

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 31ST JULY 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY AREA COMMITTEE ON 31ST JULY 2023

Application Ref: 23/0268/FUL

Proposal: Full (Major): Demolition of the existing shopping centre and redevelopment for retail use including access, car parking and landscaping.

At: Pendle Rise Shopping Centre, Manchester Road, Nelson

On behalf of: PenBrook Developments Ltd

Date Registered: 26/04/2023

Expiry Date: 02/08/2023

Case Officer: Alex Cameron

Site Description and Proposal

The application site is the Pendle Rise shopping centre and office block within the town centre of Nelson.

The proposed development is the demolition of the buildings and erection of retail units and a foodstore which would comprise a significant redevelopment of Nelson town centre.

The development would take the form of two blocks of units to the east and west of the site with parking for 143 cars between accessed from Broadway. The proposed materials would be facing stonework, with timber louvre and green wall features. The west units are proposed to be a foodstore with smaller retail units to the north facing Leeds Road. The units to the east would be proposed to be divided into three larger retail units and four smaller units. However, it is intended for the layout to offer flexibility and those internal layouts could be subject to change in future. The proposed supermarket would be serviced from the central parking area and the units to the east from a service yard accessed from Scotland Road.

Relevant Planning History

None

Consultee Response

LCC Highways – We are awaiting the outputs of the junction modelling and we would request that once this is received that we are re-consulted to allow further comments to be made. Subject to the junction modelling being acceptable and stopping up of the highway, the additional swept path analysis for the Netherfield Road roundabout, addition of a central refuge on the site access, cycle parking connected with a segregated cycle route, 2m minimum pedestrian routes and electric vehicle charging points, we would raise no objection to the proposal.

LCC Archaeology - The Historic Environment Team is in agreement with the conclusions reached in the Pegasus Group's Desk Based Heritage Assessment (21/4/2023) p.41 that previous development of the site is likely to have caused significant damage to, or the complete removal of, any archaeological remains that might once have been found within the application site. Consequently, the HET is of the opinion that no further archaeological investigation of the site is warranted.

PBC Environmental Health – please attach a construction management condition.

Lead Local Flood Authority – Object due to inadequate surface water drainage strategy.

Environment Agency – No objection subject to a contaminated land condition.

United Utilities – No objection subject to conditions for foul and surface water drainage and management and maintenance and note relating to building over UU assets.

Cadent Gas – no objection subject to a note relating to building near Cadent Gas assets.

Nelson Town Council

Public Response

Press and site notices posted and nearest neighbours notified. Responses received raising the following concerns:

- The entry facing McDonalds would increase traffic congestion.
- The supermarket would block Manchester Road retail shops and reduce footfall to them.
- The design is uninspiring and too similar to other town centres.
- Units SU.5 and SU.6 would obstruct the street scene and should be set back from the road.
- The site should have an access from Leeds Road.
- Roundabouts should be provided at Broadway and Holme Street.
- The site should have public conveniences.

Officer Comments

Policy

Local Plan Part 1:Core Strategy

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

Policy SDP2 (Settlement Roles) sets out the roles each settlement category will play in future growth. Nelson is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) of the Replacement Pendle Local Plan 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) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy ENV7 (Water Management) does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy WRK4 (Retailing and Town Centres) states that All development within a Town Centre should seek to make a positive contribution to:

- Safeguarding the retail function of the centre.
- Improving the vitality and viability of the centre.
- Improving the overall mix of retail and other land uses.
- Supporting the creation of a comfortable, safe, attractive and accessible shopping environment.
- Enhancing access to the centre by sustainable modes of transport, and encouraging multi-purpose trips.

The re-occupation of vacant floorspace, or the re-development of existing sites, within a Town Centre or Local Shopping Centre will be prioritised for all forms of retail development. The Council will also promote uses which help to create active street frontages and a vibrant public realm, such as shops, cafés, restaurants, cultural and leisure uses.

Replacement Pendle Local Plan

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 proposed development is located within Nelson town centre, the proposed retail development is a main town centre use and appropriate in this location. The proposed development would provide modern, flexible units replacing the existing shopping centre with high vacancy rates, this would safeguard the retail function of the Town Centre and improve its vitality and viability the development is therefore acceptable in principle in accordance with policy WRK4.

Visual Amenity

The design process of the development has gone through a number of iterations to arrive at the proposed layout and design. The development would replace the existing aging and visually unappealing buildings and would improve the visual quality and character of its surroundings. Whilst there are some design compromises necessitated by site constraints servicing and access requirements, notably to the elevation facing Scotland Road, the impact would be addressed with the proposed use of stone facing and green walls and would not be of detriment when taking into account the appearance of the existing building. Overall the proposed development is of good quality contemporary design that would be sympathetic to and enhance the visual amenity of the area.

Heritage

The development would enhance the setting of the adjacent Conservation Area and Listed Building with the removal of the existing unsympathetic buildings and replacement with well-designed contemporary buildings and opening up of views through the site.

Residential Amenity

The proposed development would not result in any overbearing impact, unacceptable loss of light or unacceptable privacy impact.

There are dwellings above retail units to the north, east and south. A noise assessment has been submitted and acceptably demonstrated that subject to mitigation including an acoustic fence to the servicing area and operating hours restrictions for that area, the proposed development would not result in unacceptable impacts upon surrounding residential properties.

Drainage

A small area to the east side of the site falls within Flood Zone 2, a Flood Risk Assessment has been submitted with the application and this acceptably demonstrates that the development would not be at unacceptable risk from flooding.

The LLFA have objected due to the surface water drainage strategy being inadequate. I revised drainage strategy has been submitted and is being considered by the LLFA.

Ecology

A bat survey was submitted with the application this finds that the site has low to moderate suitability for roosting bats and recommended two dusk emergence surveys are undertaken to establish whether the buildings are used by roosting bats. Those surveys are to be submitted prior to determination.

Highways

The site would provide an acceptable level of car parking and would be adequately accessible by foot and public transport.

The submitted Transport Assessment (TA) states that junction modelling is to follow when the modelling from the Accessible Nelson Scheme has been validated and incorporated. LCC Highways have indicated no objections subject to an addendum to the TA incorporating that and additional swept path analysis for the Netherfield Road roundabout and minor alterations to the highway layout.

Summary

It is recommended that the approval of the application and any conditions necessary be delegated to the Assistant Director, Planning, Building Control and Regulatory Services subject to the submission of additional details addressing LCC Highways comments, the withdrawal of the LLFA's objection and an acceptable and satisfactory further bat surveys.

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 in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and the saved policies of the Replacement Pendle Local Plan. 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: Delegate Grant Consent

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: 2654-URB-PR-00-DR-A-208100-P00, 2564-URB-B1-ZZ-DR-A-208251-P00, 2564-URB-B2-RF-DR-A-208152-P00, 2564-URB-B2-ZZ-DR-A-208251-P00, 2654-URB-B1-00-DR-A-208151-P00, 2654-URB-B1-RF-DR-A-208151-P00, 2654-URB-PR-00-DR-A-208150-P00, P23-0142_002B- 23 04 20, 2654-URB-PR-ZZ-DR-A-208350-P00.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the external materials of the walls and surfacing of the development shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity.

4. The recommendations of the Noise Impact assessment shall have been implemented prior to commencement of the operation of the site and adhered to at all times thereafter.

Reason: In the interest of residential amenity.

5. There shall be no deliveries, loading or unloading to or from the units (excluding the supermarket unit) outside of the hours of 07:00 to 23:00 on any day.

Reason: In the interest of residential amenity.

6. Prior to its erection full details of the acoustic barrier to the east of the site, including its position, materials, details of green wall/façade and visibility splays shall have been submitted to and approved in writing by the Local Planning Authority, the barrier shall be erected prior to the commencement of the operation of the servicing area and maintained in accordance with the approved details at all times thereafter.

Reason: In the interest of residential amenity, visual amenity and highway safety.

7. The development hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme 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 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.

8. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and to prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent water course.

9. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes 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 in accordance with BRE365;
 - (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);
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

10. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

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

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Notes:

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 www.cadentgas.com/diversions. Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: <https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

Application Ref: 23/0268/FUL

Proposal: Full (Major): Demolition of the existing shopping centre and redevelopment for retail use including access, car parking and landscaping.

At: Pendle Rise Shopping Centre, Manchester Road, Nelson

On behalf of: PenBrook Developments Ltd

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 31ST JULY 2023

Application Ref: 23/0314/FUL

Proposal: Full: Creation of hard standing area for car parking and use of adjacent field for dog exercise paddock.

At: Smithsons Farm, Woodend Road, Reedley, Burnley

On behalf of: Mr H Johnson

Date Registered: 18th May 2023

Expiry Date: 13th July 2023

Case Officer: Yvonne Smallwood

This has been brought to Committee as 3+ objections have been received.

Site Description and Proposal

The application site is an area of grassland to the north west of Smithsons Farm.

The site is within a Green Belt designated area in the Open Countryside. The parcel of land is circa 91m x 59m.

The application seeks retrospective planning permission for engineering works to create hardstanding for a car park to the north east of the field measuring circa 23m x 18m. The proposal would change the use of the field from agricultural use to a paddock for exercising dogs.

It is noted that this is a retrospective application. The application form states that there is existing parking for 5 No. vehicles, and the development of the car park would increase this to 14 No. vehicles. Planning permission has not been granted for any parking spaces within the curtilage marked on the received plans.

Relevant Planning History

23/0423/FUL – Full: Change of use from agricultural land to a dog exercise area – Pending Consideration

13/15/0612P – Full: Change of use of land to accommodate 5 caravans/motorhomes and 10 tents – Approved with Conditions, 16.12.2015

13/04/0316P – Full: Erection of extension to mining museum to form refreshment area – Approved with Conditions 11.07.2014

13/13/0197P – Full: Change of use of land for mining museum; Retain timber building for use as mining museum with toilets, storage and refreshment room for pre-booked group; create parking area and creation of hard standing area for caravanning: Retention of lake (Retrospective) – Approved with Conditions, 30.04.2013

13/09/0530P - Full: Erection of timber building for use as education centre (Re-submission) – Approved by Secretary of State, 04.05.2010

13/99/0525P – Erect sitting room to rear and porch to front – Refused, 22.09.1999

13/98/0044P – Convert house to two dwellings – Approved with Conditions, 03.02.1998

13/96/0132P – Erect 2 Storey side extension – Approved with Conditions, 20.03.1996

Consultee Response

Highways LCC –

No objection.

If the dog exercise use is as described in para 6.1 of the submitted Planning Statement, then this will not generate significant traffic movements. The hardstanding should only be used for the parking of vehicles associated with authorised activities on site, and not for storage purposes, to ensure that its use does not generate additional traffic movements to the site.

The Coal Authority –

No objection, however, the site falls within the defined Development High Risk Area. An informative note would be added to a decision notice, should the development be approved.

Public Response

Nearest neighbours notified by letter with three responses, summarised below:

- The use of the field for dog walking has prevented the use of the land for grazing sheep during the winter.
- There have been several incidents where dogs have escaped which could cause injury and worry to in lamb ewes that normally graze there.
- There is an additional parcel of land also used for dog walking that is adjacent to grazing land and not correctly fenced
- The proposed fencing is too low (1.2m) and not fit for purpose. it should be higher (2.4m) and more substantial, as post and rail would not be suitable. The caravan site has children there and visiting the mining museum on school trips.
- There are too many dogs loose on the site
- The boundary fencing is not adequate to keep dogs off the motorway.
- Livestock should not be at risk from dogs
- The plan has already been implemented prior to the application being received
- There is a car park area with plainings in use and a storage area for logs and bins
- There have been vehicles parked there for several months prior to the submission of the application
- The area is rural, green belt land and tarmac is detrimental to the existing wildlife
- The applicants do not control their dogs, they have escaped and been retrieved 2 miles away from home
- The dogs are left outdoors barking
- The additional dogs would be a nuisance to adjacent neighbours and people on the campsite
- There are permanent residents on the site without permission

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 ENV1 of the Replacement Pendle Local Plan 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. Developments should maintain the openness of the Green Belt.

Development in the Open Countryside (SPG).

Replacement Pendle Local Plan

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

National Planning Policy Framework

The Framework sets out the overall policy framework for planning in England. It sets out that there are 3 overall objectives to sustainable development environmental, social and economic aspects.

Green Belt

Paragraph 147 of The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 148 of The Framework states that the Local Planning Authority should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Within a Green Belt location some forms of development are prohibited. Paragraph 149 states: local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:

- a) buildings for agriculture and forestry;
- b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- e) limited infilling in villages;
- f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
- g) limited infilling or the partial or complete redevelopment of previously

developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The provision of the car parking area would be an engineering operation. The land use would change from agricultural to sui generis, which would not be appropriate development in green belt.

The agricultural field had no manmade features. The proposed engineering works to create a car park would not in itself affect the openness of the green belt, however when the car park is in use the vehicles would harm the character of the green belt, adversely affecting its openness.

Satellite images have been viewed to verify that the retrospective car park has been engineered since 2020. Paragraph 150 of the Framework states that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Sui generis is not listed as an appropriate use. It is important that the Green Belt openness is preserved.

Open Countryside

Development in the Open Countryside should be sympathetic and in proportion and be in keeping with the setting. The development of the car park, when in use, would be an incongruous element in the landscape and would change the character of the area adversely.

Design and Materials

The proposed retrospective development seeks to replace circa 414m² of grassland with hardcore. Large amounts of hard surfacing such as hardcore are not attractive and are harmful to the openness of Green Belt. The size of the car park is larger than necessary and the material is unattractive, resulting in unacceptable impact to the openness of the Open Countryside and its setting.

Amenity

The application form states that there are 5 No. car parking spaces existing. No planning permission has been granted for these places and satellite images show that the parking area applied for within this application has been engineered since 2020. The application does not present a justifiable reason to create a car park for 14 vehicles.

This development would have an adverse impact on the visual amenity of the area, as it is in an area of designated Green Belt in the Open Countryside. The car park would be to the north east of an agricultural field with public footpath FP 1316027 along the south of the site.

The car park itself is unattractive in appearance and would harm the Open Countryside and Green Belt designated land. Were vehicles to be parked on it there would no longer be an open aspect. There are no very special circumstances that would benefit the public to justify this development, therefore it is contrary to the Framework Policy.

RECOMMENDATION: Refuse

1. The application site is within Green Belt and the proposed development would adversely affect the openness of the Green Belt and would thus be inappropriate development. There are no very special circumstances to justify approving this inappropriate development. The development is thus contrary to Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy and section 13 of the National Planning Policy Framework.

2. The proposed development would result in unacceptable harm to the character and visual amenity of the area, contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy.

Enforcement

Satellite imagery shows that the proposed car park has already been engineered, since 2020.

The car park, when in use, results in harm to the openness of Green Belt and the character of the area. It would be appropriate to serve an enforcement notice to require it to be removed, as it has been unlawfully engineered. The serving an enforcement notice would therefore be a proportionate and lawful way of dealing with this unlawful development.

Application Ref: 23/0314/FUL

Proposal: Full: Creation of hard standing area for car parking and use of adjacent field for dog exercise paddock.

At: Smithsons Farm, Woodend Road, Reedley, Burnley

On behalf of: Mr H Johnson

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 31ST JULY 2023

Application Ref: 23/0340/NMA

Proposal: Non-Material Amendment: Erection of additional door to front elevation and altering the position of the washroom to create a larger lobby of Planning Permission 20/0118/FUL.

At: Whitefield Community Centre, 212a Manchester Road, Nelson

On behalf of: Mr Mehmood Hassan

Date Registered: 26/05/2023

Expiry Date: 23/06/2023

Case Officer: Laura Barnes

This application has been brought before Committee because it was deferred from the July 2023 committee. The reason for deferral was to allow the applicant an opportunity to withdraw the application.

Site Description and Proposal

The application site has planning permission for the erection of a front extension with a roof lantern and the installation of additional windows to the rear. At the time of the site visit, no roof lantern had been installed and the rear windows had not been altered but the erection of the front extension was complete. The proposed amendments are retrospective.

This application seeks to create an additional door to the front elevation on Manchester Road.

Relevant Planning History

17/0067/FUL: Full: Erection of entrance lobby to front elevation.
Approved with conditions

19/0518/FUL: Full: Proposed new fenestration inserted to the rear elevation.
Withdrawn

20/0118/FUL: Full: Erection of front extension with roof lantern and installation of additional windows to the rear elevation.
Approved with condition

23/0326/CND: Approval of Details Reserved by Condition: Discharge Condition 3 of Planning Permission 20/0118/FUL.
Pending consideration

Consultee Response

As necessary

Public Response

A site and press notice have been displayed, without response.

Officer Comments

In order for alterations to a proposed development to be considered as minor amendments they must comply with the criteria set out in the Council's Minor Amendment Practice Note which sets out the parameters for such alterations. These criteria are set out below:

1. There would be no alteration to the application site boundary.

The proposed amendments would not alter the site boundary.

2. The amendment would not conflict with Development Plan Policies.

The proposed amendments would not conflict with policy.

3. There would be no conflict with any conditions of the planning permission.

There would be no conflict with the conditions which were on the decision notice for application 20/0118/FUL.

4. There would be no conflict with any comment expressed by any party on the planning application.

The proposed amendments would not conflict with any comments on the planning permission.

5. No external wall will be moved outwards by more than 1m.

The proposed amendment would not result in any external walls being moved. The amendment involves the extension to the front of the building which has already been completed.

6. The height of the building or extension would not be increased.

There would be no increase in the height of any development.

7. The amendment would not result in any potential overlooking of any neighbouring property.

The amendments include the insertion of an additional doorway to the front elevation. This is the most prominent elevation of the building. The application site is located in a predominantly residential area but there are no dwellings directly opposite, on Manchester Road. There is a window approved in the position of the door, so there would not be any conflict with this point of the practice note.

8. The amendments must not result in a fundamental change in the design of the building.

Although the description of the non-Material Amendment only relates to the installation of the door and change to the layout of the washroom, the submitted plans are fundamentally different to the approved plans which were approved under application reference 20/0118/FUL.

The amendments would result in an additional doorway to the most prominent elevation of the building. This would result in a fundamental change to the external appearance of the frontage of the building. This had not previously been considered as part of the original application. Moreover, the application site is in a Conservation Area where it is particularly important that the external character and appearance of buildings is well designed in order to preserve the character and appearance of the Conservation Area.

As such, the proposed amendment is a fundamentally different design and is not a "non-material" matter. The amendments conflict with the practice note in this regard.

9. There are no other circumstances that would warrant refusal of the request.

The proposed changes are not "non-material" in nature, as such this change to the front elevation of the building cannot be considered using this procedure.

Summary

The proposed alterations would not result in a “non-material amendment” due to altering the external appearance of the building to the principle elevation, which fronts a major route through the Conservation Area. The additional doorway had not previously been considered as part of the original application for a front extension, roof lantern and rear windows. The amendments constitute a minor material alteration and would require planning permission.

RECOMMENDATION: Refuse

The proposed amendment to the doorway on the principle elevation of the building fails to fulfil the criterion of the Non-Material Minor Amendment Practice Note. The proposed amendment is not acceptable as a Non-Material Minor Amendment.

Application Ref: 23/0340/NMA

Proposal: Non-Material Amendment: Erection of additional door to front elevation and altering the position of the washroom to create a larger lobby of Planning Permission 20/0118/FUL.

At: Whitefield Community Centre, 212a Manchester Road, Nelson

On behalf of: Mr Mehmood Hassan

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 31ST JULY 2023

Application Ref: 23/0382/HHO

Proposal: Full: Erection of a double storey rear extension with dormers to front and rear roof slopes, roof ridge lift and canopy to frontage with external works.

At: 12 – 14 Meredith Street, Nelson, BB9 0BZ

On behalf of: Mr Waqas Raja and Mr Sadaf Riaz

Date Registered: 13/06/2023

Expiry Date: 08/08/2023

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a pair of semi-detached houses, in a residential part of Nelson, located within the settlement boundary. The frontages are finished in stone cladding and pebbledash, with plain render and painted render to the rear of the site. The fenestration is UPVC. There is an existing single storey rear extension to entire rear elevation of number 14 and circa 1.5m of number 12.

The application seeks to erect a two-storey rear extension across both of the semi-detached properties, measuring 2.96m in length, 12.6m width. There would be dormer windows to the front roof slope and to the rear roof slope and a roof lift. There would be a canopy across the both the semi-detached properties. The fenestrations would be grey uPVC.

Relevant Planning History

23/0054/HHO: Full: Erection of double storey rear extension with rear dormers and associated internal alterations and external site works. Approved with Conditions (27/03/2023).

Consultee Response

Highways LCC

No objection subject to the note that drawing no. 2179-03A has removed the off-road parking, Highways usually encourage off-road parking provision however, here it would be sub-standard and fail to meet county councils policy, and would have resulted in a loss of off-road parking.

Nelson Town Council

No comment.

Public Response

Nearest neighbours notified by letter with one response, summarised below:

- The neighbour overlooks the rear of this application site. We currently have a view of their side wall and single storey extension.
- We strongly object to the proposed plans to extend the property with a double extension.
- The proposal would block daylight and sunshine to our property and garden.

- The proposal would have a detrimental impact on the neighbours' living conditions.

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.

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.

Design and Materials

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

Design and Materials

The Design Principles SPD advises that two storey rear extensions will be acceptable if they do not breach the 45 degree guidance. Where properties are attached and the neighbouring property has no extension adjacent to the boundary, any first floor element of an extension should be set in by 1m.

The proposal would replace the single storey rear extension with a two storey rear extension across entire rear elevation of both semi-detached properties. The length would be 2.96m and the width would be 12.6m. This proposal falls within the 3m length guidance for first storey extensions, as stated in the Design Principles SPD.

The roof of the properties would be altered from a hipped roof to a pitched roof. There are a mixture of semi-detached and terraced properties on Meredith Street that have pitched roof gables that are similar in appearance to the proposal.

Subject to the use of materials matching those of the existing house, rear dormers can be erected under permitted development rights. Taking that fall-back position into account, the rear dormers would be acceptable.

In terms of the proposed front dormers, 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 this area front dormers are not characteristic, the row of semi-detached properties and the terrace row opposite do not have front dormers, the roofscape has retained its original form with natural slate roof tiles and chimney stacks. The proposed front dormer would be set in from the side by 0.8m, 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 dormer would be grey composite cladding which would not match the materials on the roof slope, the flat roof of the dormers would have a rubber finish. 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, it would be highly visible from the highway and the proposed materials would not match the existing of natural slate roof tiles, the proposed front dormer would be incongruous in this location. In addition, the proposal would seek a roof lift increasing the height of the roof by 0.64m.

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 application site has two bay windows to the front elevation, the proposed canopy would be erected over the two bay windows and would have two columns either side of each door and one central column, it would have a pitched roof across the full width of the two properties.

Whilst the proposed canopy would not be particularly in keeping with the character of the wider area, the proposed canopy would not dominate the front elevation due to its dimensions, the proposed canopy would be in proportion to the dwellinghouses and there is sufficient space to the front garden for it to not encroach too far towards the highway. In addition, the existing bay windows on the front elevation will be retained and remain as separate structures to the canopy, this will ensure that the front elevation retains some of the integrity of the original house and its appearance to the street scene.

The design of what is being proposed is significantly poor to the extent that allowing the development would undermine the policies on design the Council has. The design individually and cumulatively in the street scene would undermine the character of the area.

The design and materials of 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 SPD states that rear extensions should avoid causing overshadowing, loss of outlook or loss of privacy to the neighbours, or appear unduly dominant to neighbours.

The neighbour to the north east of the application site at 10 Meredith Street have three small windows to the side elevation, one to the first storey, two to the ground floor. The proposal would insert an additional window to the first storey side elevation, serving a WC. This window would be obscure glazed to preserve the amenity of the neighbour at number 10 Meredith Street.

The rear of the site is opposite the rear of the properties on Leamington Street. The separation distance would be 12m, should the extension be built. This is similar to other separation distances within the street and greater than some examples within the locality and would therefore be acceptable.

To the south west of the site is Beaufort Street. The rear of these properties are at a 90 degree angle. The separation distance of the properties would remain the same, however the extension would project back a further 2.96m. The hipped roof would be made to a pitch roof and there would be dormers inserted to the front and rear roofslope. The proposed front dormer would project circa 4.6m and the rear dormer would project circa 4.6m, from Beaufort Street and from No. 16 Meredith Street, the proposal would appear to have a flat roof, furthermore, a roof lift is proposed which would increase the height of the roof by circa 0.64m, as both 16 Meredith Street and Beaufort Street are at a higher elevation than the application site, it would not result in an overbearing or overlooking impact.

To the side elevations of the proposal, there would be two windows serving the bathroom to the attic floor, a condition would be required for these to be obscurely glazed, and an additional window to the first floor serving a landing. To the front elevation four new window openings are proposed at the attic floor. The Design Principles SPD advise that 21m between habitable room windows facing each other should be maintained, here the distance in between the application site and the terraced housing opposite is circa 16m, although this distance is less than the Design Principles require, here there is already a relationship of windows facing each other, the proposed windows to the attic floor would have a similar view as the existing windows on the front elevation.

There is one small side elevation window proposed that would be obscure glazed. As the length of the extension is within the 3m guidance and rear dormers are normally acceptable in permitted development, the extension would not result in any unacceptable adverse impacts for the privacy of neighbours on Beaumont Street.

The proposed development would have no unacceptable impact on the residential amenity of neighbouring properties. In terms of residential amenity the proposal would be acceptable and comply with Policies ENV2 and the Design Principles SPD.

Highways

LCC Highways have raised no objection to the proposal on highways impacts.

RECOMMENDATION: Refusal

1. The proposal would result in a design which would be extremely poor both in terms of it being incongruous with the design of the dwelling due to the removal of the hips, the erection of flat roof dormers disproportionate in design and scale to the existing house as well as being significantly out of context in the street scene. The unacceptably poor design

would harm the character and appearance of the area and would be harmful to the visual amenity of the area thus the development would be contrary to Policy ENV2 of the adopted Pendle Local Plan Part 1 Core Strategy, Paragraph 134 of the National Planning Policy Framework and the adopted Design Principles Supplementary Planning Document.

Application Ref: 23/0382/HHO

Proposal: Full: Erection of a double storey rear extension with dormers to front and rear roof slopes, roof ridge lift and canopy to frontage with external works.

At: 12 – 14 Meredith Street, Nelson, BB9 0BZ

On behalf of: Mr Waqas Raja and Mr Sadaf Riaz

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 31ST JULY 2023

Application Ref: 23/0415/HHO

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

At 167 Chapel House Road.

On behalf of: Mr Mazaffar Iqbal Rauf.

Date Registered: 23/06/2023

Expiry Date: 18/08/2022

Case Officer: Joanne Naylor

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

Site Description and Proposal

The application site is a two storey mid terrace dwelling house with a single storey rear outrigger and a flat roofed outbuilding which extends the length of the rear yard. It has natural stone walls and a pitched roof of natural slate tiles. The rear outrigger and outbuilding have rendered walls. The application site is located within a predominantly residential area within the settlement boundary of Nelson.

The application seeks to erect a front and rear dormer which would have a flat roof with rubber membrane and natural slate tile finish to the dormer walls.

Relevant Planning History

Non relevant.

Consultee Response

LCC Highways

LCC Highways have concerns about the cumulative impact of increasing bedrooms in these terraced properties which has no additional parking facilities available. Although there are concerns regarding the parking, these are not to such an extent to raise an 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 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.

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 heritage and materials and amenity.

Design and Materials

The Design Principles SPD 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. In this area front dormers are not a feature in this locality, the roof scape has been retained in its original form which creates a harmonious and uniform character and appearance to the front roof slope.

In this area front dormers are not characteristic, there is one rear dormer to this terrace row, and one front dormer to the terrace row above the application site on the opposite side, the proposal would impact negatively on the appearance of the building and the terrace row, the proposal would not respect the simple and unaltered roofscape of Chapel House Road

The Design Principles states that dormers should be set below the ridgeline by 0.2m, set back from the front wall by 1m minimum, and set in by 0.5m from either side so as to avoid an overbearing effect on the street scene and adjoining properties. The proposed flat roof front dormer would be set in from the sides by circa 0.15m, it would be set back from the front elevation by circa 0.5m, and it would be set below the ridgeline ranging from circa 0.37m to circa 0.1m due to the sloping site. The proposed flat roof rear dormer would be set in from the sides by circa 0.15m, it would be set back from the rear elevation by circa 0.3m, and it would be set below the ridgeline ranging from circa 0.37m to circa 0.1m due to the sloping site, the proposed dormers would not meet the Design Principles guidelines for dormers, the proposed dormers would be overbearing and poor design in this location.

In terms of materials, the proposed dormers would have a flat roof with rubber membrane, and the walls of the dormers would be natural slate tiles with uPVC windows. Here the dwelling house has

natural stone walls and a pitched roof of natural slate tiles, the proposed materials would match the existing.

The scale of the proposed front dormer would be disproportionate and incongruous and would result in the dormer being visually obtrusive and clearly visible to the public view. The design would not be sympathetic to the dwellinghouse or the terrace. The proposal would be prominent in the roof scape and the streetscene, it would be visually obtrusive and disrupt the uniformity and visual harmony.

The proposed front dormer would cause unacceptable harm to the character and visual amenity of the area due to the proposal being out of scale and character with the properties in the row and would present as a large and alien feature due to its scale and poor design relationship with the existing building.

The proposal would have a detrimental impact on the character and visual appearance of the area, and would be contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Amenity

The proposed front dormer would have a window facing the properties opposite, there are habitable room windows to these properties, the distance between is circa 15m across a highway, the Design Principles require that a distance of 21m should be maintained between habitable room windows facing each other, although the distance is circa 15m, here there is already an existing relationship of habitable room windows facing each other, the proposed front dormer window does not result in an unacceptable impact over and above that currently existing.

The proposed rear dormer would have a window facing towards the rear elevations of terraced houses on Napier Street, the distance between the proposed rear dormer and the habitable room windows of the terraced house opposite would be circa 15m distance, there is already an existing relationship of windows facing each other to the rear elevations, here the proposed dormer would have a similar impact than that already experienced, the proposed rear dormer would have no unacceptable impact to the residential amenity of the properties at Napier Street.

The proposed development would have no unacceptable residential amenity impact to the dwelling houses on Chapel House Road and Napier Street and would comply with Policy ENV2 and the Design Principles SPD.

RECOMMENDATION: Refuse

1. The proposed front dormer would be an unsympathetic and unacceptable addition to the traditional terraced dwelling. It would have a detrimental impact on the character and appearance of the terrace row and the wider area. The proposal would have a detrimental impact on the character and visual appearance of the area and would be contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 23/0415/HHO

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

At 167 Chapel House Road.

On behalf of: Mr Mazaffar Iqbal Rauf.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 31ST JULY 2023

Application Ref: 23/0420/HHO

Proposal: Full: Erection of front and rear dormers.

At: 126 Brunswick Street, Nelson

On Behalf of: Mr Mohammad Faisal

Date Registered: 27.06.2023

Expiry Date: 22.08.2023

Case Officer: Yvonne Smallwood

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

Site Description and Proposal

The proposal site is a mid-terrace dwelling located in the settlement of Nelson. It is surrounded by similar dwellings, with Walverden Park to the north east. The existing dwelling is natural stone with a slate roof. There are existing solar panels to the front and rear rooflopes.

The proposed development involves the installation of a front and rear dormer. It would have a depth of 3.6m, a width of 3.9m and a pitched roof 2m in height. It would have a slate roof, slate clad elevations and an uPVC window. A similar dormer to the proposed rear dormer could be installed under Permitted Development.

The proposed materials are UPVC weather boarding in grey, white spar chippings to be hot bonded, with Elastometric roofing felt in grey. The windows would be white UPVC.

Relevant Planning History

23/0003/HHO – Full: Erection of kitchen extension to rear – Approved with Conditions, 17.02.2023

22/0481/HHO – Full: Erection of a two storey rear extension – Refused 14.07.2022

Consultee Response

Highways LCC –

No objection - the proposed development would increase the number of bedrooms from three to five. There is no associated off-road parking and there is limited on-road parking provision in the surrounding area. Any increased demand for on-road parking is difficult to absorb without causing additional loss of amenity and conflict for existing residents. However it is noted that the property is within acceptable walking distances of bus stops on Brunswick Street and Railway Street, which may provide an alternative means of transport other than the private car.

Public Response

Nearest neighbours notified by letter, without response.

Officer Comments

Policy

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

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

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

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.

Design and Materials

The Design Principles SPD states that in general, dormers on the front roof slope will not be acceptable unless they are a feature of other similar houses in the locality (i.e. where at least 25% of properties have front dormers in the terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. Pitched roof dormers are preferable to those with a flat roof. Front dormers should be set in from the eaves by 1m, down from the ridgeline by a minimum of 0.2m and in from the sides of the roof by 0.5m.

The proposed dormers would be set down from the ridgeline by 0.2m, in from the sides by circa 0.3 from the north west and 0.2 from the south east. The dormers would be set back from the eaves by circa 0.15m.

The rear dormer would be acceptable, as a similar dormer could be inserted by Permitted Development.

There are no existing front dormers in this terraced row. The simple roofslopes result in a uniform and harmonious character and appearance to the frontage of the buildings on Brunswick Street.

There are examples of front dormers along Brunswick Street, such as numbers 76, 98 and 168A.

As there are fewer than 25% of dwellings along the street with front dormers, and none within the row, the proposed front dormer would not respect the simple and mainly unaltered roofscapes in the street and which provide the visual context for the scheme. It would be incongruous and out of

keeping with its surroundings. Consequently, it would be visibly obtrusive and it would disrupt the harmony of the street scene.

The proposed front dormer would cause unacceptable harm to the character and visual amenity of the area, contrary to policy ENV2 and the guidance of the Design Principles SPD.

The proposal to erect a front dormer here would therefore be out of keeping with the character of the streetscene and would be of detriment to the visual amenity of the location and it does not comply with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130 of the Framework.

Residential Amenity

The proposal would have no overbearing impacts on the immediate neighbours. Bedroom windows are proposed to the front and rear within both dormers. However, the house has existing main habitable room windows to the rear elevation and the separation distances between the application site and the neighbours to the rear are characteristic of other dwellings in the area. To the front of the site is Walverden Park. The proposal would therefore have no material impacts on domestic privacy and would be acceptable in relation to residential amenity.

Highways

The proposed development would increase the number of bedrooms from three to five. There is no parking space within the curtilage of the property, however the property is within walking distance from bus stops on Brunswick Street and Railway Street, which may provide an alternative means of transport to private cars. Highways LCC raise no objection to the proposal and the Council concur with their view that the development would be acceptable in regard to highway safety.

Summary

The proposal seeks to install dormers to the front and rear roofslopes. The development would have no detrimental impacts on residential amenity or the road network. The rear dormer would be acceptable, as a similar dormer could be inserted by permitted development. Front dormers, are not regular features of the terraced houses in the locality. The proposal is unacceptable in terms of design and impacts on visual amenity thereby to accord with Policy ENV2 and Pendle Design Principles SPD.

RECOMMENDATION: Refuse

For the following reason:

The proposed front dormer window would be introduced to an area and a row where such developments are not a traditional or common design feature. The front dormer would lead to a considerable reduction in the design quality of the area and be detrimental to the character and appearance of the area contrary to Policy ENV2 of the Local Plan Part 1 and SPD: Design Principles.

Application Ref: 23/0420/HHO

Proposal: Full: Erection of front and rear dormers.

At: 126 Brunswick Street, Nelson

On Behalf of: Mr Mohammad Faisal