

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 30TH OCTOBER 2023

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

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 30TH 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, the determination of the application was deferred from the previous Committee meeting.

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.

The applicant is preparing additional information for submission, if this is received prior to the Committee meeting the recommendation will be updated to reflect that.

RECOMMENDATION: Refuse

For the following reason/s:

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 AREA COMMITTEE REPORT ON 30TH OCTOBER 2023

Application Ref: 23/0522/HHO

Proposal: Full: Erection of a two storey rear extension.

At 60 Rakes House Road, Nelson.

On behalf of: Zaffer Iqbal.

Date Registered: 02/08/2023

Expiry Date: 27/09/2023

Case Officer: Joanne Naylor

Councillor called this application in.

Site Description and Proposal

The application site is a two-storey mid-terraced property in a row of four. The site has red brick plinth with pebble dash walls above and a pitched roof of natural slate tiles and gardens to the front and rear. It is located within a predominately residential area of similar design and scale and within the settlement boundary of Nelson.

The proposal seeks to erect a rear extension with the two storey extension extending 4.5m from the rear elevation and a single storey extension extended a further circa 1.5m from the proposed two storey extension, resulting in an overall length of 6m and a proposed width of 4m. The proposal would have slate pitched roof and rendered walls. The proposal would have two side ground floor windows facing towards No. 58 Rakes House Road, two patio doors to the rear elevation of the proposed single storey element, at first floor a rear window is proposed, and the kitchen window would be moved closer towards the party boundary with No. 62.

Relevant Planning History

22/0407/LHE: Permitted Development Notification (Proposed Larger Home Extension): Erection of a single storey extension to the rear. Prior Approval Not Required Accept (25/07/2022).

Consultee Response

LCC Highways

LCC Highways raise no objection to the proposed development subject to notes relating to: the proposal would increase the number of bedrooms from three to four. There is no existing off-road parking associated with the dwelling, nor is any proposed. It is unlikely that any off-road parking could be provided due to the location of the mature tree in the grass verge outside No. 60, which would prevent the construction of a dropped kerb vehicle crossing.

Cadent Gas

Caden Gas do not raise an objection to the proposal subject to the following:

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

Informative Note

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

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

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

Your responsibilities and obligations

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

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

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

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

Parish/Town Council

No comment.

Public Response

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

Officer Comments

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

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

National Planning Policy Framework

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

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

Design and Materials

The proposal is for a two storey rear extension extending from the rear elevation by 4.5m, and for a single storey element to extend from the rear elevation of the proposed two storey extension by circa 1.5m, forming an overall length at ground floor of 6m. The proposal would stand away from the party boundary with No. 62 by circa 1.2m and set in by 0.75m to No.58. The proposal would match the materials of the existing dwelling house.

The Design Principles advise that for single storey rear extensions located on or immediately adjacent to the party boundary with neighbouring property will normally be acceptable up to 4m from the rear elevation of the existing dwelling. The proposed single storey element would have an overall length of 6m, it would stand away from the side boundary with No. 58 and No. 62. Where a larger extension is proposed it would normally only be permitted where the 45 degree guidance is not breached.

No. 58 has a habitable room window serving a kitchen to the rear elevation, the proposed 6m long single storey element would breach the habitable room windows to No. 58. No. 62 has habitable room windows to the kitchen and a conservatory which has a door opening into the kitchen, the proposed single storey element would breach the 45 degree guidance, and there is a circa 1.8m high wooden fence in between.

A planning application for a Larger Home Extension (22/0407/LHE) was accepted on the 25 July 2022 under Prior Approval which extended from the rear elevation by 6m and 4m in width. The

proposed single storey element of this planning application is the same length and width as that which was accepted through the LHE application, in this a case the proposed single storey extension would be 6m long, the LHE has already established that 6m was accepted, therefore the proposed 6m length for this planning application would be acceptable.

In terms of the proposed two storey element, it would extend 4.5m from the rear elevation, it would have a pitched roof of slate tiles, and a rear window. The Design Principles advises that for two storey rear extensions would only be acceptable where they do not breach the 45 degree guidance. The design of the proposed two storey rear extension would breach the 45 degree guidance in terms of the first floor bedroom windows at No. 58 and No. 62 Rakes House Road. It would not conform to the limits identified in the Design Principles SPD in terms of rear extensions and therefore would represent poor design.

The proposed development would breach the 45 degree guidance to the adjoining neighbouring properties at No. 58 and No 62 Rakes House Road due to the design of the two storey rear extension resulting in poor design, the proposal would not comply with Policy ENV2, the Design Principles SPD and paragraph 134 of the Framework.

Residential Amenity

The Design Principles SPD advises that rear extensions should avoid causing overshadowing, loss of outlook and privacy and to not appear unduly dominant and overbearing.

The proposed two storey rear extension would extend 4.5m from the rear elevation. No. 58 and No. 62 adjoin the application site. No. 58 and No. 62 each have a habitable room window to first floor which serves a bedroom, the proposal would breach the 45 degree guidance to both these windows resulting in overshadowing and obstruction of outlook.

The proposed two storey element of the development would have an eaves height of circa 5m and extend 4.5m from the rear elevation, the single storey element would have an eaves height of 2.5m and extend a further 1.5m resulting in an overall length of 6m. The proposal would be set in from the party boundary by 1.2m from No. 62 and set in by 0.75m with No. 58, the Design Principles advises that where a neighbouring property has no extension adjacent to the boundary then the first floor element should be set in from the party boundary by 1m minimum, the proposal would not be set in by 1m. The proposed two storey extension would result in an overbearing impact to the adjoining neighbouring dwelling houses due to the height and length of the proposal and the proximity to the side boundary.

The combination of breaching the 45 degree guidance to habitable room windows would result in obstructing outlook and overshadowing, and the overbearing impact of the proposal would result in an unacceptable impact on the residential amenity of the occupants at No. 58 and No. 62 Rakes House Road, Nelson.

The proposed development would appear as overbearing due to the height and length of the proposal and its proximity to the side boundary. The proposal would result in overshadowing and obstructing the outlook of the adjoining dwelling houses, the height and length of the proposed development would result in an overbearing impact to the occupants at 58 Rakes House Road and 62 Rakes House Road, this impact would have a detrimental impact on the occupants residential amenity. The proposed development would not conform with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principles Supplementary Planning Document.

Highways

LCC Highways notes that off-road parking would be unlikely due to the location of the mature tree on the grass verge outside No. 60 which would prevent the construction of a dropped kerb. Therefore, LCC Highways have raised no objection to the proposal.

RECOMMENDATION: Refusal

The proposed development would appear as overbearing due to the height and length of the proposal and its proximity to the side boundary. The proposal would result in overshadowing and obstructing the outlook of the adjoining dwelling houses, the height and length of the proposed development would result in an overbearing impact to the occupants at 58 Rakes House Road and 62 Rakes House Road, this impact would have a detrimental impact on the occupants residential amenity. The proposed development would not conform with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principles Supplementary Planning Document.

Application Ref: 23/0522/HHO

Proposal: Full: Erection of a two storey rear extension.

At 60 Rakes House Road, Nelson.

On behalf of: Zaffer Iqbal.

REPORT TO NELSON, BRIERFIELD AND REEDLEY AREA COMMITTEE REPORT ON 30TH OCTOBER 2023

Application Ref: 23/0568/TDC

Proposal: Technical Details Consent: Erection of 6 no. Dwellings of Planning Permission 23/0092/PIP.

At: 27 Highgate, Nelson

On behalf of: Mr A Aslam

Date Registered: 15/08/2023

Expiry Date: 19/09/2023

Case Officer: Laura Barnes

Site Description and Proposal

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

This is an application for the erection of six detached dwelling with a detached garage. The principle of residential development on this site has been established under application 23/0092/PIP.

Relevant Planning History

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

23/0092/PIP: Technical Details Consent: Erection of 6 no. Dwellings of Planning Permission 23/0092/PIP.
Approved

Consultee Response

LCC Highways

Technical details for six detached four bed dwellings with associated off-road parking and the construction of a new access onto Highgate have been submitted.

Having reviewed the documents submitted the Highway Development Control Section makes the following initial comments.

Site access and off-site highway works

The site is proposed to be accessed from the existing turning head on Highgate, which forms part of the highway network maintained at public expense. The Proposed Site Plan (Drawing 02) does not show the publicly maintained service verge around the turning head. Amended plans showing the service verge should be provided to demonstrate that access to the verge will not be obstructed nor the verge subsumed into the development.

Highgate has no separate footway currently and has an adopted highway service verge to both sides and around the turning head.

Due to the increase in the number of dwellings which are served by Highgate, increasing from 11 to 17, we consider it necessary to convert the highway service verge to a footway on one side of Highgate. This will ensure that there is adequate provision for pedestrians.

The formation of the new vehicle access from Highgate to the development site and the off-site footway works would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 5.5m, radius kerbs, and a street lighting assessment.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete.

No works should be undertaken within, or which affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken against the developer.

Internal layout

Due to the small number of new dwellings, Lancashire County Council would not seek to formally adopt the access road and associated infrastructure.

Nevertheless, the road should still be constructed to the county council's specification and should include street lighting and surface water drainage. As the road would not be considered for adoption a private maintenance and management company would need to be established.

A 0.5m service verge should be provided around the road, locally widened to 1m for street lighting columns.

The internal road width should be provided at a continuous width of 5.5m, currently the width varies between 5m and 6m.

A full height kerb should be provided along the Northern edge of the carriageway.

An amended plan should be provided taking the above into account.

Based on the ground levels shown on the Proposed Site Plan (Drawing 02) the estate road would have a 1:24 gradient. We would request that the proposed road levels are conditioned to ensure that the road is constructed to this gradient and not any steeper.

Refuse collection

The turning head appears acceptable however due to it being constructed at any angle to the estate road, a swept path analysis is requested to be provided demonstrating that a refuse vehicle can enter the development in forward gear, manoeuvre internally and leave in forward gear.

Car & cycle parking

Three adequately size parking spaces should be provided for dwellings with four or more bedrooms, in line with the council's Parking Standards.

The proposed single garages are sufficiently sized internally to provide one car parking space, secure storage for at least two cycles and an electric vehicle charging point.

The parking layout for Plots 2 – 6 is acceptable and these plots also have adequate manoeuvring space to allow vehicles to enter and leave the estate in forward gear.

However, for Plot 1 the parking layout would restrict the use of the garage for parking as the two vehicles on the drive would have to be moved to allow entry/exit. Vehicles parked on the internal access road would then obstruct the free flow of traffic. The parking layout should be amended to provide the driveway spaces at 90 degrees to the estate road so that only one vehicle would have to be moved to allow another to enter/leave the garage, as is the case with the other plots.

General

Due to the significant earthworks required at the site and its location within a residential estate a Construction Method Statement and plan would have to be provided. This should include, but not be exclusive to, the timing of movements by HGVs during the site clearance and construction phases to avoid peak traffic on the surrounding highway network; parking for operatives; means of wheel washing and mechanical road sweeping.

Conclusion

Subject to the satisfactory receipt of the further information requested the highway authority would not raise an objection to the application.

If the application is approved the following conditions and note are requested.

Conditions

1. No development shall be commenced until a scheme for the construction of the site access and off-site highway works to include a footway on one side of Highgate for its full length has been submitted to and approved in writing by the local planning authority. The works shall be constructed in accordance with the approved details prior to first occupation, unless otherwise agreed in writing with the local planning authority.

Reason: For pedestrian safety.

2. No development shall take place, including any works of site clearance, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities and mechanical road sweeping
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- viii) Details of working hours
- ix) Timing of HGV movements
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

3. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the access road proposed have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway

4. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed access road within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the local planning authority. The road shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the street infrastructure serving the approved development; and to safeguard the users of the street and visual amenities of the locality.

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

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

Informative note

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal.

Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk.

PBC Environment Officer (Trees)

No comments received.

Environmental Health

No comments received.

United Utilities

Following our review of the submitted drainage documents; Drainage Strategy Ref: ATP-HG-10-01, Dated 18/07/2023, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated. Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION:

Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

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

assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations). In the event of surface water discharging to the public surface water sewer, the rate of discharge shall be restricted to 5 l/s;

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage.

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

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

The Coal Authority

The current submission is supported by a Preliminary Risk Assessment (Desk Study), dated 27th May 2023 and prepared by Worms Eye. This report has been informed by a range of sources of information.

Following a review of the coal mining and geological information the authors of the Preliminary Risk Assessment state that mapping shows the outcrop around the east, south and west boundaries and topography suggest a cutting of 9m. They comment that the outcrop on the geology map is consistent with the site being a former clay pit with the coal removed as part of the quarry workings. Based on these findings the report authors conclude that there is no risk to the site from shallow mine workings.

SUDs

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site. No further works in this regard are therefore proposed.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

On the basis of the information submitted to support this Technical Consent application, and the professional opinions of the report authors set out therein, the Planning team at the Coal Authority has no objection to this submission.

It is however requested that the following Informative Note is included on any approval granted.

Public Response

Nearest neighbours have been notified by letter. One letter of objection has been received, raising the following issues:

- Land stability and safety concerns
- Drainage issues for dwellings on Delph Mount
- Loss of wildlife, including bats
- Light and noise pollution

Officer Comments

Policy

Pendle 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.

Policy ENV5 (Pollution and Unstable Land) sets out that the Council will minimise the risks associated with unstable land, amongst other things.

Replacement Pendle Local Plan

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

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.

Principle of Development

The principle of residential development on this site was established as part of the permission in principle application 23/0092/PIP. It was concluded the proposed site would be in a sustainable location and the principle of housing acceptable, which accords with Policy SDP2 and the NPPF.

Design

The proposed scheme comprises six detached dwellings on a piece of land which is broadly J-shaped, wrapping around the existing dwelling at no. 27. The layout indicates that there would be an access taken off the turning head in front of No. 27 which would serve each of the dwellings. There are to be four plots on the longest limb of the access road and two arranged around a turning area immediately to the rear of no. 27.

The proposed dwellings are to be constructed of brick with natural slate roofs and timber effect UPVC windows. Each of the houses are to be identical. They are to comprise four bedrooms and have an integral garage.

Internally, the accommodation is to comprise a large open plan kitchen / dining / lounge area, with a separate lounge and utility room to the Ground Floor. To the First Floor, the proposed dwelling is to have four bedrooms (one with ensuite) and a family bathroom.

The design of the proposed dwellings are relatively modern but would be in keeping with the existing dwellings on Highgate.

Overall, the proposed development would not be out of keeping with other dwellings in the area and is acceptable in design terms in relation to house types. However, the positioning / siting of the plots within the overall layout would lead to neighbouring amenity issues. As such it is unacceptable and this will be discussed further in the following sections.

Land Stability

At present the site is extremely sloping, which dates from when the existing housing estate at Highgate was constructed and this land was left by the previous developers. It is made up of rocky outcrop and soil which appears to support the dwelling at the top of the slope, on Delph Mount. A member of the public has written in, concerned about subsidence and the possibility of unstable ground. The applicant has submitted a series of cross-section plans, indicating the amount of earth which would have to be removed in order to make way for the dwellings. This is substantial. They have also included a sketch of a crib-lock retaining wall system which is to encapsulate three boundaries of the application site. The retaining wall which would be required is significant. Indeed is it greater in height than the proposed dwellings. Plots 1, 2, and 3 all have small sized rear gardens (some less than 4m in length) and the retaining wall would be 4m from the habitable room windows of the dwellings. This would result in an unacceptable level of amenity, which will be discussed in the next section.

There is a lack of information about the ability of a crib lock structure to support the amount of earth behind the wall. Although the applicant has submitted levels plans and cross sections as well as a specification for a crib lock wall, there is no technical information supporting this other than an email from the agent stating that they have spoken with an engineer who says that this would be sufficient to support the banking. Further, they have set out that the exact details of the wall cannot be confirmed until Phase 2 of the soil samples has been completed. As such, there is insufficient information available to the Local Planning Authority to be certain that the retaining wall would be capable of supporting the amount of material behind it.

Overall, proposal is not in accordance with Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Residential Amenity

In accordance with the Design Principles SPD it is advised that a minimum separation distance of 12 metres should be maintained between a principal window in one property and a blank wall of

another. In addition, a 21 metre separation distance should be retained between habitable room windows in properties that are directly facing each other.

The proposed dwelling at Plot 2 would be sited so that the principle windows would be 18.9m from the rear elevation windows of the existing dwelling at 27 Highgate. The existing conservatory at No. 27 would be even closer than this. Similarly, Plot 3 would be sited so that it is within 21m of the existing conservatory at No. 27. The proposed dwellings are to sit at least 4m higher than the existing dwelling, which would result in a loss of privacy and an overbearing effect upon the existing occupiers of No. 27. This is unacceptable and is contrary to Policy ENV2 of the Local Plan, Part 1 Core Strategy and the Design Principles SPD.

The separation distance between the habitable room windows at Plot 4 and Plot 5 is 20m, again this does not meet the standards set out in the Design Principles SPD and would result in an unacceptable impact upon neighbouring amenity. Similarly, the relationship between Plot 4 and Plot 6, although offset slightly, is just 14m. Again, this would result in an unacceptable level of neighbouring amenity.

Overall, the proposed development is not acceptable in terms of residential amenity and conflicts with Policy ENV2 of the Local Plan Part 1: Core Strategy and the Design Principles SPD.

Highways and Access

The Highways Authority had requested amendments to the plans including the parking at plot 1, grass verges on Highgate and a swept path analysis for a refuse vehicle. They have also set out that the internal road layout would not be suitable for adoption but should be brought up to adoptable highway standards. A maintenance and management company would be required for the internal road, should the development be approved. The requested amendments have been made and are satisfactory. The proposed development would provide an adequate number of off-road parking spaces based upon the number of bedrooms to each dwelling. There is no unacceptable highway safety danger and the proposals are acceptable in this regard.

Trees & Ecology

There are some trees on the site which would be affected by the proposed development. The applicant has submitted an arboricultural impact assessment and preliminary ecological appraisal. The preliminary ecological appraisal recommends the use of bat and bird boxes. This is something which could be secured by a suitably worded planning condition. There is no requirement for further surveys.

The arboricultural impact assessment has been reviewed by the Council's Environmental Officer (Trees) and they have expressed concerns that there would not be sufficient space for mitigation of the proposed tree loss. The reason being that there is insufficient space within the proposed development site to re-plant any substantial landscaping scheme.

This is an unacceptable situation and would lead to a loss of trees which cannot be mitigated. As such the proposed development would conflict with Policy ENV1 of the Local Plan, Part 1 Core Strategy and the paragraph 174 of the Framework.

Drainage

Some details of foul and surface water drainage methods were submitted as part of the application. Whilst no objections were raised, United Utilities have requested a plan outlining the proposed levels (including finished floor levels and ground levels) shown in metres above

Ordnance Datum and an indicative foul and surface water drainage strategy (including cover and invert levels). This is something which could be secured by planning condition.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed development would involve a retaining wall which would be 4m from the rear elevation of dwellings within the site. The retaining wall is to be greater in height than the dwellings themselves and would result in an unacceptable overbearing effect upon future occupiers of the dwellings. This is contrary to Policy ENV2 of the Local Plan, Part 1 Core Strategy.
2. The applicant has provided a lack of information surrounding the capability of the retaining wall to support the material behind it. Although cross sections and a proposed specification have been provided these are not engineers calculations or confirmation from a suitably qualified professional that the wall would be adequate. This is contrary to Policy ENV5 of the Local Plan: Part 1 Core Strategy.
3. By virtue of the positioning of Plots 2 and 3, the proposed development would result in an unacceptable overbearing effect and loss of privacy to the existing occupiers of No. 27 Highgate. This is due to the proximity of the dwellings and the separation distances between them. This is contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy.
4. The applicant has not indicated how the loss of trees would be mitigated, which would result in a loss of biodiversity. This is contrary to Policy ENV1 of the Local Plan: Part 1 Core Strategy and paragraph 174 of the Framework.

Application Ref: 23/0568/TDC

Proposal: Technical Details Consent: Erection of 6 no. Dwellings of Planning Permission 23/0092/PIP.

At: 27 Highgate, Nelson

On behalf of: Mr A Aslam

REPORT TO NELSON, BRIERFIELD AND REEDLEY AREA COMMITTEE REPORT ON 30TH OCTOBER 2023

Application Ref: 23/0580/HHO

Proposal: Full: Erection of a two storey side extension and single storey rear extension with sloped roof.

At 181 Regent Street, Nelson.

On behalf of: Mrs Z. Ali

Date Registered: 22/08/2023

Expiry Date: 17/10/2023

Case Officer: Joanne Naylor

Site Description and Proposal

The application site is a two storey semi-detached dwellinghouse, located on a corner plot formed by Regent Street and Swinden Hall Road. The property is located within the defined settlement boundary of Nelson and is sited amongst dwellings of a similar scale and design. The application site has a garden to the front and rear and on-street parking.

This planning application seeks alterations to the approved planning permission 22/0591/HHO for the erection of a two-storey side extension and single storey rear extension with pitched roof. The proposal is for the erection of a two-storey side extension with a pitched roof with ground floor bathroom and hallway and first floor bedroom with ensuite, the proposed rear extension would be two-storeys with a dining-kitchen to the ground floor and bathroom to the first floor.

Relevant Planning History

APP/E2340/D/21/3289981: Full: Erection of a two storey side and rear extension. Appeal dismissed (16 March 2022).

21/0608/HHO: Full: Erection of a two storey side and rear extension. Refused (17 December 2021).

20/0753/HHO: Full: Erection of side and rear two storey extensions. Refused (8 July 2021).

22/0591/HHO: Full: Erection of two storey side extension and single storey extension to rear with roof lantern. Approved with Conditions (18 November 2022).

23/0128/LHE: Permitted Development Notification (Proposed Larger Home Extension)- Erection of single storey extension to the rear (4m length, 3m height and 2.4m eaves height). Prior Approval Not Required Accept (22 March 2023).

Consultee Response

LCC Highways

LCC Highways raise no objection to the proposal it would not have a significant impact in highway safety, capacity or amenity in the immediate vicinity. The proposal would increase the number of bedrooms from two to three. There is no off-road parking provided and there would be no room within the curtilage to provide parking following the construction of the extension. However, there is a bus stop outside No. 181 which would lessen the impact of lack of off-road parking.

There are also No Waiting At Any Time restrictions outside No 181 on both Regent Street and round the junction with Swinden Hall Road. These restrictions, plus pedestrians accessing the bus stop on Regent Street, need to be taken into consideration during construction works to ensure that access to other properties and the public transport network is not obstructed.

Parish/Town Council – No comment.

Public Response

Letters were sent to nearby properties, no responses received.

Relevant Planning Policy

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

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

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

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

National Planning Policy Framework

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

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

Officer Comments

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

Design and Materials

The Design Principles advise that materials should match the existing and that the roof should match the existing dwelling house. The existing dwellinghouse has a red brick plinth and white painted render, the proposed development would have walls of block and render, and would have a slate pitch roof to the proposed two storey and single storey extensions.

The proposed two storey side extension would have a lower ridgeline than the existing ridgeline, it would be set back from the front elevation by 1.28m, and it would be less than the width of the dwelling house.

The proposed single storey element of the rear extension would extend 4m from the rear elevation, it would be set in from the party boundary with No. 179 by 2.1m. The Design Principles advise that for single storey rear extensions located adjacent to the party boundary with neighbouring properties will normally be acceptable up to 4m from the rear elevation. The proposed single storey extension would be acceptable subject to impact on neighbouring properties. The Design Principles advise that where the neighbouring property has no extension adjacent to the boundary, any first floor element should be set in from the party boundary by 1m minimum, the proposed two-storey element of the rear extension would be set in from the party boundary by 2.3m and extend 2.5m from the rear elevation.

The application site is within a corner plot on the junction formed by Swinden Hall Road and Regent Street. The Design Principles advises that particular attention needs to be paid to the design of extensions on corner plots.

Corner plots are particularly prominent in the street scene and extensions can encroach over the building line on each highway frontage. For two storey extensions the building lines on both street frontages must be respected and where there is no clear building line then for two storey extensions they should be set in by a minimum 3m from the boundary. In addition, the Design Principles SPD advises that extensions should be set back 1m from the front elevation. The application site has a clear building line on Regent Street, however, Swindon Hall Road has a staggered building line, the proposed side extension would be up to the boundary of the curtilage, there is a distance of 3.7m from the boundary to the highway, the highway verge would provide an adequate boundary to ensure the street scene would not be adversely impacted and furthermore, the staggered arrangement on Swindon Hall Road would result in the street scene not being adversely impacted.

The two storey side extension would be 2.48m wide, the existing dwelling is 4.7m wide, the proposed extension would be slightly larger than half the width of the existing dwellinghouse,

however it is marginally larger and would be acceptable. The proposed two storey extension would have a lower ridgeline than the existing ridgeline, overall the two storey side extension would appear as subordinate to the existing dwelling.

From the side elevation, the two storey extension would be 8.2m long and 4.4m high to the eaves, and the single storey element would extend 1.5m. The combined length of the single and two storey extension would result in an overall length of 9.7m. Overall the proposed extension would present as a relatively blank gable wall which would dominate the frontage on Swindon Hall Road, however, permission was granted under 22/0591/HHO for a similar scheme extending up to 9.7m in length. Furthermore, the 22/0591/HHO scheme extended 1.3m from the rear elevation resulting in the two storey side extension having a length of 7m and an eaves height of 4.4m. The proposed side extension considered through this planning application 23/0580/HHO would extend 2.5m from the rear elevation, the two storey side extension element would have a length of 8.2m and an eaves height of 4.4m, which is greater in length by 1.2m than that approved under 22/0591/HHO, by virtue of the length and height of the two storey side extension, the two storey side extension would appear as a dominant frontage on Swindon Hall Road, creating an incongruous extension which would be detrimental to the character of the street scene. The scale and massing of the proposal would appear as dominant and disproportionate in an area of predominately semi-detached dwelling houses and bungalow properties.

The application site is within a prominent location being at the corner of Swinden Hall Road and Regent Street, this would cause a negative impact on the appearance of the streetscene. The proposed extension would appear as a dominant frontage on Swinden Hall Road creating an incongruous extension which would be detrimental to the character of the streetscene. Therefore, it will be refused on the grounds of poor design.

The proposed extension would create a dominant frontage on Swinden Hall Road and would be detrimental to the character of the area and result in poor design. The proposal would be contrary to Policies ENV2, the Design Principles SPD and Paragraph 134 of the National Planning Policy Framework.

Residential Amenity

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

The proposed two storey side extension would be set back from the front elevation, however it would adjoin the proposed single storey extension which would project 4m from the original rear elevation, overall the proposal would be circa 9.7m long. The adjoining neighbour at No. 179 has a habitable room window to the ground floor, the single storey extension would not result in a breach of the 45-degree guideline due to the rear extension being set in from the adjoining party boundary and being 4m in depth.

The proposed two storey extension would project 2.52m from the existing rear elevation, No. 179 has a habitable room window at first floor, the proposed two storey rear extension would not breach the 45-degree guidance to the neighbours' habitable room window.

At the front elevation the proposal would have one window serving a bedroom facing the bungalows opposite with a highway between them, the distance between would be circa 23m which is sufficient distance to avoid any residential amenity issues.

To the rear of the application site there are bungalows, No. 1 Swindon Hall Road has habitable room windows facing No. 181 Regent Street. No. 1 Swindon Hall Road has a lounge window and a kitchen window facing towards the rear elevation of the application site. The proposal would have patio doors facing towards the habitable room windows of 1 Swindon Hall Road. The Design Principles advise that a distance of 21m between habitable room windows in properties that are directly facing each other should be maintained. The proposal breaches the 21m distance and would cause unacceptable residential amenity issues. A suitable condition could be placed to ensure that a boundary treatment would be erected to mitigate any overlooking or privacy issues to 1 Swindon Hall Road. The proposed rear two storey extension would have windows serving the bathroom and ensuite, a condition would be placed for those windows to be obscure glazed so as to protect the privacy of No1 Swindon Hall Road.

To the side elevation of the proposal, there would be a ground floor window serving the shower room, and to the first floor there would be a window serving the bedroom. The neighbours opposite have two obscure glazed windows at first floor on the gable end. The distance across the highway would be circa 16m, the windows to both properties are non-habitable room windows, there would be no residential amenity issues here. The proposal would not result in overlooking or loss of privacy to the neighbours opposite.

Subject to suitable conditions, the proposal would be acceptable in residential amenity terms and would conform to Policy ENV2 and the Design Principles SPD.

Highway Issues

The application site has no off-road parking available within the curtilage, however there is a bus stop outside No. 181 which could alleviate the impact of the lack of off-road parking. The proposed development would increase the number of bedrooms from two to three, however, there would be no requirement to change the current parking requirements. LCC have no objection regarding the proposed development, if the development is approved then the "No Waiting At Any Time" restrictions and the pedestrians use of the bus stop on Regent Street should not be hindered by the construction of the development and ensure that access for other properties and to the public transport network are not obstructed.

RECOMMENDATION: Refuse

1. The proposed extension, by virtue of its scale and massing would result in a disproportionate and dominant addition to a corner plot property and an incongruous feature in the street scene. The development would therefore be poor design and fail to accord with

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

Application Ref: 23/0580/HHO

Proposal: Full: Erection of a two storey side extension and single storey rear extension with sloped roof.

At 181 Regent Street, Nelson.

On behalf of: Mrs Z. Ali

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 30TH OCTOBER 2023

Application Ref: 23/0641/HHO

Proposal: Full: Erection of front, rear dormers and the erection of a single storey rear extension.

At 65 Chapel House Road, Nelson.

On behalf of: Mohammad Zaman.

Date Registered: 25/09/2023

Expiry Date: 20/11/2023

Case Officer: Joanne Naylor

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

Site Description and Proposal

The application site is a mid-terraced dwellinghouse located on a sloping site and within the settlement boundary of Nelson. The dwelling house has natural stone walls with a pitched natural slate roof. The application site fronts onto the pavement and has a yard to the rear. The application site is within an area of predominately terraced dwellinghouses.

The proposed development seeks permission for the erection of a front dormer and a rear dormer with flat roofs to the roof slopes, and for a single storey rear extension with a pitched roof to provide a kitchen and shower room.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

There are concerns regarding the cumulative effect of the number of terraced homes in the surrounding streets being extended to increase bedroom space without providing any additional parking facilities. Although any increased demand for on-road parking is difficult to absorb without causing additional loss of amenity for existing residents there is no space to provide off-road parking. Therefore, although there are concerns these are not to such an extent to raise an objection.

Parish/Town Council

No comment.

PBC Environmental Health

We are concerned about nuisance during the construction phase, we would therefore recommend use of the condition below to control hours of operation such as:

Hour of Work – Operations

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

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

Public Response

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

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

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

National Planning Policy Framework

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

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

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

Officer Comments

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

Design and Materials

The Design Principles SPD advises that dormers should be in keeping with the dwelling and should not dominate the roof slope which could result in a property being unbalanced. The 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 front and rear dormers would be set back from the front elevation by circa 0.2m, set in from the side boundaries by 0.5m and set below the ridgeline by 0.3m. Both the front and rear dormers would not be set back by 1m from the front or rear elevation, therefore the proposed dormers would have an overbearing effect on the street scene and adjoining properties. The proposed dormers on this dwelling house and terrace row would dominate the roof slope.

The Design Principles SPD advises that dormers on the front of a roof slope will not normally be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block/frontage). There are no front or rear dormers on Chapel House Road, nor are there any dormers on the rear elevation of Napier Street, and no front dormers on the terrace rows opposite the application site, front and rear dormers are not characteristic to the area.

The proposed front and rear dormers would have a flat roof, the walls to the proposed dormers would be cladding with a colour to blend with the roof tiles, the existing roof has natural slate tiles, the materials of the dormers would not be in keeping with the natural slate roof tiles on this dwelling house and terrace row, the design and materials of the dormers would be incongruous.

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

The proposal seeks to erect a single storey rear extension with a pitched roof, it would be located on the party boundary with No. 67 Chapel House Road, the Design Principles advise that for single storey rear extensions located on the party boundary with neighbouring properties will normally be acceptable up to 4m from the rear elevation. Furthermore, for terraced properties, more lengthy projections may be acceptable subject to having an acceptable impact on neighbouring properties.

The proposed rear extension would form an L-shaped building, the kitchen element of the proposal would have the same width of the dwellinghouse and would extend 3m from the rear elevation which would be acceptable under the Design Principles SPD. The proposed rear extension would be located on the party boundary with No. 67, it would extend 5.3m from the rear elevation.

The proposed rear extension would have rendered walls, the pitched roof would have slate interlocking tiles. On this terrace row the majority of the material are natural stone and red brick, with some walls have been rendered, and the rear stores to the yards painted cream. Although the use of render is not characteristic in this area, there are some examples of render on walls and painted walls which would be similar in appearance to render.

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

Residential Amenity

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

The proposed front dormer would have a second floor window to the front elevation, the terrace opposite has habitable room windows at ground and first floor level. The Design Principles SPD advises that a distance of 21m between habitable room windows facing each other is required, the distance between the front elevations of windows facing each other is circa 11m which is less than required in the Design Principles SPD. However the application site has habitable room windows to the front elevation at ground and first floor. There is a public highway in between these properties, and there is an existing relationship already of habitable room windows facing each other. The proposed front dormer does not detrimentally impact on those dwellings over and above existing conditions.

The proposed rear dormer would face the rear elevation of terraces on Napier Street which has habitable room windows at ground and first floor. The distance between would be circa 17.6m and would be across the backstreet. Here there is already an existing relationship of habitable room windows facing each other, there would be no greater impact on amenity than is already existing.

The proposed rear extension would be located on the party boundary with No. 67 and No. 63 Chapel House Road. To No. 67 the proposed rear extension would be 5.3m in length, No. 67 has a habitable room window to the rear elevation at ground floor level, the proposed single storey rear extension would breach the 45 degree guidance and result in overshadowing and obstruction of outlook to the habitable room window, this would cause harm to the residential amenity of the occupants at No. 67 Chapel House Road.

To No. 63 Chapel House Road the proposed extension would be located on the party boundary, here the proposed extension would extend 3m from the rear elevation, under permitted development a 3m single storey rear extension could be achieved. The proposed rear extension would have one window serving the shower room to the side elevation facing towards No. 63, a condition would be placed for obscure glazing so as to ensure no overlooking or loss of privacy resulted from the proposed extension. The proposal would not result in an unacceptable impact to the residential amenity of occupants at No. 63 Chapel House Road.

A window is proposed to the extension which face the rear elevation of Napier Street, although the proposal would bring the window 3m closer to the rear of Napier Street, there are circa 2m high walls and an existing relationship of windows facing each other, which would mitigate overlooking and loss of privacy.

The proposed rear extension would extend 5.3m from the rear elevation and be located on the party boundary. No. 67 Chapel House Road has a ground floor habitable room window to the rear elevation, the proposed extension would breach the 45 degree guidance to No. 67 habitable room window and would result in overshadowing and obstruction of outlook from their ground floor habitable room window.

The proposed development would have an unacceptable impact on the residential amenity of the occupants at No. 67 Chapel House Road, Nelson. Therefore, the proposal would not comply with Policy ENV2 and the Design Principles SPD.

Highways

LCC Highways

The proposed development would increase the number of bedrooms from three to four bedrooms. LCC Highways raise concerns that increasing bedrooms in terraced housing without the additional parking spaces causes additional loss of amenity for residents. However, these concerns do not result in raising an objection.

PBC Environmental Health

PBC Environmental Health required a condition to control the times and days when noisy processes and machinery are carried out to protect occupiers of neighbouring properties.

This application is for a householder application, to place a condition to manage hours and days of operating machinery and noisy processes, it would be unreasonable to impose those restrictions in this case due to the scale of the development proposed.

RECOMMENDATION: Refuse

1. The proposed rear extension would extend 5.3m from the rear elevation and be located on the party boundary with 67 Chapel House Road, Nelson. The proposed rear extension would result in breaching the 45 degree guidance to the ground floor habitable room window resulting in an overbearing and deleterious impact on the occupiers at No. 67 Chapel House Road. The proposed development would have an unacceptable impact on the residential amenity of the occupants at No. 67 Chapel House Road, Nelson. Therefore, the proposal would not comply with Policy ENV2 and the Design Principles SPD.
2. The proposed front and rear dormers would be incongruous and out of keeping with the surroundings and would represent poor design, this would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Policy ENV2 of the the Local Plan Part 1: Core Strategy, Paragraph 134 of the Framework, and the Design Principles Supplementary Planning Document.

Application Ref: 23/0641/HHO

Proposal: Full: Erection of front, rear dormers and the erection of a single storey rear extension.

At 65 Chapel House Road, Nelson.

On behalf of: Mohammad Zaman