



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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 4TH SEPTEMBER 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH SEPTEMBER 2023

Application Ref: 23/0350/FUL

Proposal: Full: Erection of a multi purpose agricultural building and agricultural track.

At: Land to the South of Meadowcroft, Barden Lane, Reedley

On behalf of: Mr J. Durkin

Date Registered: 05/06/2023

Expiry Date: 31/07/2023

Case Officer: Laura Barnes

This report is before Committee for determination because it was called in by a Councillor.

Site Description and Proposal

The application seeks planning permission for an agricultural building on land within the Green Belt and within the Open Countryside. The building is to measure 12.2m x 18.2m, it is to have a dual pitched roof, the overall height of the building (to ridge) would be 5.9m. The building is to be constructed of a pre-cast concrete base wall with green box profile plastic coated metal sheeting to the upper walls and fibre cement roof sheets. The proposed building is to have a footprint of 216m² and is to provide accommodation for livestock, storage of agricultural machinery and storage of animal feed.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

No objections, subject to condition regarding appropriate surfacing of the access track (in a bound porous material).

Public Response

Nearest neighbours have been notified by letter.

Three letters of support have been received but these are all from the same address. As such, they are to be counted as one letter of support for the application. The letter of support raises the following;

- The proposed development does not affect Greenhead Lane
- The gate has been set back to allow sufficient room for vehicles to use the land without causing issues on the public highway
- The height of the building is irrelevant unless it is being erected next to an aerodrome
- The building is set under the tree line
- Horses and farm animals have used this land for many years
- The river is regularly checked by the Environment Agency and is doing well

- The proposal is acceptable in Green Belt terms
- Two similar buildings have been approved at 21/0136/FUL & 23/0245/FUL which are within a similar area
- No neighbouring amenity issues

There has also been one letter of objection raising the following issues:

- Traffic issues on the road – turning area would cause more serious accidents
- The building height is unnecessary
- Issues with manure going into the river which runs along the rear of the site boundary

Officer Comments

Policy

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

Policy SDP1 (Presumption in Favour of sustainable Development) echoes the approach in National Policy which seeks to use a positive approach and find solutions towards achieving sustainable 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. Part 6 of the Framework concerns supporting a prosperous rural economy. It supports sustainable growth and expansion of all types of businesses. The encouragement of growth is predicated on the conversion of existing buildings and well-designed new buildings.

Paragraph 147 states:

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

Paragraph 148 states:

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

Paragraph 149 of the Framework is set out below:

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

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

long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
(c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
(d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
(e) limited infilling in villages;
(f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and
(g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would: not have a greater impact on the openness of the Green Belt than the existing development; or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”

Development in the Open Countryside Supplementary Planning Guidance (SPG)

Principle of Development

The application site lies within the Green Belt & Open Countryside. The Framework is clear that new buildings in the Green Belt should be treated as inappropriate, but that agricultural buildings are an exception to this (paragraph 149(a) of the Framework).

In this case, the building is for agricultural purposes. However, the applicant has proposed a building of significant scale in comparison to the size of the land holding. The proposed building is to have a footprint of 216m² and a volume of 1,120m³. The land holding is just 2.39 acres (0.97ha). As such, the building would take up a significant area of land in comparison to the size of the field. This is disproportionate to the size of the field which is to be used as a small holding. As such, although the principle of agricultural buildings within the Green Belt meets the exception test in the Framework, the justification for the size of the building proposed is unacceptable.

The applicant has set out that they wish to start a smallholding with 30 sheep initially. At the time of the site visit there were no sheep present on the site. Their justification for such a large building is that they intend to increase the size of their flock once the small holding has become established. The sheep would need to be kept indoors during inclement winter conditions. Given that there is no existing farming business operating from the site at present, there is no proven need for the building to be the scale which is proposed. The argument of ‘future proofing’ has been set out in the planning statement but there is no indication of a track record of farming this land in the past. Indeed, the applicant has purchased the field less than a year ago and intends to set up a small holding based upon their farming knowledge, having grown up in a farming background. However, no justification in the form of accounts for the business have been prepared to justify the need for a building of this size.

In this case the principle of the proposed development is unacceptable. The report will now consider other issues including the design, residential amenity, landscape & visual impact.

Design

The proposed building is to be constructed of a concrete base wall with metal cladding to the upper walls and a fibre cement sheet roof. These are traditional materials in the context of agricultural buildings, which are in keeping with the surrounding rural area. As such, the proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy, along with the Development in the Open Countryside SPG.

Landscape Impact and Visual Amenity

The site is positioned on 2.3 acres of land within the Open Countryside. The application site is bound to the north by Barden Lane, to the east and west it is bound by residential development (Healdwood Close and Meadowcroft) and to the south it is bound by Pendle Water.

The Open Countryside SPG seeks that new development avoids skyline locations. It also encourages the use of additional screening through new tree planting. The proposed development is to be sited against an area of trees but would be highly visible from the roadside at Barden Lane. At 5.9m in height, this would not be an insignificant building and would result in harm to the wider visual amenity. The building would be of a significant massing which would be juxtaposed with the existing open countryside character of the area. Although agricultural in nature, the building would result in an incongruous addition to the existing rural character of this area of Barden Lane.

The proposed development would result in harm to the character and appearance of the rural area, which would result in an unacceptable landscape and visual impact, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Open Countryside SPG.

Residential Amenity

The proposed development is to be sited just 32m from the nearest residential dwellings on Healdwood Close. Given that the proposed building is for the housing of livestock, there would be implications for residential amenity upon the existing occupants of the dwellings. The applicant has set out in their planning statement that this building could be erected under Permitted Development right, had it not been for the housing of livestock. The Council does not agree with this position because the size of the land holding is less than 5ha. Be that as it may, the application is clearly for the housing of livestock (where such buildings must be sited 400m from protected buildings) so the Permitted Development rights are not a fallback position in this case.

At just 32m from the nearest residential dwelling, there is a concern that the proposed building could result in an unacceptable impact upon the occupants of the dwellings at Healdwood Close. The Council's Environmental Health Officer has not commented on this application. However, the existing use is agricultural, so the rearing of livestock right up to the boundary with the dwellings on Healdwood Close is possible at present. Therefore, to housing the livestock 32m from the nearest residential building would not result in an unacceptable effect over and above that which could currently be achieved.

In terms of its proximity to residential dwellings, the building is not for habitable accommodation and is sited more than 21m from the nearest residential dwellings.

As such, the proposed building would not result in an unacceptable neighbouring amenity issue.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed development would result in an unacceptable visual amenity impact upon the Open Countryside. The scale of the proposed building would be disproportionate to the size of the landholding and is not justified. As such, the proposed development fails to accord with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Open Countryside SPG.

Application Ref: 23/0350/FUL

Proposal: Full: Erection of a multi purpose agricultural building and agricultural track.

At: Land to the South of Meadowcroft, Barden Lane, Reedley

On behalf of: Mr J. Durkin

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 4TH SEPTEMBER 2023

Application Ref: 23/0359/HHO

Proposal: Full: Erection of front and rear dormers to facilitate a loft conversion.

At 10 Westmoreland Street, Nelson.

On behalf of: Mr Mehtab Javed

Date Registered: 06/06/2023

Expiry Date: 01/08/2022

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 extension. The walls are natural stone painted white to the front elevation, to the rear elevation the walls are natural stone and the single storey rear extension is painted white, there is a pitched roof of natural slate tiles with a chimney stack retained. The site is within a predominantly residential area, within the Whitefield Conservation Area and within the settlement boundary of Nelson.

The proposal seeks to erect front and rear dormers to the roof slope, the dormers would have a flat roof and the walls of the dormers is proposed to be grey weather boarding with white uPVC windows, the chimney stack would be removed.

Relevant Planning History

Non relevant.

Consultee Response

LCC Highways

No objection.

Parish/Town Council

No comment.

Public Response

A press notice and site notice have been posted and 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.

Paragraph 202 of the NPPF 2021 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Conservation Area Design and Development Guidance Supplementary Planning Document seeks to ensure that development within or adjacent to conservation areas preserves and enhances its character.

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

Conservation Area Appraisal: Whitefield Nelson 2005.

Officer Comments

The main considerations for this application are the heritage and materials and amenity.

Design and Materials

The application site is within the Whitefield Conservation Area. The character appraisal of Whitefield Conservation Area notes the cumulative significance of the terraced housing and its positive contribution to the character of the conservation area and to the townscape.

The Conservation Area Design and Development Guidance SPD advises that alterations and extensions should not adversely affect the character or appearance of a building or conservation area, that inappropriate changes to the original roof structure, shape, pitch, cladding and ornament will have a detrimental impact on the character of the building and therefore conservation area and that new dormer windows are not normally acceptable unless they are appropriate to the age and style of the building and surrounding architecture. It advises that new dormers on older buildings should be out of public view and to the rear elevation, that the design be sympathetic to the building in position, scale, 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.

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 front and rear dormers would be set in from the sides by circa 0.15m and circa 0.2m, it would be set back from the front elevation by circa 0.2m, and it would be 0.22m below the ridgeline, 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 felt roof, and the walls of the dormers would be grey weather boarding with white uPVC windows. Here the dwelling house has natural stone walls and a pitched roof of natural slate tiles, the proposed materials would not match the existing, furthermore, the proposal would remove the chimney stack which would have a negative impact on the appearance of the dwelling house and of the roof scape in the area.

In this area, dormers are not characteristic, the removal of the chimney stack would impact negatively on the appearance of the building and the terrace row, the proposal would not respect the simple and unaltered roofscape of Westmoreland Street.

Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum use value.

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 and would have an impact on the conservation area. That would be 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 development would harm the conservation area.

The public benefits would be that of providing work and employment for those constructing the front dormer. The scale of the scheme would mean that these benefits are small and this would have to be weighed against the less than substantial harm to the conservation area. The public benefits here would not outweigh the harm.

The proposal would have a detrimental impact on the conservation area and would be contrary to Paragraph 202 of the National Planning Policy Framework and Policy ENV2 of the Local Plan: Part 1 Core Strategy.

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 10.5m across a

highway, 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 side elevations of Victoria Street and Maurice Street, both of which are at a 90 degree angle to the application site. No. 44 Victoria Street has habitable room windows to the rear elevation, the view from the proposed rear dormer would be at an oblique angle and would not be in direct alignment which would ensure there was no direct view to that window, to the rear elevation there is a window to the single storey rear extension which serves as a kitchen and is a non-habitable room window. To No. 46 Maurice Street, the proposed rear dormer would have a view into the habitable room window at first floor, here the view from the proposed rear dormer would be at an oblique angle and would not be in direct alignment to provide a clear view into this window.

The proposed development would have no unacceptable residential amenity impact 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 conservation area which is a designated heritage asset. Whilst that impact would be less than substantial it would not be outweighed by any public benefits. The development would thus be contrary to policy ENV2 of the adopted Pendle Local Plan – Core Strategy and to paragraph 202 of the National Planning Policy Framework and to the Conservation Area Design and Development Guidance SPD.

Application Ref: 23/0170/HHO

Proposal: Full: Erection of front & rear dormers to facilitate a loft conversion.

At 10 Westmoreland Street, Nelson.

On behalf of: Mr Mehtab Javed

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH SEPTEMBER 2023

Application Ref: 23/0380/FUL

Proposal: Full: Erection of a 6 no. detached bedroom house with parking.

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

On behalf of: S J A Investments Ltd

Date Registered: 20/07/2023

Expiry Date: 14/09/2023

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 2'.

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

(Plot 1) 23/0263/FUL: Full: Erection of a detached 3 storey dwelling with 5 no. bedrooms and associated external landscaping and parking.
Approved with conditions

Consultee Response

LCC Highways

No objection, subject to conditions (including a construction method statement, cycle storage, dropped kerbs, electric vehicles charge point, visibility splays, gates and surface water drainage.

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

Lancashire Fire & Rescue Service

The development should conform to Buildings Regulations, especially in relation to turning head

Public Response

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

- Disappointment that this land has been sold by the Council
- Issues relating to the principle of development
- The proposed dwelling is not in keeping with the area
- Loss of privacy
- Loss of green space
- Direct overlooking
- Noise pollution during construction phase
- Impact upon mental wellbeing of neighbours
- Overcrowding
- Light pollution
- Damage to community spirit
- Requests from local residents that their views are taken into account and dealt with in a proper manner
- That the decision should be made in an unbiased way
- Infill development could overwhelm the area
- Loss of light and overshadowing
- Inadequate parking
- Poor design, appearance and materials
- A poem has also been submitted by a member of the public, in relation to this application

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 a 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 six bedrooms. It is to be constructed of Marshalls pitched face stone walls, a dark grey concrete tile roof, dark grey or black UPVC frames, grey pvc fascia and barge boards and black rainwater goods. The dwelling is to be four storeys in height, with a large basement being dug into the natural sloping ground. The living accommodation would be across the upper three floors. The dwelling is to be positioned so that the side elevation would face plot 1. The front elevation would face towards properties on Tweed Street. The front elevation plan indicates a double fronted property with a feature gable window. The rear elevation is to have a single storey outrigger which is to include a basement and the ground floor accommodation.

The layout of the site is broadly rectangular with vehicular access to the front and pedestrian access to the rear, off Tweed Street and Bamford Street respectively. 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 along part of the boundary closest to Plot 3, with a 1m high palisade fence running towards both

Tweed Street and Bamford Street. Palisade fencing is not appropriate in the context of this residential area, although the reduced height of the boundary treatment to 1m in the run up to the boundary would be acceptable from a visual amenity perspective. As such, should the application be recommended for approval a condition would be required to control the type of boundary treatment.

In relation to the fencing along the Bamford Street boundary, this treatment is to be no greater than 1m in height and would be acceptable from a visual amenity perspective.

Turning next to the proposed window openings, these have been amended during the course of determining the application. Initially balconies were proposed to the Bamford Street elevation. However, these would not be acceptable in design terms and would amount to poor design. Therefore, the applicant has submitted a set of amended plans which incorporate a flat roof dormer to the upper floor, along with windows which are off set and not in alignment to the basement, ground and first floor. The applicant has been asked for a set of amended plans in relation to the dormer and fenestration details. Should the amendments not be forthcoming, the flat roof dormer combined with the window alignment would result in an uncharacteristic feature in the street scene, on a prominent elevation of the building. This amounts to poor design, contrary to paragraph 134 of the Framework. It is also contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

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 north side of the application site lies plot 1, which has Full Planning Permission for the erection of a detached dwelling. The approved plans for plot 1 indicate that there is to be a 1.8m high close boarded fence along the shared boundary with plot 2. There is a habitable room window to the side elevation of plot 1, which faces towards plot 2. Although there are two side elevation windows serving the kitchen to the proposed dwelling, the close boarded fence along the shared boundary and the indication on the plans that the windows would be obscure glazed, would mean that there would be no unacceptable neighbouring amenity issue here.

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, is space for plot 3. To the ground floor, the proposed dwelling is to have one obscurely glazed window serving a dining room and one plain

glazed window serving the stairwell. Given that the stairwell is not a habitable room, this would not afford the same level of protection as a habitable room would have done. There are also two side elevation windows facing plot 3 to the first and second floors. Again, these are to serve the stairwell and would not need to be obscurely glazed.

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 not raised an objection to the proposed scheme. The number of car parking spaces to be provided is adequate, based upon the number of bedrooms. There is also sufficient turning space within the proposed plot to allow a vehicle to turn, without having to reverse into Tweed Street. As such, the proposal is acceptable in highway safety terms.

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

Issues relating to the principle of development have been raised by members of the public. However, the principle of development has already been established in the planning history for this site. As such, the matter of principle is not to be revisited here.

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.

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 25th 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 31st 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 5th 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.

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.

Issues such as light pollution are not relevant to this urban location, where there are existing street lights, garden lights and security lights. Overcrowding has been raised by members of the public. What is proposed here is a large detached dwelling with 6 bedrooms. It is surrounded by other residential dwellings of a similar nature, as such the proposed development would not result in overcrowding.

A poem has been written in relation to this site. This is not a material planning consideration and is not determinative in this case.

RECOMMENDATION: Refuse

1. The flat roof dormer, combined with the window alignment would result in an uncharacteristic feature in the street scene, on a prominent elevation of the building. This amounts to poor design, contrary to paragraph 134 of the Framework. It is also contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 23/0380/FUL

Proposal: Full: Erection of a 6 no. detached bedroom house with parking.

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

On behalf of: S J A Investments Ltd

REPORT FOR NELSON, BRIERFIELD AND REEDLEY COMMITTEE MEETING ON 4TH SEPTEMBER 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 the rear elevation of number 14 and circa 1.5m of number 12.

Amended plans have been submitted which seeks to erect a two-storey rear extension across both of the semi-detached properties, measuring 2.96m in length and 12.6m in width. There would be pitched roof dormer windows to the front roof slope and a roof lift.

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.

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

Design and Materials

Planning permission was granted under 23/0054/HHO on 27 March 2023 for the erection of a two storey rear extension with rear dormer and to change the hipped roof to a pitched roof and a canopy across the front of the semi-detached properties and external site works with hard landscaping and soft landscaping to the rear boundary.

This application seeks permission for the erection of a two storey rear extension with dormers to front and rear roof slopes, roof ridge and canopy to frontage with external works. Following the last committee meeting (August 2023), negotiations have been undertaken which has resulted in amended plans being submitted. The changes to the proposal the application site are as follows:

- The two storey rear extension permitted under planning approval 23/0054/HHO is currently under construction.
- The proposed flat roof dormer to the front roof slope has been amended to have a pitched roof front dormer to No. 12 and a pitched roof front dormer to No. 14 with natural slate tiles.
- It is proposed that the roof would be lifted by 0.7m. The approval for changing the hipped roof to a pitched roof was approved under 23/0054/HHO, the submitted amended plan for the roof lift would also increase the height of the pitched roof.
- The canopy to the front elevation has been removed.

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 23m 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. In addition it is proposed that a roof lift of 0.7m in height to the application site.

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 dormers would be set in from the side by 1.35m, it would be set below the ridgeline by 0.2m, and set back from the front elevation by 0.93m which is marginally less than the 1m advised, there would be a gap of 2.3m between the proposed front dormers. The proposed front dormers would have a pitched roof and the proposed dormers would be clad in natural slate to match the existing roof tiles.

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

The design and materials of the proposed front dormers 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 elevations of properties on Leamington Street face the rear elevation of the application site, Leamington Street is at a slightly lower level than the application site, the proposed rear extension would extend 3m from the existing rear elevation and bring the rear elevation closer towards the properties on Leamington Street. The separation distance between the proposal and the rear elevation of Leamington Street would be circa 13.3m 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. The proposed roof lift would increase the roof height by 0.7m, the rear elevation of Leamington Street is at a lower elevation, the proposed increased roof height would not result in an overbearing or overshadowing impact to the properties opposite due to the distance between these dwellings.

To the side elevations of No.14 there would be one additional bathroom window to the first floor and one additional bathroom window to the second floor, a condition would be placed for obscure glazing to preserve the privacy to the neighbouring property opposite. To the side elevation of No. 12 the proposal would have an additional landing window to first floor and a bathroom window to second floor which would require obscure glazing to preserve the neighbour's amenity.

The proposed roof lift would increase the height of the roof by 0.7m, the application site would have a pitched roof, it would retain the space between the semi-detached properties, and the separation distance between the properties opposite the application site is sufficient to ensure no unacceptable impact of overshadowing or overbearing to the adjacent properties.

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 roof slope. There would be one pitched roof dormer to No. 12 and one pitched roof dormer to No. 14, they would be set in from the side by 1.35m and set back from the front elevation by 0.93m, set down from the ridge line by 0.2m and have a gap between the dormers of 2.3m. To the front elevation there would be one window proposed to each of the two front dormers, here the windows would have a view of the roof slope to the terrace opposite, the separation distance here is circa 16m, the Design Principles SPD requires a distance of 21m between habitable room windows facing each other, although this distance is less than the Design Principles require there is already an existing relationship of windows facing each other on this street, the proposed dormers would not have any greater impact on residential amenity than that already existing.

Number 16 Meredith Street adjoins Number 93 Beaufort Street and is adjacent to the application site. The apex of the roof would be increased in height by 0.7m, Number 16 Meredith Street adjoins Number 93 Beaufort Street are at a higher elevation than the application site, although there would be some impact to the adjacent properties but as Number 16 Meredith Street and Number 93 Beaufort Street are at a higher land level, the proposed roof lift would be lower than the roof height of Number 16 Meredith Street and Number 93 Beaufort Street, the proposed roof lift would not result in an unacceptable impact to their residential amenity. Furthermore, two front dormers with pitched roofs are proposed to the front roof slope, the proposed front dormers would have a length of circa 4m, Number 16 Meredith Street has windows facing towards the gable end of Number 14 Meredith Street, here there is already an existing relationship of windows facing Number 14 Meredith Street gable end, the proposed front dormers would not result in any greater impact than already existing, it would not result in an overbearing or overlooking impact.

The rear dormer approved through planning permission 23/0054/HHO would have a flat roof and would be 2.5m high, the proposed roof lift would increase the height by 0.7m, the proposed rear dormer would retain the same height of as was approved under 23/0054/HHO, Number 93 Beaufort Street has windows facing towards the rear roof slope of Number 14 Meredith Street, the

impact of the proposed roof lift here would be acceptable as Number 93 Beaufort Street is at a higher elevation than the application site.

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.

RECOMMENDATION: Refusal

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

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH SEPTEMBER 2023

Application Ref: 23/0475/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 22/0399/HHO.

At: 56 Carr Road, Nelson.

On behalf of: Mr Hussain.

Date Registered: 14/07/2023

Expiry Date: 08/09/2023

Case Officer: Joanne Naylor

This application has been called in by a Councillor.

Site Description and Proposal

The application site is a mid-terrace house located within the settlement boundary of Nelson and within the Whitefield Conservation Area. The existing house has natural stone walls with a pitched natural slate roof. To the rear roof slope there is a rear flat roof dormer, and to the front roof slope there is a front dormer with a pitched roof which was granted planning permission under 22/0399/HHO on the 19th October 2022, Plan HUS/02 Dwg 03 states the materials for the dormers would have vertically hung grey roof slate.

The proposal seeks to vary Condition 2 of planning permission 22/0399/HHO to vary the plans.

Condition 2

The development hereby permitted shall be carried out in accordance with the following approved plans:

- o Site Location Plan, Project No: HUS/02 Dwg 01
- o Proposed Plans and Elevations, Project No. HUS/02 Dwg 03.

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

This planning application seeks to vary the materials for the dormers from vertically hung grey roof slate as shown on Proposed Plans and Elevations HUS/02 Dwg 03 (approved through planning application 22/0399/HHO) to Cedral Fibre Cement Cladding colour slate grey as shown on Proposed Plans and Elevations HUS/02 Dwg 03A of the planning application currently under consideration.

Relevant Planning History

13/93/0448P: Extended Kitchen. Approved with Conditions (20/09/1993).

22/0399/HHO: Full: Erection of a dormer on the front roof slope. Approved with Conditions (19/10/2023).

Consultee Response

LCC Highways

There are no objections to this proposal on highway grounds.

Parish/Town Council

No comment.

Public Response

A press and site notice were posted and 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.

Paragraph 202 of the NPPF 2021 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Conservation Area Design and Development Guidance Supplementary Planning Document seeks to ensure that development within or adjacent to conservation areas preserves and enhances its character.

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

Conservation Area Appraisal: Whitefield Nelson 2005.

Officer Comments

The main considerations for this application are the materials and heritage and amenity.

Design and Heritage

The application site is located within the Whitefield Conservation Area. The purpose of the Whitefield Conservation Area Appraisal is to ensure the special architectural and historic interest are preserved or enhanced. The character appraisal of Whitefield Conservation Area notes the cumulative significance of the terraced housing and its positive contribution to the character of the conservation area and to the townscape.

The Conservation Area Design and Development Guidance SPD advises that alterations and extensions should not adversely affect the character or appearance of a building or conservation area, that inappropriate changes to the original roof structure, shape, pitch, cladding and ornament will have a detrimental impact on the character of the building and that new dormers on older buildings should be out of public view and to the rear elevation, that the design be sympathetic to the building in position, scale, design and materials.

The proposal seeks to vary condition 2 which states that the development hereby permitted shall be carried out in accordance with the approved plans of planning permission 22/0399/HHO, in particular plan Proposed Plans and Elevations HUS/03Dwg 03 which shows that the front and rear dormers will be clad in vertically hung grey roof slate and the main roof finished in natural slate.

The planning application seeks to vary the materials to Cedral Fibre Cement Cladding colour slate grey. The appearance of the proposed materials is that of long planks of grey material hung horizontally across the walls and cheeks of the dormers.

At the time of the site visit, the front and rear dormers were in place, the materials to the dormers were not as stated on the approved plans (HUS/03 Dwg 03).

The Conservation Area Design and Development Guidance SPD states that the design of dormers must always be sympathetic to the building in terms of position, scale, design and materials. The development approved under 22/0399/HHO required that the development be carried out in accordance with plans HUS/02 Dwg 01 and HUS/02 Dwg 03 which required vertically hung grey roof slate to the dormers which would match the existing roof material in design and material, these materials would be sympathetic to the dwellinghouse and the Conservation Area. It was particularly important that the material matched as the front dormer is a large structure located on the front roof slope of a busy road and is highly visible in the Conservation Area, the rear dormer is also a large structure but not readily visible from public vantage points due to it being located to the rear.

The proposed Cedral Fibre Cement Cladding materials are coloured grey which is a lighter colour than the existing roof tiles on the application site and the adjoining neighbouring properties. The proposed Cedral Fibre Cement Cladding runs horizontally across the dormer which appears out-of-keeping with the street scene on this terrace row which has natural slate tiles, and to the wider area of the Conservation Area. The proposed materials impact negatively on the roofscape, the dwellinghouse, the terrace and the Conservation Area due to the proposal being a lighter grey in colour and placed as horizontal planks of grey cement, and is clearly visible from public view points. From Carr Road the proposed front dormer would be clearly visible, the proposal would also be visible from Cuba Street and Every Street. The proposed materials would be prominent in the roof scape and the street scene and would not be sympathetic, it would be visually obtrusive and disrupt the uniformity and visual harmony.

The proposal would cause unacceptable harm to the character and visual amenity of the area and would have an impact on the conservation area. That would be due to the proposed material being out of character with the properties in the row, it would be poor design in relationship with

the existing building. The development would harm the conservation area. That harm would be less than substantial.

The public benefits would be that of providing work and employment for those constructing the dormers. The scale of the scheme would mean that these benefits are small and this would have to be weighed against the less than substantial harm to the conservation area. The public benefits here would not outweigh the harm.

The proposed materials to the dormers would cause unacceptable harm to the character and visual amenity of the area, it conflicts with Policy ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy, the Design Principles SPD, the Conservation Area Design & Development Guidance SPD, and Paragraph 202 of the Framework.

Amenity

The proposal would have no unacceptable impact on residential amenity and would comply with Policy ENV2.

RECOMMENDATION: Refuse

1. The proposed materials and design to the dormers would be incongruous and out of keeping with its surroundings, it 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 adopted Pendle Local Plan – Core Strategy and the Design Principles SPD.
2. The proposed materials 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 conservation area which is a designated heritage asset. Whilst that impact would be less than substantial it would not be outweighed by any public benefits. The development would thus be contrary to Policy ENV1 and Policy ENV2 of the adopted Pendle Local Plan – Core Strategy, to paragraph 202 of the National Planning Policy Framework, to the Conservation Area Design and Development Guidance Supplementary Planning Document and the Design Principles Supplementary Planning Document.

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