elevation Plan A 006\_L(00)005 Rev A, Proposed North Elevation Plans A006\_L(00)006 Rev A, Proposed Section Plan A006\_L(00)007

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

4. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall

include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

(iv) Details of how foul and surface water will be disposed of.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

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

5. Prior to commencement of development a construction method statement should be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

i) The parking of vehicles of site operatives and visitors

ii) The loading and unloading of plant and materials

iii) The storage of plant and materials used in constructing the development

iv) Wheel washing facilities/road sweeping facilities

v) Details of working hours

vi) Routing of delivery vehicles to/from site

vii) Timing of deliveries

viii) Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

Reason: In the interest of highway safety.

6. The development hereby permitted shall not be occupied 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.

7. A boundary treatment of close boarded fence of 1.8m in height shall be erected prior to occupation of the development hereby approved and remain in place at all times, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of neighbouring amenity.

8. Notwithstanding any indication on the plans hereby approved, at no time shall there be a fence measuring greater than 1m in height along the highway with Bamford Street or Tweed Street. The fencing to the front and rear boundaries shall measure no greater than 1m in height measured from the back of the pavement in respect of the existing levels on Bamford Street and Tweed Street. The fencing along the side boundaries shall measure no greater than 1m in height for a distance of 2m taken from the back of the pavement into the site. All other fencing to the side elevations shall not exceed 1.8m in height. There shall be no change to the heights of the fencing unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of highway safety and wider visual amenity.

### **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.

### **Application Ref: 23/0263/FUL**

**Proposal:** Full: Erection of a detached 3 storey dwelling with 5 no. bedrooms and associated external landscaping and parking

**At:** Land to the South East of Bamford Street, Nelson

**On behalf of:** Mr Faisal Aslam

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON THE 5<sup>th</sup> JUNE 2023

**Application Ref:** 23/0275/HHO

**Proposal:** Full: Loft conversion to front & rear slopes to dormers.

**At** 149 Chapel House Road, Nelson.

**On behalf of:** Mr Kamran Riaz.

**Date Registered:** 28/04/2023

**Expiry Date:** 23/06/2023

**Case Officer:** Joanne Naylor

This planning application was called in by a Councillor.

## **Site Description and Proposal**

The applications site is a two-storey mid-terrace dwelling house, with natural stone walls and a pitched roof of natural slate. There is a front garden area, to the rear there is a yard with an outbuilding serving as a kitchen. The application site is located in a predominately residential area of similar dwelling houses of scale and design. It is located on a sloping site

The proposal seeks to erect a front dormer and rear dormer with flat roofs to create two bedrooms.

## **Relevant Planning History**

13/09/0010P: Full: Erection of single storey domestic extension to rear. Approved with Conditions (25/02/2009).

## **Consultee Response**

### LCC Highways

There is no objection to the proposal. The proposal should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

### 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 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 terrace row there are no front or rear dormers, the roofscape has retained its original form with natural slate roof tiles and chimney stack. The terrace row opposite the application site has no front dormers and has also retained its original roofscape. The terrace row above the application site has one flat roof dormer to the rear. In this area front and rear dormers are not characteristic and the roofscape has been retained in its original form.

The proposed front dormer would be set in by 0.3m, set below the ridgeline by circa 0.4m, and set back from the front elevation by circa 0.4m. The proposed front dormer would have a flat roof, the Design Principles advice that flat roofs represent poor design. Dialogue was undertaken with the applicant to request that the proposed front dormer design would be improved with a pitched roof. The applicant wants to retain the flat roof to maximize the space for the bedrooms.



The Design Principles states that dormers should be faced in materials which match the existing roof covering. The application site has a pitched roof of natural slate tiles. The initial proposed materials for the front and rear dormers would be uPVC weather boarding in a grey colour which would not match the materials on the roof slope, negotiation was undertaken for natural slate tiles and subsequently proposed dark grey concrete slate tiles to the cheeks and walls of the proposed dormers and the flat roof of the dormers would be grey coloured felt. The front dormer would be highly visible from the highway and the proposed materials would be incongruous on this natural slate roof slope. A suitable condition could be placed for the cheeks and walls of the front dormer to be natural slate hung tiles.

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 represent poor design.

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

### **Residential Amenity**

The Design Principles states that extensions should not have an overbearing effect or overlook neighbouring property.

The proposed front dormer would have a window to the front elevation at second floor. The dwelling houses opposite have habitable room windows to ground and first floor. The distance between the front elevations of the application site to the front elevation of the properties opposite would be circa 13m, which is less than 21m distance required for habitable room windows facing each other. Here there is an existing relationship of habitable room windows facing each other, the proposed front dormer window would have a similar impact to the properties opposite as that already existing. To the rear the proposed dormer would look towards the rear elevation of the terrace row opposite, here there are habitable room windows to the ground and first floor, there is an existing relationship already, and the development does not detrimentally impact on those dwellings over and above existing conditions.

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**

LCC Highways have not raised an objection to the proposal.

## **RECOMMENDATION: Refuse**

1. The proposed dormers would be incongruous and out of keeping with its surroundings and would represent poor design, this would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary

to Policy ENV2 of the the Local Plan Part 1: Core Strategy, Paragraph 134 of the Framework, and the Design Principles Supplementary Planning Document.

**Application Ref:** 23/0275/HHO

**Proposal:** Full: Loft conversion to front & rear slopes to dormers.

**At** 149 Chapel House Road, Nelson.

**On behalf of:** Mr Kamran Riaz.

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON THE 5<sup>th</sup> JUNE 2023

**Application Ref:** 23/0286/HHO

**Proposal:** Full: Erection of a single storey rear extension and a front roof dormer.

**At** 19 Hawarden Street, Nelson.

**On behalf of:** Mr Mazaffar Rauf.

**Date Registered:** 04/05/2023

**Expiry Date:** 29/06/2023

**Case Officer:** Joanne Naylor

This application has been called in by a Councillor.

## **Site Description and Proposal**

The applications site is a two-storey mid-terrace dwelling house, with natural stone walls and a pitched roof of natural slate. There is a small front garden area, to the rear there is a yard with a pitched roof outbuilding serving as a kitchen and a flat roof outbuilding extending to the rear party wall. The application site is located in a predominately residential area of similar dwelling houses of scale and design. It is located on a sloping site with Walverden Park at the end of the terrace row.

The proposal seeks to erect a front dormer and to demolish the rear extensions and replace with a flat roof outbuilding for a kitchen and toilet.

## **Relevant Planning History**

Non relevant.

## **Consultee Response**

### LCC Highways

The proposed development would allow for the storage of refuse bins to the rear yard, although it would be limited and pedestrian access would still be possible. Any alterations to the rear wall of the property shall be built on the existing boundary and not encroach onto the adjacent highway network. The proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

### Parish/Town Council

The consultee period ends on the 25 May 2023, any comments will be included in an update report.

## **Public Response**

The nearest neighbours have been notified by letter, the consultation period ends on the 25<sup>th</sup> May 2023, neighbour responses will be included in an update report following the end of the consultation period.

## **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 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 where at least 25% of properties have front dormers in a terrace block/frontage.

On this terrace row and the terrace opposite there are no front dormers, the roofscape has retained its original form with natural slate roof tiles and chimney stack. To the rear, there is one rear dormer under construction to the application site. In this area front and rear dormers are not characteristic and the roofscape has been retained in its original form.

The proposed front dormer would not be set in from the side, it would be marginally set below the ridgeline, and marginally set back from the front elevation. The proposed front dormer would have a flat roof, the Design Principles advice that flat roofs represent poor design.

The Design Principles states that dormers should be faced in materials which match the existing roof covering. The application site has a pitched roof of natural slate tiles. The proposed materials for the front and rear dormers would be grey uPVC cladding which would not match the materials on the roof slope, the flat roof of the dormers would have a rubber finish. The front dormer would be highly visible from the highway and the proposed materials would be incongruous on this natural slate roof slope. A suitable condition could be placed for the cheeks and walls of the front dormer to be natural slate hung tiles.

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 represent poor design.

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 Design Principles advise that for single storey rear extensions should be constructed in materials and design to match the existing dwellinghouse and pitched roof elements are preferred. The application site has a pitched roof outrigger and an attached flat roofed outbuilding which extends the full length of the side boundary, the properties on this terrace row all have extensions the full length. The proposed single storey rear extension would also extend the full length, it would be proportionate to the dwelling house. The proposed materials to the rear extension would be artificial stone plinth with render above, there are a number of rear extensions with render finish, the proposed materials would be acceptable. It is proposed that the roof would be a flat roof. The Design Principles advice that flat roofs represent poor design, in this location there are pitched roof outriggers with attached flat roof outbuildings, the proposed flat roof would be to the rear and would not be readily visible from the highway, therefore it would be acceptable.

The proposed single storey rear extension would comply with Policy ENV2 and the Design Principles SPD.

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

## **Residential Amenity**

The Design Principles states that extensions should not have an overbearing effect or overlook neighbouring property.

The proposed front dormer would have a window to the front elevation at second floor. The dwelling houses opposite have habitable room windows to ground and first floor. The distance between the front elevations of the application site to the front elevation of the properties opposite are circa 14.5m, which is less than the 21m distance required for habitable room windows facing each other. Here there is an existing relationship of habitable room windows facing each other, the proposed front dormer window would have a similar impact to the properties opposite as that

already existing. The proposed front dormer would have no unacceptable impact on residential amenity.

The proposed single storey rear extension would not project out from the rear wall any more than the existing flat roofed outbuilding. The proposed extension is to measure 3.95m to the eaves, the existing outrigger has an eaves height of 3.3m, the proposal would increase the height by 0.65m. The existing flat roofed outbuilding has an eaves height of 2.3m, the proposal would add an additional 1.65m in height to the existing flat roofed outbuilding. No. 21 is at a higher elevation than No. 19, No. 21 faces towards the side elevation of the proposed extension. No. 21 has a window and door to the outrigger which looks onto the existing outrigger of No. 19, here there is an existing relationship of No. 21 looking to the blank gable wall of No. 19. The increase in height towards the rear boundary would be mitigated by the application site being at a lower elevation than No. 21. There would be no unacceptable impact to the residential amenity of No. 21.

No. 17 has an outrigger and flat roofed outbuilding to the party wall which extends the full length, the proposed extension would have an eaves height of 3.95m which is an increase of 0.65m, the proposal would be set in from the side boundary by 1.4m. No. 17 is at a lower elevation than the application site, the proposal would not cause any greater level of overshadowing than is currently exists. The proposed extension would have two windows to the side elevation facing No. 17, the existing extension already has two windows facing towards No. 17. The proposed windows would be at a higher level and would be obscure glazed, this would mitigate any overlooking to the neighbouring property.

The proposed development is acceptable in terms of residential amenity and complies with Policy ENV2 and the Design Principles SPD.

## Highways

LCC Highways have raised no objection to the proposed development, there is enough space to accommodate bin storage and provide access to the rear yard. It is noted that the proposed rear extension should be retained within the existing boundary and to not encroach onto the adjacent highway network.

The proposed development would allow for the storage of refuse bins to the rear yard, although it would be limited and pedestrian access would still be possible. Any alterations to the rear wall of the property shall be built on the existing boundary and not encroach onto the adjacent highway network. The proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

## **RECOMMENDATION: Refuse**

2. The proposed front dormer 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:** 23/0286/HHO

**Proposal:** Full: Erection of a single storey rear extension and a front roof dormer.

**At** 19 Hawarden Street, Nelson.

**On behalf of:** Mr Mazaffar Rauf