

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

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 2ND SEPTEMBER 2024

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND SEPTEMBER 2024

Application Ref: 24/0197/FUL

Proposal: Full (Major): Erection of 10 no. bungalows.

At: Land to the NE of 112 Halifax Road, Brierfield

On behalf of: Aim Applications Holdings Ltd.

Date Registered: 10/07/2024

Expiry Date: 09/10/2024

Case Officer: Laura Barnes

Site Description and Proposal

The application site relates to a former LCC Depot which is accessed off Halifax Road, Brierfield.

The proposal is for the erection of ten bungalow dwellings, arranged in two blocks, with a central access road off Halifax Road.

Relevant Planning History

13/09/0121P: Outline: Major: residential development comprising 9 no. dwellings.

Refused

Appeal Dismissed

13/10/0160P: Outline: Residential Development Comprising 9 No. Dwellings.

Approved with conditions

13/13/0167P: Extension of Time: Extend time limit of Planning Permission 13/10/0160P to erect nine dwellings (Outline).

18/0501/FUL: Outline: Major: Residential development of 36 dwellings (Access only).

Refused

Consultee Response

LCC Highways

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development, as the principle of residential development has already been established. It concludes that there are no highway grounds to support an objection as set out by NPPF. This is subject to it being demonstrated that adequate visibility splays can be achieved at the site's access. The following comments should be noted and conditions and informative notes applied to any formal planning approval.

Proposal

The proposal is for the erection of 10 x 2 bed bungalows with associated parking, a new internal road, footways and amended access onto Halifax Road. However, the highway authority considers that the second bedroom/study does not meet the nationally described space standard for single

bedrooms and therefore the residential units are one bed only; the highway authority makes the following comments on that basis.

Site access

The development would be accessed from Halifax Road through an existing vehicular access, although this would need amending to provide adequate vehicular and pedestrian access. The formation of the amended access from Halifax Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, radius kerbs, the extension of the footways either side of the access constructed to an appropriate standard including buff coloured tactile paved dropped pedestrian crossings on both sides, Give Way carriageway markings and appropriate signage and a street lighting assessment. If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process and should not wait until condition discharge stage. Due to the high volume of agreement submissions currently being received by the county council this process can take at least six months to complete. No works should be undertaken within, or which affect, the highway network maintained at public expense without the necessary agreement first being in place in order to prevent legal action from being taken against the developer.

Visibility splays

Halifax Road is subject to a maximum speed limit of 30mph. For a road with a speed limit of 30mph a Stopping Sight Distance of 43m should be provided at the site access (Manual for Streets). Visibility splays measuring 2.4m from the centre line of the amended access and 43m to the nearside carriageway edge in both directions should be provided over land within the applicant's ownership and/or the publicly maintained highway network. There should be nothing within the visibility splays over 0.9m in height above the carriageway level on Halifax Road. Whilst not yet submitted at the time of this response the highway authority has seen a plan (Drawing 24/12/21 – 1:500 scale) demonstrating that adequate visibility splays from the site access can be achieved as described above. This drawing should be submitted and the provision of adequate visibility splays controlled by condition.

Internal site layout

An amended Proposed Site Layout Plan (Drawing 24/12/20/A) has been submitted. The layout now proposed, including the turning head, should allow vehicles, including refuse, emergency and larger delivery vehicles etc, to enter and leave the site in forward gear. Any vehicles reversing to or from the site would raise a highway safety concern. The applicant has indicated that the development will remain private and not be offered for adoption to the highway authority. To ensure that all internal infrastructure is properly maintained for the lifetime of the development the applicant/developer should supply details of how each part of the development will be inspected/maintained and the frequency, together with contact details so that residents can report any defects outside the maintenance schedules, including in an emergency. These should include the establishment of a private management and maintenance company.

Car & cycle parking

As noted above, the highway authority considers the development to consist of one bed dwellings. Twelve car parking spaces are proposed across the site, which meets the recommendations in the borough council's Parking Standards of one parking space per one bed dwelling. In the highway authority's opinion an adequate level of off-road parking and manoeuvring areas have been provided. However, the highway authority recommends that parking bays are allocated to ensure their efficient use. In line with the borough council's Parking Standards secure, covered storage for one cycle per dwelling should be provided. As there are no garages within the site cycle storage is proposed in cycle sheds, details of which can be controlled by condition. Additionally due to the nature of the development it is expected that charging points for electric vehicles shall be included

within the site to promote sustainable forms of transport. These 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.

Construction phase

Halifax Road carries a high volume of traffic, both vehicular and pedestrian. Therefore, a Construction Method Statement which includes a site plan would need to be submitted in order to ensure that the construction of the development does not have a negative impact on the surrounding highway network nor its users. In particular, deliveries by HGVs shall not occur before 9.30am or between 2.30pm - 3.30pm Monday-Friday during school term time given the site's proximity to Holy Trinity RC Primary School further along on Halifax Road. The following conditions and informative notes should be applied to any formal planning approval granted.

Environmental Health Officer

Concerns regarding nuisance during the construction phase and potential for contamination to the front of the site. Conditions suggested.

United Utilities

Following our review of the submitted drainage documents; Drainage Strategy Ref: 24/12/7, Dated Feb 24, the plans are not acceptable to United Utilities. This is because we have not seen robust evidence that the drainage hierarchy has been thoroughly investigated and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems. The surface water sewer discharges into a culverted watercourse on site, flowing North. The proposed connecting sewer would be against the flow. Furthermore, the surface water should discharge directly to the watercourse in line with the surface water hierarchy.

Finally, we request all FFL's, and manhole cover and invert levels be detailed on plan in metres AOD.

Should planning permission be granted we request the following condition is attached to any subsequent Decision Notice:

CONDITION:

1. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) No surface water is permitted to discharge to the public sewer network
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable;and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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

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

2. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum: (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime. The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

Lancashire County Council – School Planning Team

This consultation response seeks to draw the Council's attention to impacts associated with the above development and propose mitigation for these impacts through a developer contribution.

If the education contribution assessment identifies the need for a contribution and/or land to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution to deliver school places and/or land meeting the school site requirements as detailed in the assessments, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance

from their home, so the development could be considered to be unsustainable.

Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed. (Please see page 10 of the Education Contribution Methodology).

An education contribution is not required at this stage in regards to this development. This response is based on the latest information available at the time of writing. Circumstances may change over time as other applications come forward. Consequently this response may require re-evaluation.

The final position assessment of the impact of the development on school places including infrastructure details should be provided as part of your development control committee process.

The local planning authority will need to notify the School Provision & Sufficiency Team of the final decision date to enable the final position, including the school infrastructure project, to be provided if required.

LCC – Archaeology Unit

The 1st edition Ordnance Survey 1:10560 maps surveyed in the 1840s, shows that the south western segment of the site was occupied by a rectangular building with its long axis approximately NW – SE. The map has the legend "Primitive Methodist Chapel" next to the building but there are other buildings below the legend one of which, in the area of the old graveyard to the east of the site entrance, is more likely to be the chapel.

The 1:2,500 map survey of the 1890s shows the site occupied by a building with a

narrow rectangular southern end of two rooms with a northern room which is broader and approximately square.

Later resurveys show that a building with this footprint seems to have occupied the site into the 20th century and the building appears on both the series of aerial photographs taken by the R.A.F. in the late 1940s and on the 1960 and 2000 series of aerial photographs held by the Historic Environment Record. The photos of the building give an impression of an industrial structure, most recently part of a County Council roads maintenance depot but of an unknown function in their earlier forms.

We have no objection in principle to the development of the site. We would however advise that the buildings may have left upstanding structural remains (the site is heavily overgrown, masking views into the lower area) and buried features and archaeological deposits relating to the early buildings and their function. A programme of archaeological investigation should be carried out as part of the early stages of development to record any such early features or deposits, with investigations of standing structures (if such survive) after the site has been cleared of vegetation and a programme of excavation and recording to determine the survival, nature extent and date of any features or deposits relating to the early buildings. This can be done as a process known as "Strip, Map and Record" where the overburden, concrete foundation slabs and tarmac and sub base are stripped from the site and any archaeological features revealed cleaned archaeologically, mapped and any significant features or deposits excavated and sampled, with the results being analysed after completion of work on site to prepare a formal report.

This can be secured by a planning condition on any permission granted and the following wording would be appropriate:

Condition: No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological works. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the building.

Note: This work should be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists. Lists of suitable contractors are available on the following websites: Chartered Institute for Archaeologists (CIFA) <http://www.archaeologists.net/> British Archaeological Jobs and Resources (BAJR) <http://www.bajr.org/> The programme of archaeological works should comprise: (i) Inspection of the site following vegetation clearance and making a record of any upstanding building remains. (ii) Carrying out a "Strip, Map and Record" excavation of the southwestern part of the site where pre-mid-19th century buildings were sited. This is in accordance with National Planning Policy Framework (MoHCLG 2023) paragraph 211: "Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible".

Lead Local Flood Authority

17th July 2024

Objection 1 – Inadequate Surface Water Sustainable Drainage Strategy

In the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the Local Planning Authority.

7th August 2024

The Lead Local Flood Authority maintains its objection to the above application on the basis of: Objection 1 – Inadequate Surface Water Sustainable Drainage Strategy In the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the Local Planning Authority.

Lancashire Fire & Rescue Service

Recommends that the applicant is aware of Building Regulations in relation to Document B, Part B5 for turning areas and the provision of water for appliances.

Public Response

Nearest neighbours notified by letter, a site and press notice have been displayed. Two letters of objection have been received, which raise the following issues:

- Difference in height between the bungalows adjacent and the application site
- Inadequate drainage which has previously been an issue with surface water run off

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 SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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

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

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

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

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV4 (Affordable Housing) requires a delivery of 20% affordable housing in the rural Pendle Area.

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.

Principle of Development

The proposed development is located within the settlement boundary and the site has previously had planning permission for residential development (which has lapsed). As such the principle of development is acceptable, subject to design, highways, drainage and amenity issues.

Design

The proposed scheme is located within the settlement boundary and proposes the erection of 10 bungalows. It is in a built up residential area on a site which has been vacant for some time. The bungalows are to be arranged in two blocks, one with three dwellings and the other with seven dwellings. Each of them is to be finished with artificial stone walls and have dark grey roof tiles. The windows and doors are to be dark grey also.

The overall height of the bungalows is to be 5.5m, with an eaves height of 2.2m, with the exception of Plot 10 which is to have a maximum height of 4.4m. The bungalows are each to have one bedroom and a smaller room which could be used as a study. The study room does not meet the minimum standards for a bedroom in accordance with the nationally described space standards.

In terms of the layout, the bungalows are to be arranged around a central estate road, they are to be similar in scale to surrounding properties and would have a low profile in visual terms by virtue of being bungalows. As such, the proposed development accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD in this regard.

Residential Amenity

The Design Principles SPD sets out that proposed dwellings should be sited so that any habitable room windows are at least 21m from neighbouring habitable room windows which they directly face. The proposed site plan indicates that the proposed dwellings are to be set back within the plot, with a parking area directly adjacent to Halifax Road and a central access road with turning area. A short block of three dwellings is to sit closest to the existing dwellings on Halifax Road and Chapel Street, whilst a longer block of seven dwellings is to be positioned towards the back of the site, running parallel to the dwellings on Mansfield Crescent.

The separation distance between the proposed dwellings in the longer block and the properties on Chapel Street is in excess of 21m. As such, there would be no unacceptable impact upon the neighbouring dwellings on Chapel Street. The separation distance between 112 Halifax Road and Plot 1 is 10m. However, the proposed windows at plot 1 and the existing windows 112 would be separated by 11.7m. Plot 1 is to be positioned at an angle almost 90 degrees to the existing

dwelling at 112 and is not directly behind it. Due to the angle, the presence of a large garage which runs along the boundary between, the boundary treatment which could be the subject of a condition and the proposed dwelling being a bungalow it would be possible to ensure that there were not unacceptable effects upon the neighbouring dwelling at 112 as a result of the proposed dwellings. Plot 2 and 3 are set further still from 112 and do not have windows which are directly facing the existing dwelling, due to the angle at which the proposed block has been positioned.

The separation distances between the seven dwellings in the longer proposed block of bungalows and the dwellings on Mansfield Crescent is 20m in all cases apart from plot 10. There are to be rear windows at Plots 4-9 which face towards the principle windows in the rear elevations at the dwellings in Mansfield Crescent. However, given that the proposed dwellings are bungalows and would be single storey in height, the boundary treatment can be controlled by condition and the separation distance is only 1m less than the guidance recommends, this would not result in an unacceptable impact upon neighbouring amenity. In the case of plot 10 although this is 18m from the dwellings directly behind on Mansfield Crescent. However, the proposed rear elevation is to have just one small bathroom window. The plot is also off set from the windows at the existing dwelling so that they would not be directly facing. The angle is such that the existing dwelling would face onto an area of proposed open space. There is to be a bedroom window serving plot 10 which faces to the side elevation, closest to plot 9. This would look across the rear amenity space directly behind plot 9 and there is concern about a loss of privacy in this instance. As such, it is recommended that the side facing window at plot 10 is obscurely glazed in the interests of neighbouring amenity.

In terms of the distance from 114 Halifax Road, this is in excess of 24m. There is also the cadet hall which is used periodically on the land between the application site and 114 Halifax Road. In terms of the Cadet Hall, taking account the hours which this would be used, it would not result in any greater impact upon the proposed dwellings than it does with the existing dwellings on Halifax Road. It would not result in an unacceptable level of noise, disturbance or privacy to the neighbouring dwellings.

Turning to the relationship which the proposed dwellings would have with each other, within the site, there is to be a minimum distance of 20.5m between the closest properties between the shorter and longer blocks of bungalows. Bearing in mind there would be a public access in between the dwellings either by road or footpath, this marginally closer than recommended (21m) distance would not result in an unacceptable residential amenity issue.

A question regarding the finished floor levels has been raised by a member of the public, in terms of the ground level of the site in comparison with the properties on Chapel Street. The levels above AoD can be marked on an amended plan. This is something which can be provided by the applicant and discussed by means of an update report to Members.

The proposed development will require a Construction Method Statement to be submitted, in order to control the construction phase of the proposed development in relation to nearby residents. This can be controlled by an appropriate condition.

Subject to condition, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Biodiversity Net Gain

The application is accompanied by a Biodiversity Metric which sets out the habitat which has been assessed as the baseline. The existing habitat includes willow scrub, modified grassland and trees. The intention is to enhance the existing habitat with the inclusion of some trees and modified grassland. The uplift is proposed to be 10.87% post development. The applicant proposes to

provide this on site and there are no off-site provisions. A condition controlling the monitoring of this on-site provision can be included and the applicant would need to enter into a s106 agreement with the Council to cover the monitoring costs associated with this.

Affordable Housing

Policy LIV4 of the Core Strategy: Part 1 Local Plan requires a contribution of affordable housing. However, due to the site falling within the M65 corridor area, the requirement for affordable housing provision is nil. The application form sets out that the proposed dwellings would all be of the tenure social, affordable or intermediate rent. This exceeds the policy requirement and weighs in favour of the proposal in the planning balance.

Open Space

Policy LIV5 sets out that any proposed development should consider the provision of green space / open space within the site. It states that provision should be concentrated in areas of identified deficiency. The open space is to be provided mostly to the front of the dwellings, in the area immediately off Halifax Road. Although it is acknowledged that there is a deficit in open space and amenity green space within Brierfield in the Open Space Audit 2019, this site would be capable of providing some amenity green space in order to contribute to the deficit. Any public open space would have to be taken care of by a management company and details of this could be provided as part of a planning condition.

Highways

The proposed development is to have 12 off-street parking spaces, 10 for residents and two for visitors. The proposal is for 10 bungalows which are each to have two bedrooms, this would usually require two parking spaces per dwelling. However, in this case it is noted that the second bedroom is marked as a study and does not meet the nationally described space standards for a bedroom. In addition the parking standards are a maximum and the proposed development is in a sustainable location. As such, it would not result in a highway safety implication which would warrant a reason for refusal. The access and layout with visibility splays have been provided and the highways authority have not objected to the proposals on this basis. The proposals accord with Policy 31 of the Replacement Local Plan and there is no highway safety danger which would justify a refusal on highway grounds. As such, the development is acceptable in this regard.

Drainage

The Lead Local Flood Authority have objected to the proposals on the basis of an inadequate drainage strategy for surface water. The applicant is aware of this and is drawing up an alternative strategy which can be reviewed by the Lead Local Flood Authority. Until this issue is resolved, a recommendation for approval cannot be supported. It is instead recommended that delegated powers are given by Member of the committee to the Assistant Director for Planning, so that in the event that the drainage strategy is satisfactory and the objection from the Lead Local Flood Authority is removed, the application can be approved, with the appropriate conditions applied.

Reason for Decision:

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate grant consent, subject to satisfactory outcome of drainage issue and details of the finished floor levels for the proposed dwellings

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan 1:1250, Proposed Layout Plan 24/12/1A, Proposed Floor Plans 24/12/2A, Proposed Elevation Plans 24/12/4A (Block B), Proposed Elevation Plans 24/12/3A, Proposed Roof Plans 24/12/15A

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

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

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

4. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) No Surface water will be permitted to discharge to the public sewer network unless otherwise stated by the LPA;
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning

authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a.** Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b.** Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

- 6.** All windows shall be set back from the external face of the walls by a minimum of 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

- 7.** The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and 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 including the replacement trees for those which have been removed, 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 and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form 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.

- 8.** Before any dwelling unit is occupied waste containers shall be provided to each property.

Reason: To ensure adequate provision for the storage and disposal of waste.

- 9.** The side elevation window at plot 10 (closest to plot 9) of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

10. No development shall take place, including any works of site clearance, until a Construction Method Statement including site plan, 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 and mechanical road sweeping 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) Timing of deliveries, including no deliveries by HGVs before 9.30am or between 2.30pm - 3.30pm Monday-Friday during school term time
 - xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

11. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the internal road and footways have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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

12. Within 3 months of commencement of the development details of the proposed arrangements for the future management and maintenance of the proposed road, footways and all other infrastructure and services within the development, including written confirmation that these will not be offered to the Highway Authority for adoption, should be submitted to and approved by the Local Planning Authority. These should include the establishment of a private management and maintenance company. The road, footways and other infrastructure shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: To ensure that the internal road, footways and infrastructure serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

13. No part of the development hereby approved shall be occupied 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 in consultation with the Highway Authority. Works shall include, but not be exclusive to, the construction of the amended access onto Halifax Road to an appropriate standard; the construction of two sections of footway either side of the access to an appropriate standard, including buff coloured tactile paved dropped pedestrian crossings; appropriate carriageway markings and signage at the site access and a street lighting assessment.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

14. Prior to occupation of the first dwelling visibility splays measuring 2.4m back from the centre line of the access and extending 43m in both directions to the nearside edge of the carriageway on Halifax Road shall be provided at the new access in accordance with the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

15. Prior to first occupation of the approved development the parking and manoeuvring areas shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials and thereafter always remain available for the parking of vehicles associated with the dwellings and shall be kept free from obstructions in perpetuity.

Reason: In the interest of highway safety to ensure that satisfactory levels of parking and manoeuvring are provided within the site.

16. Prior to occupation of the first dwelling secure, covered cycle storage at a ratio of one cycle per dwelling shall be provided in accordance with a scheme to be approved by the Local Planning Authority and shall be permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

17. Prior to first occupation each dwelling shall have an electric vehicle charging point provided in accordance with a scheme to be approved by the Local Planning Authority. 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 vehicle currently available.

Reason: To ensure that the development supports sustainable forms of transport.

18. Demolition or construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Reason: In the interests of neighbouring amenity

19. Within 3 months of the start of development details of the proposed arrangements for the future management and maintenance of the public open spaces and pedestrian access shall be submitted to and approved by the Local Planning Authority. These should include the establishment of a private management and maintenance company. The open spaces shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: To ensure that the open spaces are completed and thereafter maintained to an acceptable standard in the interest of residential amenity and highway safety.

20. The development may not be begun unless—

- (i) a biodiversity gain plan has been submitted to the Local Planning Authority and
- (ii) the Local Planning Authority has approved the plan

Phase plan

(b) the first and each subsequent phase of development may not be begun unless—

- (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
- (ii) the Local Planning Authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

21. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for monitoring of Biodiversity Net Gain over a 30 year period.

Reason: To ensure that the proposed development makes provision to enhance biodiversity on the site and that this can be monitored for a period no less than 30 years following completion of the development.

22. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

- a)** an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
- b)** a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Informative

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

• the construction of the amended access onto Halifax Road to an appropriate standard, including radius kerbs and buff coloured tactile paved dropped pedestrian crossings on both sides of the access, • construction to an appropriate standard of two sections of footway to extend the existing footways on both sides of the access on Halifax Road, • the provision of appropriate carriageway markings and signage at the junction of the new access with Halifax Road, • a street lighting assessment. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

3. The contractor shall have regard to the relevant parts of BS 5228 1997 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

4. The Local Planning Authority expects that the best practical means available in accordance with British Standard Codes of practise 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.

5. Reference should be made to the Council's 'Code of Practice for Construction and Demolition Sites'.

Reason: To ensure a satisfactory standard of amenity for neighbouring properties.

6. The Borough of Pendle Council has announced a climate emergency, therefore to help improve air quality there should be no burning of any materials on site. Pendle Borough Council receives many complaints about smoke from bonfires, which are inappropriate in any area of the borough. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place during demolition, site clearance or construction. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

Application Ref: 24/0197/FUL

Proposal: Full (Major): Erection of 10 no. bungalows.

At: Land to the NE of 112 Halifax Road, Brierfield

On behalf of: Aim Applications Holdings Ltd.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND SEPTEMBER 2024

Application Ref: 24/0320/HHO

Proposal: Full: Erection of a rear extension to ground and basement floor.

At 262 Manchester Road, Nelson, Lancashire

On behalf of: Mr Wajid Nadeem

Date Registered: 21.05.2024

Expiry Date: 16.07.2024

Case Officer: Athira Pushpagaran

This application was deferred from the Area Committee that took place on the 5th of August for a site visit.

Site Description and Proposal

The application site is a mid-terrace dwelling situated in a row of terrace along the busy A682. It is situated in the Whitefield Conservation Area within the settlement boundary of Nelson. The main access is from Manchester Road (A682). The terrain slopes downwards from the front to the rear resulting in the basement floor being on ground level at the rear. All the dwellings within the terrace have two storey outriggers to the rear (basement and ground floor) with each breaching the 45-degree guide for rear and side windows of their neighbour. The existing dwelling has stone walls, a slate tiled pitched roof and UPVC doors and windows.

The proposed development is the erection of a two-storey rear extension to the ground and basement floors.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

No objection

Parish/Town Council

No response

PBC Environmental health

No objection

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.

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 Heritage

The proposed extension would have a pitched roof and would extend 4.27m from its existing rear outrigger. It would adjoin the rear boundary of the application site and the party boundary with No. 264. The proposed extension would project outwards from the existing rhythmic repetition of two storey rear outriggers of the terrace; however, it would not be highly visible from public vantage points. On balance, therefore the proposed extension would not have any unacceptable impact on the character of the dwelling and the Whitefield Conservation Area.

The proposed extension would use sandstone finish blocks, concrete tiles on pitched roof and UPVC windows. The proposed materials would not be an exact match to materials of the existing

dwelling however located to the rear not highly visible from public vantage points, it would not have an unacceptable impact on the character of the dwelling and the conservation area.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of Pendle Local Plan Part 1: Core Strategy, the Design principles SPD and the Conservation Area Design and Development Guidance SPD. The development would have a neutral impact on the significance of the conservation area and thus would not require an assessment as per paragraph 208 of the NPPF.

Residential Amenity

The Design principles SPD advises that two storey extensions will be acceptable only if they do not breach the 45-degree rule.

All the dwellings within the terrace already have 4m long two-storey outriggers to the rear. These existing outriggers have windows to the eastern side elevation and a blank wall to the west, with the western wall of the outrigger only separated from the eastern windows of its neighbour by circa 1.7m.

The proposed extension would extend more than 4m from the rear lounge windows on both the basement and ground floor of No.264 and would breach the 45-degree rule for those windows. Effectively, this would leave the rear windows at No. 264 in a tunnel / corridor with an overbearing extension either side of them. These are habitable room windows and therefore the proposed extension would have an unacceptable overbearing impact on the living conditions on the occupiers of No.264.

The proposed extension would also breach the 45-degree guide for the rear kitchen window on the existing outrigger of No.260 marginally. However, this is a kitchen and not a dining kitchen and therefore less protection is afforded to it than living spaces such as lounges and bedrooms. Considering it is a marginal breach to a kitchen window, on balance, there would be no unacceptable impact on the living conditions of the residents of No.260 due to the proposed extension. The proposed bathroom windows on both floors would overlook the rear garden of No. 260. There is only an existing circa 1.5m high stone wall at the party boundary. Any possible overlooking of the neighbour's rear yard due to these proposed windows can be controlled through a condition to obscure glaze them.

The proposed extension faces the rear yard and windows of No. 4 Kensington Street which are circa 5m and 7m away respectively across the street from the proposed rear extension. The SPD advises a separation of 12m between a habitable room window and a blank wall of properties facing each other. However, in this case it is noted that the existing outrigger was already short of this separation distance at circa 8.5m. Albeit shortening the separation the extension would not be directly facing the window of No. 4 and therefore would not have any greater unacceptable overbearing impact on its occupants.

In conclusion, the proposed development would have an unacceptable impact on the living conditions of the occupiers of adjoining No. 264 and therefore would not be acceptable in terms of residential amenity and would be contrary to policy ENV2 and the Design principles SPD.

Highways

The development raises no issues of highway safety.

PBC Environmental health

The development raises no environment health issues.

RECOMMENDATION: Refuse

For the following reason(s):

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 No. 264 Manchester Road 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: 24/0320/HHO

Proposal: Full: Erection of a rear extension to ground and basement floor.

At 262 Manchester Road, Nelson, Lancashire

On behalf of: Mr Wajid Nadeem

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND SEPTEMBER 2024

Application Ref: 24/0321/HHO

Proposal: Full: Erection of a rear extension to the ground and basement floor.

At 264 Manchester Road, Nelson, Lancashire

On behalf of: Mr Mohammad Nawaz

Date Registered: 21.05.2024

Expiry Date: 16.07.2024

Case Officer: Athira Pushpagaran

This application was deferred from the Area Committee that took place on the 5th of August for a site visit.

Site Description and Proposal

The application site is a mid-terrace dwelling situated in a row of terrace along the busy A682. It is situated in the Whitefield Conservation Area within the settlement boundary of Nelson. The main access is from Manchester Road (A682). The terrain slopes downwards from the front to the rear resulting in the basement floor being on ground level at the rear. All the dwellings within the terrace have two storey outriggers to the rear (basement and ground floor) with each breaching the 45-degree guide for rear and side windows of their neighbour. The existing dwelling has stone walls, a slate tiled pitched roof and UPVC doors and windows.

The proposed development is the erection of a two-storey rear extension to the ground and basement floors.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

No objection

Parish/Town Council

No response

PBC Environmental health

No objection

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.

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 Heritage

The proposed extension would have a pitched roof and would extend 4.27m from its existing rear outrigger. It would adjoin the rear boundary of the application site and the party boundary with No. 266a. The proposed extension would project outwards from the existing rhythmic repetition of two storey rear outriggers of the terrace. The proposed extension would be visible from public vantage points on Kensington Street however would not be prominent on the street scene due to its position to the rear. On balance, therefore the proposed extension would not have any unacceptable impact on the character of the dwelling and the Whitefield Conservation Area.

The proposed extension would use sandstone finish blocks, concrete tiles on pitched roof and UPVC windows. The proposed materials would not be an exact match to materials of the existing

dwelling however being to the rear not highly visible from public vantage points it would not have an unacceptable impact on the character of the dwelling and the conservation area.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of Pendle Local Plan Part 1: Core Strategy, the Design principles SPD and the Conservation Area Design and Development Guidance SPD. The development would have a neutral impact on the significance of the conservation area and thus would not require an assessment as per paragraph 208 of the NPPF.

Residential Amenity

The Design principles SPD advises that two storey extensions will be acceptable only if they do not breach the 45-degree rule.

All the dwellings within the terrace already have 4m long two-storey outriggers to the rear. These existing outriggers have windows to the eastern side elevation and a blank wall to the west, with the western wall of the outrigger only separated from the eastern windows of its neighbour by circa 1.7m.

The proposed extension would extend more than 4m from the rear lounge window on the ground floor of No.264 and would breach the 45-degree rule for this window. Effectively, this would leave the rear window at No. 266a in a tunnel / corridor with an overbearing extension either side of them. This is a habitable room window and therefore the proposed extension would have an unacceptable overbearing impact on the living conditions on the occupiers of No.266a.

The proposed rear extension would not have any windows to the rear and would face the gable of No. 4 Kensington Street with a window circa 5m away from the proposed rear extension across the street. The gable window of No. 4 is the only window to a bedroom which is a habitable room. The Design principles SPD states that extensions should maintain a minimum distance of 12 metres between a principal window to a habitable room in one property and a two-storey blank wall of a neighbouring property. In this case the proposed extension would have an overbearing impact on the living conditions of the occupiers of No. 4 and therefore would be unacceptable.

The proposed rear extension would have a bathroom window each on basement level and ground floor level to the side facing towards the rear yard of No.262. It is noted that No. 262 currently has an application under consideration for a similar two storey rear extension which if built would completely block any views from the proposed windows to their rear yard. In the event if it is not built, any possible overlooking of the neighbour's rear yard due to these proposed windows can be controlled through a condition to obscure glaze them.

In conclusion, the proposed development would have an overbearing impact on the occupants of No. 4 and No.266a and therefore would not be acceptable in terms of residential amenity and would be contrary to policy ENV2 and the Design principles SPD.

Highways

The development raises no issues of highway safety.

PBC Environmental health

The development raises no environment health issues.

RECOMMENDATION: Refuse

For the following reason(s):

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 No. 4 Kensington Street and No.266a Manchester Road hence would be contrary to policy ENV2 of the Adopted Pendle Local Plan, and the principles set out in the Adopted Pendle Design Principles Supplementary Planning Document.

Application Ref: 24/0321/HHO

Proposal: Full: Erection of a rear extension to the ground and basement floor.

At 264 Manchester Road, Nelson, Lancashire

On behalf of: Mr Mohammad Nawaz

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2ND SEPTEMBER 2024

Application Ref: 24/0495/HHO

Proposal: Full: Erection of a 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: 24.07.2024

Expiry Date: 18.09.2024

Case Officer: Athira Pushpagaran

This application received three objections and therefore would be determined by the Committee.

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 a rear dormer to accommodate 2 new bedrooms and a bathroom by a loft conversion and a first-floor rear extension.

Relevant Planning History

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

24/0267/HHO Full: Erection of a front and rear dormer to facilitate a loft conversion and a first-floor rear extension. Refused

Consultee Response

Highways

The current application is a revised scheme to that previously refused under planning application 24/0267/HHO. 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.

Parish/Town Council

No response

Public Response

Three neighbourhood objections have been received raising the following concerns:

- threatens to erode the unique character and rich heritage that define the area
- does not prioritise the preservation of the environment and the well-being of its residents
- plans have been amended three times prior to this application and still remain incongruous. The second storey element does not show a pitched roof.
- no certainty or reliability that the applicant will adhere to the proposed plans
- set a precedent for future similar applications to be approved

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

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 that 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. A dormer should be set below the ridge line of the original roof by at least 0.2m.

The proposal seeks to insert a pitched roof dormer to the rear elevation. It would be setback from the side elevation facing Clayton Street by 0.65m and its ridge and eaves would be set below the ridge of the main roof by 0.1m and 0.3m respectively. The proposed grey tiles on the dormer would be similar to the roof tiles used on the dwelling. The dormers would dominate the roof slope of the dwelling, however it is to the rear of the building next to an ATC hut, a car park and industrial buildings. The rear of the dwelling doesn't significantly contribute to the character of the conservation area. In this case the proposed rear dormer would not result in any unacceptable impact on the character of the dwelling and the conservation area.

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 proposed first-floor extension adjoining the party boundary 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 proposed second-storey flat roof extension would be set back from the ground floor element adjoining the party boundary by 1.5m and would not breach the 45-degree guidance. The two-storey flat roofed extension would be visible from Clayton Street. However, due to its position to the rear of the dwelling, next to an ATC hut, carpark and industrial buildings, it would not detract from the significance of the Whitefield conservation area. Additionally, there is a similar two storey extension at a similarly located end terrace property on Stanley Street visually related to the application site. In this case it would not have an unacceptable impact on the character of the dwelling and the conservation area.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD. The development would have a neutral impact on the significance of the conservation area and thus would not require an assessment as per paragraph 208 of the NPPF.

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 a dormer window to the rear of the terrace. The rear dormer would look directly towards a Garage site. The rear dormer 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 be set back from the ground floor by 1.5m and would not breach the 45-degree guidance for the first-floor windows. The proposed extension in this case would not have any greater impact on the living conditions of No 62 and would be acceptable.

Therefore, the proposed development would 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.

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 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 (received on 23.07.24)
- Site Plan (received on 23.07.24)
- Proposed Side Elevations (received on 26.07.24)
- Roof Plans (received on 26.07.24)
- Proposed First Floor and Loft Floor Plan (received on 23.07.24)
- Proposed Front Elevation (received on 23.07.24)
- Proposed Rear Elevation (received on 23.07.24)

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.

Application Ref: 24/0495/HHO

Proposal: Full: Erection of a 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