

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 7TH MAY 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7TH MAY 2024

Application Ref: 22/0677/CND

Proposal: Approval of Details Reserved By Condition: Discharge Condition 3 (Material Samples) of Planning Permission 21/0921/HHO.

At: 252 Manchester Road, Nelson

On behalf of: Mr Mohammad Iqbal

Date Registered: 07/10/2022

Expiry Date: 02/12/2022

Case Officer: Laura Barnes

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on planning permission 21/0921/HHO.

This application requests the discharge of condition number 3 on the Planning Permission. This condition is listed below:

Condition 3

Samples of materials including descriptions, name of source/quarry and details of the balustrade surrounding the raised terrace shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

Relevant Planning History

21/0921/HHO: Full: Erection of ground floor extension and terrace above basement, yard and garage to the rear.

Approved with conditions

Consultee Response

As required

Public Response

None necessary

Officer Comments

This application requests the discharge of condition number 3 on the Planning Permission.

Condition 3

At the time of the site visit the garage had already been demolished and a blockwork wall erected on the rear boundary, flush with the red brick next door. A small area of stone had also been laid to the side elevation to indicate the intended material and for the case officer to check for consistency with the existing stonework. A sample panel of the stone has been viewed on site by the case officer and it is an appropriate match for the existing stone. Therefore, this element of the material is acceptable.

The applicant has confirmed that the side wall of the extension is to be constructed of the matching stone and the rear wall is to be rendered in a k-rend. Originally the applicant submitted a different type of render with a brick effect print – this would not be acceptable as a finishing material for the development. However, they have since confirmed that this is no longer their intention and they are using a traditional smooth finish k-rend in a through colour. Given that the rear wall is the least visible within the surrounding street scene and that the majority of the extension is to be in traditional natural stone, to match in with the main dwelling the small amount of k-rend to the rear wall would be acceptable in this particular case.

Summary

Condition 3 – The information submitted by the applicant in relation to the material samples is acceptable and this condition can be discharged, subject to implementation.

RECOMMENDATION: Discharge condition 3, subject to implementation.

Application Ref: 22/0677/CND

Proposal: Approval of Details Reserved By Condition: Discharge Condition 3 (Material Samples) of Planning Permission 21/0921/HHO.

At: 252 Manchester Road, Nelson

On behalf of: Mr Mohammad Iqbal

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7TH MAY 2024

Application Ref: 23/0507/FUL

Proposal: Full (Major): Erection of a battery storage facility with associated infrastructure.

At: Land To The North Of Spurn Clough Cottage, Greenhead Lane, Reedley

On behalf of: Moor Isles Farm Energy Storage Limited

Date Registered: 26/07/2023

Expiry Date: 14/06/2024

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 agricultural field located within the Green Belt located approximately 450m to the south of the settlement of Fence. There is an electricity pylon at the southern end of the site. Greenhead Lane runs to the east and the Spurn Clough Biological Heritage Site is to the west. The land to the south has recently been granted planning permission for a dog exercise use and the Grade II Listed Greenhead Manor lies beyond that approximately 300m from the site.

The proposed development is the erection of a 48MW battery energy storage facility on the site with associated infrastructure and alteration to levels including formation of a bund and two vehicular access points from Greenhead Lane.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objection subject to conditions, the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

LCC Historic Environment Team – The submitted heritage impact assessment has satisfactorily demonstrated that the site is one that can be characterised as having a low-nil potential to contain significant archaeological deposits for all periods. It is therefore our advice that no further archaeological investigation of the site is considered necessary.

PBC Environmental Health – No objection subject to the recommendations of the noise assessment being conditioned.

Lead Local Flood Authority – No objection subject to conditions.

Natural England – No objection. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Cadent Gas – No objection subject to a note.

Lancashire Fire and Rescue – Requested additional information on fire safety and alterations to the layout. Additional information has been received and is being assessed.

Reedley Hallows Parish Council - Strongly object to the application on the ground that this is an industrial development that has an 8 foot high security fence surrounding it. It is therefore totally inappropriate in a Green Belt.

Public Response

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

- Highway safety including restricted visibility, road condition, pinch points for HGVs on bridges and exacerbation of traffic issues at junctions
- Impact on wildlife including protected species from the development and flood lighting
- Loss of trees
- Impact on the Green Belt with no very special circumstances
- Impact on the visual amenity and rural character of the area
- Impact on public rights of way
- Impact on the setting of nearby listed buildings
- Brown field land should be utilised instead
- Fire/explosion risk and risk from contamination and toxic gas release
- Impact of noise on nearby residential properties and inadequate noise assessment
- Inadequate community consultation
- Loss of value of nearby properties

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.

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 152 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 153 requires that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the harm is clearly outweighed by other considerations.

Paragraphs 154 and 155 specify the types of development that are not inappropriate in the Green Belt.

Green Belt

The proposed development does not fall within any exception set out in paragraphs 154-155 of the Framework and therefore constitutes inappropriate development in the Green Belt, which is by definition harmful. In addition to the resulting from inappropriateness, the development would also impact upon openness, however, the harm would be limited by the topography of the site together with the low profile of most of the structures.

For this development to be acceptable the harm to the Green Belt must be outweighed by very special circumstances.

In this case it has been demonstrated that the proposed batter backup electricity storage is necessary for the operation of the electricity network to ensure a reliable supply of electricity and there are no alternative site feasibly available to serve this part of the network (the recently approved site in Nelson is on a different grid and is not an alternative site). As such the development has significant economic and social benefits.

Recent appeal decisions have been submitted by the applicant demonstrating that the need for battery back up storage to support the operation of the electricity network and renewable energy can constitute very special circumstances. Taking into account the necessity for the development that has been demonstrated and the harm will be limited by the factors detailed above, there would be very special circumstances that would substantially outweigh the harm to the Green Belt.

Visual Amenity and Landscape Impact

The proposed development would be largely screened by the levels, proposed bund, landscaping and existing trees and hedgerows. There would be some harm to visual amenity resulting from development of the agricultural field and some raised plant that would be likely to be visible from the south, but this would be limited and offset by the significant benefits of the development detailed above.

The proposed development is therefore acceptable in terms of visual amenity and landscape impact in accordance with policies ENV1 and ENV2.

Heritage Impact

The nearest listed buildings to the development are Greenhead Manor over 300m to the south east, The Bay Horse and Fencegate over 500m to the north and Ashlar House and cottage over 650m to the north west. The development would be sufficiently physically and visually separate from nearby Listed Buildings, the to ensure that it would not result in harm to their settings and significance.

Residential Amenity

The nearest dwellings are 300m or more from the proposed development. 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 the design specification the noise impact of the development would be within acceptable limits. Environmental Health are satisfied with the conclusion of the report and do not object subject to a condition to ensure that the recommendations of the noise assessment are implemented and adhered to.

The development would not result in any unacceptable overbearing impacts, impacts from lighting or any other potentially unacceptable residential amenity impacts.

Subject to a condition to ensure that the mitigation is 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 battery 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, in response to the Fire Service's comments, their response is awaited and will be reported to Committee.

Highway Issues

The main vehicular access point would be at the northern end of the site, an acceptable level of visibility can be ensured by condition. The second access to the southern end of the site if necessary to ensure emergency access in the event of a fire, taking that into account, with a condition to ensure it is closed other than in such an emergency full standard visibility splays are not necessary for that access.

Subject to conditions the proposed development is acceptable in highway terms in accordance with policy ENV4.

Drainage and Flood Risk

It has been acceptably demonstrated that the development would not be at unacceptable risk of flooding or increase the risk of flooding off-site. Risks from pollution in the event of fire, including the adjacent biological heritage site, can be adequately controlled by condition.

Ecology and Biodiversity

An ecology survey has been carried out and did not identify any unacceptable impacts on protected or notable species habitats and recommends mitigation measures to protect and enhance the ecology of the site.

The Lancashire Badger Group has raised a concern that there they have records of a badger sett within the site. The applicant's ecologist has responded detailing that the recorded sett is located outside of the site and a sufficient distance from the proposed development to ensure that it would not be unacceptably impacted.

Whilst not required at the time of submission of the application a Biodiversity Net Gain Assessment has been submitted with the application. A Biodiversity Management Plan has been submitted alongside this, which proposes the creation of a species rich grassland, tree planting, wildlife shelters preserving and maximising floral and faunal biodiversity of retained habitats. The proposed management plan would result in significant gains in biodiversity, well in excess of 10%.

With a condition to control those measures the proposed development is acceptable in terms of ecology and biodiversity impacts.

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 the withdrawal of the objection from the Fire Service and any conditions necessary.

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: Site Location Plan Rev A, EUR001-PL-01 Rev A, EUR001-EL-01 Rev A, EUR001-EL-01 Rev A, EUR001-SD-01, EUR001-SD-02, EUR001-SD-03, EUR001-SD-04, EUR001-SD-06, EUR001-SD-07, EUR001-SD-08, EUR001-SD-09, EUR001-SD-10, EUR001-SD-11.

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
- x) Details of temporary traffic management on Greenhead Lane including warning signage and temporary speed reduction.

Reason: In the interest of highway safety.

4. Prior to commencement notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Greenhead Lane to points measured 111m to the south of the proposed access and 117m to the north along the nearer edge of the carriageway of Greenhead Lane, from the centre line of the northern access, in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the site access.

5. Prior to the commencement of the development a scheme for the construction of the northern site access shall have been submitted to and approved in writing by the Local Planning Authority, the access shall be constructed in accordance with the approved details prior to the first use of the site access.

Reason: In the interest of highway safety.

6. The southern site access shall be constructed prior to the commencement of the use of the development hereby approved and maintained thereafter as an emergency access to be used by emergency service vehicles only. It shall be physically closed at all times other than in the event of an emergency in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to the construction of the access.

Reason: in the interest of fire safety and highway safety.

7. Any gates at the northern site access shall at all times be set-back at least 10m from Greenhead Lane.

Reason: In the interest of highway safety.

8. Manoeuvring provision for vehicles to enter and leave the site in forward gear shall be laid out in accordance with the approved plans prior to the commencement of the use of the

development and maintained free from obstruction and available for manoeuvring purposes at all times thereafter.

Reason: In the interest of highway safety.

9. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (26th June 2023 / Flood Risk and Drainage Assessment – Version 1.2 / Weetwood) and surface water sustainable drainage strategy (26th June 2023 / Flood Risk and Drainage Assessment – Version 1.2 / Weetwood).

The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

10. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

11. The commencement of use of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;

- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues; d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life; f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

12. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

13. 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.

14. The development shall be carried out and thereafter maintained in strict accordance with the recommendations of the submitted Ecological Assessment and Biodiversity Management Plan.

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

15. Details of the noise mitigation design shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the operation of the development hereby approved. The development shall thereafter be carried out and operated in strict accordance with the approved mitigation design. Operational noise from the Proposed Development at any pre-existing residential receptors as listed in Table B of paragraph 7.6

of the submitted Noise Impact Assessment shall not exceed the maximum permissible levels detailed in Table A of that paragraph when assessed at a height of 1.2m to 1.5m above ground and at least 3.5m away from the nearest reflecting surface other than the ground. This is to be determined either by way of direct measurement at the stated locations, or where extraneous ambient noise precludes this, by way of a combination of measurement and calculation.

Reason: In the interest of residential amenity.

16. The development shall not commence unless and until 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.

17. Prior to the installation of any external lighting details including type, size, location, intensity, direction and timing of illumination of the proposed external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall thereafter at all times be maintained and operated in strict accordance with the approved details.

Reason: In order to reduce the impact of external lighting on the open rural character of the area.

Note:

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not. • Consent must be obtained before starting any works on site. It cannot be issued retrospectively. • Sites may be inspected prior to the issuing of consent. • Unconsented works within the Highway or Sustainable Drainage System may prevent adoption. • Applications to culvert an existing open ordinary watercourse will generally be refused. • Enforcement action may be taken against unconsented work. Ordinary watercourse consent is subject to the asset owner's permission to connect. For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given.

It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays. You should contact the Lead Local Flood Authority to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

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

Application Ref: 23/0507/FUL

Proposal: Full (Major): Erection of a battery storage facility with associated infrastructure.

At: Land To The North Of Spurn Clough Cottage, Greenhead Lane, Reedley

On behalf of: Moor Isles Farm Energy Storage Limited

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7TH MAY 2024

Application Ref: 23/0833/FUL

Proposal: Full: Demolition of existing Mosque and the erection of a replacement Mosque building (Use Class F1(f)) including the formation of 12 no. parking spaces and 10 no. cycle spaces with associated landscaping.

At: Jamia Masjid Usman Ghani Mosque Stanley Street Brierfield

On behalf of: MASJID USMAN GHANI

Date Registered: 14/12/2023

Expiry Date: 08/02/2024

Case Officer: Alex Cameron

This application was deferred from February's Committee meeting.

Site Description and Proposal

The application site located to the rear of the health centre in the central area of Brierfield. The proposal is to erect a large building with three floors and a minaret.

The site is located in a mixed use area which has a variety of property types surrounding it including terraced houses.

Relevant Planning History

20/0429/FUL - Full: Erection of a religious building (Use Class D1) (Floor Area 900 sq.m.); formation of 12 parking spaces (7 Accessed from Stanley Street and 5 in underground car park with access from Arthur Street) and associated landscaping. Refused

Consultee Response

LCC Highways – Request amendment to the design to address pedestrian and vehicle access matters on Arthur Street and Hartington Street and further survey work on Tunstill Square car park to demonstrate its capacity.

Coal Authority - The Coal Authority's Planning & Development Team considers that the content and conclusions of the Coal Mining Risk Assessment report to be sufficient for the purposes of the planning system in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore do not object to the proposed development. However, further more detailed considerations of ground conditions and foundation design may be required as part of any subsequent building regulation application.

PBC Environmental Health – Requests condition to control amplified call to prayer.

United Utilities – No objection subject to drainage conditions.

Brierfield Town Council – No response

Public Response

Press and site notices posted and nearest neighbours notified. Responses received in objection and support:

Summary of response in objection:

- Exacerbation of current parking issues in the vicinity
- The proposed building will block natural light to adjacent houses.

Summary of responses in support:

- Benefits for the local community
- The building will improve the appearance of the area
- The land is currently empty and of no use to anyone

Officer Comments

Policy

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 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.

Visual Amenity

The planning application is to erect a religious building in the central area of Brierfield. The building is a large structure that will have a large presence in the location. Its design and how it fits into the street scene and wider town scale are important elements to consider as part of the application.

A single visualisation from Brierfield town centre has been provided to assess the impact on the townscape, this is insufficient, a full assessment of townscape impact including zones of

theoretical visibility and impact on a variety of viewpoints is necessary to fully assess the impact of the building on the townscape.

Residential Amenity

The scale of the building would be likely to result in an overbearing impact upon habitable room windows of dwellings on Hartington Street and Kay Street and thus harmful to the living environment of occupants. Further assessment of these impacts is required in terms of a full BRE daylight and sunlight assessment.

Noise impacts could be acceptably controlled by conditions to limit hours of use and amplified noise.

Highways

The level of car parking provision proposed is substandard and it has not been adequately demonstrated that sufficient car parking would be available in the vicinity to ensure that the development does not result in unacceptable impacts on the free flow of traffic and highway safety due to on-street car parking.

The proximity of the entrance to the basement car parking and pedestrian access to the footway of Arthur Street would result in an unacceptable safety risk to pedestrians.

The proposed development would result in unacceptable impacts upon highway safety.

RECOMMENDATION: Refuse

For the following reasons:

1. The applicant has failed to supply adequate information on the highway impacts of the development which are, as submitted, inadequate and the development would lead to a situation inimical to highway safety and a danger to users of the highway. The development is thus contrary to The development is therefore contrary to policy ENV4 of the Local Plan Part 1: Core Strategy, policy 31 of the Replacement Pendle Local Plan and paragraphs 114-116 of the National Planning Policy Framework.
2. The applicant has failed to supply adequate information for the assessment of the impact of the design of the development on the townscape. The proposal as submitted represents poor design, the design and scale would be harmful to the environment and townscape in which the application site is located. The development is thus contrary to policy ENV2 of the adopted Local Plan and the design policies of the National Planning Policy Framework.

Application Ref: 23/0833/FUL

Proposal: Full: Demolition of existing Mosque and the erection of a replacement Mosque building (Use Class F1(f)) including the formation of 12 no. parking spaces and 10 no. cycle spaces with associated landscaping.

At: Jamia Masjid Usman Ghani Mosque Stanley Street Brierfield

On behalf of: MASJID USMAN GHANI

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7TH MAY 2024

Application Ref: 23/0858/FUL

Proposal: Formation of new openings in existing workshop and storage units and the change of use from storage to mechanics workshop (Sui Generis).

At The Old Baths, Bradley Road, Nelson, Lancashire
BB9 7QQ

On behalf of: Mr S Ahmed

Date Registered: 17.01.2024

Expiry Date: 13.03.2024

Case Officer: Alex Cameron

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

Site Description and Proposal

A building faced in a combination of red brick and stone in a mixed commercial/residential area in Nelson. Previously a swimming pool, now occupied by commercial uses. The part of the building subject of this application has a frontage onto Bradley Road (south) and to land to the side (east) and has a floor area (as stated on the application form) of 452sq.m. The vehicular access is presently via a gate to the land to the side of the building.

Within the Settlement Boundary as defined in the adopted Local Plan. Within the boundary of the adopted Bradley Area Action Plan. Wholly within Flood Zone 2 and partly within Flood Zone 3.

The proposal is to split the unit into three separate workshops. In order to do this, new openings are required of sufficient size to allow vehicles to enter each one. In particular, it is proposed to form two new openings (one vehicular plus roller shutter door and one pedestrian plus door) in the elevation that faces onto land at the side (east), and a vehicular entrance (plus roller shutter) to the elevation that faces west into the main yard. The doors, which have already been installed, are powder coated in dark grey.

The current use stated on the application form is 'storage and workshop of office furniture', however it appears that this does not have planning permission and is not the current use. The application form describes the proposed use as 'mechanics workshop (Sui Generis)', and it appears this use has been implemented already.

The proposed development therefore is to change a 452sq.m area of the ground floor of the building from Class E with ancillary storage and distribution to a sui generis use as a motor vehicle repair workshops without MOT testing provision. Whilst it has been applied for as a sui generis use it is likely that the use would fall within use class B2.

Relevant Planning History

23/0832/FUL - Formation of new openings in existing retail unit to be used as a cash and carry. This application relates to the remainder of the building, was submitted at the same time as the current application, and is undetermined to date (28.02.2024).

13/15/0174P - Installation of a 17.5m high telecommunications tower with 3 antennas, 2 transmission dishes and associated equipment cabins (Re-Submission). Approved 10.06.2015.

13/02/0219P - Erect rear extension for warehousing. Approved 11.06.2002.

13/90/0528P - Formation of loading bay door, alterations to car park and service yard, and formation of new highway access point. Approved 13.03.1991.

Consultee Response

Nelson Town Council:

No response

Highways LCC:

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. Should the application be approved the following conditions are requested.

1. Prior to the first use of the development hereby permitted, the 8 car parking spaces shown on the approved plans shall be kept for use by staff and customer parking and the area shown on the swept path analysis at the site access on Bradley Road shall be kept clear of all obstructions and used only for the turning of vehicles. Reason: To ensure adequate car parking at the site.

2. Prior to the first use of the development hereby permitted, the secure cycle storage area shall be provided

Environmental Health:

No objection to the submitted noise assessment following addition clarification on methodology.

Environment Agency:

No objection, however a Permit will be required for any activities within 8.0m of the river to the side. Note this is an issue separate to the planning application.

Public Response

Nearest neighbours notified - A response has been received for an adjacent nursery school, this includes the collated comments of parents, this constitutes a single response for the purposes of the scheme of delegation. The response objects on the following grounds:

Vehicles in association with the garage park on the highway presently, causing conflict with and a danger to persons using the nearby nursery school.

Vehicles in association with the garage occupy all nearby on-street parking areas, leading to persons dropping children off at the nearby nursery school having to stop in the centre of the carriageway thus exposing parents and children to danger.

Vehicles in association with the garage park on the pavement, resulting in users of the nursery school having to step out into the road to pass. Particularly an issue as many have push-chairs or are holding children's hands.

Vehicles in association with the garage are driven dangerously, leading to potential danger to users of the highway network.

Some vehicles parked in association with the garage have the appearance of being abandoned. These are unsightly and change the character of the area, thus attracting anti-social behaviour.

The three parking spaces indicated on the submitted plans will be insufficient to prevent continuance of the parking issue.

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.

Pendle Local Plan Part 1: Core Strategy Policy SDP2 defines settlement roles and principles for development outside the settlement boundary. Nelson is defined as a Key Service Centre.

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) Supports employment use that are sustainably located within settlement boundaries and prioritises the M65 corridor.

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.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

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.

Officer Comments

Principle

The site is a sustainable location within the settlement boundary and acceptable for the proposed motor vehicle workshop use in accordance with policies SDP2 and WRK2.

Design and Materials

Taking into account the commercial nature of the building and the location on the side elevations of the building the new doors are acceptable in terms of design, materials and visual amenity in accordance with policy ENV2.

Residential Amenity

A noise assessment has been submitted and this acceptable demonstrates that the use would not result in unacceptable impacts subject to hours of operation being limited to 8am to 6pm and roller shutter doors being closed when possible.

Highways

The amended details acceptably demonstrate that the site would have adequate parking and servicing and would not result in any unacceptable highway safety impacts.

Flooding

The site is falls within flood zone 2, however, the proposed use is not more vulnerable that the existing use and taking this into account there would not be an unacceptable risk from flooding on or off site resulting from the development.

Other Matters

Concerns have been raised regarding anti-social behaviour, this is something that can be controlled under other legislation.

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, subject to compliance with planning conditions. 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 development hereby permitted shall be carried out in accordance with the following approved plans: LP Rev A, PSP Rev A, 02 Rev A, 03, 04.

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

2. All the external materials shall be as stated on the approved plans and application form. There shall be no variation without the prior consent of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

3. The use hereby approved shall not operate outside the hours of 08:00 to 18:00 on any day. No noise generating operations shall be undertaken in external areas and roller shutter doors shall be closed during operation other than as necessary to provide access.

Reason: In the interest of residential amenity.

4. The use of the units shall be confined to that of motor vehicle repair excluding MOT testing and for no other purpose, including any other use within Use Class B2 of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: In the interest of residential amenity.

5. The 8 car parking spaces shown on the approved plans shall at all times be maintained free from obstruction and available for use by staff and customer parking and the area shown on the swept path analysis at the site access on Bradley Road shall be kept clear of all obstructions and used only for the turning of vehicles.

Reason: To ensure adequate car parking at the site in the interest of highway safety.

6. With 3 months of the date of the approval of this permission a secure cycle storage area shall be provided in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To support sustainable transport.

Application Ref: 23/0858/FUL

Proposal: Formation of new openings in existing workshop and storage units and the change of use from storage to mechanics workshop (Sui Generis).

At The Old Baths, Bradley Road, Nelson, Lancashire
BB9 7QQ

On behalf of: Mr S Ahmed

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7TH MAY 2024

Application Ref: 24/0107/FUL

Proposal: Full: Change of use to permit vehicle servicing and repairs to existing car sales.

At: Site of Former Garages, Bradley Road East, Nelson

On behalf of: Mr Mahmood Hussain

Date Registered: 20/02/2024

Expiry Date: 16/04/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an area of land located within the Town Centre boundary and the settlement boundary. At the time of the site visit there was a car sales area operating and it is understood a business has operated from here for several years.

The proposed development is for the change of use of the existing operation to allow vehicles to be serviced and repaired, in addition to the existing car sales.

Relevant Planning History

13/12/0544P: Full: Change of use of land to car sales for 19 vehicles and erection of garage (7.3m x 8.7m) and 2m high boundary fence to north (front), south (rear) and west (side) perimeters. Approved with conditions

13/14/0398P: Full: Variation of Condition: Vary Conditions 2 (Plan numbers) and 6 (Repairs, valeting and car washing) of Planning Permission 13/12/0544P. Approved with conditions, *with condition 6 remaining as previously approved*

Consultee Response

LCC Highways

The application seeks to allow vehicle servicing and repairs to existing car sales. This was restricted under condition 6 of the previous permission together with valeting and car washing.

Currently there is 1 full time employee increasing to 2 full time employees.

The Planning statement says the following:-

1. There will be no car washing or valeting facilities - This will be done off site at an established nearby car wash.
2. There is only one service bay/pit in the building.
3. There will only be 1no. mechanic and 1no. apprentice, so the maximum number of cars to be dealt with in one day will be about 4. This reduces drastically the amount of traffic coming or going to the site.
4. There is ample parking within the site to cater for the vehicles waiting to be serviced or customers booking cars in as well as the customers looking at used cars (maximum of 10)

5. Vehicles will be able to enter and exit the site in a forward gear.

Access

There is an existing access at the site on Bradley Road East which will be remain unchanged.

Parking

There are currently 18 sales pitches/spaces approved with 2 customer spaces and 1 staff parking space with areas designated for turning of vehicles to allow all to exit onto the highway in forward gear. These are marked out on site.

This application proposes to reduce the number of sales pitches to 10, with 3 spaces for vehicles being serviced, 2 customer spaces and 1 staff space.

We would request that the number of staff spaces be increased to 2 and customer spaces increased to 3 to reflect the intensification of use at the site. The sales pitches would be reduced to 8 and the service bays remain at 3 as proposed.

We would request that the bays are marked on a plan and that the turning areas are shown hatched similarly to the previously approved plans at the site.

A cycle store is requested to support sustainable travel to the site.

There is heavy on-street car parking in the area and some vehicles in the vicinity of the site seem to be needing repair. We do not support the storing of vehicles on the highway whilst they await repair and all vehicles associated with the site must be kept within the premises or yard at all times.

Conclusion

Lancashire County Council acting as the Highway Authority does not raise an 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.

Should the application be approved, we would request the following conditions.

1. Prior to first use of the development hereby permitted the 8 sales pitches, 3 customer parking, 2 staff parking, 3 service bays and the turning area shall be marked out and maintained thereafter for that purpose. Reason: To ensure adequate car parking and turning areas.
2. Prior to the first use of the development hereby permitted a secure, cycle parking space shall be provided and maintained thereafter for that purpose. Reason: To support sustainable travel.

Environmental Health

We would be concerned about how noise from the garage will affect residential neighbours on Walton street, Bradley Road East and Bradley Street nursery. A noise assessment would assist in understanding this better.

Public Response

Neighbours have been notified by letter, one letter of objection has been received from the Headteacher at Bradley Nursery School objecting to the proposals, the letter includes ten letters from parents of children at the nursery school who have complained about parking and other

serious highway safety issues as a result of the current situation. The comments raise the following issues:

- Already raised objection to a retrospective planning application for a repair garage nearby
- Parking issues
- Abandoned vehicles associated with the repair business
- Un-roadworthy vehicles litter the streets
- There is no space for parents to drop children off outside the nursery
- The highway issues are making it unsafe for pedestrians, especially those arriving at nursery in a pram because they cannot negotiate all the vehicles parked on the pavements
- Risk of a road traffic accident
- The local road network is being used as an extension to the local garage businesses

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) sets out that the Council will work with its partners to minimise air, water, noise, odour and light pollution. Proposals will be required to minimise pollutant emissions and ensure that potential for noise odour and light pollution is minimised.

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.

Design

The proposed development does not involve the erection of any new buildings, fences or structures within the site. It intends to use the existing space within the site, which the layout plan indicates is suitable for 20 vehicles.

Overall, the proposed development accords with Policy ENV2 in this regard.

Residential Amenity

In 2014, the applicant applied to vary the wording of conditions 2 and 6 of a planning application which had previously been approved. The original application was from 2013 and included a condition worded as follows:

“No vehicular repairs, valeting or car washing shall take place on the premises at any time without the prior written consent of the Local Planning Authority.

Reason: In order to protect the visual amenity of the area that the Local Planning Authority can control the activities taking place on the site and prevent pollution of the surface water drainage system”.

Whilst the application to vary the conditions was approved, this was only on the basis that condition 6 remained as per the original wording on the decision notice from 2013. The report in 2014 considered whether the use of the site for servicing and maintenance was acceptable. It concluded that the site is close to existing residential property and to remove / vary the condition to allow vehicle maintenance and repair to take place would be to intensify the use. The purpose of the condition was to ensure that repairs and valeting did not take place at the site because it could amount to increased activity and nuisance to neighbours. As such, although the decision in 2014 allowed some alteration to the plans regarding other aspects of the development, it concluded that the vehicle sales could not change to vehicle repairs and maintenance because of the impacts upon residential amenity.

It is the same case being put forward in the current application. The applicant wishes to change the use of the site from car sales, to car maintenance including repairs. They have made it clear in their statement accompanying the current application that valeting would not be done on this site and would take place elsewhere. However, the point remains that the approval of the change of use would allow the site to be used for maintenance and repair of vehicles. This has previously found to be unacceptable due to the potential for nuisance to neighbours. In this case there has been no evidence put forward to explain why the current proposals would not impact upon the neighbouring properties. Indeed, there have been representations from members of the public setting out that the operation already causes a nuisance in the local area. Further, the Council's Environmental Health Officer has recommended that further evidence, in the form of a noise assessment, would be required in order to assess the impact upon neighbouring properties.

Therefore, in the absence of any such evidence in relation to neighbouring impact, there is insufficient information in order for the Local Planning Authority to determine the application against Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Highways

Despite the concerns raised by members of the public, citing issues with abandoned vehicles associated with the operation causing a highway safety danger, the Highways Authority have not objected to the proposed development. They have recommended two conditions relating to cycle storage and the proper marking out of vehicular spaces, should the application be approved.

The issue with abandoned vehicles being kept in the highway on the surrounding streets is a police matter and not something which the current planning application can control. The application is to provide sufficient car parking for staff and for the car sales area. The proposal accords with policy in this regard.

RECOMMENDATION: Refuse

For the following reason:

There is insufficient information regarding the potential impact upon neighbouring amenity for the Local Planning Authority to make a determination in this case. The application is not supported by any evidence that this operation and change of use would not unacceptably impact neighbouring amenity. As such it fails to accord with Policy ENV5 of the Local Plan: Part 1 Core Strategy.

Application Ref: 24/0107/FUL

Proposal: Full: Change of use to permit vehicle servicing and repairs to existing car sales.

At: Site of Former Garages, Bradley Road East, Nelson

On behalf of: Mr Mahmood Hussain

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7TH MAY 2024

Application Ref: 24/0149/HHO

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

At: 16 Fern Bank, Napier Street, Nelson.

On behalf of: Mr Nasir Mahmood.

Date Registered: 04/03/2024.

Expiry Date: 29/04/2024.

Case Officer: Joanne Naylor

Councillor called-in this planning application.

Site Description and Proposal

The application site is a mid-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls painted cream colour to the front with a bay window and with a pitched natural slate roof. The application site fronts onto the pavement and has a yard to the rear with an outrigger. The application site is within an area of predominately terraced houses. To the front there is a play area and sports field.

The proposed development seeks to erect a front and rear dormer with a flat roof to the front and rear roof slope, with dark grey hanging tiles and upvc windows with windows to the front and rear dormers.

Relevant Planning History

24/0125/LHE: Permitted Development Notification (Larger Home Extension): Erection of a single storey rear extension (4.85 in length, 2.8m eaves height, 3.7m overall height). Prior Approval Not Required Accept (2nd April 2024).

Consultee Response

LCC Highways

LCC Highways are concerned about the cumulative effect of terraced houses increasing bedroom space without providing additional parking facilities. There is increased demand for on-road parking but difficult to absorb without loss of amenity to existing residents. However, there is not sufficient concerns to raise an objection. Secure cycle storage should be provided within the development. The Local Highway Authorities detailed examination of this application, which included accident analysis and parking, concludes there are no highway grounds to support an objection as set out by NPPF.

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

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

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

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

National Planning Policy Framework

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

Paragraph 139 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

Design and Materials

The Design Principles SPD advises that dormers should be in keeping with the dwelling and should not dominate the roof slope which could result in a property being unbalanced. The SPD also advises that front dormers will not normally be acceptable unless they are a feature of other similar houses in the locality and where 25% of the properties have front dormers.

The proposed front and rear dormers would be set back from the front and rear elevation by circa 0.3m and would extend the width of the dwelling house, the proposed dormers would be set below the ridgeline. The dwelling houses on this terrace row have pitched roof of natural slate tiles, the proposed materials would be a flat roof with dark grey hanging tiles, although the tiles would be a similar colour, the details of the material are not provided and whether the texture would be similar to that of natural slate tiles, furthermore, a flat roof would be incongruous in this location as the terraced row have pitched roof and the outrigger has a pitched roof of natural slate tiles, the proposed materials would not match the existing materials. The proposed rear dormer could be achieved under permitted development and therefore would be acceptable.

The proposed front dormer would appear overbearing due to the front dormer extending the width of the roof and not being set in by 0.5m from either side to avoid an overbearing effect. In addition, dormers on the front of a roof slope will not normally be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block/frontage).

In this area front and rear dormers are not characteristic with less than 25% of the properties having dormers. The proposed front dormer would dominate the front roof slope resulting in an overbearing effect and the property appearing as being unbalanced with a negative impact on the unaltered roofscape. The proposed front dormer would not respect the simple and unaltered roofscape, it would be incongruous and out of keeping with its surroundings. The proposal would have a negative impact on the visual appearance of the dwellinghouse and would disrupt the uniformity and visual harmony of the roofscene and street scene.

The proposed front dormer would cause unacceptable harm to the character and visual amenity of the area and would be poor design. The proposed front dormer would be contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the Framework, and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advise that proposals 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.

The proposed front dormer would look over the playing fields and play area, there are no dwelling houses within 21m of the proposal and therefore would not have an unacceptable impact on residential amenity from the front dormer.

To the rear of the application site, the proposed rear dormer would face towards the rear elevation of Chapel House Road which has habitable room windows to the ground and first floor. The distance from the proposed rear dormer to the habitable room windows to the terraced properties opposite would be circa 12.5m, the Design Principles advise that 21m between habitable room windows facing each other should be maintained. There is already an existing relationship of habitable room windows facing each other, and the proposed rear dormer would not detrimentally impact on those dwellings over and above existing conditions, in addition there are boundary walls and a backstreet in between, there would be no greater impact on amenity than is already existing.

The proposed dormers would have no unacceptable impact on residential amenity; therefore, the proposed development would comply with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms from three to five bedrooms. The application site has no off-street parking. LCC Highways are concerned with the cumulative effect of increasing bedroom numbers without additional parking facilities, however no objection has been raised on highways issues to this application. Therefore, the proposal would conform with Policy 31 of The Replacement Pendle Local Plan.

RECOMMENDATION: Refusal

For the following reason:

The proposed front dormer would be overbearing and incongruous and out of character with its surroundings and would represent poor design, this would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, and the Design Principles Supplementary Planning Document.

Application Ref: 24/0149/HHO

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

At: 16 Fern Bank, Napier Street, Nelson.

On behalf of: Mr Nasir Mahmood.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7TH MAY 2024

Application Ref: 24/0157/HHO

Proposal: Erection of an outbuilding to rear of dwelling house.

At 34 Priory Chase, Nelson, Lancashire

On behalf of: Mr Muzaffar Rashid

Date Registered: 06.03.2024

Expiry Date: 01.05.2024

Case Officer: Athira Pushpagaran

Site Description and Proposal

The application site is a pitched roof semi-detached dwelling in a residential neighbourhood of similar properties located within the settlement boundary of Nelson. The main access is from Priory Chase. Due to the slope in terrain neighbouring properties to the east and North of the application site are set considerably higher than the application site.

The proposed development is the erection of an outbuilding to the rear of dwelling house to accommodate a lounge and utility room.

Relevant Planning History

21/0453/HHO Erection of a single storey rear extension. Approved with conditions.

Consultee Response

Highways

No objection subject to their comments noted and conditions added to any approval.

If the Planning Authority is minded to approve this application Lancashire County Council Highways requests the following condition be appended to the decision notice:

1. The detached building hereby approved shall only be used ancillary to the enjoyment of the existing dwelling and shall not be used by way of sale or subletting to form separate accommodation.

Reason: To avoid the creation of separate dwellings which may be substandard in terms of parking provision and/or vehicular manoeuvring area.

Parish/Town Council

No response

Public Response

The nearest neighbours have been notified by letter with no response.

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.

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 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 proposed development is in a residential area situated within the settlement boundary of Nelson. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The proposed outbuilding would have a single pitched design with the roof sloping to the interior of the site. The outbuilding would have rendered walls, UPVC windows and doors and slate tiled roof. The design and materials used for the proposed development would be sympathetic to the existing dwelling and its surroundings and would be acceptable in terms of design according to policies ENV1 and ENV2 and the Design principles SPD.

Residential Amenity

The proposed outbuilding would span the whole width of the back garden adjoining both the side boundaries as well as the rear boundary of the application site. It would measure 7.3m x 5m, with a sloping single-pitched roof reaching a height of 3.36m at its highest point and an eave at 2.45m. There is a circa 2m high fence along the party boundary with No.36.

The application site already has a 4m deep extension to the rear adjoining the party boundary with No.36. The proposed outbuilding would have a comparable overbearing impact on the occupants of No.36 similar to that of an extension to the existing extension, breaching the 45-degree rule for their rear windows. The combined effect of the proposed outbuilding adjoining the boundary wall alongside the existing extension, albeit with a circa 1.7m of separation between them, would thus significantly impact the living conditions of No.36. The proposed outbuilding would overshadow to an unacceptable degree and adversely impact the living conditions of the occupants of No.36.

The outbuilding would have a door and a window facing the rear elevation of the host building. The back garden of neighbouring No.32 is set at least 2m higher than the back garden of the application site. The retaining wall and the 2m high fence on top of that would block any views from the outbuilding towards No.32. There is an approximately 2m high fence between the application site and neighbouring No. 36, with No. 36 set on slightly lower ground than the application site. Due to this any views from the proposed outbuilding to No.36's ground floor is completely blocked. The windows of the outbuilding would have views to the first-floor windows of No. 36, however this would be 11m metres away and at an oblique angle looking upwards. Therefore, it would not have any unacceptable impact on the privacy of the neighbour.

In conclusion, the proposed development would have an unacceptable impact on the living conditions of No.36 and would not be acceptable in terms of residential amenity in accordance with policy ENV2 and the Design principles SPD.

Highways

The development raises no issues of highway safety.

RECOMMENDATION: Refuse

For the following reason(s):

The proposed development would have an unacceptable impact on the living conditions of neighbouring No.36, and hence would be contrary to policy ENV2 of the Adopted Pendle Local Plan and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0157/HHO

Proposal: Erection of an outbuilding to rear of dwelling house.

At 34 Priory Chase, Nelson, Lancashire

On behalf of: Mr Muzaffar Rashid

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 7TH MAY 2024

Application Ref: 24/0169/HHO

Proposal: Full: Insertion of dormer windows to front and rear roofslopes and the erection of a single storey rear extension.

At: 42 Clover Hill Road, Nelson.

On behalf of: Mr Toqir Amra Kalan.

Date Registered: 08/03/2024.

Expiry Date: 03/05/2024.

Case Officer: Joanne Naylor

Councillor called this application in.

Site Description and Proposal

The application site is a mid-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls and a pitched natural slate roof. The application site has a small garden area to the front and has a yard to the rear with an outrigger and attached outbuilding which extends the length of the yard. The application site is within an area of predominately terraced houses.

The proposed development seeks to erect a single storey rear extension extending the length of the yard with a flat roof and to erect front and rear dormers to the roof slope with a flat roof.

Relevant Planning History

Non relevant.

Consultee Response

LCC Highways

LCC Highways are concerned about the cumulative effect of terraced houses increasing bedroom space without providing additional parking facilities. There is increased demand for on-road parking but difficult to absorb without loss of amenity to existing residents. However, although there are concerns these are not to such an extent to raise an objection. Secure cycle storage can be provided within the development.

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

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

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

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

National Planning Policy Framework

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

Paragraph 139 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

Design and Materials

The proposed rear extension would be located on the party boundary with No. 44 Clover Hill Road which has a circa 3m high blank wall formed by No. 42 outrigger. The proposal would be set away from the party boundary with No. 40 Clover Hill Road by 1.7m and No. 40 outrigger is set away from the party boundary with No. 42 by circa 1.7m, here the boundary treatment between No. 40 and the application site is a circa 3m high stone wall reducing to circa 2 to the rear yard wall.

The application site has an original outrigger to the rear yard, based on the records the Council holds in 1948, on this terrace row the rear elevation of the original outriggers are shown on the records, and the neighbouring properties also have outriggers to the rear yard, this establishes that the rear elevation of the dwelling house is the rear elevation of the original outrigger which has a length of 2.9m.

The proposed rear extension would extend 5.38m to the length of the yard, the Design Principles SPD states that 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, here the proposed rear extension would be greater than 4m. However, the application site has an original outrigger extending 2.9m, for terraces properties an extension

up to 3m can be achieved under permitted development, therefore a similar development could be achieved under permitted development.

The existing boundary wall treatment at circa 3m high to No. 40 and No. 44 which would ensure there would have no unacceptable impact to the adjoining neighbours at No. 40 and No 44 Clover Hill Road.

The proposed rear extension would have a flat roof of EPDM rubber membrane, the Design Principles SPD views flat roofs as poor design, however the proposed flat roof extension would be to the rear elevation and would not be readily visible from public vantage points. The proposed materials to the walls would be smooth render, the existing outrigger has been rendered and painted a cream colour, and No. 40 has also rendered the outrigger, in this location the use of render would be acceptable.

The Design Principles SPD advises that dormers should be in keeping with the dwelling and should not dominate the roof slope which could result in a property being unbalanced. The SPD also advises that front dormers will not normally be acceptable unless they are a feature of other similar houses in the locality and where 25% of the properties have front dormers.

The proposed front and rear dormers would be set back from the front and rear, marginally set in and would be marginally set in from the party boundary, the proposed dormers would be set below the ridgeline. The dwelling houses on this terrace row have pitched roof of natural slate tiles, the proposed materials would have a flat roof with grey EPDM rubber membrane and grey hanging tiles to the dormer walls, although the tiles would be a similar colour, the details of the material are not provided and whether the texture would be similar to that of natural slate tiles, furthermore, a flat roof would be incongruous in this location as the terraced row have pitched roof and the outrigger has a pitched roof of natural slate tiles, the proposed materials would not match the existing materials. The proposed rear dormer could be achieved under permitted development.

However, the proposed front dormer would appear overbearing due to the dormer extending the width of the roof and not being set in by 0.5m from either side or set back from the front elevation, the proposed front dormer would result in an overbearing effect and to have materials matching the existing roof.

The Design Principles SPD states that front dormers will not normally be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block/frontage).

In this area front and rear dormers are not characteristic with less than 25% of the properties having dormers. The proposed front dormer would extend the width of the roof and would not be set in by 0.5m from either side or set back from the front elevation by 1m, the proposed front dormer would dominate the front roof slope resulting in an overbearing effect to the street scene and adjoining premises, the proposed front dormer would appear as being unbalanced with a negative impact on the unaltered roofscape. The proposed front dormer would not respect the simple and unaltered roofscape, it would be incongruous and out of keeping with its surroundings. The proposal would also remove the existing chimney stack to accommodate the over-large dormers. The proposal would have a negative impact on the visual appearance of the dwelling house, the proposal would disrupt the uniformity and visual harmony of the roofscene and street scene and represent poor design.

The proposed front dormer would cause unacceptable harm to the character and visual amenity of the area and would be poor design. The proposed front dormer would be contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the Framework, and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advise that proposals 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.

The application site has an existing outrigger with a length of 2.9m, the proposed single storey rear extension would extend an additional 2.5m which would be within the 4m limits of the Council Design Principles SPD and would not breach the 45 degree guidance.

No. 40 has a rear window, the existing party boundary of circa 3m high already breaches the 45 degree guidance to the No. 40 rear window, there is an existing relationship of the rear window being breached.

The adjoining neighbour at No. 40 has a window that faces the application site, and the application site has an existing window to the outrigger which faces towards No. 40, here there is already an existing relationship of windows facing each other. The proposed rear extension would have a window which would face towards No. 40 kitchen window and also face towards the attached outbuilding which has no windows.

The proposed front dormer would face towards the front elevation of the terrace row opposite, there is a distance of circa 14m between, although this is less than the Design Principles SPD requirement for 21m to be maintained between habitable room windows facing each other, there is already an existing relationship of habitable room windows facing each other already existing.

To the rear of the application site, the proposed rear dormer would face towards the rear elevation of Vaughan Street which has habitable room windows to the ground and first floor. The distance from the proposed rear dormer to the habitable room windows to the terraced properties opposite would be circa 15m, the Design Principles advise that 21m between habitable room windows facing each other should be maintained. There is already an existing relationship of habitable room windows facing each other, and the proposed rear dormer would not detrimentally impact on those dwellings over and above existing conditions, in addition there are boundary walls and a backstreet in between, there would be no greater impact on amenity than is already existing.

The development would have no unacceptable impact on residential amenity, therefore the proposed development would comply with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would increase the number of bedrooms from two to four bedrooms. The application site has no off-street parking. LCC Highways are concerned with the cumulative effect of increasing bedroom numbers without additional parking facilities, however no objection has been raised on highways issues to this application. The proposal would comply with Policy 31 of the Replacement Pendle Local Plan.

RECOMMENDATION: Refusal

For the following reason:

The front dormer would be overbearing and incongruous and out of keeping with its surroundings and would represent poor design, this would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, and the Design Principles Supplementary Planning Document.

Application Ref: 24/0169/HHO

Proposal: Full: Insertion of dormer windows to front and rear roofslopes and the erection of a single storey rear extension.

At: 42 Clover Hill Road, Nelson.

On behalf of: Mr Toqir Amra Kalan.