



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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 4TH DECEMBER 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REELDEY COMMITTEE 4TH DECEMBER 2023

Application Ref: 22/0014/HHO
Proposal: Full: Erection of a two storey rear extension (Re-Submisison).
At: 24 Reedyford Road, Nelson
On behalf of: Mr Wakas M Begum
Date Registered: 03/01/2022
Expiry Date: 28/02/2022
Case Officer: Laura Barnes

This application has been deferred from the Nelson, Brierfield & Reedley Committee in March 2022, in order that the agent is given the opportunity to prepare amended plans. The agent has been contacted but amended plans have not been forthcoming.

Site Description and Proposal

The application site is a two storey semi-detached dwelling, sited amongst dwellings of a similar scale and design in a residential area. The property is located within the defined settlement boundary of Nelson.

The proposal is for a two storey extension to the rear of the dwelling to provide an additional bedroom to the first floor and a sitting room to the ground floor. The proposed extension is to be finished in render with a slate roof or interlocking roof tiles.

Relevant Planning History

21/0760/HHO - Full: Erection of a two storey rear extension.
Refused
17/12/2021

Consultee Response

LCC Highways

Having considered the information submitted, the above proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

Public Response

Date of publicity expiry: 01/03/2022

Nearest neighbours have been notified by letter, one response received objecting to the application, raising the following issues:

- Invasion of personal garden space with an eyesore extension
- Loss of daylight
- Overbearing effect

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 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

The Design Principles SPD advises that two storey extensions should be subordinate to the existing dwelling and should have a pitched roof.

The extension is to have a pitched roof, it would be set down from the ridge height of the original dwelling, making it subordinate. The proposed extension is to project out 4.3m from the rear wall and be 5.3m in width. The extension is to be finished with a through colour render and have matching roof tiles to the existing dwelling.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that windows should normally be limited to rear facing, to avoid neighbour amenity issues. There is a proposed ground floor side window serving the sitting room, facing towards No. 26 Reedyford Road. There is a change in levels between the application site and the neighbour at No. 26 with the application site taking an elevated position. The boundary treatment is a brick wall (approx. 1m in height) with a 1.8m high close boarded fence on top of it. There is an existing single storey extension to the rear of No. 26 which accommodates a lounge. There is a side elevation window facing towards the application site and there are no other sources of light serving this room. The proposed lounge window to the side elevation of the proposed

extension would result in a direct overlooking issue with the neighbouring property, there would be a separation distance of just 4m between the proposed and existing windows. However, given the boundary treatment and the ability to control the proposed window with obscure glazing, this issue could be mitigated. Whilst the potential privacy issue could be mitigated, the proposal at two storey in height, given the difference in levels, adjacent to a ground floor lounge window which is the only source of light serving the room, would result in an unacceptable overbearing effect.

The Design Principles SPD advises that rear extensions will be acceptable only where they do not breach the 45 degree rule. The proposed extension is set away from the shared boundary (with No. 22) by 0.9m. However, there is a window to the neighbouring dwelling (No. 22) which is 0.3m from the shared boundary and serves a habitable kitchen / dining area. The proposed extension would breach the 45 degree angle by 2.5m, resulting in an overbearing impact upon the neighbouring dwelling. It is noted that there are other sources of light to the neighbouring kitchen / dining room including a second window to the rear elevation and a door to the side elevation. The neighbour at No. 22 also has a first floor window, serving a bedroom, to the rear elevation. Although this is central in the rear elevation, rather than being very close to the shared boundary as with the kitchen / dining room windows, the window would also be impacted to an unacceptable degree by the overbearing impact of the proposed two storey extension.

At two storey in height, the proposed extension would result in an unacceptable overbearing impact upon the neighbouring dwelling, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Therefore, the proposed development conflicts with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would result in an increase in the number of bedrooms serving the dwelling. The Highways Authority have not objected to the proposals. The proposal would not result in an unacceptable impact upon highway safety.

Summary

Although the proposed development does include some amendments from the original scheme which was refused, it does not go far enough to address the original reason for refusal. As such, the proposed development would still result in an unacceptable neighbouring amenity impact.

RECOMMENDATION: Delegated Refusal

For the following reasons:

1. By virtue of its scale and massing, coupled with the difference in ground levels between the application site and neighbouring property at No. 26 Reedyford Road, the proposed extension would result in an unacceptable overbearing effect upon both No. 22 and No. 26 Reedyford Road, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the National Planning Policy Framework and the Design Principles SPD.

Application Ref: 22/0014/HHO

Proposal: Full: Erection of a two storey rear extension (Re-Submission).

At: 24 Reedyford Road, Nelson

On behalf of: Mr Wakas M Begum

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

Application Ref: 22/0423/FUL

Proposal: Full: Erection of 9 portal frame industrial units for light industrial use (Use Class E (g) (iii)).

At: Land To The South East Of 1 To 31, Pilgrim Street, Nelson

On behalf of: Mr M. Iqbal

Date Registered: 20/07/2022

Expiry Date: 05/12/2023

Case Officer: Alex Cameron

This application has been brought before Committee as more than two objections have been received.

Site Description and Proposal

The application site is a plot of derelict land to the rear of dwellings on Brunswick Street, Pilgrim Street and Railway Street, accessed from Lily Street. To the south east side are industrial / commercial units.

The proposed development was originally for the erection of a row of 11 light industrial units with a total floorspace of 990m². Amended plans have been submitted reducing the proposal to 9 units with a floorspace of 810m².

Relevant Planning History

None.

Consultee Response

LCC Highways – Insufficient information regarding servicing has been provided and the proposed car parking arrangements are unacceptable due to spaces being located in front of loading doors.

PBC Environmental Health – Please attach the following condition: No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 18:00 on weekdays and 09:00 and 13:00 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

Nelson Town Council -

Public Response

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

- Given it's close proximity to a full row of terraced housing, the land is not suitable for industrial use.

- There is noise from existing industrial use and the proposal would increase this nuisance.
- The land would be far better put to use as recreational purposes, green space or allotments which would be a very popular use for local people.
- The proposed development would be contrary to the Area Development Framework Neighbourhood Workshop Report.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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.

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

Policy SDP2 (Spatial Development Principles) States that proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) states that support will be given to new employment development that helps to reinforce Barnoldswick's position as the focus for employment provision in the north of the borough and enhance the functionality of the area's existing specialism in advanced manufacturing.

National Planning Policy Framework

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

Paragraph 110 states that applications should ensure that safe and suitable access to the site and be assured for all users.

Paragraph 111 states that developments should only be refused on highway grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts of the development are severe.

Principle of the development

Concerns have been raised that the development would conflict with a consultation document from 2004, however, that consultation did not result in any restrictive designation on this land in the Replacement Pendle Local Plan of Core Strategy.

The site is in a sustainable location within the settlement of Nelson, this is an acceptable location for the proposed development in accordance with policies SDP2, SDP4 and WRK2.

Visual Amenity

The proposed design of the buildings are typical of such commercial buildings seen elsewhere. The site is adjacent to other industrial buildings and to the rear of rows of terraced dwellings, it would not cause harm to the visual amenity of the area in this context and is therefore acceptable in terms of design and visual amenity impacts.

Residential Amenity

The Design Principles SPD advises a minimum distance of 12m between a facing habitable room window and two storey elevation. For a three storey elevation it advises that the distance should be increased by 3m.

This guidance is intended to apply to domestic extensions, the proposed units are 7.1m to eaves and 10.4m to ridge height, this would be taller than a typical two storey domestic extension, closer to that of a three storey extension.

The amended north block would be sited a minimum of 15m from the rear elevations of adjacent dwellings, this is sufficient to ensure that there would be no unacceptable overbearing impact or loss of light to those dwellings.

The south block would be sited a minimum of 12m from the rear elevations of adjacent dwellings, it would sit on lower land and taking into account that those properties would face the eaves of the building, this is sufficient to ensure that there would be no unacceptable overbearing impact or loss of light to those dwellings.

The definition of the light industrial use applied for (Use Class E(g)(iii)) is any industrial process being which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Therefore the industrial processes that can be carried out within that use by definition would not result in unacceptable residential amenity impacts.

There is the possibility for noise and disturbance from external activities relating to deliveries, loading and unloading outside of normal working hours and therefore it is reasonable and necessary to control the hours of those activities.

Highway Issues

A total of 22 car parking spaces are proposed for the development. The maximum parking requirement for the floorspace proposed is 29 spaces. Furthermore, the proposed parking spaces

would restrict access to the loading bay doors which may affect their use. The inadequate car parking arrangements would lead to an increase in on-street car parking.

The proposed parking provision and layout is therefore unacceptable. It has also not been adequately demonstrated that the service and delivery vehicles would be able to adequately access the site and exit in forward gear.

The inadequate parking and servicing arrangement would result in an unacceptable highway safety impact.

Drainage

Adequate drainage could be ensured by condition.

Ecology

The site does not have any features that indicate it is of ecological value.

RECOMMENDATION: Refuse

For the following reason/s:

1. The proposed development has inadequate parking arrangements and it has not been adequately demonstrated that it could be adequately serviced, the development would therefore result in an unacceptable highway safety impact contrary to policy ENV4 of the Local Plan Part 1: Core Strategy and paragraphs 110 and 111 of the National Planning Policy Framework.

Application Ref: 22/0423/FUL

Proposal: Full: Erection of 9 portal frame industrial units for light industrial use (Use Class E (g) (iii)).

At: Land To The South East Of 1 To 31, Pilgrim Street, Nelson

On behalf of: Mr M. Iqbal

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH DECEMBER 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 deferred for amended plans to be submitted, no plans have been received and Members will be updated at the Committee Meeting.

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 4TH DECEMBER 2023

Application Ref: 23/0491/HHO

Proposal: Full: Erection of a two storey side extension and a two storey rear extension and a balcony to the front elevation.

At 29 Romney Street, Nelson.

On behalf of: Mr Muzaffar Ali

Date Registered: 20/09/2023

Expiry Date: 15/11/2023

Case Officer: Joanne Naylor

This application has been called in by the Councillor.

Site Description and Proposal

The application site is a two-storey end terrace on a row of four dwellinghouses, it has a single storey rear extension to the side and rear for entrance hall and ground floor bedroom. The existing extension extends 4.10m from the rear elevation of the kitchen and is set away from the party boundary with No. 27 Romney Street. There is off street parking to the front and a garden to the rear. The application site is within a predominately residential area with houses of a similar design and scale, opposite the application site there is a terrace row of bungalows.

The proposals seeks to erect a two-storey side extension, a two storey rear extension with a single storey extension extending from the proposed two storey rear extension, the proposal would also erect a balcony to the front elevation at first floor level.

Relevant Planning History

22/0619/HHO: Full: Erection of single storey rear and side extension. Refused (28/03/2023).

22/0455/LHE: Permitted Development Notification (Proposed Larger Home Extension): Erection of a single storey extension to the rear. Invalid Application (11/08/2022).

Consultee Response

LCC Highways

LCC Highways raise no objection to the proposed development subject to the following notes and conditions. The proposal would remove some of the hardstanding lost through the proposed development. For a four bed dwelling three parking spaces are required, and these have been shown on the parking plan. However, the footway telecommunications box is within 1m of the

vehicle crossing, but this would not prevent three vehicles parking on the hardstanding using the existing dropped crossing, the vehicles would not be able to enter or leave independently.

The development is located within a residential estate and near a childcare facility, the timing of deliveries should be restricted to ensure no conflict with traffic both vehicular and pedestrian, at peak time entering/leaving the estate and on the surrounding network. LCC Highways requested a condition for deliveries to be accepted between 9:30am and 2:30pm in the interest of highway safety.

Environmental Health

Environmental Health are concerned with the nuisance during construction phase and request a condition that limits the hours and days that machinery can be operated in order to protect the amenity of neighbouring properties.

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 proposal seeks to erect a two-storey side extension, a two-storey rear extension with a single storey extension element, and to the front elevation a balcony to be erected at the first-floor level.

The Design Principles advise that for two storey side extensions should avoid an overbearing effect or overshadowing impact on neighbours. In addition, that two storey side extensions should be set back from the front elevation by 1m minimum, or the first floor set back by 2m with a lowered roof line. The first floor of the proposed two storey side extension would be set back from the front elevation by 1.8m which is close to the 2m requirement, however the roofline would not be lowered it would be the same height as the existing main roofline, there is a staggered arrangement of dwellings in the street therefore the proposal would not create a terracing effect. The proposed two storey side extension would have a pitched roof matching the existing roof.

The proposal would seek to erect a balcony to the front elevation at first floor level, it would extend 3m from the front elevation of the proposed side extension and 1.2m from the existing front elevation and would have a glass balustrade.

The Design Principles SPD advise that for two storey rear extensions would only be acceptable where they do not breach the 45-degree guidance. In addition, where the adjoining 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 proposed rear extension at single storey level would have an overall length of circa 5.9m from the original rear elevation, it would be located on the party boundary with No. 27 which has no rear extension, there are habitable room windows to the rear elevation serving the kitchen. The proposed rear extension would breach the 45-degree guidance to the habitable room windows on the rear elevation of 27 Romney Street.

The Design Principles SPD advise that for two-storey rear extensions any first-floor element of an extension should be set in from the party boundary by a minimum of 1m, the proposed first floor element would not be set in from the party boundary by 1m. The two-storey rear extension at first floor would extend from the rear elevation by circa 4.1m and would be on the party boundary with No. 27 which has a habitable room window at first floor, the proposed two storey rear extension would breach the 45-degree guidance. The proposal 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 property at No. 27 Romney Street 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 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.

To the front elevation, the proposed development would introduce new window openings to the ground and first floor, there is already an existing relationship of habitable room windows facing each other to the dwelling houses opposite, the proposed windows would have a similar impact as that already being experienced.

To the side elevation, the windows would be for non-habitable rooms, the first-floor window would serve a bathroom, No. 31 has a side elevation window at first floor serving a bedroom, a condition would be placed for the bathroom window to be obscure glazed to provide privacy and to remove any overlooking to No. 31 bedroom window.

For balconies, the Design Principles SPD advises that the installation of balconies to the first floor or above can result in significant loss of privacy for neighbours and for balconies on terraced properties will not be acceptable. It is proposed that a balcony would be erected to the front elevation of the application site which would extend across most of the frontage. Opposite the application site is a terrace row of bungalow dwellinghouses, the proposed balcony would be able to view into the habitable rooms of the occupants, furthermore the Design Principles advise that a distance of 21m should be maintained between habitable rooms facing each other, here it would be a distance of 20m, although the bungalows opposite would not overlook the applicants windows, the balcony provides a wide viewing point towards a number of properties opposite, a balcony can provide a space for sitting and observing over longer periods of time, which would result in an unacceptable impact to the occupants on that terrace row of bungalows. The adjoining neighbour is set back from the front elevation of the application site, and the balcony would be set away from the party boundary, however, the applicant would be able to view towards the bedroom window of No.27. The proposed balcony would cause an overlooking and loss of privacy issue to the occupants of the dwellinghouses of the bungalow properties opposite which would result in an unacceptable impact on their residential amenity.

The proposed two storey rear extension would have an eaves height of circa 5m and extend circa 4m from the rear elevation, the single storey element would have an eaves height of 2.4m and extend a further circa 1.85m resulting in an overall length of 5.9m at single storey. The proposal would be located on the party boundary with No. 27. The proposed two storey rear extension would breach the 45-degree guidance of the kitchen windows of No. 27, furthermore, the first storey element would also breach the 45-degree guidance to the rear bedroom window of No. 27. The proposed two storey extension would result in an overbearing impact to the adjoining dwelling house due to the height and length of the proposal and being located on the party boundary. The combination of breaching the 45 degree guidance to habitable room windows would result in obstruction of outlook and overshadowing, and the overbearing impact of the proposal would result in an unacceptable impact on the residential amenity of the occupants at 27 Romney Street, 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 house, the height and length of the proposed development would result in an overbearing impact to the occupants at 27 Romney Street, Nelson, 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.

The proposed balcony would result in overlooking and loss of privacy to the occupants of the bungalows opposite the application site on Romney Street, Nelson, the proposed balcony 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

The proposal would increase the number of bedrooms from three to four bedrooms which would require three parking spaces for a four-bedroom property. The proposal seeks to extend the crossing however there is a footway telecommunications box within 1m of the crossing would prevent the extension of the crossing. However, three parking spaces can be accommodated to the front garden but the vehicle would not be able to enter or leave independently. LCC Highways have requested a condition for the restriction timings of delivery due to ensure no conflict with traffic/pedestrians at peak times of entering and leaving the estate due to the proximity of a childcare facility. A suitable condition to restrict the timings of deliveries to be outwith 9:30 am and 2:30 pm was requested, however as the proposal is a householder development it would be unreasonable to limit times of deliveries. LCC Highways raise no objection to the proposal on highways matters, the proposal would comply with Saved Policy 31 of the Replacement Pendle Local Plan.

Environmental Health

Environmental Health are concerned with the nuisance during construction phase and requested a condition to limit the hours and days that machinery can be operated. The proposal is for a householder extension, it would be unreasonable to limit the times of operating machinery in this instance.

RECOMMENDATION: Refuse

1. The proposed rear extension would appear as overbearing due to the height and length of the proposal and its proximity to the party boundary and would result in overshadowing and obstructing the outlook of the adjoining dwelling house at No. 27 Romney Street, Nelson, the height and length of the proposed development 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.
2. The proposed balcony on the front elevation would view towards the habitable room windows of the bungalows opposite and to the front bedroom window of No. 27 Romney Street, this would result in overlooking and loss of privacy to the occupants of 27, 86, 88, 90 and 92 Romney Street, Nelson and would have a detrimental impact on the occupants residential amenity. 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: 23/0491/HHO

Proposal: Full: Erection of a two storey side extension and a two storey rear extension and a balcony to the front elevation.

At 29 Romney Street, Nelson.

On behalf of: Mr Muzaffar Ali

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

Application Ref: 23/0519/VAR

Proposal: Variation of Condition: Vary Condition 2 (Opening hours) of Planning Permission 13/11/0595P.

At: 3 Burnley Road, Brierfield, Nelson.

On behalf of: Mr Nasir Abbas.

Date Registered: 29/08/2023

Expiry Date: 24/10/2023

Case Officer: Joanne Naylor

This application was called in by the Councillor.

Site Description and Proposal

The application site is a two-storey end of terrace property which has operated as a hot food takeaway on the ground floor only and a residential property to the first floor. The takeaway business is self-contained and the primary access from Burnley Road. The application site is located within Brierfield Local Shopping Centre Boundary, however, hot food takeaways are under use Class Sui Generis.

The application seeks the variation of condition 2 of Planning Permission 13/11/0595P to change the opening hours as approved opening hours as 11:00 to 23:00 Sundays to Thursdays and 11:00 to midnight Fridays and Saturdays, and seeks to vary the opening times to 11am to 2am Monday to Sunday.

Relevant Planning History

13/94/0399P: ALTERATIONS TO FRONTAGE AND CHANGE OF USE OF FRONT ROOM TO HAIRDRESSERS. Approved with Conditions (13/12/1994).

13/11/0595P: Full: Change of use from shop/hairdressers (A1) to hot food takeaway (A5) on ground floor only and erection of external flue to the rear of building. Approved with Conditions (10/02/2012).

13/01/0365P: New access ramp to front and elevational alterations to side and rear. Approved with Conditions (12/11/2001).

Consultee Response

LCC Highways

LCC Highways raise no highways concerns for the proposal.

Parish/Town Council

No comment.

PBC Environmental Services (Health)

PBC Environmental Services (Health) object to the extension of hours at this premises because of the potential for both noise and odour nuisance from the take away affecting the residents in the flat above and residents of Oxford Street.

Public Response

Nearest neighbours have been notified, no responses received.

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.

Policy WRK 4 Retailing and Town Centres seeks development to make a positive contribution to the Town Centre or Local Shopping Centre.

Replacement Pendle Local Plan

Saved Policy 25 (Location of Service and Retail Development) relates to the location of service and retail development.

Saved Policy 26 relates to non-shopping uses in town centres.

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.

Design, Materials and Amenity

The application site is currently run as a takeaway (Use Class Sui Generis). This planning application would not result in external changes to the design and material of the application site.

The proposal seeks to change the opening hours which are currently 11:00 to 23:00 Sundays to Thursdays and 11:00 to midnight Fridays and Saturdays, and seeks to vary the opening hours to be 11am to 2am Monday to Sunday.

The application site is within the Brierfield Local Shopping Centre Boundary, where there are other commercial uses within the vicinity. The site is easily accessible with parking available within the area and is close to main bus routes. The proposal seeks to vary the opening hours to 11am to 2am Monday to Sunday, the takeaway business offers a delivery service.

The flue to the takeaway was granted consent under 13/11/0595P, the flue has since been operating in this location since the site gained approval under 13/11/0595P, extending the hours would not change the current impact of the flue and there would be no objection to the flue.

The increase in opening hours to 2am would increase the activity associated with takeaway use and deliveries with vehicles accessing the site up to 2am. The increased hours would increase the activity at the site, there is one residential property above the takeaway business and residential properties on Oxford Street, the business activity would continue to 2am. The variation of opening hours would increase hours and level of activity to the site. It is usual for 11pm to be the time that people retire to bed, extending the opening hours to 2am would result in vehicles arriving at the site and causing disturbance and increase the activity at the site. Extending the opening hours to 2am would have a detrimental impact on the residential amenity to the flat above the application site and the residential properties on Oxford Street. Therefore, the variation of condition 2 would result in a detrimental impact to the residential amenity of the occupants in the flat above 3 Burnley Road and Oxford Street. The proposed opening hours would be contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.

Highways

LCC Highways have no objection to the proposal.

RECOMMENDATION: Refuse

The variation of Condition 2 for changes to the opening hours of 11am to 2am Monday to Sunday would increase the business activity and vehicle activity to the site to 2am which would have a detrimental impact on the residential amenity of the occupants at the first floor flat of 3 Burnley Road and Oxford Street, Brierfield, and would be contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.

Application Ref: 23/0519/VAR

Proposal: Variation of Condition: Vary Condition 2 (Opening hours) of Planning Permission 13/11/0595P.

At: 3 Burnley Road, Brierfield, Nelson.

On behalf of: Mr Nasir Abbas.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 4TH DECEMBER 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

This planning application was deferred for amended plans to be submitted, no plans have been received and Members will be updated at the Committee Meeting.

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 COMMITTEE ON 4TH DECEMBER 2023

Application Ref: 23/0541/FUL

Proposal: Full (Major): Demolition of existing building and the erection of a 100MW Battery Energy Storage Facility with associated infrastructure and works.

At: Walshaw House, Regent Street, Nelson

On behalf of: R B Business Park Ltd

Date Registered: 04/08/2023

Expiry Date: 08/12/2023

Case Officer: Alex Cameron

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

Site Description and Proposal

The site is an office building located to the south of Colne water, within the settlement boundary. It lies within a Protected Employment Area within the Local Plan and is partially within Flood Zones 2 & 3.

The proposed development is the demolition of the existing building and erection of a 100MW battery energy storage facility on the site.

Relevant Planning History

13/00/0329P: Industrial development (Outline) B1, B2, B8 (Reg 4). Approved

13/00/0564P: Erect 6,202 metres square of B1A and B1B business floorspace (Reserved Matters) in 5 units. Approved

13/07/0922P: Full: Major: Erection of a two storey office block for Health Authority together with new access road and car parking. Approved

22/0777/FUL: Full (Major): Part change of use from offices (Class B1) to storage (Class B8) with the installation of 2no. roller shutter doors. Approved

Consultee Response

LCC Highways – No objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. Please attach a construction management condition.

PBC Environmental Health – Satisfied with the noise report submitted.

Canal & River Trust – The direct impacts of the proposals would be mitigated significantly by the intervening vegetation and retention of the existing access road, which would help to screen the visual impact of the proposed acoustic fence and associated boundary treatment.

We request that the existing trees are retained and not removed as part of the development.

Relevant expert advice should be taken to ensure that they are satisfied that any additional runoff that could occur in the event of a fire.

An agreement will be required for the fire service to use the canal as the main water source in the event of fighting a fire.

Environment Agency – Request contaminated land and drainage conditions.

Lead Local Flood Authority – Object due to lack of acceptable surface water drainage strategy.

United Utilities –

Natural England – No objection

Cadent Gas – Please attach a note.

Health and Safety Executive – No objection.

Lancashire Fire and Rescue – The submitted response to the concerns raised is acceptable subject to a condition to ensure those details are complied with.

Nelson Town Council -

Public Response

Site and press notices posted and nearest neighbours notified – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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.

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

Policy SDP2 (Spatial Development Principles) States that proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) states that within the Protected Employment Areas only employment generating development proposals falling within Use Classes B1, B2 and B8 will be permitted, with the exception of a small allowance for the provision of public open space, shops and leisure facilities to serve the immediate needs of the area and reduce the need to travel.

Where there is no reasonable prospect of a site allocated for employment use being used for that purpose, applications for alternative uses of land or buildings will be treated on their own merits having regard to market signals and the relative need for different land uses to support sustainable communities.

Replacement Pendle Local Plan

Policy 22 (Protected Employment Areas) states that proposals for development other than for business or general industry (B1, B2 or B8) will be resisted. However, all developments will be considered suitable if they meet the requirements of all other Policies and where:

- 1) The premises³¹ can be shown to be obsolete for industrial, business AND storage use,
AND
- 2) Evidence demonstrates that the premises have remained vacant for over four years
(continuous);
OR
- 3) There would be a significant benefit to the local economy

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 the development

The site is located within a Protected Employment Area. It has been vacant for two years and evidence has been supplied that the site has been marketed for its existing use.

The proposed development is for infrastructure that is necessary to ensure a reliable electricity supply, this has significant economic benefits, the developer had detailed that it is necessary for it to be located on this site as there are limited appropriate points at which the electricity network could be connected to.

Taking into account that the length of time the site has been vacant and marketed together with the significant economic benefits of the proposed infrastructure the proposed development is acceptable with the Protected Employment Area in accordance with the criteria set out in policy 22 and WRK2.

Visual Amenity

The proposed development is well screened from view from surrounding roads and the canal by established trees and the topography of the site. The proposed development would have no unacceptable visual amenity impacts. The proposed development is therefore acceptable in terms of visual amenity in accordance with policies ENV1 and ENV2.

Residential Amenity

There are dwellings approximately 70m to the south west of the site. A noise assessment has been submitted assessing the impact of noise from the operation of the facility on residents as the plant proposed, such as transformers, will generate noise. The assessment concludes that with mitigation from an acoustic barrier to the south west of the site the noise impact of the development would be within acceptable limits. Environmental Health are satisfied with the conclusion of the report.

The development would not result in any unacceptable privacy impacts, overbearing impacts and taking into account the separation distance and screening the lighting of the development would not result in unacceptable impacts.

Subject to a condition to ensure that the mitigation it implemented and maintained the development is acceptable in terms of residential amenity impacts in accordance with Policies ENV2 and ENV5.

Fire Safety

Recent planning guidance advises the fire and rescue service are given the opportunity to provide their views on applications for batterer energy storage of this scale to identify the potential mitigations which could be put in place in the event of an incident. Lancashire Fire Service have been consulted and initially objected to the application. Further details have been submitted and amendments made to the development, the Fire Service are now satisfied that the mist from fine can be acceptably mitigated by the submitted details.

Highway Issues

The site has an existing vehicular access which is suitable for this development and there would be sufficient area for vehicles to turn and exit in forward gear. The operation of the development would not result in a level or nature of traffic that would result in any unacceptable highway safety or capacity issues. Subject to a construction management condition the proposed development is acceptable in highway terms in accordance with policy ENV4.

Drainage and Flood Risk

The Lead Local Flood Authority has advised that the submitted surface water drainage strategy is inadequate because it fails to provide appropriate minimum operation standards for peak flow control and volume control and provide an appropriate allowance for climate change. A revised drainage strategy is therefore required to address those deficiencies.

Ecology

An ecology survey has been carried out and found that the site has limited ecological value, the development provides an opportunity in its landscaping to create species-rich habitats which will support a greater range of flora and fauna. The report recommends enhancement measures including bat and bird boxes landscaping wood piles and a wildlife pond (indicated to be located in

the area of the exiting approval rather than this site). With a condition to control those measures the proposed development is acceptable in terms of its impact on ecology.

The report also recommends control over external lighting, details of which are conditioned in the existing permission. Further confirmation is being sought to establish whether the proposed external lighting complies with the recommendations of the ecology report, if it does not revised details can be required by condition.

Conclusion

It is recommended that the approval of the application, and any necessary conditions, be delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to an acceptable drainage strategy and appropriate conditions.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1507-1, 1507-4B, 1507-5A, 1507-6A, 1507-7, 1507-8, 1507-9, 1507-10, 1507-11A, 1507-12, C211643-A-04_00.

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

3. No development shall take place, including any works of demolition, 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
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety.

4. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- All previous uses
- Potential contaminants associated with those uses
- A conceptual model of the site indicating sources, pathways and receptors
- Potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution.

5. The development hereby permitted shall not be commenced until such time as a scheme to dispose of foul and surface water and any contamination from fire suppression activities has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved prior to the commencement of the use of the development unless an alternative timing had been approved in writing by the Local Planning Authority.

Reason: To ensure a safe form of development posing no unacceptable risk of contamination to the water environment in compliance with the North West River Basin Management Plan which requires the protection, restoration, and enhancement of water bodies to prevent deterioration and promote recovery of water bodies.

6. The development shall be carried out and maintained in strict accordance with the response to the concerns of Lancashire Fire and Rescue Service received 31/10/2023 or alternative details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of fire safety.

7. The development shall be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal.

Reason: To preserve and enhance the ecological value of the site.

8. Prior to the commencement of the use of the development an acoustic barrier in strict accordance with the recommendations of the submitted Noise Assessment (Ref: 103038) shall have been erected, the acoustic barrier shall be maintained at all times thereafter while the site is in operation.

Reason: In the interest of residential amenity.

9. No siting of plant on the site shall commence unless and a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the operation of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

Application Ref: 23/0541/FUL

Proposal: Full (Major): Demolition of existing building and the erection of a 100MW Battery Energy Storage Facility with associated infrastructure and works.

At: Walshaw House, Regent Street, Nelson

On behalf of: R B Business Park Ltd

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

Application Ref: 23/0561/HHO

Proposal: Full: Erection of a detached single storey outbuilding and the provision of hard surfacing.

At: 130 Hallam Road, Nelson.

On behalf of: Mr Patrick Nolan.

Date Registered: 18/09/2022

Expiry Date: 13/11/2023

Case Officer: Joanne Naylor

This application has been called in by the Councillor.

Site Description and Proposal

The application site is a two storey semi-detached property with a front and rear garden and generous drive to the side and is within a predominately residential area. The application site is located on a corner plot formed by Hallam Road and Hazelwood Road, opposite the site is Marsden Park, and it is within the settlement boundary of Nelson.

The proposal is a retrospective application for the erection of a single storey outbuilding and the provision of hard surfacing. At the time of the site visit the outbuilding was already built.

Relevant Planning History

13/05/0313P: Full: Two storey domestic extension to side (resubmission). Refused (20/06/2005).

13/00/0357P: Boundary fence, garage, wendy house. Approved with Conditions (6/11/2000)

13/05/0168P: Full: Erection of two storey domestic extension to side. Refused (21/04/2005).

22/0694/HHO: Full: Erection of a outbuilding for storage and the provision of hard surfacing. Refused (14/02/2023).

Consultee Response

LCC Highways

History

Application reference 22.0694 - Erection of an outbuilding for storage and provision of hard standing, originally described as a domestic garage outbuilding was refused in February 2023.

Proposal

The application seeks permission for a storage outbuilding measuring 4.14m wide by 4.04m long and tarmac hardstanding. During my site visit I noted that the building is already erected and that it

has glass patio doors to the front elevation. The dimensions fall below the size to count as a parking space, 3m by 6m.

The plans include a 'tarmac surfaced front parking area' with access via the existing opening on the radii of the junction of Hazelwood Drive and Hallam Road. There is no vehicle crossing at this access and due to the position of the access on the radii of the junction, the Highway Authority would not give permission for a vehicle crossing at this location due to the conflict with vehicles at the junction.

We would request that the plans are amended to permanently close this access and remove references to parking via this access from the plans. The applicant should note that it is an offence to drive across the footway without an authorised vehicle crossing and that this should cease immediately. We will contact the applicant separately to notify them of this.

There is an existing second point of access to the dwelling on Hallam Road with a vehicle crossing in place which provides suitable off-road car parking.

Parish/Town Council

No comment.

Public Response

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

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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.

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.

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 design and materials, residential amenity, and highways.

Design and Materials

The Design Principles SPD advises that attention should be paid to the design and location of outbuildings and that outbuildings should not detract from the appearance of the garden and that outbuildings are rarely acceptable in front garden areas.

The outbuilding is located within the front garden of the application site and is 1.9m from the highway boundary. The outbuilding is 4.6m in length, 4.5m wide and has a height of 2.68m reducing to 2.58 to the rear elevation, it appears as a large cube close to the highway. The outbuilding has rendered walls to the two side elevations and to the rear elevation, and horizontal timber cladding to the front elevation with triple-folding doors with a window either side of the glazed doors. The outbuilding would have a flat roof with EDPM weatherproof finish. The flat roof of the outbuilding would be poor design and would not match the pitch roofs in the area, the use of render would be acceptable as the dwellinghouses have rendered finishes, however, the use of timber cladding is not characteristic to the buildings in this area.

This planning application proposes that to the side elevation facing towards Hallam Road that a living wall would be planted on the side elevation. Along the boundary wall with Hallam Road it is proposed that six native small tree species will be planted along the boundary wall, the trees planted appear to be laurel which is an evergreen shrub, it would take a few years for the trees to be large enough to provide screening of the outbuilding from the highway. The proposal would also provide a living wall to the side elevation facing towards Hallam Road which would soften the view of the rendered walls when viewed from public vantage points, it is also proposed that a living wall would be planted to the upper part of the rear elevation wall, whilst the remaining wall would be rendered and a wooden fencing erected.

The Design Principles provides guidance for corner plots, that attention needs to be paid to the design and that corner plots are prominent in the streetscene. Here the outbuilding would be located 1.9m from the highway boundary on Hallam Road, the view from the junction would be that of the outbuilding which would block the view from this corner, the outbuilding would be a dominant and incongruous feature blocking the view along Hallam Road. In addition, the outbuilding is opposite Marsden Park, and would change the view of the streetscene. Although screening in the form of native trees and living walls seek to soften the impact of the proposed outbuilding located to the front garden, this can not remediate the issue that the proposed outbuilding is a sizeable structure in the front garden and close to the highway, it is highly visible from Hallam Road, Hazelwood Road and Parkside Road and would appear as a dominate and incongruous feature in the streetscene.

The design and materials would not be in keeping with the existing dwellinghouse and results in poor design. The design, scale and positioning of the outbuilding would be a dominant and incongruous feature in the streetscene, it would result in an unacceptable impact upon the character of the wider visual amenity and constitutes poor design, contrary to paragraph 134 of the Framework.

Impact on Amenity

The outbuilding is located in front of and to the side of the dwellinghouse, there are neighbours adjoining the applicants dwellinghouse, the outbuilding would have no unacceptable residential amenity impacts to the neighbouring property.

Highway Issues

The proposals seeks permission for a storage building and tarmac hardstanding. The tarmac surfaced front parking area would access via the junction of Hazelwood Drive and Hallam Road, however LCC Highways would not permit a vehicle crossing here due to the conflict with vehicles at this junction. The existing access from Hallam Road would provide vehicle access off-road parking from this existing access.

RECOMMENDATION: Refuse

1. The design and scale of the outbuilding would be incongruous and out of character with its surroundings and result in an unacceptable impact upon the character of the wider visual amenity of the area. The proposal would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy, the Design Principles SPD and Paragraph 134 of the National Planning Policy Framework.

Application Ref: 23/0561/HHO

Proposal: Full: Erection of a detached single storey outbuilding and the provision of hard surfacing.

At: 130 Hallam Road, Nelson.

On behalf of: Mr Patrick Nolan.

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

Application Ref: 23/0603/HHO
Proposal: Full: Erection of timber fencing to front garden area.
At: 41 Carr Road, Nelson, Lancashire BB9 7SP
On behalf of: Mr Mohammad Ayub
Date Registered: 20.09.2023
Expiry Date: 15.11.2023
Case Officer: Iain Crouch

Site Description and Proposal

No.41 Carr Road is a large semi-detached stone/blue slate dwelling on a primarily residential frontage.

The proposal is retrospective. It is for wooden fencing on the top of the front yard wall and one side boundary wall, in a position one would ordinarily expect to find metal railings or evidence of such. The fencing is 1.260m higher than the wall.

Within the Settlement Boundary as defined in the adopted Local Plan. Within the Whitefield Conservation Area.

Relevant Planning History

None

Consultee Comments

LCC Highways
No objection

Parish
Not received to date (09.11.2023)

Public Response

None received to date (09.11.2023)

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 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.

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).

The Conservation Area Design and Development Guidance (SPD).

Design

The Design Principles SPD states that a higher standard of design will apply to development that affects a Conservation Area and that the Council has a statutory duty to consider whether a proposal preserves or enhances the character or appearance of that area. It also states that reference should be made to the Conservation Area Design and Development Guidance (SPD).

In this instance the fencing neither preserves nor enhances the character and appearance of the Conservation Area. It is an incongruous feature that is particularly conspicuous due to the choice of materials, its height and position adjacent to a road.

The Conservation Area Design and Development Guidance (SPD) states in 4.70:

'Stone boundary walls are important contributors to the character of conservation areas, whether informal dry stone walls, or more formal dressed stone walls and gate posts. They define public and private space. The removal of walls and paving over of gardens is to be discouraged in conservation areas, as this has an undoubted impact on character and appearance. When repairs are needed, these should always be carried out in matching stone, coursing and detailing. It is particularly important to match the dimensions, detail and profile of any coping stones to the wall, as these tend to vary from area to area.'

Furthermore on Page 10 it states:

'New development should consider and respect local character and distinctiveness, as appropriate to each conservation area.'

Whilst not a removal or repair, the proposal does not accord with the spirit of paragraph 4.70 as matching materials are not used with a corresponding detrimental impact upon character and appearance. Likewise use of wooden fencing on a roadside frontage where metal railings would ordinarily exist does not respect local character.

As such the proposal does not comply with the Design Principles SPD, the Conservation Area SPD nor does it comply with Policy ENV2.

Residential Amenity

The proposal is not directly harmful to residential amenity.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would not accord with Local Planning Policy and would not be compliant with the guidance set out in the Framework. The development therefore does not comply with the Development Plan.

Furthermore the Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations and identifying matters of concern with the application. In this instance, the nature of the planning issues were considered to be so fundamental that no further negotiation was sought with the applicant.

Recommendation: Refuse

Refuse for the following reasons:

1. The fencing is harmful to the visual amenity of the area by virtue of its prominent location, design and choice of non-traditional materials. As such it is contrary to adopted Local Plan Policy ENV2 (Achieving Quality in Design and Conservation), the Council's Design Principles Supplementary Planning Document and to the provisions of the NPPF.
2. The fencing neither preserves nor enhances the character and appearance of the Conservation Area by virtue of its prominent location, design and choice of non-traditional materials. As such it is contrary to adopted Local Plan Policy ENV2 (Achieving Quality in Design and Conservation), the Council's Design Principles Supplementary Planning Document, the Council's Conservation Area Design and Development Guidance and to the provisions of the NPPF.

Application Ref: 23/0603/HHO

Proposal: Full: Erection of timber fencing to front garden area.

At: 41 Carr Road, Nelson, Lancashire BB9 7SP

On behalf of: Mr Mohammad Ayub

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

Application Ref: 23/0623/HHO
Proposal: Full: Erection of a single storey rear extension in retrospect
At: 350 Railway Street, Nelson, Lancashire BB9 0JD
On behalf of: Mr Omar Raza
Date Registered: 12.09.2023
Expiry Date: 07.11.2023 (EXT until 15.11.2023)
Case Officer: Iain Crouch

Site Description and Proposal

A two-storey end-terrace (block of four) pebbledash/blue slate house in an established residential area. The house had a single storey pitch-roofed outrigger extension until recently (still present in 2020 according to Google Earth). It has been demolished and the current extension erected in its place. The current extension is flat roofed and has rendered walls.

No materials indicated on plans. Application form states 'brick and block' for walls and 'straight rubber roof'.

The extension protrudes beyond the side elevation of the house by 0.950m and by 5.250m from the rear wall.

Within the Settlement Boundary as defined in the adopted Local Plan.

Relevant Planning History

None

Consultee Comments

LCC Highways

No objection.

Parish

Not received to date (06.11.2023)

National Grid

Not received to date (06.11.2023)

Cadent Gas

No objection but informative needed on Decision Notice due to proximity of gas main.

Public Response

One objection received to date (06.11.2023), points being:

Retrospective
Creation of a hazard

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 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

The Design Principles SPD advises that extensions should be constructed in materials to match those of the existing dwellinghouse. The walls of the extension have been rendered, and whilst not pebbledash to match, the render is similar in colour and on balance acceptable given that the extension is to the rear and not clearly visible from the street. Likewise the roof is flat but not harmful to the street scene.

The extension isn't regular in shape and doesn't have the appearance of a traditional outrigger. In this sense its design doesn't accord with the majority of extensions on the street. However, it is to the rear and not clearly visible from the street so is acceptable on balance.

Residential Amenity

The Design Principles SPD advises that single storey rear extensions located on or immediately adjacent to a party boundary with a neighbouring property, will normally be acceptable if they do not project more than 4m from the rear elevation of the existing dwellinghouse. In this instance the extension is an indicated 0.8m from the boundary with the adjacent property (No.348 Railway Street) and projects 5.25m from the rear wall and is contrary therefore. The harm caused is to the amenity of occupants of No.348 as it is overbearing and crosses a 45 degree line when projected

from the centre of the patio windows in the rear elevation. This is compounded by the orientation and slight difference in levels, the host property being to the south-east and elevated.

However, this extension replaces a previous outrigger of similar length albeit not as close to the boundary with No.348 and the net difference in impact has to be considered. On balance I consider the current proposal to be unacceptable as it is closer to the boundary and it doesn't have a pitched roof to mitigate its height, therefore the negative impact upon occupants of No.348 is greater.

In respect of fenestration, the extension contains a habitable room windows facing into its own rear garden. If approved I would suggest a Condition preventing future openings in side elevations however to maintain a sense of privacy.

Highways/Parking

No further bedrooms are proposed and the proposal does not conflict with Policy 31.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would not accord with Local Planning Policy and would not be compliant with the guidance set out in the Framework. The development therefore does not comply with the Development Plan.

Furthermore the Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations and identifying matters of concern with the application. In this instance, the nature of the planning issues were considered to be so fundamental that no further negotiation was sought with the applicant.

Recommendation: Refuse

Refuse for the following reason:

1. The extension has a detrimental impact upon the amenity of occupants of No. 348 Railway Street due to its proximity to a shared boundary, its relative height, its orientation and its elevated position. Consequently the proposal does not comply with the Council's adopted Local Plan Policy ENV2, the Council's Design Principles Supplementary Planning Document and Paragraph 130 of the NPPF 2023.

Application Ref: 23/0623/HHO

Proposal: Full: Erection of a single storey rear extension in retrospect

At: 350 Railway Street, Nelson, Lancashire BB9 0JD

On behalf of: Mr Omar Raza

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

Application Ref: 23/0632/ADV

Proposal: Advertisement Consent: Installation of a 1no. free standing illuminated digital signage.

At: 18A Netherfield Road, Nelson.

On behalf of: Pendle Wash & Glow Hand Car Wash.

Date Registered: 15/09/2023

Expiry Date: 10/11/2023

Case Officer: Joanne Naylor

This application has been called in by the Councillor.

Site Description and Proposal

The application site is located on Netherfield Road, Nelson and operates as a car wash and valeting commercial enterprise, the use of the building is not proposed to change. The application site is located in an area of commercial and residential use and is located between the job centre and a protected car parking area.

The proposal is for the installation of a single digital billboard within the curtilage of the commercial business. The proposed signage would be located to the south-west corner of the application site, the signage would face towards traffic travelling along Netherfield Road traveling North-East. The proposed digital signage would be on legs and raised above the ground by 2.8m, it would be 6m wide and 3.4m high, the signage is proposed to be internally illuminated to a maximum of 600cd/m² at night and 5,000cd/m² during the day, it would have intermittent illumination to change the image only and no flashing elements are proposed.

Relevant Planning History

13/92/0056P: ERECTION OF NEW CAR WASH BUILDING AND EXTENSION AT SITE. Approved with Conditions (20/07/1992).

13/10/0057P: Full: Installation of a canopy to the front elevation with sides to form covered valeting area. Approved with Conditions (18/03/2010).

13/92/0099P: ERECT ILLUMINATED FASCIA SIGNAGE AND COMBINED GANTRY/ARROW SIGN FOR CAR WASH. Approved with Conditions (01/06/1992).

Consultee Response

LCC Highways

Having reviewed the documents submitted, the proposed development raises a number of safety concerns due to the sign's location and size, which cannot be mitigated satisfactorily. The Highway Authority objects to the development on highway safety grounds due to the site's proximity to road

junctions, its proximity to a zebra crossing and the poor road safety record between Netherfield Road's junctions with Railway Street and Brunswick Street.

Netherfield Road is a classified road (C664) subject to a 30mph maximum speed limit. It carries a high volume of traffic with a significant proportion of turning traffic at the two mini roundabouts at its junctions with Railway Street (4 arms) and Brunswick Street (3 arms). The development site lies on the short section of Netherfield Road between these two junctions.

A recent appeal for the installation of a single digital billboard on land adjacent to Matalan, North Valley Road, Colne (appeal ref 3319050), was dismissed by the Planning Inspector on the grounds that the advertisement would be harmful to public safety.

Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 advises that factors relevant to public safety include, amongst other things, the safety of people using any highway. Whilst advertisements are intended to attract attention the PPG notes that those sited at points where drivers need to take greater care may be more likely to affect public safety. The following comments regarding collisions suggest that this location is one such point and the proposed development needs to be considered in that context.

Collisions

The section of Netherfield Road between the 4 armed mini roundabout at its junction with Railway Street and the 3 armed mini roundabout at its junction with Brunswick Street has a poor highway safety record. Seven collisions resulting in personal injury, including one serious, have been recorded at the junction with Railway Street over the last 5 years, with two collisions resulting in injury being recorded at the junction with Brunswick Street.

The collision which resulted in serious injury involved a turning manoeuvre, with the majority of the remaining collisions at both junctions involving traffic going ahead.

Although the proposed sign would be single-sided and therefore only visible to traffic approaching from the Railway Street junction, it would be in the sightline of drivers turning left or right from Railway Street or going ahead from the western section of Netherfield Road and may therefore be a distraction to drivers and also pedestrians waiting to cross on the zebra crossing outside the Job Centre.

Mini roundabouts with 4 arms have a higher number of conflict points than other junction types and create difficulty for drivers' perceptions of the layout and turning flows. Cyclists and pedestrians are particularly vulnerable at mini roundabouts (DMRB TD 54/07 Design of Mini-roundabouts).

Furthermore, the access to/exit from the Job Centre's car park is immediately adjacent to the site's boundary where distraction by the sign could increase the potential for a collision.

Drivers would require high levels of concentration with due care and attention for other road users, including vulnerable road users (pedestrians), when travelling on the stretch of Netherfield Road immediately adjacent to the development site.

Due to its size and position, the Highway Authority considers that proposed digital signage would represent a significant distraction for drivers approaching from the West because of the turning manoeuvres at the Railway Street mini roundabout, potential turning manoeuvres by other vehicles entering/leaving the Job Centre car park; vehicles turning right from Brunswick Street; vehicles entering/leaving the development site itself (car wash and car sales) and the proximity of the zebra crossing.

Conclusion

On the above basis, the Highway Authority considers that the proposal would have an unacceptable effect on highway safety and so harm public safety, which is contrary to Paragraph 111 of the NPPF, and recommends refusal.

Town Council

No comment.

Public Response

The nearest neighbours have been notified by letter with two responses received objecting to the proposed development relating to the proposal being too bright in the neighbours bedroom at night.

Relevant Planning Policy

Pendle Local Plan Part 1 Core Strategy

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

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

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

National Planning Policy Framework

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

Paragraph 110 considers applications for development to promote sustainable transport modes, safe and suitable access to the site, and to consider the significant impacts from the development on the transport network (in terms of capacity and congestion) or on highway safety that can be cost effectively mitigated to an acceptable degree.

Paragraph 111 states that where a proposed development would have an unacceptable impact on highway safety or the residual cumulative impact on the road network would be severe, then the proposal should be prevented or refused.

Paragraph 134 of the National Planning Policy Framework (2021) states that poor design should be refused where it fails to reflect local design policies.

Officer Comments

The main issues to consider are the effect of the proposed advertisement on amenity and public safety.

Amenity

The proposed advertisement is a free standing screen measuring 6m wide and 3.4m high mounted on legs measuring 2.8m above the ground, the overall height would be 6.2m high. The signage is proposed to be internally illuminated to a maximum of 600cd/m² at night and 5,000cd/m² during the day, it would have intermittent illumination to change the image only and no flashing elements are proposed.

The application site is located on Netherfield Road and within a commercial and residential area. Netherfield Road is a classified road (C664) subject to 30mph maximum speed limit, it carries a high volume of traffic with a significant proportion of traffic turning at the two mini roundabouts at the junction with Railway Street with four arms and Brunswick Street with three arms.

The application site is located between the junctions formed by Netherfield Road and Railway Street and the junction formed by Netherfield Road and Brunswick Street. Two site visits were undertaken on separate days, with one site visit in the morning and one site visit in the afternoon, at both times of the day the road was busy with vehicles and pedestrians, Netherfield Road is one of the main routes into the centre of Nelson.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 advise that consideration of amenity includes the general characteristics of the area. The immediately surrounding area is commercial and residential use, with residential properties on the opposite side of the road. There are some fascia signs and totem style signs on the application site and the petrol station site, large digital display advertisements are not prevalent. The appearance of a 6m wide and 3.4m high digital screen raised 2.8m above ground level would create an overly dominant feature in this location adjacent to the footway.

Two objections have been submitted relating to the light of the digital screen shining into neighbouring properties bedroom windows and particularly causing a light issue during the night. Although the digital screen would reduce to 600cd/m² at night time, the screen would have intermittent illumination to change the image only, however this would still result in changes in light and colour of the illumination. Opposite the application site are residential properties, the distance from the proposed advertisement to the residential properties is circa 22m, the proposed advertisement would be illuminated at all times, this would result in an unacceptable impact on the residential amenity of the occupants of the dwellinghouses opposite the application site on Netherfield Road, this would be due to the illumination and changes in light and colours facing towards the habitable room windows of the dwellinghouses on Netherfield Road.

The proposed digital advertisement would face towards the dwellinghouses opposite the application site on Netherfield Road and would have an unacceptable impact on the occupants due to the illumination of the digital screen facing towards the habitable room windows of the dwellinghouses opposite. The proposal would result in unacceptable residential amenity impact and would not comply with Policy ENV2 of the Pendle Local Plan Part 1 Core Strategy.

The signage represents poor design and would result in an adverse impact upon the visual amenity of the area. It is out of keeping with the area and is inappropriate in this location. The proposed advertisement would be harmful to the amenity of the area. The signage therefore adversely impacts on the visual amenity and conflicts with Policy ENV2 of the Pendle Local Plan: Part 1, the Design Principles SPD, and paragraph 134 of the Framework.

Public Safety

Netherfield Road is a classified road (C664) with a 30mph maximum speed limit which carries a high volume of traffic with a significant proportion of traffic turning at the two mini-roundabouts at

the junctions with Railway Street with four arms and Brunswick Street with three arms. The proposed digital screen would be located circa 50m from the roundabout junction formed by Netherfield Road and Railway Street, soon after this roundabout there is a zebra crossing outside the Job Centre, the proximity of the road junction and the zebra crossing and the poor safety record on this stretch of the road needs to be considered in terms of the impact of the proposed advertisement.

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 advise that factors relevant to public safety include the safety of people using any highway. Whilst advertisements are intended to attract attention, the PPG notes that those sites where drivers need to take greater care may affect public safety.

The section of Netherfield Road between the four armed roundabout with Railway Street and the three armed roundabout at Brunswick Street has a poor highway safety record. At the Railway Street junction, over the last 5 years, there has been seven collisions resulting in personal injury including one serious personal injury. At the Brunswick Street junction two collisions have occurred resulting in injury. The collision which resulted in serious injury involved a turning manoeuvre, whilst the other collisions at both junctions involving traffic going ahead.

The proposed advertisement would be single sided and visible to traffic approaching from the Railway Street junction, it would be in the sightline of drivers turning left or right from Railway Street or going ahead from the western section of Netherfield Road, the proposed advertisement would potentially distract drivers and pedestrians waiting to cross the zebra crossing outside the Job Centre and the pedestrian refuge outside the Cornerstone Church.

Mini roundabouts with four arms have higher number of conflict points than other junction types and create difficulty for drivers' perception of the layout and turning flows, whilst pedestrians and cyclists are particularly vulnerable at mini roundabouts. The junction at Railway Street has four arms and at this point the digital screen would be clearly and highly visible to road users. Furthermore, immediately adjacent to the application site the entrance and exit to the Job Centre car park is located just before the proposed digital screen, the proposed digital screen could increase the potential for collision due to the proximity and distraction of the proposed screen.

It has already been identified that there have been seven collisions within five years along Netherfield Road, drivers would need high levels of concentration and attention for other users of the road including vulnerable users in particular pedestrians when travelling along Netherfield Road and approaching the development site.

The scale and position of the proposed advertisement would represent a significant distraction for drivers approaching from the west due to the turning manoeuvres at Railway Street mini roundabout and the turning manoeuvres of vehicles entering and exiting the Job Centre car park, in addition vehicles travelling along Netherfield Road will be close to the screen with the Brunswick Street junction being immediately imminent and the potential of conflict occurring between those entering the mini roundabout from Netherfield Road and right turning vehicles from Brunswick Street, and the entering and exiting from the application site providing car washing and car sales could also increase conflict from vehicles entering the roundabout immediately after the proposed advertisement screen causing distraction when driving.

The location of the proposed advertisement is clearly at a point where drivers need to take more care and where local conditions present potential traffic hazards. The proposed size and position of the digital screen would represent a significant distraction for drivers whilst navigating the mini roundabouts at the Railway Street junction with the proximity of the pedestrian refuge before the roundabout and the zebra crossing after the roundabout. The proximity of the four arm junction to

the proposed digital screen would distract drivers from anticipating vehicles merging onto the roundabout and of pedestrians crossing the zebra crossing and pedestrian refuge.

A recent appeal for the installation of a single digital screen on land adjacent to Matalan, North Valley Road, Colne (appeal reference APP/E2340/Z/23/3319050) was dismissed by the Planning Inspector on the grounds that the advertisement would be harmful to public safety.

The proposed digital screen would have an unacceptable effect on highway safety, this is due to the proximity of the proposed digital screen to the roundabout junctions on Netherfield Road and Railway Street and Netherfield Road and Brunswick Street, there have been seven collisions within the last five years along this stretch of Netherfield Road, the impact of the proposal would be that of distracting drivers where drivers need to take more care. Therefore, the proposal would have an unacceptable impact on highway safety and so harm public safety, the proposal would be contrary to Paragraph 111 of the National Planning Policy Framework.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed digital screen would have an unacceptable effect on highway safety, this is due to the proximity of the proposed digital screen to the roundabout junctions on Netherfield Road and Railway Street and Netherfield Road and Brunswick Street, the impact would be that of distracting drivers where drivers need to take more care. Therefore, the proposal would have an unacceptable impact on highway safety and so harm public safety, the proposal would be contrary to Paragraph 111 of the National Planning Policy Framework.
2. The proposed digital advertisement would face towards the dwellinghouses opposite the application site on Netherfield Road and would have an unacceptable impact on the amenity of the occupants due to the illumination of the digital screen facing towards the habitable room windows. The proposal would result in unacceptable residential amenity impact and would not comply with Policy ENV2 of the Pendle Local Plan Part 1 Core Strategy.
3. The signage represents poor design and would result in an adverse impact upon the visual amenity of the area. It is out of keeping with the area and is inappropriate in this location. The proposed advertisement would be harmful to the amenity of the area. The signage therefore adversely impacts on the visual amenity and conflicts with Policy ENV2 of the Pendle Local Plan: Part 1, the Design Principles SPD, and paragraph 134 of the Framework.

Application Ref: 23/0632/ADV

Proposal: Advertisement Consent: Installation of a 1no. free standing illuminated digital signage.

At: 18A Netherfield Road, Nelson.

On behalf of: Pendle Wash & Glow Hand Car Wash.

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

Application Ref: 23/0671/HHO
Proposal: Full: Erection of a single storey rear extension in retrospect
At: 5 Wharfedale Avenue, Reedley, Burnley, Lancashire BB10 2LL
On behalf of: Mr S. Hussain
Date Registered: 06.10.2023
Expiry Date: 01.12.2023
Case Officer: Iain Crouch

Site Description and Proposal

A semi-detached render/blue slate two storey house in an established residential area. The house has existing extensions to side and rear other than this one.

The proposal is as per the description and the extension is essentially complete. A flat-roofed extension projecting 6.0m from the rear elevation of the host property, to be finished in render with a g.r.p. or similar roof. It is 2.80m high (ignoring roof lantern) where it abuts the rear elevation of the house. The garden slopes down, away from the rear of the house so the extension is stated to be 3.0m high from ground level at its furthest point. The extension is 4.15m wide. It fills in a gap between an existing single storey, pitch-roofed rear extension and the boundary with the attached house, No. 7 Wharfedale Avenue to the north.

On 03.05.2023 prior approval was granted for a 6.0m long single storey extension under Class A Part 1 of the GPDO (23/0137/LHE). The details submitted were of an extension with a stated eaves height of 2.5m. No objections were received to this prior approval. The extension as constructed has an eaves height ranging from 2.8m to 3.0m. It is not known whether objections would have been received to the prior approval had these larger dimensions been shown. Therefore the extension as constructed is not in accordance with the prior approval, hence the need for the retrospective planning application.

Within the Settlement Boundary as defined in the adopted Local Plan.

Relevant Planning History

23/0137/LHE - Permitted Development Notification (Proposed Larger Home Extension): Erection of a single storey extension to the rear (6m Length, 2.5m eaves height and 3m overall height). Prior Approval not required decision on 03.05.2023.

Note 23/0137/LHE is currently the subject of an Alleged breach of Condition of Permitted Development Notification (Proposed Larger Home Extension) 23/0137/LHE - Failure to build in accordance with the approved plans by increasing height of extension.

Consultee Comments

LCC Highways

No objection.

Parish

Not received to date (16.11.2023)

Environmental Health

Standard 'hours of working' Condition requested.

Public Response

Not received to date (16.11.2023)

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 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 and to minimise negative impact upon residential amenity.

Design

The Design Principles SPD advises that single storey rear extensions should be constructed in materials and style to match the existing dwellinghouse. The host property is rendered with a hipped roof and the extension is to be finished in render with a flat roof. Given that it is to the rear of the property and as such is unlikely to be seen from public places, on balance and if it were in isolation, use of a flat roof would be considered acceptable in this location. However when viewed

together with the existing pitch-roofed rear extension, the flat roof is incongruous and in terms of design the two do not complement each other nor the host dwelling.

In terms of scale, the extension if it were in isolation could be considered acceptable given that it is single storey and to the rear. However when viewed together with the existing rear and side extensions, the combination produces a disproportionately large extended area for a dwelling of this size, to the detriment of the character of the property and the area. The SPD requires that extensions be subordinate to the host property, and when taken in conjunction with existing extensions, this one is not.

Residential Amenity

To quote from the Design Principles SPD:

‘Subject to it being appropriate in terms of relationship to other properties, aspect, design and scale, a single storey rear extension located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling. A single storey extension of greater depth (or in a situation where the application property has a rear elevation which is set further back than the rear elevation of the neighbouring property), will normally only be permitted if it does not breach the 45 degree rule where this would not cause detriment to the character of an area. This dimension (4m) can be increased where the distance between dwellings are considerable, or where the extension itself would stand away from the boundary with the adjoining property.’

In this instance the extension projects 6.0m from the rear of the dwelling and does breach the 45 degree rule as the attached house has a habitable room window in its rear elevation close to the boundary, albeit divided by a 1.8m high boundary fence. Furthermore due to its height at 2.80m (where it adjoins the host property) and juxtaposition to the boundary, it will result in overshadowing of both the window and the area of garden immediately to the rear of No.7, to the detriment of the enjoyment of occupiers.

In terms of fenestration, the extension contains habitable room window in the following elevations:

South (side) – will face own garden and boundary with rear garden of No. 6 Swaledale Avenue at 6.0m distance, and the rear elevation of No.6 containing ground and first floor habitable room windows at 15.0m distance. A 1.8m high boundary fence exists between the two, so overlooking of garden and windows at ground floor level of No.6 is unlikely. The SPD does require a minimum distance of 21.0m between main habitable room windows, and in this instance the main window in the extension appears to face east rather than south, so on balance a distance of 15.0m to bedroom windows in the rear elevation of No.6 is acceptable.

East (rear) – will face own garden and single storey garden room at rear with the closet house approx. 35m away. Acceptable.

The design is not acceptable in this location and does not comply with adopted Local Plan Policy ENV2 and the Design Principles SPD.

Highways

No additional bedrooms are proposed, therefore, no objections are raised in relation to Policy 31.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would not accord with Local Planning Policy and would not be compliant with the guidance set out in the Framework. The development therefore does not comply with the Development Plan.

Furthermore the Local Planning Authority has acted positively and proactively in determining this application, in accordance with paragraph 38 of the National Planning Policy Framework, by assessing the proposal against relevant planning policies and all material considerations and identifying matters of concern with the application. In this instance, the nature of the planning issues were considered to be so fundamental that no further negotiation was sought with the applicant.

Recommendation: Refuse

Refuse for the following reasons:

1. The extension when viewed in conjunction with existing extensions at the property, results in an incongruous and non-subordinate mix of built form to the detriment of the appearance of the dwelling and of the street scene. This is poor design. As such it is contrary to adopted Local Plan Policy ENV2, the Council's adopted Design Principles SPD (Achieving Quality in Design and Conservation) and to the provisions of paragraph 134 of the National Planning Policy Framework.
2. The proposed extension is, as a result of its height, length and proximity to the boundary with No. 7 Wharfedale Avenue, unduly overbearing and would adversely affect the living environment of the occupants of the adjoining property. As such it is contrary to adopted Local Plan Policy ENV2, the Council's adopted Design Principles SPD (Achieving Quality in Design and Conservation) and to the provisions of paragraph 134 of the National Planning Policy Framework.

Application Ref: 23/0671/HHO

Proposal: Erection of a single storey rear extension in retrospect

At: 5 Wharfedale Avenue, Reedley, Burnley, Lancashire BB10 2LL

On behalf of: Mr S. Hussain