

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 2ND OCTOBER 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO THE NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND OCTOBER 2023.

Application Ref: 22/0614/HHO

Proposal: Full: Erection of a dormer window to rear.

At Edge End Hall, Edge End Lane, Nelson.

On behalf of: Mr Sabah Bapir

Date Registered: 11/09/2022

Expiry Date: 06/11/2022

Case Officer: Joanne Naylor

This planning application was called in by a Councillor.

Site Description and Proposal

The application site is a traditional detached dwellinghouse and possibly dates back to the from the 17th century with additions from the Victorian period and located within generous grounds. To the boundary treatment there are high walls of natural stone. The application site is within an area of residential use, with Marsden Height Community College to the south, Edge End Playing fields to the north and it lies within the Edge End Conservation Area.

The proposal is for a dormer to the rear roof slope with aluminium framed windows and lead coloured zinc cladding to the flat roof, walls and cheeks, to remove two chimney stacks from the rear roof slope to accommodate the proposed rear dormer, and the removal of six windows to the rear elevation.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

LCC Highways raise no highways concerns and therefore no objections to this proposal on highways grounds.

Parish/Town Council

No comment.

PBC Public Rights of Way

No comment.

Environment Officer (TPO)

No comment.

Public Response

The nearest neighbours have been notified by letter, a site notice and press notice have been posted, 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.

Officer Comments

The main considerations for this application are the design and heritage, amenity, impact on the Conservation Area and highways.

Heritage and Design

The Conservation Area Design and Development Guidance SPG states that new dormer windows will not normally be acceptable unless they are appropriate to the age and style of the building and a feature of surrounding architecture. The application site is a traditional detached dwellinghouse with additions from the Victorian period, with natural stone tiles to the pitched roof, mullion

windows and six chimney stacks. The proposed rear dormer would be of a modern design with a flat roof, being 10m long and 2m high. The materials would be lead coloured zinc cladding to the flat roof, cheeks and front elevation with two sections of ashlar stone infill panels and with aluminum framed windows.

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. The proposed dormer would be set below the ridgeline, it would not be set back from the rear elevation, it would be set in from the side elevation by 0.5m. The proposed dormer would appear as overbearing due to not being set back from the rear elevation and the height at 2m and the length at 10m long would result in the rear roof slope being dominated by the modern flat roof dormer.

The Conservation Area SPD also acknowledges that new dormers to the rear roof slope could be acceptable as long as they are out of public view and to be sympathetic to the building in terms of position, scale, design and materials. The application site has footpaths running along three sides of the curtilage. Footpath FP1306219 is to the west side of the site, here the side elevation of the property is clearly visible, the side elevation of the proposed rear dormer would be visible from this footpath and would appear as rectangular shape extending from the pitched roof. To the rear of the application site there are two footpaths FP1306219 and FP1306221 which run along the rear boundary wall, from here the proposed rear dormer would clearly be visible and the full expanse of the proposed dormer would be visible from these footpaths. There are high stone boundary treatments around the site, however these high walls do not screen the proposed dormer, the dormer is still highly visible from these footpaths due to the height of the building and location of the proposed dormer, furthermore, even in summer the deciduous trees do not screen the proposal, and this would be exacerbated in winter when the trees are bare.

The Design Principles advise that materials should match the existing, but other materials such as timber, metals, render and glass may be appropriate as a high quality, contemporary design. The application site has materials of natural stone walls, stone roof tiles and windows of metal and timber, whilst there are uPVC windows and doors to the conservatory. The proposed dormer would have more modern materials of lead coloured zinc cladding to the flat roof, cheeks and front elevation with two sections of ashlar stone infill panels and with aluminum framed windows. Although the materials are different to those already existing on the building, the design of the proposed dormer being 10m long and 2m high results in the proposed dormer dominating the rear roof slope, the materials would have a contrasting impact to the natural stone roof tiles, the design and the materials would be out of keeping with the building and would be incongruous, the proposal would fundamentally change the rear elevation in terms of the changes to the roof slope, removal of chimney stacks and removal of windows.

The Conservation Area SPD states that new windows should match as far as possible the original or otherwise be appropriate in design and materials to the age and style of the building. The existing dwelling has windows which are taller than they are wide, and where there is a larger window it comprises of a number of smaller windows congregating together. The windows to the proposed rear dormer would have two windows which would be wider than they are high and two windows which would be taller than they are wide, there would be two infill panels of natural stone in between these windows. This would appear at odds with the windows to the rear elevation which has a large three-over-three window to a gable elevation and smaller mullioned windows. Windows are viewed as being the eyes of a building and unsympathetic alterations will damage the character of the building. The proposal would remove six mullion windows to the rear elevation with the openings being blocked up by natural stone, this would then present a long run of blank wall above the ground floor windows. The introduction of the proposed dormer with a more modern window design and the removal of traditional mullion windows would be a negative change

to the appearance on this elevation, the proposal would not be appropriate in terms of design and materials, it would be incongruous in this context.

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. The Conservation Area SPD views chimney stacks as an important townscape element in the conservation area which make a vital contribution to the characteristic of the skyline and their removal can have a significant impact on the visual amenity of the area. In order for the proposed rear dormer to be erected, it would require the removal of two chimney stacks and retain one chimney stack on this section of the roof. From the side elevation, four chimney stacks are visible from the PROW, the proposal would reduce this to two chimney stacks visible from the side elevation. From the front elevation, the site has six chimney stacks, the proposal would reduce to four chimney stacks. From the front, rear and side elevation the proposal would have a detrimental impact on the building and the conservation area in terms of character and appearance and impact on the skyline.

The proposed rear dormer would be visible from public vantage points, causing unacceptable harm to the character and visual amenity of the area and would have a detrimental impact on the conservation area. That would be due to the proposal being out of scale and character with the building and would present as a large and alien feature, the removal of chimney stacks would harm the appearance of the building and the conservation area. Due to its scale and poor design relationship with the existing building, the development would harm the conservation area.

The harm must be balanced against any public benefit in accordance with paragraph 202 of the Framework. The public benefits would be that of providing work and employment for those constructing the rear dormer. The scale of the scheme would mean that these benefits are small. In this case the benefit would be a private one and the limited benefits arising from local economic activity is not outweighed by the harm caused to the conservation area.

As such the proposal fails to accord with Policy ENV1 of the Local Plan: Part 1 Core Strategy, paragraph 134 and 202 of the Framework, and the Conservation Area Design and Development Guidance SPD.

Residential Amenity

The Design Principles SPD seeks to ensure that householder developments do not as a result of their design, scale, massing and orientation have an unduly adverse impact on amenity. The Design Principles SPD advises that proposed development must adequately protect neighbours enjoyment of their own home, must not overshadow to an unacceptable degree or have an overbearing effect on neighbouring properties.

The proposed rear dormer would have windows to the rear elevation which would have views to Edge End Playing Fields, there would no residential amenity issues generated from the rear dormer.

The proposed extension would have no unacceptable impact on the residential amenity of neighbouring properties and would conform with Policy ENV2 and the Design Principles SPD.

Highways

LCC Highways raise no objection.

RECOMMENDATION: Refusal

The proposed rear dormer would be visible from public vantage points within the conservation area. The design would present an alien and poorly designed feature on the traditionally designed building. The building provides a positive element in the conservation area and the impact the development would have would harm the character and appearance of the conservation area harming its significance. Whilst the harm would be less than substantial there would be no public benefits that would outweigh that harm. As such the proposal fails to accord with Policy ENV1 of the Local Plan: Part 1 Core Strategy, paragraph 134 and 202 of the Framework and the Conservation Area Design and Development Guidance Supplementary Planning Document.

Application Ref: 22/0614/HHO

Proposal: Full: Erection of a dormer window to rear.

At Edge End Hall, Edge End Lane, Nelson.

On behalf of: Mr Sabah Bapir

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND OCTOBER 2023

Application Ref: 23/0293/OUT

Proposal: Outline (Major): Demolition of Cash and Carry and the formation of 41 self contained flats (Access, Layout and Scale only).

At: Queens Hall, Bradley Road, Nelson

On behalf of: Jan Capital Ltd

Date Registered: 05/05/2023

Expiry Date: 08/09/2023

Case Officer: Alex Cameron

This application has been brought before committee as it is a major development.

Site Description and Proposal

The application site is a vacant building most recently used and a cash and carry.

This is an outline application for the demolition of the building and erection of a five storey apartment building comprising 41 self contained flats with parking at ground floor level. The outline application is for the details of access, layout and scale with appearance and landscaping as reserved matters.

Relevant Planning History

None.

Consultee Response

LCC Highways – Request additional information relating mobility parking provision, cycle and motorcycle parking and waste collection.

PBC Environmental Health – A noise assessment is necessary to assess the impact of adjacent industrial uses on the proposed development a construction management condition is necessary.

Environment Agency – Object, the flood risk assessment fails to consider how people will be kept safe from the identified flood hazards, how a range of flood events will affect people and property, consider the requirement for flood emergency planning including flood warning and evacuation, take the impacts of climate change into account. Flood risk mitigation is inadequate to address flood risk for the lifetime of the development, failing to consider: flood storage compensation, maintenance of flood alleviation, resistance and resilience measures and safe access and egress routes.

Lead Local Flood Authority – Object, the submitted flood risk assessment fails to fully assess the risk of surface water flooding to the site or provide safe access and escape routes and the surface water drainage strategy does not provide minimum operation standards for peak flow control and volume control and does not provide an appropriate allowance for climate change. The submitted additional details do not overcome those objections.

United Utilities – No objection subject to foul and surface water drainage and management and maintenance conditions.

LCC Education – No contribution is necessary at this stage.

Lancashire Fire and Rescue – Comments relating to Building Regulations.

Nelson Town Council

Public Response

Site and press notices posted and nearest neighbours notified by letter. Responses received objecting on the following grounds:

- Concerns relating to the scale of the development
- Risks from flooding
- Parking and highway safety risks

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 SDP2 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 SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Brierfield would be expected to provide, as a minimum, over the plan period.

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 of the Pendle Local Plan Part 1 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 ENV7 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 ENV4 seeks the promotion of sustainable patterns of travel.

Policy ENV 5 considers pollution and unstable land. Emissions and public exposure to pollution are required to be minimised.

Policy ENV7 considers water management. It sets out a sequential approach to site selection for flooding and the use of sustainable urban drainage systems. Surface water run off systems have to mimic the natural discharge process.

Policy LIV1 sets out the minimum level of housing the Borough should achieve over the life of the Plan.

Policy LIV 4 sets out affordable housing targets. There is no requirement of affordable housing in the M65 corridor.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Replacement Pendle Local Plan

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

National Planning Policy Framework

Paragraph 159 that development should be directed away from areas of flood risk and where development is necessary in those areas it should be made safe for its lifetime without increasing flood risk elsewhere.

Paragraph 167 requires that applications are supported by a suitable flood risk assessment.

Paragraph 169 requires that major developments incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Principle of the Development

This site is in a sustainable location within the settlement of Nelson, in the M65 corridor within accessible walking distance of public transport and essential services and facilities. The proposed development is acceptable in principle in accordance with policies SDP2 and LIV1.

Visual Amenity

The details of appearance and landscaping are reserved. Taking into account its position in a depression, adjacent to The proposed scale of the building would be in keeping with the old baths, which is a similar height, the proposed scale and layout of the building would not result in harm to the visual amenity of the area.

Residential Amenity

It is clear from the indicative site layout that the site could in principle accommodate the proposed development without any overbearing impacts, unacceptable loss of light or privacy to any adjacent properties and could provide an adequate level of privacy for the occupants of the proposed development.

There are commercial / industrial uses adjacent to the site and a noise assessment has been submitted in relation to those uses and recommends that with appropriate sound insulation measures those uses would not result in unacceptable impacts to occupants of the development.

Ecology

It has been demonstrated that the building has no features that make it likely to be a habitat for bats. The development would not result in unacceptable impacts on ecology.

Highways

LCC Highways have requested additional detail in relation to cycle and motorcycle parking and access for bin collections. These matters could be addressed by condition if necessary.

Drainage and Flood Risk

The site is located within flood zones 2 and 3 of Walverden Water, a flood risk assessment and drainage strategy has been submitted but the Lead Local Flood Authority and Environment Agency have found these to be unacceptable to assess the risk of surface water flooding to the site or provide safe access and escape routes and the surface water drainage strategy does not provide minimum operation standards for peak flow control and volume control and does not provide an appropriate allowance for climate change and the flood risk mitigation is inadequate to address flood risk for the lifetime of the development, failing to consider: flood storage compensation, maintenance of flood alleviation, resistance and resilience measures and safe access and egress routes.

RECOMMENDATION: Refuse

For the following reasons:

The applicant has failed to demonstrate that the proposed development would not be at unacceptable risk from flooding and would not unacceptably increase the risk of off-site flooding contrary to Policy ENV7 of the Pendle Local Plan Part 1: Core Strategy and paragraph 159, 167 and 169 of the National Planning Policy Framework.

Application Ref: 23/0293/OUT

Proposal: Outline (Major): Demolition of Cash and Carry and the formation of 41 self contained flats (Access, Layout and Scale only).

At: Queens Hall, Bradley Road, Nelson

On behalf of: Jan Capital Ltd

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND OCTOBER 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

This application was deferred from the September Committee meeting for a site visit.

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 rear elevation (onto Bamford Street) is to have two pitched roof dormers.

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. There is also a dwelling which has recently been approved for Plot 1, although at the time of the site visit no work had commenced to make a start on this.

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 two pitched roof dormers to the upper floor. The proposed dormers would result in an uncharacteristic feature in the street scene, on a prominent elevation of the building. There is not a proliferation of other dormers along Bamford Street or Barkerhouse Road. Similarly, at the plot adjacent (plot 1) which has recently been approved, there are no dormers proposed. The dormers which have been proposed have triple windows to each of them and they dominate the roof slope. 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 dormers to the elevation with Bamford Street would result in an uncharacteristic feature in the street scene, on a prominent elevation of the building. This is not a case where there is more than 25% of an existing terrace already having dormers to the roof slopes and as such 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 TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND OCTOBER 2023

Application Ref: 23/0467/HHO

Proposal: Full: Conversion of garage to habitable room with pitched roof above it. Erection of a front porch and single storey rear extension. Installation of dormers to front and rear roofslopes.

At: 56 Causey Foot, Nelson, BB9 0DR

On behalf of: Mr Javed Iqbal

Date Registered: 17.07.2023

Expiry Date: 11.09.2023

Case Officer: Yvonne Smallwood

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

Site Description and Proposal

The application site is a detached bungalow in a residential area, located within the settlement boundary of Nelson. There are similar properties opposite on Causey Foot and to the rear of the site are semi-detached properties on Queensgate.

The application seeks to demolish the garage and convert that area to a habitable room. A pitched roof would be erected above it to accommodate a dormer for a bedroom. There would be a 3.5m length single storey rear extension creating a study and kitchen/diner. There would be a flat roofed dormer to the front roofslope and a porch to the front elevation. To the rear roofslope would be a larger flat roofed dormer along the entire roofslope. There would be two additional bedrooms and a bathroom to the first floor; increasing the total number of bedrooms from 3 to 5.

The rear extension would project back by circa 3.5m along the rear of the property. In place of the steps to the rear of the garage would be the proposed study. The steps would be placed to the north east of the dwelling.

There is a porch proposed to the front elevation that would be 2.4m wide and 1.7m in length. The porch would have a pitched roof with an eaves height of 2.4m and ridge height of 3m.

The proposed materials would be facing brick, concrete tiles and UPVC fenestration to match existing.

An off-road parking space would be retained and two additional parking spaces would be created. There would be three parking spaces in total.

Relevant Planning History

None relevant.

Consultee Response

Highways LCC –

Having reviewed the documents submitted, together with a vehicle crossing assessment, the Highway Development Control Section does not raise an objection regarding the proposed

development at the above location, subject to the following comments being noted, and conditions and informative note being applied to any formal planning approval granted.

Proposal

The proposal is for the erection of a single storey rear extension, erection of dormers to front and rear roof slopes and the erection of a porch to front elevation. The development would increase the number of bedrooms from three to five and would include the loss of the existing single garage. One existing off-road parking space would be retained with two additional parking spaces being provided, including a new dropped vehicular crossing onto Causey Foot.

Car and cycle parking

Three off-road parking spaces are proposed, which is considered an adequate level of parking for the type and size of development. All driveway/hardstanding areas should be surfaced in bound porous materials to prevent any loose surface material from being carried onto the adjacent public highway, where it could pose a hazard to other users. The new area of hardstanding should be constructed so that surface water from the public highway cannot discharge into the site and vice versa.

As the existing garage would be lost secure, covered storage for at least two cycles should be provided elsewhere within the curtilage.

An electric vehicle charging point should also be provided. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles. No gates should be erected across the driveway as these would prevent the use of the parking spaces.

Vehicle crossing

The construction of the new dropped vehicle crossing must be carried out under an agreement (Section 171) with Lancashire County Council as the highway authority. Only contractors approved by the county council can undertake these works.

The following conditions and informative note should be applied to any formal planning approval granted.

Conditions

1. Prior to first occupation of the approved development the parking area shown on the approved plans shall have been constructed and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

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

2. Prior to first occupation of the approved development dropped kerbs shall have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of highway/pedestrian safety and accessibility.

3. Prior to first occupation of the approved development secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

4. Prior to first occupation of the approved development an electric vehicle charging point shall be provided. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

Informative note

1. This consent requires the construction of an access to the publicly maintained highway. Under Section 171 of the Highways Act 1980 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on lhsvehiclecrossing@lancashire.gov.uk for the list of approved contractors and to start the Section 171 process.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Design and Materials

The Design Principles SPD advises two storey side extensions (and provision of first floors over existing single storey side extensions) should be designed to avoid having an overbearing effect or causing loss of light or privacy for neighbours.

The proposal would demolish the existing garage and construct a bedroom and bathroom in its place. There would be a pitched roof above it to accommodate a dormer, having a similar impact to a first floor side extension. This element of the development would be circa 3.7m from the neighbour at number 58 which would be too close to their primary bedroom window to their gable elevation.

There is a single storey rear extension proposed to the entire rear elevation with a length of 3.5m. The eaves height would be 3.7m and ridge height 4.8m. The extension would create a study, and kitchen/diner. The existing steps to the north west of the site would be removed and steps would be constructed instead to the north east of the site, alongside the kitchen diner.

The proposed materials are facing brick, concrete tile roof and UPVC fenestration.

There are dormers proposed to the front and rear roofslopes. There are circa 25% of properties along the road with front dormers. The properties are of modern design and as such dormers are not out of keeping in the streetscene. Dormers with a pitched roof, in design terms, are favourable to those with a flat roof. The proposed dormers would be flat-roofed, however there are several such examples in the streetscene and would not therefore the dormers would be acceptable in visual terms and would not appear out of keeping in the streetscene.

There is a porch proposed to the front elevation that would be 2.4m wide and 1.7m in length. The porch would have a pitched roof with an eaves height of 2.4m and ridge height of 3m. Porches that have a ground area that does not exceed 3sqm; do not exceed 3m in height above ground level and are not within 2m of a highway can normally be erected under Permitted Development. This porch would be larger, as it would measure 4sqm. There are some other examples of porches on Causey Foot. There would be more than 2m distance from the highway. The porch would not be out of keeping with the design of the host dwelling or the streetscene.

The materials for the developments would be facing brick, concrete tiles and UPVC fenestration to match existing.

By virtue of its close proximity to the neighbour at number 58 the proposed pitched roof and dormers would be contrary to Policy ENV2 and the Design Principles SPD.

Residential Amenity

In terms of residential amenity, the Design Principles SPD states that two storey side extensions (and provision of first floors over existing single storey side extensions) should be designed to avoid having an overbearing effect or cause loss of light or privacy for neighbours.

The pitched roof proposed above the former garage area, that would partly accommodate the front dormer and create an additional bedroom, would bring the upper gable of the site to within circa 3.7m of the neighbouring property at number 58. There are 3 windows proposed to the side elevation, 2 to the ground floor and one to the first floor. This neighbour has a primary bedroom window to the first floor in the side elevation. The development results in a similar impact to that of a first floor extension. This relationship would not be acceptable, even if the windows were to be obscure glazed, as the pitched roof with dormers would result in an overbearing impact for the residential amenity of the neighbour at number 58.

The neighbour at number 54 has one obscure glazed side elevation window facing the application site, serving a garage. There are steps proposed to the side of the rear extension and a door leading to the kitchen diner. There is a circa timber 1m fence between the site and the adjacent neighbour and some hedging. As the only window to the side of the neighbouring dwelling serves a garage, the steps would not result in any additional adverse impact in regard to the neighbour at number 54 than existing.

To the front of the site are properties on the opposite side of Causey Foot. The separation distance between the properties is 20m. The development would not result in an unacceptable adverse impact for the neighbours opposite.

The neighbours to the rear of the site are the rear of the properties on Queensgate. The separation distance is circa 16m. This is typical of several other examples within the area and would therefore be acceptable.

Due to the overbearing impact that the development would result in for the neighbour at number 58, the proposed development conflicts with Policy ENV2 and the Design Principles SPD.

Highways

The proposal increases the number of bedrooms from 3 to 5. There is an existing off-road parking space that would be retained, with two additional parking spaces being provided. Highways LCC have not raised any objection to the proposal. They have recommended some cycle storage be provided and the installation of an electric vehicle charger, however should the proposal gain approval it would not be necessary to condition these. As such, the proposal in regard to highways accords with Policy 31 of the Replacement Local Plan.

RECOMMENDATION: Refuse

1. The development would result in an overbearing impact on the bedroom of 58 Causey Foot and would thus be poor design contrary to Policy Env2 of the Pendle Core Strategy and the Pendle Design Principles SPD.

Application Ref: 23/0467/HHO

Proposal: Full: Conversion of garage to habitable room with pitched roof above it.
Erection of a front porch and single storey rear extension. Installation of dormers to front and rear roofslopes.

At: 56 Causey Foot, Nelson, BB9 0DR

On behalf of: Mr Javed Iqbal

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND OCTOBER 2023

Application Ref: 23/0485/HHO

Proposal: Full: Formation of access and erection of a porch

At 35 Clegg Street, Brierfield

On behalf of: Mr Khalid

Date Registered: 24/7/2023

Expiry Date: 19/9/2023

Case Officer: Neil Watson

Site Description and Proposal

The application site is a corner plot situated in a residential area. It faces a row of terraced properties to the east and south and there are hedge lined properties to the west.

The proposal is to form an access on the southern side on Walter Street and a pedestrian access on Clegg Street. A porch is proposed on the Clegg Street elevation that comprises of a flat roofed canopy with columns.

Relevant Planning History

18/0989/HHO – Erection of extensions and new access approved.

Consultee Response

Highways: The front porch had been erected. This has no highway impact. Vehicular access gates Two gates had been installed across the vehicle access from Walter Street. No gates were proposed on the 2018 application (18/0898/HHO), which included the creation of two off-road parking spaces to the side of the dwelling. The style of gates now in place, which open into the site, would prevent the parking spaces being used or the gates could not be opened with vehicles parked off-road; this is contrary to Condition 6 applied to application 18/0898/HHO. The gates should be removed so that access to the parking spaces is unobstructed. The concrete block gate pillars should also be removed. This would allow the access to be widened to the width previously approved (5m). There was a vehicle parked on Walter Street in front of the gates but it appeared that a properly constructed dropped vehicle crossing had not been installed. Revised plans should be submitted addressing both the gates and the access. If the issues raised cannot be resolved satisfactorily then the highway authority would object to the application on highway safety grounds due to the sub-standard access and loss of off-road parking.

Public Response

None.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

Officer Comments

The application seeks a new access and a porch.

The porch has been erected. It is a flat roofed structure built with Doric style columns supporting them. The house has been extended and is modern in appearance. The site sits in an area that has a range of styles of design with the traditional well kept terraced houses typical of a Victorian era providing the main context facing the site.

The porch is an alien feature to the majority of the area. It is however set against the existing house which has been modernised. It is set back from the road and this lessens the impact. The design would not be so poor as to justify refusing the application.

The application seeks to form an access into the site with gates. The gates would not be allowed to open over the pavement and with the gates installed this would prevent parking in the driveway.

The application does not show how parking would be achieved within the site. Application 18/0898/HHO approved an extension with two parking spaces shown. The condition required that the parking be available before the extension was used.

The application as proposed would result in there being no parking available within the site as the gates and lack of space would prevent that from happening. The application would leave the development without any parking and this would lead to on street parking and would be inimical to highway safety.

RECOMMENDATION: Refuse

The application as proposed would result in a form of development that would not allow two cars to be parked within the site. This would lead to on street parking which would be inimical to highway safety. The development would thus be contrary to paragraph 111 of the National Planning Policy Framework.

Application Ref: 23/0485/HHO

Proposal: Full: Formation of access and erection of a porch

At 35 Clegg Street, Brierfield

On behalf of: Mr Khalid

Date Registered: 24/7/2023

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND OCTOBER 2023

Application Ref: 23/0521/FUL

Proposal: Full: Change of use of part of a stable building for residential accommodation (for a temporary period of 3 years), the siting of 5 no. dog kennels at the site and the retention of the site for dog rehabilitation and training use.

At: Pendle Bridge Lodge, Woodend Road, Brierfield

On behalf of: K9 Rehab

Date Registered: 02/08/2023

Expiry Date: 27/09/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to land within the Green Belt. The application is in part retrospective with the canine use being unlawfully carried out at the site.

At the time of the site visit, the applicants were in occupation of the converted stable building. They also seek to introduce 5 dog kennels and retain the land which is being used for a canine use. At the time of the site visit, there were no dog kennels present on the site.

Relevant Planning History

The building on site was granted planning permission for an equine use under 18/0098/FUL.

18/0099/FUL: Change of Use from Agricultural Land to Equine (Use Class Suis Generis) and formation of a 40m x 20m riding menage.

Approved

21/0978/FUL: Full: Retention of use of land for private equine use, dog rehabilitation use and associated rural workers dwelling.

Refused

22/0471/FUL: Full: Retention of use of land for private equine use, dog rehabilitation use and associated rural workers dwelling.

Refused

Consultee Response

Environmental Health

The Environmental Health Officer has expressed concerns about how the applicant would control 15 dog to ensure there is no unacceptable impact upon neighbouring dwellings. There is also concern that the kennels which will be used overnight could result in dogs barking at unsociable hours of the night disturbing neighbours.

LCC Highways

Having reviewed the information submitted, the Highway Development Control Section does not have any objections regarding the proposed development at the above location and are of the opinion that the proposed development will not have a significant impact on highway safety or capacity in the immediate vicinity of the site, subject to the following comments being noted and condition being applied to any formal planning approval granted.

No Public Rights of Way pass through the development site.

Proposal

The proposal is for a change of use of part of a stable building for residential accommodation (for a temporary period of 3 years), the siting of 5 No dog kennels at the site and the retention of the site for dog rehabilitation and training use. This is a retrospective application.

Site planning history

22/0471/FUL - Retention of use of land for private equine use, dog rehabilitation use and associated rural worker's dwelling. Refused.

21/0978/FUL - Retention of use of land for private equine use, dog rehabilitation use and associated rural worker's dwelling. Refused.

18/0099/FUL - Change of Use from Agricultural Land to Equine (Use Class Suis Generis) and formation of a 40m x 20m riding menage. Approved.

18/0098/FUL - Retention of a stable building for 5 Horses (22m x 7.25m) with hardstanding area (Retrospective). Approved.

Car parking

Part of the existing stable building has been converted to a two bedroom dwelling. Two car parking spaces should be provided for this number of bedrooms. Four parking spaces are shown on the submitted Site Plan (Drawing 100_01) with an informal parking area to the South, which could accommodate approximately four vehicles. This is considered an appropriate level of parking for residential use together with the dog rehabilitation and training business.

The site's approved equine use would generate daily traffic movements. These would be removed from the highway network with the applicant living on site. The site's residential use would also generate traffic movements eg post and deliveries, although these vehicles would already be on the network servicing other properties along Woodend Road.

Therefore there would be no net increase in traffic.

As the proposed dog rehabilitation/training use is by appointment only, and the site is not open to the general public, traffic levels generated would be limited and not likely to significantly impact on highway safety.

Conclusion

The highway authority considers that the proposed development will not have a significant impact on highway safety or capacity in the immediate vicinity of the site.

The following condition should be applied to any formal planning approval granted.

Condition

1. The car parking and manoeuvring areas shown on the approved plan shall be maintained free from obstruction and kept available for car parking and manoeuvring purposes at all times.

Reason: To ensure adequate car parking provision is provided on site in the interest of highway safety.

Reedley Hallows Parish Council

Object: This is the 3rd attempt to get residential accommodation on this site - previous applications were refused (mobile home removed by the planning enforcement, and previous refusal to build again for residential use.

This attempt is inappropriate development within the Green Belt.

Cadent Gas

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Public Response

The nearest neighbours were notified by letter. Multiple responses have been received in support of the application, raising the point that the business which is operating from this location is providing a valuable public service.

Some objections have also been received, as follows:

- Inappropriate development in the Green Belt
- This will lead to other businesses opening in the Green Belt because a precedent will be set that you don't need planning permission
- The homes is clearly not for a rural worker but is a luxury home
- This is not an agricultural business
- Concerns about people walking in the area being affected by the dogs
- Impact upon wildlife

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

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.

Policy ENV4 (Promoting Sustainable Travel) states that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services. Consideration should be given to locating new housing, employment and service developments near to each other to give people the opportunity to live and work within a sustainable distance.

Policy ENV5 (Pollution and Unstable Land) sets out that the Council will work with its partners to minimise air, water, noise and odour pollution.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA) will be supported.

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

Replacement Pendle Local Plan

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

National Planning Policy Framework 2018 (The Framework)

Paragraph 80 states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;

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.”

Paragraph 150 of the Framework is set out below:

“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) Mineral extraction;*
- b) Engineering operations;*
- c) Local transport infrastructure which can demonstrate a requirement for a Green Belt location;*
- d) The re-use of buildings provided that the buildings are of permanent and substantial construction;*
- e) Material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*
- f) Development, including buildings, brought forward under a community right to Build Order or Neighbourhood Development Order”*

The Town & Country Planning Act 1990, section 336 sets out a definition for agriculture as follows: *“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;”*

Officer Comments

The use which has been applied for here is a mixed one, of a dog rehabilitation facility and residential use.

The application has with it a supporting statement which makes the following points:

- About 60 dogs per week are trained in a variety of ways including one-to-one sessions, evening classes, clinics and boot camp
- The business currently operates with the applicant working Full Time and up to 4 part time assistants who shadow the applicant
- The residential accommodation within the stable has been in use since April 2023
- The applicant has submitted financial information to justify their position
- The future expansion of the business includes being able to accommodate dogs on site overnight for a period of five days, so that they can take part in boot camp sessions
- There is an essential need for a rural worker to be on site here 24 hours a day, in order to care for the animals and to provide security of the site
- The idea of the accommodation being on a temporary basis would be to have a trial period, as set out in the PPG

The applicant has applied for a dwelling on the land which does not accord with the Framework in this regard. Paragraph 138 describes the purposes of the Green Belt, building a house would not preserve any of these five purposes:

Paragraph 138, Framework

Green Belt serves 5 purposes:

(a) to check the unrestricted sprawl of large built-up areas;

(b) to prevent neighbouring towns merging into one another;

(c) to assist in safeguarding the countryside from encroachment;

(d) to preserve the setting and special character of historic towns; and

(e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

Principle of Development

The Framework sets out circumstances in which dwellings will be allowed outside of settlements in the countryside. This is the first consideration as to whether the development meets any of those criteria. The second issue relates to the green belt and whether what is proposed is in principle acceptable. The development consists of a proposed use of the site for dog rehabilitation and training, an extension of the stables and a change of use of the stables to residential.

The proposal also seeks to have dog kennels on the site to house 5 dogs. The training of the dogs is not a recreational activity but would be more akin to a medical one or a training use. The principle of whether this is or is not appropriate development needs to be considered as without the additional dog kennels the case for having a rural worker on site abates.

Firstly, turning to whether the development is appropriate in this location. The dwelling is within a converted stable block and is located up a track which is not lit and is unmade. There are no footpaths back into the settlement, which is approximately 800m away. At paragraph 80 of the Framework, circumstances in which development in the countryside are considered. There are five circumstances including where there is an essential need for a rural worker to live permanently at or near their place of work. There is also a circumstance where the development would involve reusing a redundant building and enhance its immediate setting. In this case, the conversion would not justify an essential need for a rural worker. Similarly, the building which has been converted was not redundant but rather in active use as a stable. The very reason it is having to be extended with a tack room is because the living accommodation has forced an extension to the building in order to accommodate the mixed use.

The second issue hinges on whether the proposal is acceptable in Green Belt terms. In this case the stable block already exists and has been constructed lawfully. The proposal does not require the construction of a new building within the Green Belt, but rather a small extension to accommodate a tack room. The application seeks to convert part of the floor space of the stable building into habitable accommodation for residential purposes. In order to be an exception in relation to Green Belt the conversion (or change of use) must be in connection with outdoor sport or recreation. This is not the case here. What is applied for is a commercial dog training business, for which the applicant states a need to live on site.

The applicant has put forward a statement which includes a business plan and financial details of how the business has progressed over the first three years of trading and how they anticipate it to unfold over the next few years. There are plans in place to increase the number of staff at the site and to offer more sessions for the training of dogs. The applicant has put this case forward in an attempt to demonstrate that there is a case for a rural worker to be present on the site. However, there is no need for this to be present within the Green Belt. Moreover, the scale of the business does not justify the need for a dwelling to be on site.

The applicant has put forward a case that there is a need for an essential rural worker to live on the site. They state that this is due to accommodating dogs overnight. The Council accepts that the type of worker in this case could be a rural worker. However, if by virtue of the site being in the Green Belt the kennels are inappropriate development and there is no need for them, it cannot be argued that there is an essential need for a rural worker here. Similarly, the vast majority of the business does not require a worker to be present 24 hours a day. What is provided is a facility at which customers can bring their dogs along by appointment to participate in lessons. Once the lesson is finished they then leave the site.

Isolated Dwelling

The applicant has put forward the case that the dwelling should be allowed in accordance with paragraph 80 of the Framework. They state that this is because there is a need for the applicant to be on site as a rural worker. The proposed development is within the Open Countryside, Policy SDP2 of the Local Plan Part 1 Core Strategy sets out that development should be located within Town Centre boundaries, although Policy LIV1 makes provision for some residential development to come forward prior to the Part 2 Local Plan being adopted, this requires sites to be located close to the settlement boundary. The proposed dwelling is 800m from the settlement boundary on Greenhead Lane. The occupants would be required to walk down an unlit route without a pavement, to access any form of public transport. Whilst there are other dwellings in terms of a cluster of cottages to the north of the application site, this does not make the proposed dwelling a sustainable one, in terms of paragraph 80 of the Framework with an isolated dwelling.

The application is based on the canine activities, with 5 dog kennels proposed. The equine use of the building, as with most other stables, does not require a 24 hour a day presence on site. The scale of the equine building is modest. There would be no requirement to be on site to tend to the horses and the use proposed is for the horses to be on site for parts of the year. The kennels would allow residential courses to be provided for up to 5 dogs at once.

The requirement in the Framework is that there must be essential need for a rural worker to be on site in order to justify a dwelling. The majority of the dog training takes place during the day when dogs are brought to sessions by their owners. The majority of the canine use therefore does not require a presence overnight. Taking care of 5 dogs overnight is not adequate justification to justify the conversion of the stable to a dwelling.

The applicant has prepared a financial justification statement setting out their accounts for the three years they have been operating from the site and a business plan for the next few years. This states that they intend to expand the business to accommodate more classes and in turn this would allow for the employment of two additional staff.

Green Belt

The proposed development comprising of the erection of the kennels does not meet one of the exceptions set out in either paragraph 149 (for new structures) or in paragraph 150 (which refers to engineering and other operations). What is proposed is the erection of five structures to accommodate kennels for dogs. Whilst these structures are modest in size, none the less an assessment of their appropriateness within the Green Belt must still be made. In this case, the structures are to be constructed of timber and could not reasonably be described as permanent. They are not buildings for agriculture, nor are they in connection with outdoor sport or recreation, the kennels are not physically attached to any other structure where they could be assessed as an extension. The kennels have their own impact upon openness and should be treated as the erection of new buildings for the purposes of paragraph 149 of the Framework. They cannot be considered a replacement building, neither are they infill in villages or the redevelopment of previously developed land. As such, they are inappropriate development within the Green Belt and there is no justification as to why they meet the exceptions to Green Belt policy.

In terms of the conversion of the stables building, the applicant has not advanced a case for very special circumstances, in accordance with paragraph 148 of the Framework. Even so, this would require there to be clear benefit which outweighs the harm to the openness of the Green Belt. In this case there would be no such benefit. There is no reason why this business could not operate from another location within the Open Countryside. There is no requirement for it to be in this position within the Green Belt.

Design

There is an alteration to the existing stable to accommodate a tack room. Amended plans indicate that the tack room measures 2m x 1.2m in footprint with an eaves height of 2.3m and a lean to roof which joins with the main roof of the stable. It is clear that the tack room is a modest extension to the stables. Had this just been an extension to the stable building for equine purposes and there was no residential conversion, the tack room extension is likely to have been supported because it is not disproportionate to the original stable building which was approved.

There would also be alterations to the stable to incorporate windows, to make it into habitable accommodation. The west elevation has had a domestic style door inserted as well as 4 domestic windows. The south elevation has had two windows inserted, serving the lounge and bathroom. Clearly these would not have been required if the building were to remain in equine use. The

alterations would not have an unacceptable impact upon the openness of the Green Belt. The tack room would be an extension but would not be disproportionate to the size of the existing buildings. There has been no change to the materials used in the external construction of the building.

The design of the five kennels is utilitarian, being constructed of timber, with a wire mesh grill to the front elevation and an access door. The structures are to have a mono-pitched roof and are to measure a maximum of 1.55m in height. They are each to have a footprint of 3.6m x 1.2m. There are to be three kennels adjacent to the stable on the hardstanding area to the front of the building. There are to be two further kennels to the other side of the car parking area.

Overall, in design terms the proposal is acceptable and accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

The proposed dwelling is positioned so that habitable room windows are in excess of 21m from the nearest neighbouring properties. The windows have all been positioned to the opposite side of the stable than the cottages. There would be no unacceptable impact upon the neighbours in this regard. The proposed site is set at a greater height than the cottages with a slope down, where the dog training ground area is, as such when viewed from the rear gardens at the cottages, the stables take an elevated position. However, this does not lead to an unacceptable overbearing effect.

The proposed dwelling would raise no unacceptable residential amenity issues in relation to Policy ENV2 of the Local Plan Part 1 Core Strategy.

Comments have been received from the Council's Environmental Health Officer expressing concern over the ability of the applicant to control noise. There are nearby residential dwellings which share a boundary with the application site. The intention to accommodate dogs overnight gives rise to the potential for disturbance at anti-social hours. There is no way to control this and the applicant has not put forward any suggested solution. As such, the proposed development would be contrary to Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Highways

Although the proposed development is accessed up a private track, given the nature of the business by appointment only, there would be no highway safety danger with an intensification of the route. Conditions are put forward, should the application be approved.

Other Matters

The Council have received multiple letters of support stating that this business provides an invaluable service to dog owners locally. This does not form part of the planning case as the business could be set up elsewhere in a field, not within the Green Belt. This would be a suitable alternative to this particular location. As such, the principle is not with the operation of a dog rehabilitation facility, but rather the need for a dwelling here, which the report has set out is not necessary.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed development would result in the erection of five kennels which are structures within the Green Belt. They do not meet the exceptions set out in paragraph 149 of the

Framework and amount to inappropriate development which would be harmful to the openness of the Green Belt. As such, the proposed development is contrary to paragraph 149 of the Framework.

2. The application is not accompanied by a noise assessment setting out the impact of the proposed development upon nearby residential dwellings. There is insufficient information in relation to addressing the issues surrounding potential noise pollution, which is contrary to Policy ENV5 of the Local Plan: Part 1 Core Strategy.
3. The proposed development is not in a location which is suitable for residential accommodation being an isolated location in the open countryside and does not meet any of the exceptions for residential development as set out in the National Planning Policy Framework paragraph 80. There is insufficient justification to warrant the granting of a dwelling for a rural worker based on the modest number of animals on site and thus the development would represent an isolated unjustified residential development contrary to Policy LIV1 of the adopted Pendle Local Plan and paragraph 80 of the National Planning Policy Framework.

Application Ref: 23/0521/FUL

Proposal: Full: Change of use of part of a stable building for residential accommodation (for a temporary period of 3 years), the siting of 5 no. dog kennels at the site and the retention of the site for dog rehabilitation and training use.

At: Pendle Bridge Lodge, Woodend Road, Brierfield

On behalf of: K9 Rehab

NELSON, BRIERFIELD AND REEDLEY COMMITTEE REPORT ON 2ND OCTOBER 2023

Application Ref: 23/0563/HHO
Proposal: Full: Altering roof from hip to gable and the erection of a front dormer.
At: 152 Leeds Road, Nelson
On behalf of: Mr Maqsood Ahmed
Date Registered: 15/08/2023
Expiry Date: 10/10/2023
Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is a end-terrace dwelling within the settlement boundary of Nelson. The existing house is of stone construction with a slate roof and upvc fenestration.

The proposal seeks to alter the roof from a hip to a gable and erect a dormer window to the front roof slopes. The proposed dormer would be flat roofed with slate elevations.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objection.

Nelson Town Council

Public Response

Nearest neighbours notified - no response.

Officer Comments

Policy

Policy ENV2 of the Local Plan Part 1 seeks to ensure the highest standards of design in new development.

The adopted Supplementary Planning Document: Design Principles also encourages high standard of design for developments such as dormer windows. In general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. Dormers are not normally appropriate on older (stone slated) buildings.

Design

The hip to gable alteration to the roof would be in keeping with other surrounding terraces and would be acceptable in itself. Use of acceptable stone for the gable can be ensured by condition.

The surrounding area is predominantly characterised by tradition terraced properties. Although there are occasional front dormers along Leeds Road there are none in this block. The untouched slope of the slate roof and are an essential part of the visual harmony of the terrace.

The proposed dormer window would be a flat roof 'box' style, covering the majority of the roof slope, appearing as a dominant feature. Its bulk and scale would be out of keeping and seen as an incongruous addition within the terrace, being immediately visible from public vantage points. It would have a significantly detrimental impact on the character and appearance of the street scene, contrary to Policy ENV2 and would fundamentally conflict with guidance contained within the Design Principles SPD.

Amenity

The proposed development raises no unacceptable privacy or amenity issues.

Highways

Although the development would result in an increase in the number of bedrooms and resulting parking requirement, taking into account that that dwellings without off-street parking are characteristic of the area and access to services and facilities the proposed development is acceptable in highway terms.

Summary

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.

RECOMMENDATION: Refuse

For the following reasons:

1. The dormer window to the front elevation would appear incongruous in the street scene, introducing a visually inappropriate addition which adversely affects the character and appearance of the row. The development thereby fails to accord with Policy ENV2 of the Local Plan Part 1 and the Design Principles Supplementary Planning Document.

Application Ref: 23/0563/HHO

Proposal: Full: Altering roof from hip to gable and the erection of a front dormer.

At: 152 Leeds Road, Nelson

On behalf of: Mr Maqsood Ahmed

Date Registered: 15/08/2023

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND OCTOBER 2023

Application Ref: 23/0564/HHO

Proposal: Full: Erection of a side dormer.

At: 229 Every Street, Nelson

On Behalf of: Miss F Sharples

Date Registered: 15/08/2023

Expiry Date: 10/10/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an end terraced dwelling within the Whitefield conservation Area. The end gable fronts onto Every Street, Nelson where the main pedestrian access door is located. At the time of the site visit the building was covered in scaffolding due to fire damage.

The proposal seeks to insert a flat roof dormer to the roof slope which runs along the backstreet of Hargreaves Street. This is the side elevation of the building due to the end of the gable being the front. The dormer is to be clad in natural slate to match the existing roof.

Planning History

None relevant

Consultee Response

LCC Highways

No objection

Public Response

The nearest neighbours have been notified by letter, a Site and Press Notice have been posted. One letter of objection has been submitted raising the following issues:

- There has been a fire at the property which has resulted in damage to neighbouring dwellings due to the lack of a roof & repair works
- The adjacent dwelling has been rendered uninhabitable because of the damage cause by the fire and subsequent damp / water ingress
- Inappropriate extension within the Conservation Area

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

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

Replacement Pendle Local Plan

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

The Design Principles Supplementary Planning Document (SPD) applies to extensions and developments, setting out the requirements for good design and protecting residential amenity.

The Conservation Area Design and Development Guidance SPD sets out that new development should use good quality and predominantly natural building materials, be well detailed, and respect local architectural detailing and styles. It provides specific guidance on development relating to agricultural building and their sensitive adaptation to other uses.

National Planning Policy Framework

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

Paragraph 202 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Design & Heritage

The Design Principles SPD advises care should be exercised to ensure that their design is in keeping with the dwelling and that they do not overlook neighbouring property. Dormers should not be so large as to dominate the roof slope resulting in a property which appears unbalanced.

The application site takes a prominent position within the Conservation Area, given that it is the end terraced property on a row which has a gable onto Every Street. Even though the proposed dormer is to the rear slope of the terrace, this is perpendicular to Every Street, which is a main thoroughfare through Whitefield. The proposal is for a flat roof dormer to the elevation which forms the rear slope of the terrace. The proposal is for the erection of a flat roof dormer, to be clad in slate to match the existing roof with a single ply membrane to the roof and white UPVC windows. The design is unacceptable in that it dominates the entire roof slope of the dwelling and has a

harmful effect upon the character and appearance of the original dwelling. This also has a wider effect on the street scene in a terrace which has a simple and uninterrupted ridge line.

The dormer would result in harm to the character and appearance of the Whitefield Conservation Area, which is made up of terraced dwellings which do not have dormers. The harm to the Conservation Area would be “less than substantial” but would not be outweighed by any benefit, in accordance with paragraph 202 of the Framework. As such, the proposed development represents poor design and does not accord with the Framework in relation to heritage assets.

Residential Amenity

The proposed rear dormer is to have one window. There are no windows to the side elevations. The proposed dormer is to be perpendicular to a terraced block on Every Street. However, the windows in the proposed dormer would be no closer to neighbouring dwellings than the existing windows. As such, it would not result in any unacceptable neighbouring amenity issues.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms to the dwelling which would increase the number of parking spaces required. However, the Highways Authority have not raised any objection in relation to highway safety concerns. It is unlikely that a reason for refusal on highway grounds would be sustained. As such, no objection is raised in relation to Policy 31 of the Replacement Pendle Local Plan.

Other Matters

Some comments have been received from a member of the public setting out that they are concerned about damage to the neighbouring dwelling due to a fire at the property and subsequent water ingress because of damage to the roof. This is a private matter between the parties and is not for this planning application to resolve. This is not a material planning consideration and is not determinative in this application.

RECOMMENDATION: Refuse

For the following reason(s):

1. By virtue of its position upon a prominent roof slope of the dwelling, the proposed dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the Whitefield Conservation Area. It represents poor design, contrary to paragraph 134 of the Framework and is in conflict with paragraph 202 of the Framework because the harm is not outweighed by any public benefit. The proposal is also contrary to Policies ENV1 & ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Application Ref: 23/0564/HHO

Proposal: Full: Erection of a side dormer.

At: 229 Every Street, Nelson

On Behalf of: Miss F Sharples