

REPORT OF:	ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL AND REGULATORY SERVICES
TO:	DEVELOPMENT MANAGEMENT COMMITTEE
DATE:	11TH APRIL 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT FOR DEVELOPMENT MANAGEMENT COMMITTEE ON THE 11TH APRIL 2024

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 referred to Development Management Committee from the Nelson, Reedley and Brierfield Committee. The proposal would result in a significant departure from policy.

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.

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At 29 Romney Street, Nelson.

On behalf of: Mr Muzaffar Ali

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 11TH APRIL 2024

Application Ref: 24/0061/FUL

Proposal: Full (Major): Change of use of agricultural land to a designated local nature reserve.

At: Gib Hill, Gib Hill Road, Nelson

On behalf of: The Borough of Pendle

Date Registered: 05/02/2024

Expiry Date: 06/05/2024

Case Officer: Laura Barnes

This Application is for a development which straddles the boundary with two area committees, as such must be determined by Development Management Committee.

Site Description and Proposal

The application site is an area of land totalling 15.65 hectares of land, most of which is within the settlement boundary. It is indicated as a Reserve Housing Site, Policy 17 of the Replacement Pendle Local Plan and part of the site (to the eastern boundary) is also designated as a Biological Heritage Site. The area which is designated as the Biological Heritage Site is not within the settlement boundary.

The application seeks to change the use of the land to be a Nature Reserve.

Relevant Planning History

None relevant

Policy

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) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 (Achieving Quality in Design and Conservation) 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 ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

Replacement Pendle Local Plan

Saved Policy 17 sets out the location of new housing, should there not be sufficient land available to meet the housing need.

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.

Consultee Responses

The Coal Authority

Informative note recommended:

The proposal lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority

considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water.

Your attention is drawn to the Coal Authority Policy in relation to new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-ofmine-entries>

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires a Coal Authority Permit. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes.

Failure to obtain a Coal Authority Permit for such activities may result in the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com or a similar service provider.

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority

LCC Highways

There are 5 car parking spaces proposed for the nature reserve, accessed from Liddlesdale Road. It is noted that the site does not provide disabled access other than for specialist off-road mobility vehicles (which are not available at the site) therefore disabled car parking bays are no considered necessary.

A condition is recommended in relation to marking out the car park and a signpost being installed.

Lead Local Flood Authority

No objection

Informative relating to any works which may be carried out near the Ordinary Water Course, requiring the appropriate consent.

United Utilities

Advocates the sustainable drainage hierarchy in the Framework. There are no changes to the drainage of the site.

The Coal Authority

Nelson, Brierfield & Reedley Area Committee

The Area Committee support this application.

Colne & District Area Committee

That the Development Management Committee be advised of this Committee's full support for the application, be recommended to approve the application and in doing so recognise that –

- The change of use of this land to a designated local nature reserve would be of great educational value to the schools that border the site.
- The site's flora was of great value and that consideration could be given to restricting open access to some parts of the site to support its conservation.
- Crops of hay could be taken off the site.
- The designation of this site would double the acreage of nature reserve in the borough.
- The site would continue to form a natural boundary between Nelson and Colne, ensuring that the towns kept their own identity.

Public Responses

Multiple responses have been received, all of which are in support of the application. They state the following:

- Protecting the natural environment flora / fauna is important
- This would be a valuable recreational space for residents
- Maintaining public space is important
- There won't be any noticeable change on the ground other than small scale improvements to footpaths and some tree planting
- The car park would simply formalise an existing arrangement
- The management plan will encourage access to this land on foot to reduce emissions
- This will be a valuable education resource locally
- There is a range of ecology on this site
- There is good support locally for this site to have the nature reserve status
- This should be a treasured piece of land for future generations to enjoy
- Great for mental health and wellbeing of residents
- Lancashire Wildlife Trust have recommended that this becomes a nature reserve

Officer Comments

Principle of Development

The purpose of the site being identified under Policy 17 was to safeguard land for Housing Market Renewal (HMR) dwelling as a precautionary measure to ensure that the HMR programme was not jeopardised. This programme has since ended and it is clear that not building out the land which is the subject of the application has not jeopardised this programme. Given that the site was allocated in specific relation to the HMR programme and this has now ended, the circumstances and reason for allocating this land no longer exist and the policy cannot be directly applied to the Local Plan: Part 1 Core Strategy where it is not a housing allocation.

Design

There would be no above ground structures or works involved in the change of use. The only thing which would require formalising would be the car parking for five vehicles. This would involve white line painting and some directional signage. Any other works would involve maintaining and upgrading footpaths. As such, there are no design specific issues which need addressing as part of this application.

Residential Amenity

The proposal does not involve any elements which would affect neighbouring amenity.

Highways

The plans which the Council have received indicate that there would be five parking spaces on land at Liddlesdale Road, which the Highways Authority have not objected to.

Other Matters

The applicant has submitted a management plan for the land which includes objectives for improving a range of habitats, allowing recreational use and improving opportunities to educate visitors to the site about the natural wildlife. This aligns with Policy ENV1 of the Local Plan: Part 1 Core Strategy.

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 accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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: Approve

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: Location Plan E/CL/GH/PP including car parking area, Parking Plan E/NL dated Jan 2024.

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

3. Within 3 months of the date of this decision the parking area indicated on plan E/NL dated Jan 2024 shall be laid out in accordance with the plan and shall be retained thereafter for the purpose of car parking associated with the nature reserve.

Reason: In the interests of highway safety.

Informative

The proposal lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water.

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At: Gib Hill, Gib Hill Road, Nelson

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