

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

TO: NELSON, BRIERFIELD & REEDLEY COMMITTEE

DATE: 3rd JUNE 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 03 JUNE 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 was deferred from May's Committee meeting.

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 50MW 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
- The development is not green energy. What battery energy storage systems do is store energy that has already been generated from a mixture of sources including coal, gas and nuclear. The energy is bought from the National Grid when prices are low, e.g. at night, and is then sold back when prices are high.
- This type of battery technology is high carbon in manufacture. The scheme will result in a net increase in emissions.
- This method of energy storage is inherently wasteful resulting in a loss of at least 13% during charging and discharging.

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 ENV3 (Renewable and Low Carbon Energy Generation) states that the Council will encourage new developments that are appropriate to their setting and make a positive contribution towards increasing levels of renewable and low carbon energy generation in Pendle. All proposals must be accompanied by appropriate supporting evidence which can include landscape, visual, noise and environmental assessments. Applicants must demonstrate that satisfactory mitigation measures can be employed to offset any potentially negative impacts that are identified, or that the positive benefits of the scheme outweigh these impacts.

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 battery backup electricity storage is necessary for the operation of the electricity network to ensure a reliable supply of electricity. The battery storage facility provides a means of allowing electricity from the Grid to be imported and stored at times of low demand / high generation, which can then be exported back into the Grid at times of higher demand / system stress. Demand for electricity can vary dramatically across the day and it is harder to match the amount required with renewable energy sources. This is where the battery storage is vital and helps smooth out the peaks and troughs in power generation and help match it to demand.

The applicant has demonstrated that there are no alternative sites feasibly available to serve this part of the network (the recently approved site in Nelson is on a different circuit and is not an alternative site). As such the development has significant economic and social benefits.

Details of recent appeal decisions have been submitted by the applicant demonstrating that the need for energy 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 that 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 dwelling is approximately 230m from the site. A noise assessment has been submitted assessing the impact of noise from the operation of the facility on residents as the plant proposed, such as transformers, will generate noise. The assessment concludes that with mitigation from 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, following further discussions with the Fire Service and Applicant it is clear that appropriate fire safety mitigation measures can be controlled by condition. Details of measures have been submitted and are being considered by the Fire Service.

Highway Issues

The main vehicular access point would be at the southern end of the site, an acceptable level of visibility can be ensured by condition. The second access to the northern end of the site is 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 terms of highway safety and capacity 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 appropriate conditions being agreed with the Fire Service.

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 – received 15/03/2024, EUR001-PL-01 Rev A, EUR001-EL-01 Rev A, EUR001-EL-02 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 southern 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 site accesses shall have been submitted to and approved in writing by the Local Planning Authority, each site accesses shall constructed in accordance with the approved details prior to the first use of that access.

Reason: In the interest of highway safety.

6. The northern 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 southern 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. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed surface water sustainable drainage strategy shall be based upon the sitespecific flood risk assessment (18th March 2024 / Flood Risk and Drainage Assessment – Version 1.3 / Weetwood) and indicative surface water sustainable drainage strategy (18th March 2024 / Flood Risk and Drainage Assessment – Version 1.3 / Weetwood) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;

- c) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

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 AREA COMMITTEE ON 03 JUNE 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 May'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 3rd JUNE 2024

Application Ref: 24/0064/FUL

Proposal: Full: Change of use of residential property to a mixed use of residential and commercial dog breeding.

At: 217 Halifax Road, Nelson.

On behalf of: Mrs Leah Hampson.

Date Registered: 19/03/2024

Expiry Date: 14/05/2024

Case Officer: Joanne Naylor

Site Description and Proposal

The site is a semi-detached dwelling house which is two storey to Halifax Road and three storey to the rear, it is located within the settlement boundary of Nelson. It has an attached garage and parking to the front drive, to the rear there is a garden sloping steeply down. The site is located in a predominantly residential area. The site is within the development boundary for Nelson and is not allocated for any specific use in the Pendle Local Plan.

The proposal seeks a change of use from residential property to mixed use of residential and commercial dog breeding of 262sq.m. It is proposed that the basement floor will provide puppy sleeping area, puppy play area, a utility for washing machine and preparation of food, and an external under cover puppy play area.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

The application seeks to change the use of 150sqm to Class E(c)(iii) for dog breeding. There will 1 employee who resides at the dwelling. The 3-bedroom dwelling will be retained alongside the business. The applicant states that they have 5 dogs, 4 of which are associated with the business.

There is an existing driveway at the dwelling for 2 vehicles. The existing garage appears of a sub-standard size to accommodate a vehicle. The driveway parking is sufficient to accommodate the residential parking which would include the employee who resides at the dwelling. There is no off-street parking associated with the proposed business. Customers visiting the dwelling would need to park on Halifax Road itself.

Further information is required outlining the number of customers the business would generate on a daily/weekly/yearly basis.

8 April 2024: Further information has been submitted by the applicant, there are three breeding dogs which would result in an average number of 17 puppies per annum. Two visits for prospective owners would be required, to meet the puppy and to collect the puppy, each visit will take between 30 to 40 minutes.

LCC Highways response that the numbers do not appear significant to raise an objection to. There is space on Halifax Road for on-street parking without causing any issues. We have no complaints recorded in the vicinity about parking and no neighbours seem to have raised an objection.

However, a condition for a maximum of 3 breeding dogs, therefore there would be no objection.

Parish/Town Council

Environmental Health

Condition to limit to three breeding dogs and for a noise management plan.

United Utilities

Coal Authority

The application site does fall within the defined Development High Risk Area; however, I can confirm that the nature of development is listed as exempt from Version 7, January 2023 of the Coal Authority's Guidance for Local Planning Authorities.

Accordingly, there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted with any planning application or for the Coal Authority to be consulted on this proposal.

Public Response

Nearest neighbours have been notified and no responses received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Principle of the Development

The site is located in a predominately residential area and within the defined settlement boundary of Nelson. The proposal seeks a change of use of 261sq.m from residential (Use Class C3) to residential and commercial breeding (Use Class Sui Generis). The application site is a semi-detached dwellinghouse which adjoins No. 219 Halifax Road and located in a predominantly residential area.

When considering the impact of the number of dogs that are acceptable in a residential property. In an appeal between Wallington v Secretary of State for Wales found that up to six dogs would be viewed as acceptable in a domestic setting. The applicant has confirmed that the proposal would have three breeding dogs producing on average 17 to 20 puppies a year, the puppies would be sold at 8 weeks old and would not be included as dogs living at the domestic premises. As the proposed commercial dog breeding is within a predominately residential area LCC Highways and PBC Environmental Health officer have requested that the number of breeding dogs are limited to three, a condition to limit three breeding dogs on the premises could be placed. Therefore, in principle the proposed change of use would be acceptable.

Design and Materials

The external changes to the property would be the rigid plastic canopy over the external puppy play area which would be circa 3m x 3m, it would extend 2.6m from the rear elevation just below the dining room window and a width of 3.3m, to the rear the land slopes steeply downwards, the proposed canopy would be circa 2m above the basement level. At the time of the site visit the canopy was already in place. The side elevation appears to have a timber boundary treatment. The proposed canopy and puppy play area would be acceptable in design and materials due to it being to the rear and not visible from the highway.

The design and materials of the proposed change of use would conform with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principles SPD.

Residential Amenity

The application site is a residential dwelling house (Use Class C3), the proposal would seek a change of use of 261sq.m of residential use to residential and commercial dog breeding (Use Class Sui Generis).

The applicant has provided information regarding the three breeding dogs and the estimated number of puppies from the three dogs.

One in season twice a year, the average litter is 9 puppies.

One in season every 8 months, with an average litter of 6 puppies.

One in season every 8 months, with an average litter of 5 puppies.

The applicant has stated that over a 12 month period would result in two and a half litters with approximately 17 puppies, whilst the average litter would be 20 puppies over a 12 month period.

However, the applicant's calculation does not account for the two breeding dogs with seasons every 8 months, whereby one breeding dog could have a season early in the year and a second season later in the year. When considering the seasons and estimated puppies from each litter over 24 months, the average number could be 34 puppies per annum, however this would be an unlikely scenario due to the unpredictability of the dogs seasons and the number of litters and puppies born. The applicant is experienced in breeding dogs and provides an estimate of 17 to 20 puppies a year.

The consideration here needs to establish the impact on the residential amenity of neighbouring properties in particular noise impacts, the impact on the public highway network, and the disposal of foul effluent.

The proposal is mostly a change of use of the existing dwelling house to residential and commercial dog breeding. The applicant has stated that there would be three breeding dogs which deliver an average of 17 to 20 puppies a year.

Furthermore, due to the differences in the seasons of the three breeding dogs, it may be possible that any of the breeding dogs could be in puppy, and that there may always be puppies on the premises. Therefore, a condition could be placed that only three breeding dogs are allowed on the premises at any one time.

The applicant estimates that each puppy the proposed customers would require two visits to the property, one visit to view the puppy and one visit to collect the puppy, for the duration of each visit it is estimated that 30 to 40 minutes each visit. Therefore, the proposal could potentially generate between an average of 34 to 68 visits to the site. The application site has space for two vehicles on the front drive with one space for the employee at the dwelling house. The proposed customers would have to park on Halifax Road, at the time of the site visit there were spaces available on either side of Halifax Road. LCC Highways have not raised an objection on highways safety impacts.

The proposed change of use would be located in a predominately residential area. The breeding of dogs for commercial business is a different use in a residential area. The proposal would result in 17 to 20 puppies in a year, the proposal would have internal changes to the basement providing sleeping area and play area for the puppies and a utility area for washing and food preparation area. As the site is within a residential area, a condition could be placed for a noise management plan outlining the action to be taken to prevent excessive noise nuisance, this may require internal changes to prevent excessive noise from the commercial breeding business.

The proposed change of use to residential and commercial dog breeding would result in three breeding dogs and 17 to 20 puppies a year.

The proposal would mostly be internal changes to the basement of the dwelling house, however an external puppy play area is proposed at the basement level which would have a canopy above and timber walling to the side elevation. The proposed play area would be located adjacent to No. 219 Halifax Road. No. 219 has a rear extension with a balcony above which is set away from the party boundary with No. 217 by circa 3.5m, the proposed external play area would not breach habitable windows to No. 219 due to the proposal at basement level and the nearest window of No. 219 is at ground floor level, the proposal would not breach the 45 degree guidance to No. 219 rear windows.

No. 215 Halifax Road and the application site each have a garage to the side elevation which would create space between the properties and reduce any noise impacts from the proposal at ground floor level.

No. 215 and No. 219 both have rear gardens, the proposed external play area would potentially generate noise from the puppies, the external play area may result in some noise from the puppies, the noise would be at certain times of the day due to puppies sleeping often throughout the day, however, a condition could be placed for details to be submitted for a noise management plan to minimise any potential noise issues from the breeding dogs and puppies within the building and for mitigating noise nuisance from the external puppy play area. Furthermore, in order to limit the noise impact on the amenity of neighbours, a condition could be placed that only three breeding dogs are on the premises at any one time.

Subject to conditions to limit the number of breeding dogs within the premises to three dogs and for the submission of a noise management plan to reduce any noise nuisance generated by the commercial breeding of dogs, then the proposal would have no unacceptable residential amenity impact to neighbouring properties and would comply with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.

Waste Management

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution. The commercial breeding business would generate foul effluent including animal faeces which can result in odour and potentially harm the quality of life for neighbouring properties. A condition could be placed for a scheme for the management and disposal of foul effluent including animal faeces to ensure no unacceptable impact to the quality of life of nearby residents due to odour and for the proper disposal of foul effluent. Subject to a suitable scheme to manage the disposal of foul effluent and animal faeces, the proposal would be acceptable and conform with Policy ENV2 and Policy ENV5.

Highways

The application site has parking for two vehicles to the front drive which would accommodate residential parking which includes the employee who resides at the dwelling. There is no off-street parking associated with the proposed business, customers visiting the dwelling would park on Halifax Road.

The applicant estimates that for each puppy the proposed customers would require two visits to the property, one visit to view the puppy and one visit to collect the puppy, for the duration of each visit it is estimated that 30 to 40 minutes each visit. Therefore, the proposal could potentially generate between an average of 34 to 68 visits to the site. As there is no off-street parking available associated with the proposed business, the proposed customers would have to park on Halifax Road, at the time of the site visit there were spaces available on either side of Halifax Road, overall circa 34 trips would be anticipated. LCC Highways view that the number of trips would not be significant to raise an objection, and there is space on Halifax Road for on-street parking.

LCC Highways have not raised an objection on highways safety impacts, therefore the proposed development would be acceptable in highway terms in accordance with policy 31 of the Replacement Local Plan.

Coal Authority

The site falls within the defined Development High Risk Area, however the nature of development is listed as exempt, there is no requirement for a Coal Mining Risk Assessment. The proposal would conform with Policy ENV5 of the Pendle 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 is acceptable in terms of design, amenity and highway safety. The development is therefore compliant 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

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, Existing Floor Plans and Elevations Rev HAMP/01 Dwg 01 (received 19 March 2024),

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

3. The external materials used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

4. The dog breeding hereby permitted shall at all times be limited to not more than three breeding dogs.

Reason: In order to limit any noise nuisance to the occupants of neighbouring properties.

5. Prior to the commencement of the dog breeding use hereby permitted a noise management plan shall have been submitted to and approved in writing by the Local Planning Authority. The approved plan shall have been fully implemented upon commencement of the use and strictly adhered to at all times thereafter.

Reason: To protect the amenity of occupiers of the neighbouring properties.

6. Prior to the commencement of the uses hereby approved a scheme for the collection and disposal of foul effluent and animal faeces from the dog breeding use shall have been submitted to and approved in writing to the Local Planning Authority. The submitted details should include the frequency of removing foul effluent, the storage of waste and its disposal.

The approved scheme shall have been fully implemented upon commencement of the use and strictly adhered to at all times thereafter.

Reason: To ensure no unacceptable impact on the residential amenity of neighbouring properties from foul effluent and odour.

Application Ref: 24/0064/FUL

Proposal: Full: Change of use of residential property to a mixed use of residential and commercial dog breeding.

At: 217 Halifax Road, Nelson.

On behalf of: Mrs Leah Hampson.

REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 3rd JUNE 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

This application was deferred by the committee on 7th May to enable negotiations on design.

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 original proposed outbuilding had a single pitched design with the roof sloping to the interior of the site. An updated design was submitted after the committee on 7th May with the proposed outbuilding to have a flat roof design. The outbuilding would be 2.5m in height and have three elevations adjoining the boundary.

The outbuilding would have rendered walls, UPVC windows and doors and bituminous membrane roof. The proposed outbuilding would not be visible from any public vantage points. 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 flat roof of height 2.5m. 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 albeit being separated by circa 1.7m from the existing extension and would be comparable to a further extension to the rear.

However, it is worth noting that the proposed outbuilding, standing at a modest height of 2.5 meters, would not significantly impact the living conditions of neighbouring properties considering it could be built under permitted development under The Town and Country Planning GPDO 2015 Schedule 2 Class E. Therefore, there would be no unacceptable impact on the living conditions of neighbours particularly considering the permitted development fall-back position.

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 not have any unacceptable impact on residential amenity and would 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: 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:

- AB0104 Proposed outbuilding Plan and Elevations (received 13.05.24)
- Block Plan 1:500 (received 05.03.24)
- Location Plan 1:1250 (received 05.03.24)

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and 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.

4. 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.

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 3rd OF JUNE 2024

Application Ref: 24/0185/HHO

Proposal: Full: Erection of a detached outbuilding.

At 9 Redness Close, Nelson, Lancashire

On behalf of: Mr Sadik Khan

Date Registered: 02.04.2024

Expiry Date: 28.05.2024

Case Officer: Athira Pushpagaran

This application has been called to committee by the Chair of the committee.

Site Description and Proposal

The application site is a detached dwelling in a predominantly residential neighbourhood within the settlement boundary of Nelson. The dwelling is situated at the end of a cul-de-sac with the main access from Redness Close. It is surrounded by similarly scaled dwellings and a factory to the northwest. The factory premises is separated from the application site by a tall hedge of mature conifer trees. The existing dwelling has a pitched tiled roof, artificial stone on walls, and UPVC windows and doors.

The proposed development is the erection of a detached outbuilding to the western side at the front of the dwelling. The outbuilding has already been built at the time of the site visit.

Relevant Planning History

13/06/0155P Full: Erect two storey extension to North-West elevation. Approved with conditions

Consultee Response

Highways

The submitted documents and plans have been reviewed and the following comments are made. 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.

1. The outbuilding hereby permitted shall be used only for domestic purposes associated with the residential dwelling 9 Redness Close.
Reason: For highway safety.

Parish/Town Council

No response

PBC Environmental health

Environment health is concerned with nuisance through the construction phase. Requests a construction method statement condition to be added to any approval.

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 and protecting residential amenity.

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 application site situated at the end of a cul-de-sac, has a small portion extending to the front at its western corner. The proposed outbuilding is situated within this portion adjoining the boundary on two sides and set against the coniferous hedging trees along the northern boundary. There is a 2m high wooden boarded fence along the boundary facing the cul-de-sac. The southeastern wall of the proposed outbuilding replaces a part of this fence and adjoins the boundary.

The proposed outbuilding would be 2.8m high and flat roofed. The outbuilding is to the side of the dwelling ahead of the front elevation and would be visible from the highway. However, in terms of visual impact, its scale as seen from the highway would be similar to that of the fence it replaces. It would be in line with the existing fence along the highway and would be set against the tall mature conifer hedge trees along the northern boundary of the site. Additionally, the outbuilding would be finished in reconstituted coursed stone to the front and side elevations facing the highway to match the materials on the host dwelling. The other sides which are not visible from public vantage points would be of render finish. Considering its location at the end of a cul-de-sac, its elevation to the highway comparable in scale to the existing fence and the use of materials matching the dwelling, the proposed outbuilding would not have an unacceptable impact on the character of the dwelling and the street scene.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 and the Design principles SPD.

Residential Amenity

The proposed outbuilding would have no windows and would have a door towards the application site away from neighbours and the highways. The outbuilding would be set back 1.1m from the party boundary with No.7, with No.7 setback 11m from the party boundary. The proposed outbuilding would not have any overbearing impact on the privacy and living conditions of neighbours.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 and the Design principles SPD.

Highways

LCC Highways does not raise any objection to the proposed development and request the addition of a condition to any approval.

PBC Environmental health

Requests a construction method statement condition to be added to any approval. However, this would not be necessary since it is a retrospective application.

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 housing 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:
 - Dwg 01 Site Location Plan (received 02.04.24)

- Dwg 03a Proposed Plans and Elevations (received 30.04.24)
- Dwg 04 Existing and Proposed Block Plan (received 02.04.24)

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

2.All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and 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.

Application Ref: 24/0185/HHO

Proposal: Full: Erection of a detached outbuilding.

At 9 Redness Close, Nelson, Lancashire

On behalf of: Mr Sadik Khan

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 03 JUNE 2024

Application Ref: 24/0237/VAR

Proposal: Variation of Condition: Vary Condition 2 (Approved Plans) of Permission in Principle Consent 20/0524/PIP.

At: Land To The North Of Rockwood, Halifax Road, Nelson

On behalf of: M A Holdings Ltd

Date Registered: 11/04/2024

Expiry Date: 14/06/2024

Case Officer: Alex Cameron

This application has been brought before Committee because three objections have been received.

Site Description and Proposal

The application site is open land to the east of Nelson Golf Club within the open countryside adjacent to the settlement boundary of Nelson and is designated as Open Space.

Permission in Principal and Technical Details Consent have been granted for the erection of four dwellings on the site. This application is to vary the plans of the existing permission altering the design and layout of the dwellings and proposing a revised triple garage for plot 2 and double garage for plot 1 set behind the dwellings.

Relevant Planning History

20/0524/PIP - Permission in Principle: Erection of up to 6 No. dwelling houses. Appeal Allowed

22/0047/TDC - Technical Details Consent: Erection of 4 detached dwellings (Permission in Principle 20/0524/PIP). Approved

Consultee Response

LCC Highways – The Pendle Countryside officer has submitted concerns to the proposal, these are supported by the Highway Authority.

The amended layout includes a smaller turning head. This may be acceptable as it is unlikely that the refuse vehicle will enter the site and likely that the waste receptacles will be moved by the residents to the kerbside of Halifax Road on collection day. Please can the applicant confirm this.

Otherwise the turning head appears large enough to allow a delivery vehicle to enter, turn and leave in forward gear onto Halifax Road. No objection.

Coal Authority – No objections subject to the Coal Authority condition existing permission being attached.

PBC Countryside Access – Requests additional details of the levels of the site.

Public Response

A press and site notice have been posted and neighbours notified. responses received objecting on the following grounds:

- Visual impact
- Size of the proposed houses out of keeping with adjacent bungalows
- Unacceptable materials
- Proximity to boundary of adjacent property
- Additional traffic and highway safety concerns
- Impact on public footpaths
- Concerns regarding drainage of the site
- Disturbance to wildlife

Officer Comments

Policy

Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

The following saved Replacement Pendle Local Plan policies also apply:

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Residential Amenity

Plot 1 would be adjacent to 419 Kings Causeway sited at an angle to it. Although this would potentially allow a partial view over the garden of that property, taking into account the angle of view it would not result in an unacceptable loss of privacy.

The proposed amendments would not result in and unacceptable residential loss of privacy, light, overbearing impact or any other unacceptable residential amenity impacts upon any adjacent dwelling and is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Visual Amenity

The proposed amendments to the design and layout of the dwellings are minor and acceptable in terms of design and visual amenity impact in accordance with policies ENV1, ENV2 and LIV5.

The proposed revised garages to the rear of plots 1 and 2, are likely to be acceptable in principle, however, the application includes insufficient detail of the proposed levels to fully assess their visual impact.

Highways

The amended layout would provide adequate car parking provision and manoeuvring.

The amendments proposed an revised footpath diversion route through the site, whilst the route is acceptable in principle further detail of the proposed levels of the site are required in order to fully assess the acceptability of the proposed route.

Coal Risk

The proposed amendments do not raise any issues in relation to risk from former coal mines.

Other Issues

The proposed garage of plots 1 and 2 would be outside of the 30 degree dispersal zone for shots from the first tee of the golf course and therefore it is unlikely that there would an unacceptable risk of strikes from golf balls, this would be controlled by the existing condition 5 of the permission.

Summary

It is recommended that the approval of the application be delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to acceptable details of the proposed levels.

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 accords with the Local Plan and National Planning Policy 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: Delegate Grant Consent

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from 18th November 2022.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 03E, 05, 06B, 08A, 09, 10A, 16.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of all the external materials to be used in the construction of the dwellings roof, walls, colour and finish of the windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. Prior to the commencement of development, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

5. Prior to the occupation of the first dwelling an assessment of the risk from golf balls and a scheme of any mitigation measures necessary to address that risk shall have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures may include, but not be limited to, catch fencing and/or restriction of the extent of domestic garden areas. The scheme shall be fully implemented prior to the occupation of the dwellings hereby approved and maintained at all times thereafter.

Reason: To mitigate risk from flying golf balls to residents and protect the viability of the adjacent golf club.

6. 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) Measures to control noise and vibration during construction.

- viii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- ix) Details of working hours
- x) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety and residential amenity.

7. The development hereby permitted shall not commence unless and until all of the highway works to facilitate construction traffic access to the development site have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the development site in a safe manner without causing a hazard to other road users.

8. All visibility splays at the construction site access to the development shall be cleared to ground level prior to the commencement of any works.

Reason: To enable all construction traffic to enter and leave the development site in a safe manner without causing a hazard to other road users.

9. No part of the development hereby approved shall be commenced until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

The works shall be to LCC specification and include i) new site access, ii) removal of 12 trees within the highway verge sited within the visibility splays on Halifax Road.

Reason: In the interest of highway safety.

10. 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. Unless otherwise agreed this shall include 24 replacement trees for the removed highway trees of species 50/50 mix of *Parrotia persica* "Venessa" and Liquidamber "Worplesdon", stock sizes to be minimum of extra heavy standards and replacement of the trees removed within the site.
- 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 and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the substantial completion 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 and in the interest of visual amenity.

11. Unless otherwise approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows adjacent to the site from being damaged during construction works.

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

Reason: To ensure that the habitats of protected species are not harmed by the development.

13. Each dwelling shall have an electric vehicle charging point and secure covered cycle store prior to first occupation.

Reason: To ensure adequate provision for sustainable transport.

14. No dwelling shall be occupied until the car parking area for that dwelling has been surfaced or paved in a bound porous material, unless otherwise approved in writing by the Local Planning Authority, and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking areas shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To allow for the effective use of the parking areas in the interest of highway safety.

15. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the risks resulting from former coal mining activity are acceptably mitigated.

16. Prior to the first occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the risks resulting from former coal mining activity are acceptably mitigated.

Notes:

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the reference 13-3-FP24 Brierfield, Pendle and planning application number, to discuss their proposal before any development works begin.

Application Ref: 24/0237/VAR

Proposal: Variation of Condition: Vary Condition 2 (Approved Plans) of Permission in Principle Consent 20/0524/PIP.

At: Land To The North Of Rockwood, Halifax Road, Nelson

On behalf of: M A Holdings Ltd

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE ON 3RD JUNE 2024

Application Ref: 24/0240/FUL

Proposal: Full: Installation of a new shop front with shutter.

At: 88 Manchester Road, Nelson

On behalf of: Mr Zaka Mohammed Alnoor

Date Registered: 29/04/2024

Expiry Date: 24/06/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to an existing office on Manchester Road, within the settlement boundary of Nelson, the Town Centre Boundary and within the Whitefield Conservation Area.

The application does not involve the change of use of any part of the building, it is simply for an external alteration including the insertion of a shop front and a shutter. The application is retrospective. At the time of the site visit the shop front and shutter had already been installed. The shutter which had been installed was a solid metal style, with no perforation. However, the application form indicates that the proposed shutter would have perforation.

Relevant Planning History

23/0544/FUL: Full: Erection of a single storey extension to the ground floor living accommodation at rear of shop.

Approved with conditions.

Consultee Response

LCC Highways

Having reviewed the documents submitted, Lancashire County Council acting as the Local Highway Authority does not raise an objection regarding this retrospective application and are of the opinion that the development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

Environmental Health

Do you know if there are residential properties above the commercial properties on this block? If there is can we condition the development so that the shutters up and close on a motor, so that the descent is controlled and doesn't make loads of noise?

Public Response

Nearest neighbours have been notified, a site & press notice have been displayed and no response has been received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to support development which make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

ENV4 sets out that where an adverse impact [upon highway safety] is identified, applicants should ensure adequate cost effective mitigation measures can be put in place. Where the residual cumulative impacts of the development are severe, planning permission should be refused.

Policy WRK4 (Retailing and Town Centres) states that main town centre uses should follow the following sequential approach:

- 1: Town and local shopping centres
- 2: Edge of centre locations
- 3: Out-of-centre sites which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre

Replacement Pendle Local Plan (RPLP)

Policy 25 states that new retail and service development should be located within a defined town centre as the first order of priority. The supporting text states that where existing commercial uses exist outside of a town centre they can be replaced by some other commercial use of the same scale.

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Conservation Area Design & Development Guidance SPD.

Design & Heritage

The site is located inside the town centre boundary and the settlement boundary. The application site is also located in the Conservation Area. The Conservation Area Design & Development SPD sets out the Council's approach to development including shop fronts. It states that new and replacement shopfronts should be of a high standard of design, of good quality materials, and well related to the individual building and the streetscene. New and replacement shopfronts will normally be approved only if they maintain or improve upon the quality of the front they are to replace, and where they relate well to the building and to the street scene in materials, form and proportion. In this case the applicant has removed a traditional shop front which had traditional features such as a stallriser, with a full height window pane. This removes the traditional shop front elements. The development would not maintain or improve the quality of the shop front which it replaces. It amounts to poor design, contrary to paragraph 139 of the Framework.

As such, in principle the development of this nature is not supported. It amounts to poor design which would have an unacceptable impact upon the character and appearance of the Conservation Area. The unacceptable impact would result in less than substantial harm to the character and appearance of the Conservation Area, which is not outweighed by public benefit. This is contrary to paragraph 208 of the Framework.

The proposed plans indicate that there will be a shutter installed which has perforation / slots allowing visibility through to the shop even with the shutter in the closed position. However, at the time of the site visit the shutter was a solid metal shutter with no perforation and therefore no visibility to the shop, creating a completely vacant / blank frontage. If the applicant were to install a shutter which has some visibility / perforation this would not be as harmful to the wider character and appearance as the existing solid metal shutter.

Overall, the development results in less than substantial harm to the character and appearance of the Conservation Area. This conflicts with paragraph 208 of the Framework as there are no public benefits outweighing this harm. The development conflicts with Policies ENV1 and ENV2 of the Local Plan: Part 1 Core Strategy, the Conservation Area Design & Development Guidance SPD and the Design Principles SPD.

Amenity

There would be no unacceptable impact in terms of residential amenity as a result of the proposed shop front, it does not involve any habitable living accommodation at the ground floor level, neither are there any habitable room windows within a 21m distance of the development site.

The Council's Environmental Health Officer has raised concerns about the noise associated with the roller shutter mechanism. The shutter has been installed for some time and there have been no noise complaints associated with this issue. As such, it would be an unreasonable request to condition that the applicant must install a motorised shutter in the interests of neighbouring amenity.

Overall, in terms of amenity issues there would be no unacceptable impacts, in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Highways

The development would not result in any unacceptable highway impact.

As such, the proposed development accords with Policy ENV4 of the Local Plan: Part 1 Core Strategy.

RECOMMENDATION: Refuse

1. The retrospectively proposed shopfront removes traditional features present in the previously existing shopfront and represents poor design which would result in harm to the visual amenity of the area and less than substantial harm to the significance of Conservation Area which is not outweighed by any public benefit, contrary to Policies ENV1 & ENV2 of the Local Plan Part 1: Core Strategy, the Conservation Area Design & Development Guidance Supplementary Planning Document, Design Principles Supplementary Planning Document and paragraphs 139 and 208 of the National Planning Policy Framework.

Application Ref: 24/0240/FUL

Proposal: Full: Installation of a new shop front with shutter.

At: 88 Manchester Road, Nelson

On behalf of: Mr Zaka Mohammed Alnoor

REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 3rd OF JUNE 2024

Application Ref: 24/0254/LHE

Proposal: Permitted Development Notification (Proposed Larger Home Extension): Erection of a single storey rear extension (6.00 length, 4.00 height and 3.00 eaves height).

At 84 Charles Street, Nelson, Lancashire

On behalf of: Mr Sarfaraz Ahmed

Date Registered: 24.04.2024

Expiry Date: 05.06.2024

Case Officer: Athira Pushpagaran

This application has been called to committee by the chair.

Site Description and Proposal

The application site is a detached building in the middle of a short row of terraces along Charles Street. The application site is situated in a residential neighbourhood within the settlement boundary of Nelson. The main access is from Charles Street. The dwelling has a front garden and a rear garden. Behind the rear garden is a recreation ground with a community centre. Adjoining the rear boundary of the application site is an outbuilding within the recreation ground which blocks views of the rear elevation of the dwelling from the recreation ground. The application site also has an existing outbuilding to the rear end of the site with a few pine trees behind it. The existing dwelling has rendered walls with a brick plinth, a pitched roof of tiles, UPVC doors and windows.

The proposed development is the erection of a single storey rear extension to accommodate a new kitchen/dining and a utility room.

Relevant Planning History

No relevant planning history.

Consultee Response

None necessary

Public Response

One neighbour objection has been received raising the following issues:

- Blocking light
- Loss of view
- Huge, imposing extension

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 and protecting residential amenity.

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 extension would not be visible from any public vantage points. The proposed single storey extension would have a single pitched roof of tiles, rendered walls on a brick plinth and UPVC doors and windows. The sloping roofed design and the similar materials used on the extension would make it acceptable in terms of design.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy, and the Design principles SPD.

Residential Amenity

The proposed single storey extension would extend 6m beyond the rear elevation of the dwelling and would be 5.9m wide set back from either party boundaries by 0.15m.

The Design principles SPD states that a single storey extension of depth greater than 4m will normally only be permitted if it does not breach the 45-degree rule where this would not cause detriment to the character of an area.

The proposed extension would not have any side windows and would have a window and door to the rear. The neighbouring No. 86-88 Charles Street already has an extension to the rear. The proposed extension would extend 1.9m from the rear elevation of this extension and 6m from the rear elevation of No.82. The proposed extension would breach the 45-degree guidance for the rear windows of no.82 and would have an unacceptable impact on the living conditions of its occupants.

Therefore, the proposed development would have a detrimental impact on the living conditions of the occupants of No.82 and would be contrary to policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, and the Design principles SPD.

RECOMMENDATION: Refuse

For the following reason(s):

1. The proposed development would have an overbearing impact on the residential amenity of neighbours resulting in an unacceptable impact on the living environment of the occupants of 82 Charles Street and hence would be contrary to policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy, and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0254/LHE

Proposal: Permitted Development Notification (Proposed Larger Home Extension): Erection of a single storey rear extension (6.00 length, 4.00 height and 3.00 eaves height).

At 84 Charles Street, Nelson, Lancashire

On behalf of: Mr Sarfaraz Ahmed

REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 3rd OF JUNE 2024

Application Ref: 24/0258/HHO

Proposal: Full: Erection of a two-storey side extension and conversion of existing garage into family room.

At 76 Higher Reedley Road, Brierfield, Lancashire

On behalf of: Mr Mohammed Amjad

Date Registered: 23.04.2024

Expiry Date: 18.06.2024

Case Officer: Athira Pushpagaran

This application has been called to committee by a councillor.

Site Description and Proposal

The application site is a semidetached dwelling situated in a residential neighbourhood within the settlement boundary of Brierfield. The main access is from Higher Reedley Road. The application site has a driveway to the front and amenity area to the back. The existing dwelling has a hipped roof of tiles, pebbledash exterior and UPVC doors and windows. The dwelling has an existing side and rear flat roof single storey extension accommodating an attached garage, kitchen and a utility.

The proposed development is the erection of a first-floor side extension above the existing flat roof extension and conversion of the existing garage into family room.

Relevant Planning History

13/94/0662P Extend kitchen to rear. Approved with Conditions

19/0777/HHO Full: Erection of single storey extension to side (North) and rear. Approved with Conditions

20/0012/NMA Non-Material Amendment: Amend Planning Permission 19/0777/HHO to insert door on the rear elevation and window to side elevation. Approved unconditionally.

Consultee Response

Highways

Lancashire County Council acting as the Local Highway Authority (LHA) 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 or capacity in the immediate vicinity of the site.

A 4+ bedroom dwelling, as proposed, should be provided with 3 off-street car parking spaces. These spaces should measure 5m in length and 2.4m wide each, where they are adjacent to a fence or similar obstruction an additional width of 0.6m should be provided. While the development will remove the existing garage, the existing off-street parking provisions within the driveway, as

highlighted in the Site Plan drawing 21034-SP, are acceptable for the size and nature of the development.

Additionally, due to the nature of the application, a charging point for electric vehicles should be included in the development to promote sustainable modes of transport. The DfT guidance regarding Electric Vehicle Charging in Residential and Non-residential buildings states charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

Parish/Town Council

No response

Public Response

Two objections have been received from neighbours raising the following concerns:

- Blocking light to neighbours
- Overlooking garden and decking of neighbour
- Invasion of privacy
- Construction noise
- Affect the open aspect and views for neighbouring property
- Presence of live telephone wires running through where the proposed extension would be

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 and protecting residential amenity.

Officer Comments

The proposed development is in a residential area situated within the settlement boundary of Brierfield. 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 Design principles SPD advises that two storey side extensions should normally be set in from the side boundary, by at least 1m. Two storey side extensions must be set back from the front wall of the house by a minimum of 1m with a corresponding lowering of the roof line. Alternatively, if the ground floor is not set back, the first floor should be set back by 2m with a corresponding lowering of the roof line. Two storey side extensions should, in general, be less than the frontage width of the original property.

The proposed first floor would span the entire width of the existing side extension. It would be 4.8m in width and would adjoin the party boundary with No. 74 Higher Reedley Road. The width of the proposed extension would be less than the frontage of the house. The proposed first floor would be in line with the front elevation of the dwelling without the lowering of the roofline. However, the potential terracing effect this creates is negated by the slightly staggered arrangement of dwellings on this side of the street.

Overall, the proposed development would be acceptable in terms of design and would be in accordance with policies ENV1 and ENV2 and the Design principles SPD.

Residential Amenity

The proposed first floor extension would be adjoining the party boundary and would extend 1.5m beyond the rear elevation of No.74. The extension would respect the 45-degree guidance for the windows of No.74.

The neighbours to the rear of the application site No. s 2 and 4 Moorland Drive are situated at slightly higher ground than the application site. This means that most of the ground floor of the application site is hidden from view from these neighbours by the boundary fence however the first floors tower above the fence. The proposed first floor extension would have a rear bedroom window which would directly overlook the rear gardens of both No 2 and 4 at close range. The proposed window would also have direct views into habitable room windows of No.2 and 4. The dwelling already has first floor windows to the rear however the proposed window would be set 3.38m ahead of the existing windows and would therefore have a greater impact on the privacy of neighbours to the rear of the site. The Design Principles SPD advises a minimum separation of 21m between habitable room windows directly facing each other. The proposed window would be 9.5m away from the kitchen window and 12m from the dining room window of No.2. It would be 14 m away from the living room window of No.4. In this case the proposed development would have a detrimental impact on the privacy of the users of the gardens as well as habitable rooms of both neighbours. The applicant was given an opportunity to agree to obscure glaze this proposed window to mitigate the privacy issue, however this was not accepted.

In conclusion, the proposed development would not be acceptable in terms of residential amenity and would be contrary to policies ENV2 and the Design principles SPD.

Highways

The development raises no issues of highway safety.

Other matters

Concerns were raised about the presence of live telephone wires running through where the proposed extension would be. This is not a planning consideration and would therefore carry no weight in the determination of this application.

RECOMMENDATION: Refuse

For the following reason(s):

1. The proposed development would have an overbearing impact on the residential amenity of neighbours resulting in a loss of privacy to the occupants of No. 2 and No.4 Moorland Drive hence would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan, and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0258/HHO

Proposal: Full: Erection of a two-storey side extension and conversion of existing garage into family room.

At 76 Higher Reedley Road, Brierfield, Lancashire

On behalf of: Mr Mohammed Amjad

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3rd OF JUNE 2024

Application Ref: 24/0267/HHO

Proposal: Full: Erection of a front and rear dormer to facilitate a loft conversion and a first-floor rear extension.

At 119 Clayton Street, Nelson, Lancashire

On behalf of: Ms Shabnam Kanval

Date Registered: 26.04.2024

Expiry Date: 21.06.2024

Case Officer: Athira Pushpagaran

This application has been called to committee by the chair.

Site Description and Proposal

The application site is an end terrace dwelling situated within a predominantly residential neighbourhood within the settlement boundary of Nelson. The dwelling is situated at the corner where Clayton Street meets Albert Street. The main access is from Clayton Street, with the gable elevation facing the street. There is an ATC hut across the street from the application site to its northwest, a window supplier warehouse to the North and the Whitefield Infant School and Nursery to the southwest. The existing dwelling has stone walls to all sides except the elevations to the back street which are finished in render and pebbledash, UPVC doors and windows with stone surrounds and a pitched roof of tiles. The application site is situated within the Whitefield Conservation Area.

The proposed development is the erection of front and rear dormers to accommodate 2 new bedrooms and a bathroom by a loft conversion and a first-floor rear extension. The proposal would increase the total number of bedrooms from two to four.

Relevant Planning History

13/10/0364P Full: Erection of domestic single storey extension to rear. Approved with Conditions

Consultee Response

Highways

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.

Parish/Town Council

No response

Public Response

One neighbour objection has been received raising the following issues:

- impact on the natural light at the rear of the property
- plants growing out of the ledge formed by existing extension
- the application site's rainwater flows into neighbour's rain pipe

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.

Paragraph 139 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁵, taking into account any local design guidance and supplementary planning documents such as design guides and codes

Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

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

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

The proposal seeks to erect full width flat roof dormers to both the front and rear elevations which dominates the entire roof slope of the dwelling and would have a harmful effect upon the character and appearance of the original dwelling. To the front elevation, this also has a wider effect on the street scene in a terrace which has a simple and uninterrupted roof line. The proposed dormers would have grey composite cladding on its front and side walls and membrane on its roof. Whilst to the rear a dormer may be inserted under Permitted Development in some circumstances, one of the conditions within the Permitted Development order is that the materials are similar in appearance to the existing roof materials. The materials for both the dormers differ from the original slate roof of the dwelling. Additionally, the application site being an end terrace dwelling situated at a street corner, its rear elevation is also highly visible on the street scene. Therefore, the proposed dormers would cause harm to the character and appearance of the original dwelling and have a wider impact upon visual amenity and would be unacceptable in accordance with Policy ENV2 and the Design Principles SPD

The proposal also consists of a first-floor rear extension above an existing ground floor extension. Design principles SPD advises that two storey extensions should normally have a pitched roof and should not breach the 45-degree guidance for neighbouring properties. In addition, where the properties are attached and the neighbouring property has no extension adjacent to the boundary, any first-floor element of an extension should be set in from the party boundary by a minimum of 1m.

The proposal includes a first-floor extension adjoining the party boundary and would be flat roofed. The proposed extension would have stone finish to the elevation facing Clayton Street and render to the side and rear elevations. The application site has a gabled first floor dormer element to the rear, otherwise there is no context of other two-storey rear extensions in the neighbourhood visually connected to the application site. The proposed second storey flat roof extension would be highly visible from public vantage points and would have an unacceptable impact on the character of the street scene.

Overall, the proposed development represents poor design and conflicts with paragraph 139 of the Framework, policies ENV1 and ENV2, the Conservation Area Design and Development Guidance SPD and the Design principles SPD.

Heritage

The application site takes a prominent position within the Conservation Area, given that it is the end terraced property on a row which has a gable onto Clayton Street. The front dormer would interrupt the otherwise continuous and simple roofline of the terrace along Albert Street, and the rear dormer would be highly visible from Clayton Street. The proposed dormers would result in harm to the character and appearance of the Whitefield Conservation Area, which is made up of terraced dwellings without dormers. The harm to the Conservation Area would be “less than

substantial” but would not be outweighed by any benefit, in accordance with paragraph 208 of the Framework. As such, the proposed development does not accord with the Framework in relation to heritage assets.

Residential Amenity

The proposed development would have three new windows to the gable elevation facing Clayton Street. These windows would not face any residential properties and would look towards the ATC hut across the street. The proposal would introduce two new dormer windows to the front and rear of the terrace. The front dormer would look towards the Whitefield Infant School and Nursery while the rear dormer would look directly towards a Garage site. The rear dormers would also have views into the rear windows of 69 Stanley Street separated by a distance of circa 13m. However, there is an already existing relationship between rear windows of both the terraces facing each other and the proposed dormers would not have any greater impact.

The existing rear extension already breaches the 45-degree guidance for the ground floor rear window of adjoining No.62 Albert Street. The proposed first-floor extension would further exacerbate the overbearing impact and would breach the 45-degree guidance for the first-floor window too. The proposed extension would also result in a loss of outlook for the residents and therefore would have an unacceptable impact on the living conditions of No 62.

Therefore, the proposed development would not be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 and the Design principles SPD.

Highways

The development raises no issues of highway safety.

Other Matters

Neighbours have raised objection in relation to an existing issue with rainwater. This is not a material consideration in the determination of this particular application as it relates to an existing issue. Proposed development cannot be expected to resolve existing issues. Similarly, a complaint about plants growing on a ledge overhanging the neighbouring dwelling is a private matter which is not determinative in this case.

RECOMMENDATION: Refuse

For the following reason(s):

1. By virtue of its position upon a prominent roof slope of the dwelling, the proposed dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the Whitefield Conservation Area. It represents poor design, contrary to paragraph 139 of the Framework and is in conflict with paragraph 208 of the Framework because the harm is not outweighed by any public benefit. The proposal is also contrary to Policies ENV1 & ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.
2. The proposed development would have an overbearing impact on the residential amenity of neighbours resulting in an unacceptable impact on the living environment of the occupants of 62 Albert Street and hence would be contrary to policy ENV2 of the Local Plan: Part 1

Core Strategy, and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0267/HHO

Proposal: Full: Erection of a front and rear dormer to facilitate a loft conversion and a first-floor rear extension.

At 119 Clayton Street, Nelson, Lancashire

On behalf of: Ms Shabnam Kanval

REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 3rd OF JUNE 2024

Application Ref: 24/0278/HHO

Proposal: Full: Erection of two-storey side and rear extension, 2 no. single storey rear extensions, a side porch and boundary treatment works.

At 129 Marsden Hall Road North, Nelson, Lancashire

On behalf of: Mr Muneeb Ul Hassan

Date Registered: 30.04.2024

Expiry Date: 25.06.2024

Case Officer: Athira Pushpagaran

This application has been called to committee by the chair.

Site Description and Proposal

The application site is an end-terraced dwelling within the settlement boundary of Nelson at a staggered junction between Marsden Hall Road North, Hollins Road and Merclesden Avenue. The main pedestrian access is from Marsden Hall Road North. The application site is situated within a short, isolated line of terrace houses surrounded by open spaces in a visually prominent position within the neighbourhood. It is clearly visible on approach from Marsden Hall Road North, Hollins Road and Merclesden Avenue.

The proposed development is the erection of a two-storey extension to the side which extends the existing roof line, a rear two-storey pitch roof extension, a single-storey pitched roof rear extension, single-storey infill extension and the creation of a new drive with provision for additional off-street parking. It is noted that the proposed development relating to this application is identical to the scheme which was refused in 24/0117/HHO.

Relevant Planning History

23/0852/HHO Full: Erection of a two-storey side and rear extension, single storey rear extension and boundary treatment works. Refused

24/0117/HHO Full: Erection of a two-storey side extension, single storey rear extension & boundary treatment works. Refused

Consultee Response

Highways

Having reviewed the documents submitted, Lancashire County Council acting as the local 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.

Proposal

The proposal is for the erection of a two-storey side and rear extension, two single storey rear extensions, a side porch and boundary treatment works. This will increase the number of bedrooms from four to five.

Car & cycle parking

The highway authority would usually request three off-road parking spaces for the number of bedrooms proposed, in line with the borough council's Parking Standards. However, as there is no existing parking the provision of two off-road spaces is a betterment and the highway authority considers that the third space can be provided on-road. 2 The hardstanding/driveway must be surfaced in a bound porous material to prevent loose surface material from being carried onto the adjacent public highway network where it could pose a hazard to other highway users. It should also be constructed to prevent surface water flowing from the public highway into the site.

Secure, covered storage for two cycles should also be provided in line with the borough council's Parking Standards.

As off-road parking is to be provided an electric vehicle charging point should also be installed, which will improve the site's sustainability. This shall be fitted in line with the Dept for Transport's guidance regarding Electric Vehicle Charging in Residential and Non-residential Buildings, which states that charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicles.

Vehicle crossing

A new dropped vehicle crossing will need to be constructed on Marsden Hall Road North to access the proposed off-road parking. This will need to be carried out under an agreement (Section 171) with Lancashire County Council, as the highway authority. The construction of the vehicle crossing may require the re-location of street lighting column 29, which will be at the applicant's expense. In addition, any works required for the relocation/strengthening of any footway utility box/boxes will be at the applicant's expense.

Construction phase

Due to the site's location within a residential estate, on a bus route and close to Castercliffe Primary Academy on Marsden Hall Road North and on a route to Pendle Vale College on Oxford Road/Hollins Road a condition should be applied restricting the times of deliveries by HGVs to ensure that there is no conflict with traffic, both vehicular and pedestrian, at peak times. The following conditions and informative notes should be applied to any formal planning approval granted.

Parish/Town Council

No response

Public Response

One neighbour objection has been received raising the following issues:

- Worsening the traffic on an already busy and accident-prone junction near a school which is expanding
- Danger to pedestrians and vehicles

- Poor design
- Overlooking neighbour's gardens
- Obstruct views
- Infringe on neighbour's privacy
- Setting a bad precedent
-

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.

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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

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 application site is an end-terraced dwelling situated within a short, isolated line of terrace houses surrounded by open spaces resulting in its visually prominent position within the neighbourhood. The line of terraced dwellings has a continuous sloping roof that end at the application site with a turned gable forming dormers to the front and rear. The exterior of the existing dwelling is finished with pebble dash and has UPVC windows like the other dwellings of

the terrace. There is no other context of storey extensions in the area which are visually related to the application site.

The proposed development consists of a pitched roof two-storey extension to the side less than the width of the original dwelling. This in itself would not be unacceptable in principle. However, this would result in a dormer element to the roof mid-terrace which would erode the design quality of the dwelling and its setting. The proposed development consists of a porch of dimensions 2.9m x 1.5m to the side of the proposed two-storey side extension. The design of the porch by itself would not be unacceptable.

The proposed extension to the rear has a two-storey pitched roof element, a single-storey pitched roof element to the back of the two-storey element and an infill single storey sloping roof element near the party boundary. The Design principles SPD advises for pitched roof extensions against flat roof extensions. The SPD also advises extensions to be designed to appear subordinate in scale to the original dwelling. The application site in this case is highly prominent within the street scene with its rear and side elevations visible from two roads. Albeit having a pitched roof design, the overall scale and massing of the proposed extensions would not be sympathetic to the scale of the original dwelling and would not appear subordinate to it would have an adverse impact on the street scene. The various elements of the rear extension would be highly visible from the highway and would appear disjointed and cluttered especially considering it is a prominent end terrace property. Therefore, the proposed rear and side extensions would be of poor design and have an overbearing impact on the character and scale of the dwelling and its surroundings and would thus be unacceptable and contrary to policies ENV1, ENV2, the Design principles SPD and paragraph 139 of the NPPF.

The proposed development would be finished in white k-render and anthracite grey or black UPVC windows as opposed to the existing pebble dash render and white UPVC windows. The proposed new boundary wall would have smooth render as opposed to the existing and neighbouring wooden picket fence. The difference in proposed materials would further contribute to the detrimental impact of the proposed development on its setting. However, this could be controlled through a condition on materials.

Overall, the proposed development would be of an unsympathetic scale and design in a prominent and exposed location. It would thus be contrary to policies ENV1 and ENV2, para 139 of the National Planning Policy Framework and the guidance set out in the Design principles SPD.

Residential Amenity

The proposed development consists of a two-storey extension to the side and a porch on to this extension. The side extension would have habitable room windows both on the ground and first floor, but they will not be facing any neighbouring properties. This element of the proposed development would thus have no unacceptable impact on residential amenity.

The neighbouring No.131 has a conservatory to the rear adjacent to the party boundary. The proposed development has a single-storey sloping-roofed element adjoining the party boundary between the proposed two-storey rear extension and the neighbour's conservatory. There is an existing shed in its place although not as tall as the proposed extension and therefore the overbearing impact due to this element of the proposal would be marginal. The single storey sloping-roofed extension would extend 4m from the rear elevation of the existing dwelling in accordance with the Design principles SPD.

The proposed development has a two-storey pitched roof extension to the rear, extending 3.2m from the rear elevation of the neighbour's conservatory and set back from the party boundary by

2.3m. This element of the proposed development would not breach the 45° guidance set out by the Design principles SPD in terms of residential amenity of neighbours.

The proposed development has a single-storey extension to the back of the proposed two storey extension that extends 8m from the rear elevation of the existing dwelling and would be set back by 3m from the party boundary. The extension would have a habitable room window each to the rear and to the side towards Hollins Road. These would not overlook any neighbouring windows and thus would not impact on the privacy of neighbours. The proposed single-storey sloping-roofed element adjoining the party boundary would completely block this element of the proposed development from the neighbouring No. 131 and would thus would not have any unacceptable impact on the privacy and living conditions of the neighbour.

In conclusion, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 and the Design principles SPD.

Highways

LLC Highways raised no objection to the proposed development subject to their comments being noted, and conditions and informative notes being applied to any formal planning approval granted. The hard standing/driveway must be surfaced in a bound porous material to prevent loose surface material from being carried onto the adjacent public highway network where it could pose a hazard to other highway users. It should also be constructed to prevent surface water flowing from the public highway into the site.

LCC requests a condition regarding controlling any HGV construction traffic movements during construction phase. However, given that the proposed development is of a small-scale development it would not be reasonable to impose such a condition in this particular case.

LCC requests a condition regarding the provision of electric vehicle charging points and covered cycle storage for at least two cycles prior to first occupation. However, given that the proposed development is of a small-scale development it would not be reasonable to impose this condition.

LCC requests a condition that prior to occupation dropped kerbs must be installed at the carriageway edge and a vehicle crossover constructed across the footway and grass verge fronting the site onto Marsden Hall Road North. However, since this would be carried out under Section 171 agreement with Lancashire County Council it would not be reasonable to impose this condition.

RECOMMENDATION: Refuse

For the following reason(s):

1. The proposed development would be prominent in the street scene, and its massing, scale and design would be inappropriate to the original scale and character of the property and its surroundings, and hence would be contrary to policies ENV1 and ENV2 of the Adopted Pendle Local Plan, paragraph 139 of the National Planning Policy Framework and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0278/HHO

Proposal: Full: Erection of two-storey side and rear extension, 2 no. single storey rear extensions, a side porch and boundary treatment works.

At 129 Marsden Hall Road North, Nelson, Lancashire

On behalf of: Mr Muneeb Ul Hassan

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 22nd May 2024