

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

**TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE**

**DATE: 2<sup>ND</sup> DECEMBER 2024**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2<sup>ND</sup> DECEMBER 2024

**Application Ref:** 24/0452/FUL

**Proposal:** Full: Conversion and extension of an outbuilding to form 1 no. dwelling.

**At** 17 Highgate, Nelson

**On behalf of:** Mr Atiq Rehman

**Date Registered:** 7/10/24

**Expiry Date:** 2/12/24

**Case Officer:** Neil Watson

### **Site Description and Proposal**

The application site forms part of the residential curtilage of 17 Highgate. The curtilage comprises of a detached house sitting to the south east part of the land with a gap to the house to the west. An outbuilding has been constructed in between.

The proposal seeks to add to the size of the outbuilding an add another storey and for this to create a new dwelling

### **Relevant Planning History**

23/0548/HHO Full: Formation of tarmac drive, installation of retaining structures and the erection of a standalone garage /gym structure. Approved 4/10/23.

### **Consultee Response**

Highways: No objection but request conditions

1. Prior to first occupation 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 approved annexe 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.

2. Prior to first occupation a secure, covered cycle store shall be provided at the dwelling.

Reason: To support sustainable travel.

Environmental; Health: Wish to see construction hours limited.

The Coal Authority: No objection subject to the following conditions:

1. 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.

2. Prior to the occupation of the development, or it being taken into beneficial use, 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.

### **Public Response**

Several objections have been received raising the following points:

- The development will result in loss of privacy to neighbours.
- A resident suffers from a disease and the thought of the extension is making this worse.
- Another resident suffers from depression and this could cause significant onsets
- The law is clear that if any planning for building causes medical issues to worsen the development must not go ahead.
- I enjoy long views which this development will block
- It will affect the privacy of nos. 19 and light.
- Trees have already been removed.
- It will impact on the beautiful landscape of Highgate.
- The original gym would not have affected privacy.
- Local wildlife affected.

### **Relevant Planning Policy**

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum. Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development. National Planning Policy Framework The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system. The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

### **Officer Comments**

The application site lies in an urban area with the settlement limits of Nelson as defined in the adopted Local Plan. There are no designations on the site which would impact on the potential to develop it for housing. The principle of development is therefore acceptable.

The main issues for the site are the impacts on neighbours, design, coal mining and highway safety.

## **Design and Visual Amenity**

The development lies in an urban area. Leading to it is a range of houses with different design types. Beyond the site going into Highgate is a modern housing estate with properties of a similar modern style. The house on the application site is different in design to those surrounding.

The approved gym was a single storey structure with stone cladding for the external walls. The proposal is to continue with the use of those materials but add a second floor with a pitched roof.

The design would be different to the housing estate beyond but so are the properties leading up to it. The design would reflect the nature of designs up to the housing estate which are mixed with them being more homogeneous into the estate. On balance the design would not unacceptably affect the street scheme or character of the area.

A curtilage for each dwelling has not been set out on the submitted plans. This could be controlled by a condition to ensure that there is no unacceptable loss of privacy or amenity between the two sets of occupants. It would also ensure that there would be adequate private garden and recreation space for the occupants of both houses.

## **Residential Amenity and Living Conditions**

The dwelling would lie 25m from 4 Highgate which is situated opposite on the other side of the estate road. It lies behind a hedge and faces to the east. There would be no loss of privacy or amenity with that dwelling.

The dwelling adjacent at nos 19 has a blank gable facing the proposed dwelling. A stairwell window would face the side. As it is facing a blank elevation there would be no loss of privacy.

The proposed dwelling would extend beyond the rear of nos 19. It would not however breach a 45 degree line from the rear of that property and there would be a gap. There would not be any adverse unacceptable impact on the living conditions of the occupants of number 19.

The development would have a direct view of the rear of 23 Highgate. That would be into a conservatory. That would be a distance of 19m which would be within the 21m advised. This would lead to an unacceptable impact and loss of amenity with direct views into the rear conservatory.

## **Coal Mining**

A coal mining risk assessment has been submitted. That is adequate for stage one but further investigation needs to happen. That can be controlled by condition.

## **Highways**

The development would have a safe access and space for 2 cars to

## **Other Issues**

Comments have been made about loss of view. The planning system does not protect one person's interests from another person's. The loss of a private view is not a material planning consideration. The impact on the public environment is relevant and that is discussed in the Design section.

A construction code as requested by Environmental Health could be added by condition as could the requirement to provide foul and surface water systems.

**RECOMMENDATION: Refuse**

The development would have an unacceptable close relationship with 19 Highgate where there would be direct views into the conservatory within 21m. The development would thus have an unacceptable impact on the privacy of the occupants of number 19. This represents poor design and is contrary to policy ENV2 of the adopted Pendle Local Plan and to the guidelines in the Design Principles Supplementary Planning Document.

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2<sup>ND</sup> DECEMBER 2024

**Application Ref:** 24/0526/FUL

**Proposal:** Full: Erection of 3 no. dwellings and formation of 7 no. parking spaces.

**At** Site of Former Spiritualist Church, Vernon Street, Nelson, Lancashire

**On behalf of:** Mr Saadat Khan

**Date Registered:** 19.09.2024

**Expiry Date:** 14.11.2024

**Case Officer:** Athira Pushpagaran

This application has been called to committee by the Chair.

### **Site Description and Proposal**

The application site is a vacant plot located in the settlement of Nelson. Formerly it housed a large stone built ecclesiastical building which was burned down in recent years. It is bounded by Vernon Street to the front and the back street to the rear of 1 to 35 Hartley Street, to the rear. The main access is from Vernon Street. The surrounding neighbourhood is characterised by the steeply sloping, regimented rows of two-storey terraced dwellings with a playground to the southwest and a Unity Hall community centre to the northeast. The site is currently in a rundown condition with dumped building rubble and fly tipped household waste on it.

The proposed development is the erection of 3 no. s of dwellings and formation of 7 no. parking spaces. A previous scheme at this site for a three storeyed building accommodating 18 no. s of studio apartments (19/0885/OUT) was refused with an appeal dismissed due to its adverse impact on the character of the area by virtue of its scale and position and its adverse impact on the highway network.

### **Relevant Planning History**

20/0016/AP/REFUSE Outline: Major: Erection of three storey building for 18 no. studio apartments (Use Class C3) with off-street parking (Access only) all other matters reserved. Appeal Dismissed. 16.03.2021

19/0885/OUT Outline: Major: Erection of three storey building for 18 no. studio apartments (Use Class C3) with off-street parking (Access only) all other matters reserved. Refused

### **Consultee Response**

#### **Highways**

The National Planning Policy Framework (NPPF) states that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' (Paragraph 115).

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 and concludes that there are no highway grounds to support an objection as set out by the NPPF.

#### Site planning history

19/0885/OUT - Outline: Major: Erection of three storey building for 18 no. studio apartments (Use Class C3) with off-street parking (Access only) all other matters reserved. Refused. Appeal dismissed.

#### Proposal

The proposal is for the erection of a short, terraced row of three dwellings (two x four bed and one x two bed), the construction of three dropped vehicle crossings and the provision of seven off-road car parking spaces.

#### New vehicle crossings

Vehicular access to the new dwellings is proposed from Vernon Street. There are no existing dropped vehicular crossings. The formation of three new dropped vehicle crossings will need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works shall include, but not be exclusive to, the construction of the vehicle crossings to the highway authority's specification, the removal of the stone paving flags and re-surfacing with tarmac.

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.

#### Off-site highway works

As part of the works to construct the new vehicle crossings the remaining footway shall be re-surfaced to the highway authority's specification with tarmac, including full height kerbs where necessary. In addition, buff coloured tactile paved dropped pedestrian crossings shall be provided either side of the vehicular access to the adjacent play area to improve pedestrian access. The footway, including vehicle crossings, shall be reconstructed and re-surfaced for a length of approximately 26m to the highway authority's specification. It may also be necessary to re-locate street lighting column 6 as part of these works.

#### Car & cycle parking

The proposed development would lead to the loss of three on-street car parking spaces. However, off-street car parking is proposed for the three dwellings. Three spaces are proposed for both four bed dwellings, which is in line with recommendations in the borough council's parking standards. One space is proposed for the two bed dwelling. This is one less than the parking standards' recommendations. However, as there are no parking restrictions on Vernon Street, and on-street parking already takes place, the highway authority would accept a second vehicle parking on the carriageway. This would replace the existing on-street parking outside the site and would be at a lower level. A vehicle parked across the access to Plot 2 is unlikely to interfere with access to or from the other two plots. The driveways/hardstanding areas should be surfaced in a bound porous material to prevent loose surface material from being carried onto the public highway.

In addition the driveways should be constructed to prevent water flowing to or from the public highway. Surface water from these areas of hardstanding must be collected within the site and drained to a suitable internal outfall. No connection will be permitted to the highways drainage system. The provision of this surface water drainage system can be controlled by condition.

As there are no garages secure, covered cycle store for at least two cycles should be provided for each dwelling to support sustainable travel. This is in line with recommendations in the borough council's parking standards and can be controlled by condition.

In addition an electric vehicle charging point should be installed for each dwelling. 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. This can be controlled by condition.

#### Retaining structures

A retaining wall is proposed to be constructed along the rear site boundary, which will be immediately adjacent to the public highway on the rear of 1 – 35 Hartley Street. The erection of this retaining wall should not encroach into the public highway, nor damage the construction of the carriageway and tie-in details will need to be submitted. Details of the retaining wall/structure will need to be submitted. These shall include a suitably dimensioned and detailed plan, general arrangement and section drawings. This can be controlled by condition.

It should be noted that the responsibility for the correctness or otherwise of a design lies with the designer. To that end the highway authority requires the developer to submit a design and check certificate for acceptance signed by a suitably qualified person in accordance with the requirements of the applicable design standard.

#### Construction phase

Due to the development site's location within a residential area, including immediately adjacent to a children's play area, a construction method statement including site plan, will need to be submitted to demonstrate that the development can be constructed without having a detrimental impact on highway safety and capacity. The following conditions and informative notes should be applied to any formal planning approval granted.

#### Conditions

1.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 facilities and mechanical road sweeping vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site
- x) Timing of deliveries xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties. Reason: In the interest of highway safety.

2. No part of the development hereby approved shall commence until a scheme for the construction of the three dropped vehicle crossings and the off-site works of highway mitigation has been 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 dropped vehicle crossings to an appropriate standard and the re-construction of footway including full height kerbs where necessary (overall length of approx 26m for footway and vehicle crossings);



buff coloured tactile paved dropped pedestrian crossings either side of the vehicle access to the play area; the re-location 4 of street lighting column 6. Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

3. No part of the development hereby approved shall commence until a scheme for the retaining structure adjacent to the public highway at the rear of the site has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the retaining structure are acceptable before work commences on site.

4. No building or use hereby permitted shall be occupied or use commenced until dropped kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development. Reason: In the interests of highway/pedestrian safety and accessibility.

5. Prior to first occupation of the approved development the parking 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 that dwelling and shall be kept free from obstructions in perpetuity. Reason: In the interest of highway safety to ensure that satisfactory levels of parking are provided within the site.

6. The surface water from the approved driveways/hardstanding areas shall be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details. Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

7. Prior to first occupation of each approved dwelling secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter. Reason: To ensure that the development supports sustainable forms of transport.

8. Prior to first occupation of the approved development an electric vehicle charging point for each dwelling shall be 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.

#### Informative notes

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 dropped vehicle crossings to an appropriate standard, and the re-construction of footway including full height kerbs 5 where necessary (overall length of approx 26m for footway and vehicle crossings); buff coloured tactile paved dropped pedestrian crossings either side of the vehicle access to the play area; the re-location of street lighting column 6. 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](mailto: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. Before proceeding with the scheme preparation the developer should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include any retaining wall supporting land or property alongside the highway.

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

#### **PBC Environmental health**

Raises no objection and requests conditions for a contaminated land method statement, a construction method statement and a noise assessment added to any approval

#### **United Utilities**

Raises no objection and an informative is provided regarding development close to their assets.

#### **Conservation / Tree Officer**

It appears that we are to lose 1 semi mature tree as part of the design layout however, the applicant is proposing the planting of 2 trees and native hedging as a replacement. The Arboricultural impact assessment is fully detailed, and the landscaping information supplied is suitable for approval. I have no objection to the proposals.

#### **Parish/Town Council**

No response

#### **PBC Engineering**

No response

#### **Architectural Liaison Unit**

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.

CS Policy ENV5 (Pollution and Unstable Land) states that new development is required to address the risks arising from contaminated land or unstable land, including that arising from mining legacy, through remediation work that makes the site suitable for the proposed end use

CS Policy LIV1 (Housing Provision and Delivery) sets out the Councils requirement to deliver new housing at a rate of 298 dwellings per annum. Proposals for housing within defined settlement boundaries are supported in sustainable locations;

CS Policy LIV3 (Housing Needs) involves the housing needs of different groups in the community and encourages the provision of a range of residential accommodation in terms of type, tenure and size.

CS Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

### 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 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 previous appeal decision 20/0016/AP/REFUSE at the application site for the erection of a three-storey building for 18 no. studio apartments, stated that the proposed building “...would occupy a large proportion of the site and would be significantly taller than the prevailing building heights in the area. Furthermore, it has not been demonstrated that the height and mass that would be demanded to achieve the specific quantum of development proposed would be sufficiently comparable in its visual effect to the former building and be capable of assimilating successfully with the important character and appearance of this street scene. The effect of a building of the required magnitude would serve to overwhelm the predominantly smaller domestic scale and openness of the existing street scene.” The proposal was for a building with gables to the front and rear, and a straight, level horizontal roofline rather than one following the terrain's slope. The roofline would have matched the ridge height of both the former Methodist church and adjacent Unity Hall, and the building would have occupied a large portion of the site, nearly matching the depth of the now-demolished church.

The proposed development that the current application seeks to erect is a short, terraced row of three dwellings. The dwellings would have a roof line that step down following the steep slope of Vernon Street. The terrace would have blank gables to the sides and would roughly be half as deep as the demolished methodist church building. The scale and massing of the building would be comparable to the terraces in the neighbourhood and would not overwhelm but would complement the visual character of the existing street scene.

The units 1 and 3 would have a dormer each to the front and rear elevations. These dormers would be small and have a pitched roof. They would be set back from the front and side external walls and set below the ridge line and would not dominate the roof slope.

Due to the slope of the site both along Vernon Street and between Vernon Street and the back street of 1-35 Hartley Street, retaining walls will be required to form the boundaries. These will be stone with 1.8m close boarded timber fencing enclosing the rear gardens. The front garden would be bounded by 1.2m high metal railings. A hard works plan, and softworks and planting plan has been submitted and found acceptable. The design and finish of the railing proposed can be controlled through a condition.

The dwellings would have stone walls, openings with artificial stone surrounds, a pitched slate-tiled roof, with the dormers also finished in slate. The exact colour and finishes of the materials can be controlled through a condition requiring samples.

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.

### **Residential Amenity**

The proposed dwellings would have no windows to the sides and would have habitable room windows to the front and rear at the ground and first floors. Units 1 and 3 would also have dormer windows to the front and rear. Design Principles SPD advises a separation of 21m between habitable room windows of properties facing each other. The proposed dwelling would be 19.3m away from that of the terraced houses across Vernon Street and 16.7-20.7m away from the rear elevations of the terraced houses on Hartley Street. To the front the view would be across a busy public street. To the rear it would be across a back street which is an adopted highway. Moreover, it is typical of terraced properties in the area to have separation distances often well under 21 m with existing relationships of windows that allow for direct overlooking of neighbouring windows and garden spaces at both the front and rear. Given this context, the proposed dwellings would not result in any unacceptable impact on the privacy of neighbours. The development would also not result in any overbearing impacts, unacceptable loss of light to any adjacent residential property.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

### **Highways**

The development raises no issues of highway safety subject to their comments noted and conditions added to any approval.

LCC requests a condition that no building or use hereby permitted shall be occupied or use commenced until dropped kerbs have been installed at the carriageway edge and a vehicle cross-

over constructed across the footway. However, since this would be carried out under Section 171 agreement with Lancashire County Council it would not be reasonable to impose this condition.

LCC requests a condition that the surface water from the approved driveway shall be collected within the site and drained to a suitable internal outfall to prevent water from discharging onto the public highway. This can be controlled by a condition requiring details.

### **PBC Environmental health**

The Environmental Health Officer requests conditions for a contaminated land method statement, a construction method statement and a noise assessment added to any approval.

A condition for a noise assessment is requested for protecting the proposed dwellings from noise from the community centre and the play area. However, noise insulation is something that would be dealt at building control stage and therefore would not be necessary to duplicate as a planning condition. Moreover, there are existing houses in close proximity to the community centre and play area that would currently be impacted by them if there was an unacceptable level of noise from them. The proposed dwellings would have blank elevations facing both these uses and would not be impacted any more than the surrounding dwellings in the neighbourhood.

### **Biodiversity Net Gain**

The proposal is accompanied by a biodiversity main metric. This indicates that biodiversity net gain of -73.11%. The site has a significant decrease in biodiversity as demonstrated by the metric primarily because there is a greater land coverage of developed sealed surfacing and an overall decrease of semi natural habitat types within the proposed scheme. The proposed scheme has a 0.15 biodiversity unit deficit.

The habitats that are suitable for residential development tend to classify as urban vegetated gardens and as a result if the proposed habitats were to be increased on site it would have little impact on overall gain therefore it is considered that the maximum on site gain has been achieved.

Because the maximum on site gain has been achieved the applicant aims to purchase statutory credits to satisfy the mandatory 10%.

The applicant would have to enter into a s106 agreement in order to take care of the 30-year management and maintenance arrangements required for the proposed intervention. This would be subject to a condition as would other applications nationally.

### **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:
  - 3682(3)003 Gable Elevations - 4b6p (received 19.09.24)
  - 3682(3)001 F/R Elevations - 4b6p (received 19.09.24)
  - 3682(2)007 Roof Plan (received 18.09.24)
  - AT.24.11678.100 R.02 Hardworks Plan (received 18.09.24)
  - AT.24.11678.101 R.02 Softworks & Planting Plan (received 18.09.24)
  - 3682(2)002 Floor Plans - 2b4p (received 18.09.24)
  - 3682(2)001 Floor Plans - 4b6p (received 18.09.24)
  - 3682(3)002A F/R Elevations - 2b4p (received 18.09.24)
  - 3682(1)001 B Site Layout (received 18.09.24)
  - 3682(4)001 A Site Sections - Sht1 (received 18.09.24)
  - 3682(4)002 A Site Sections - Sht2 (received 18.09.24)
  - Assessment of Biodiversity Biodiversity Net Gain (BNG) Version 1 16.09.2024 Prepared for: Moduliv (received 18.09.24)
  - Arboricultural Impact Assessment prepared by Amenitytree (received 18.09.24)
  - Tree Survey and Constraints Report prepared by Amenitytree (received 18.09.24)
  - Phase 1 Desk Study and Preliminary Geoenvironmental Assessment prepared by WML Consulting (received 18.09.24)
  - Design and Access Statement prepared by Keenan and Sanders Architects Ltd. (received 18.09.24)
  - Location Plan (received 06.08.24)

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

3. Notwithstanding any indication on the approved plans and application form, prior to any external works commencing, samples of all the external materials and finishes to be used on the elevations and roof shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4. 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.

5. No part of the development commences 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.

6. Prior to their installation, details of the proposed metal railings shall have been submitted to and approved in writing by the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out in strict accordance with the approved details.

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

7. 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 facilities and mechanical road sweeping
  - vi) Measures to control the emission of dust and dirt during construction
  - vii) A scheme for recycling/disposing of waste resulting from clearance and construction works
  - viii) Details of working hours
  - ix) Routing of delivery vehicles to/from site
  - x) Timing of deliveries
  - xi) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

**Reason:** In the interest of highway safety.

8. The development hereby permitted shall not be used unless and until details of the drainage from the driveway have been submitted to, approved in writing by the Local Planning Authority and installed. The drainage shall thereafter at all times be retained.

**Reason:** In the interest of highway safety.

9. No part of the development hereby approved shall commence until a scheme for the retaining structure adjacent to the public highway at the rear of the site has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

**Reason:** In order to satisfy the Local Planning Authority and Highway Authority that the final details of the retaining structure are acceptable before work commences on site.

10. The proposed development shall not be brought into use unless and until the car parking shown on the approved plan has been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

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

11. Prior to first occupation of each approved dwelling secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

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

12. Prior to first occupation of the approved development an electric vehicle charging point for each dwelling shall be 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.

13. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

**Reason:** To control foul and surface water flow disposal and prevent flooding.

14. The landscaping scheme as approved under plan no AT.24.11678.101 R.02 Softworks & Planting Plan 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.

15. Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions (below) have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority until condition (no.P46) has been complied with in relation to that contamination. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk-assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
- 1) a survey of the extent, scale and nature of contamination;
  - 2) an assessment of the potential risks to:
    - \* human health,
    - \* property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - \* adjoining land,
    - \* ground-waters and surface waters,
    - \* ecological systems,
    - \* archaeological sites and ancient monuments;
  - 3) an appraisal of remedial options, and proposal of the preferred option(s)



**Reason:** To identify contamination from previous uses, ensure any remediation is undertaken and safeguard future uses, occupiers and the environment beyond

## **BNG Conditions**

16. The development may not be begun unless—
- (i) a biodiversity gain plan has been submitted to the planning authority and
  - (ii) the 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 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

## **Informative notes**

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 dropped vehicle crossings to an appropriate standard, and the re-construction of footway including full height kerbs where necessary (overall length of approx 26m for footway and vehicle crossings); buff coloured tactile paved dropped pedestrian crossings either side of the vehicle access to the play area; the re-location of street lighting column 6. 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](mailto: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. Before proceeding with the scheme preparation the developer should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include any retaining wall supporting land or property alongside the highway. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.
3. Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request. Three copies of all contaminated land reports should be sent to the Local Planning Authority. This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.
4. It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. It is recommended that the applicant visits the United Utilities' website for further information on how to investigate the existence of water and wastewater pipelines and what to do next if a pipeline crosses or is close to their red line boundary: [Working near our pipes - United Utilities](#). United Utilities will not allow building over or in close proximity to a water main. United Utilities will not allow a new

building to be erected over or in close proximity to a public sewer or any other wastewater pipeline. Nb. Proposals to extend domestic properties either above, or in close proximity to a public sewer will be reviewed on a case-by-case basis by either by a building control professional or following a direct application to United Utilities. Any construction activities in the vicinity of United Utilities' pipelines, including pipelines that may be outside the applicant's red line boundary, must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines' which can also be found on our website: <https://www.unitedutilities.com/globalassets/documents/builders--developers-docs/standard-conditions-for-works-adjacent-to-pipelines-issued-july-2015.pdf> (unitedutilities.com) The level of cover to United Utilities pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on pipelines without prior agreement from United Utilities. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant/developer's expense. Where United Utilities' assets exist, it is essential that the applicant, or any subsequent developer, contacts our Developer Services team prior to commencing any works on site, including trial holes, groundworks or demolition.

5. We strongly encourage all developments to include sustainable drainage systems to help manage surface water and to offer new opportunities for wildlife to flourish. We request that Local Planning Authorities and applicants do all they can to avoid surface water entering the public sewer. The flows that come from this surface water are very large when compared with the foul water that comes from toilets, showers, baths, washing machines, etc. It is the surface water that uses up a lot of capacity in our sewers and results in the unnecessary pumping and treatment of surface water at our pumping stations and treatment works. If new developments can manage flows through sustainable drainage systems that discharge to an alternative to the public sewer, it will help to minimise the likelihood of sewers spilling into watercourses and the flooding of homes and businesses. National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) advise that surface water from new developments should be investigated and delivered in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

The applicant should consider their drainage plans in accordance with the drainage hierarchy outlined above. In the event that the applicant, or any subsequent developer, approaches United Utilities regarding a connection for surface water to the public sewer, it is likely that we will request evidence that the drainage hierarchy has been fully investigated and why more sustainable options are not achievable. This will be managed through either our 'S106 Sewer Connections' or 'S104 Adoptions' processes

**Application Ref:** 24/0526/FUL

**Proposal:** Full: Erection of 3 no. dwellings and formation of 7 no. parking spaces.

**At** Site of Former Spiritualist Church, Vernon Street, Nelson, Lancashire

**On behalf of:** Mr Saadat Khan

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2<sup>ND</sup> DECEMBER 2024

**Application Ref:** 24/0686/HHO

**Proposal:** Full: Erection of a two-storey side extension, front porch and demolition of existing garage.

**At:** 59 Trent Road, Nelson, Lancashire, BB9 0NX

**On behalf of:** Mr Razzaq Rehman

**Date Registered:** 03/10/2024

**Expiry Date:** 27/11/2024

**Case Officer:** Negin Sadeghi

**This application has been referred to the committee due to three public objections.**

### **Site Description and Proposal**

The property is a semi-detached, two-storey dwelling within the settlement boundary of Nelson, surrounded by similarly scaled and designed homes. It features pebble-dash walls, a slate roof, and white UPVC doors and windows.

The proposal is for a two-storey side extension, a front porch addition, and the demolition of the existing garage. A detached garage shed is located approximately 6-7 meters back from the front wall on the side of the house, with a driveway in front that accommodates two cars parked in line. The property sits on a slightly irregular, open-angled plot, set back from the street and pedestrian walkway, with a front garden filled with plants and bushes. The neighbouring property to the east, No. 61, has a single-storey garage extension on its side.

### **Relevant Planning History**

No relevant history.

### **Consultee Response**

- **LCC 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 subject to the following comments being noted and conditions and informative note being applied to any formal planning approval.

#### **Amended vehicle crossing**

The existing dropped vehicle crossing will need extending to allow access to the additional parking space at the front of the house. This must be constructed to Lancashire County Council's specification and should be completed prior to first use of the development, if approved. This is to ensure that vehicles can access the additional parking space.

## **Construction traffic**

Due to the site's location opposite the primary school HGV movements during the construction phase should be restricted to avoid conflict between vehicles and pedestrians during peak traffic flows.

The following conditions and informative note should be applied to any formal planning approval granted.

### **Conditions**

1. Any HGV construction traffic movements, including delivery vehicles, to and from the site shall not occur before 9.30am or between 2.30pm - 3.30pm Monday-Friday during school term time.

Reason: In the interests of highway and pedestrian safety.

2. No building or use hereby permitted shall be occupied or use commenced until dropped kerbs have been installed at the carriageway edge of Trent Road and an amended vehicle cross-over constructed across the footway and verge fronting the site in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of highway/pedestrian safety and accessibility.

3. Surface water from the approved driveway shall be collected within the site and drained to a suitable internal outfall. Details of the means of drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to first use of the approved parking area.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

4. The approved development should not be brought into use unless and until the parking area at the front of the dwelling shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shown on the approved plans shall thereafter always remain free from obstructions and available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

5. Prior to occupation of the approved development a secure, covered cycle store shall be provided for at least two bicycles in accordance with a scheme that shall be approved by the Local Planning Authority and shall be maintained thereafter for that purpose.

Reason: To support sustainable forms of transport.

6. Prior to first occupation of the approved development an electric vehicle charging point shall be 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 support sustainable forms of transport.

## Informative

note 1. This consent requires the construction, improvement or alteration of an access to the publicly maintained highway. Under Section 171 of the Highways Act 1980 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) for the list of approved contractors and to start the Section 171 process.

- **Parish/Town Council:** No reply.
- **Environmental Services:** We are concerned about nuisance during the construction phase caused by out of hours work and therefore recommended use of the informative below: To ensure that construction work is carried out at reasonable times. All construction work will be carried out within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours will result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter. Reason: For the amenity of the neighbouring residents.

## Public Response

The nearest neighbours were notified by letter, and three objections have been raised regarding:

- **Objection from neighbour on Trent Road:** Concerned that the two-storey side extension would block their view and reduce light into their garden. They would prefer a ground-floor extension, as a two-storey addition could devalue their property.
- **Objection regarding kitchen light:** A neighbour worries that the extension would obstruct their view and reduce light entering their kitchen. They suggest that a single-storey extension would be more appropriate.
- **Objection from a resident behind 59 Trent Road:** Opposes the two-storey extension, as it would obstruct views of the remaining open countryside. They express concerns about garden maintenance, stating there has already been mess and vermin issues.
- **General concerns:** Questions raised about the size of the extension, the number of people who would live there, loss of countryside views, and disruption during construction. Additional worries about the rear garden potentially being used as a car park and noise from increased occupants, especially during the summer.

## Relevant Planning Policy

### Pendle Local Plan Part 1: Core Strategy

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

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

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings. Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

### National Planning Policy Framework

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

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

## **Officer Comments**

### **Design**

The proposal is for the erection of a two-storey side extension, a front porch measuring 1.4m by 2.7m, and the demolition of the existing garage. This development would add a new sitting room and expand the kitchen on the ground floor, while increasing the number of bedrooms from 3 to 5 on the first floor.

The neighbouring property is set back 1 meter from the boundary, The neighbour has a single-storey garage extension that is positioned 1.7 meters from the shared boundary.

In planning extensions, it is crucial to maintain proper spacing between buildings and avoid creating a terracing effect, particularly in semi-detached areas. The two-storey extension would be 0.8m away from the joint boundary. It lies at an angle to the No. 61 at latter and of a cul-de-sac. The juxtaposition with the neighbour and the gap would mean that the extension would not lead to a terracing effect.

The proposed materials are rendered walls, a slate roof, and UPVC doors and windows that would match the existing building. The design and appearance are consistent with the local context, and the proposal complies with Local Plan Policy ENV2 and the Design Principles SPD.

### **Residential Amenity**

The boundary between the host property and the eastern neighbour features a 1.6m hedge those transitions to a 1.6m timber fence between the backyards. The neighbour has a single-storey garage extension with a window in it. There are first floor windows in No. 61. The extension has one window in the side elevation which will need to be required to be obscurely glazed. With that condition there would be no overlooking of No. 61.

The development would be in excess of 21m from the neighbours to the north. Whilst there would be views towards these properties that is a normal relationship and there would be no loss of privacy.

Comments have been received about a loss of view. There is no public loss of view. The development would affect the private views of the dwellings to the north. This is not a material planning matter as the planning system does not protect private views.

The front porch would also not create any privacy or overlooking issues. Overall, the development would not result in a loss of privacy, overbearing impact, or significant reduction in light. Therefore, it complies with Local Plan Policy ENV2 and the Design Principles SPD regarding its impact on residential amenity.

### **Highways**

LCC requests HGV traffic restrictions, stating that construction deliveries should not occur before 9:30 am or between 2:30 pm and 3:30 pm on weekdays during school term for safety reasons. As



the application site lies adjacent to a school construction traffic should be controlled via a construction management plan.

LCC also ask that no building or use commence until dropped kerbs and a vehicle cross-over are installed. However, as this would be handled under a Section 171 agreement with LCC, it is not reasonable to impose this as a planning condition. Additionally, LCC requests conditions for a cycle store and an electric vehicle charging point before occupancy, but these may not be necessary for this small-scale application.

The proposal includes two parking spaces in front of the property, but the demolition of a detached garage 6 meters behind the front wall would result in the loss of one garage and two off-street parking spaces. The plan aims to increase the first-floor bedrooms from three to five with the parking area being the same. Whilst there would be an increase in the need for off street parking there is on street parking available and there is no through traffic. As such there would be no danger on the highway and the level of parking is acceptable.

Overall, the development does not present any highway safety concerns, assuming the comments are noted, and relevant conditions are applied to any planning approval granted.

### **Reason for Decision**

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

### **RECOMMENDATION: Approve**

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans and elevations:

- Proposed Plans and Elevations – 03 Oct 2024
- Location Plan – 03 Oct 2024

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

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written consent of the Local Planning Authority.

**Reason:** Those materials are appropriate for the development and site.

4. The first-floor window landing window on the side of two storey extension 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.

5. The approved development should not be brought into use unless and until the parking area at the front of the dwelling shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shown on the approved plans shall thereafter always remain free from obstructions and available for the parking of domestic vehicles associated with the dwelling.

**Reason:** In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

6. A construction code management plan shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development on site. It shall thereafter be at all times strictly adhered to during construction of the extension.

**Reason:** In order to manage the development of the site to prevent danger at peak school times.

### **Informative**

This consent requires the construction, improvement or alteration of an access to the publicly maintained highway. Under Section 171 of the Highways Act 1980 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must contact the Highway Authority on [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) for the list of approved contractors and to start the Section 171 process.

**Application Ref:** 24/0686/HHO

**Proposal:** Full: Erection of a two-storey side extension, front porch and demolition of existing garage.

**At:** 59 Trent Road, Nelson, Lancashire, BB9 0NX

**On behalf of:** Mr Razzaq Rehman



## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2<sup>ND</sup> DECEMBER 2024

**Application Ref:** 24/0689/HHO

**Proposal:** Full: Erection of a front porch, raise existing driveway and insertion of side windows.

**At** 7 Causey Foot, Nelson.

**On behalf of:** Mrs Nigat Riaz.

**Date Registered:** 14/10/2024

**Expiry Date:** 09/12/2024

**Case Officer:** Joanne Naylor

This application has received 3+ objections and therefore will go to committee.

### **Site Description and Proposal**

The application is retrospective, the site is a two storey dwelling house with a pitched roof and rendered white. The application site is within the settlement boundary of Brierfield.

The development seeks permission for the front porch/canopy and for raising the existing driveway, the change to this application is the inclusion of windows to the side elevation of the dwelling house.

### **Relevant Planning History**

24/0517/HHO: Full: Erection of a front porch and raise existing driveway. Refused. 24<sup>th</sup> September 2024.

21/0538/HHO: Full: Extension to existing dormer to front roof slope, first storey side extension, ground floor rear extension, and erection of rear dormer to full length of the rear elevation. Approved with Conditions 18<sup>th</sup> August 2021.

23/0073/HHO: Full: Erection of first floor extension above garage and roof lift across entire dwelling. 28 March 2023.

### **Consultee Response**

Town/Parish Council

No comment

LCC Highways

This is a retrospective application with the development having already been completed. It is also an amended scheme to that refused under planning application 24/0517/HHO, with the insertion of side windows now included. There is therefore no change to the highway authority's comments to the previous application.

Having reviewed the documents submitted, together with previous site observations, Lancashire County Council acting as the local highway authority does not raise an objection in principle regarding this retrospective application subject to the following comments being noted and conditions and informative notes being applied to any formal planning approval.

#### Site planning history

24/0517/HHO - Erection of a front porch and raise existing driveway. Refused.

23/0073/HHO - Erection of first floor extension above garage and roof lift across entire dwelling. Approved.

21/0538/HHO - Extension to existing dormer to front roof slope, first storey side extension, ground floor rear extension, and erection of rear dormer to full length of the rear elevation. Approved.

#### Development

The front porch has already been erected and the driveway between No 7 and No 9 Causey Foot has already been changed.

The highway authority has no comment to make about the porch as this does not affect the public highway network.

#### Vehicle crossing

All the plans submitted for this and previous applications have shown a car parking space between Nos 7 and 9. One of the conditions applied to planning permission 21/0538/HHO (condition 4) was that the approved parking areas should be provided before the development was first used to prevent vehicles from parking on the road. As no dropped vehicle crossing has been constructed, nor applied for, this is obviously not happening. In fact at the time of the site visit in August 2024 for application 24/0517/HHO a vehicle was parked across this opening preventing access. Even then a vehicle using this hardstanding would be crossing the footway illegally. If planning permission is granted the provision of a properly constructed dropped vehicle crossing should be conditioned.

#### Car parking/hardstanding areas/driveways

The two areas of hardstanding/driveways which should provide three off-road car parking spaces, and whose provision were conditioned under planning permission 21/0538/HHO, have been surfaced in printed concrete. This material is not porous and no means of collecting and internally draining surface water from these areas has been installed. This means that water will discharge from the site onto the public highway, either directly or indirectly, where it could cause a hazard to other highway users, particularly during periods of heavy rainfall or sub-zero temperatures.

Therefore, to prevent water from discharging onto the public highway, which is an offence under Section 163 of the Highways Act 1980, an appropriate means of collecting the surface water across the bottom of both drives and along the side between Nos 7 and 9 and draining to an internal outfall should be provided. It should be noted that no connection will be permitted into the county council's highway drainage system.

The highway authority has also noted that the garage shown on previous plans has already been converted into a habitable room with the garage door removed and a residential door fitted. As the garage was sub-standard in size internally it did not count towards the off-road parking provision required for this property.

The following conditions and informative notes should be applied to any formal planning approval granted.

The following conditions and informative notes should be applied to any formal planning approval granted.

#### Conditions

1. Within three months of the grant of planning approval dropped kerbs shall be installed at the carriageway edge between 7 and 9 Causey Foot and a vehicle cross-over constructed across the footway fronting the site in accordance with the approved plans and Lancashire County Council's Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: In the interests of highway/pedestrian safety, accessibility and to protect the structural integrity of the public highway network.

2. The surface water from the approved driveways/hardstanding areas shall be collected within the site and drained to a suitable internal outfall. Within three months of the grant of planning approval details of the drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

#### Informative notes

1. This consent requires the construction of an access to the publicly maintained highway. Under Section 171 of the Highways Act 1980 Lancashire County Council as the Highway Authority must specify the works to be carried out. Only a contractor approved by the Highway Authority can carry out these works. If street lighting column 6 needs to be relocated to allow the construction of the vehicle crossing then this will be at the applicant's expense. Therefore, before any works can start, the applicant must contact the Highway Authority on [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) for the list of approved contractors and to start the Section 171 process.

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

#### PBC Environmental Health

Environmental Health have concerns about nuisance and working hours and recommends a condition to manage working hours.

#### Public Response

The nearest neighbours have been notified by letter with five responses objecting relating to:

- Concerned that the site will be for a care home
- The applicant built the development without planning permission, the neighbour had to remove the roof they built and put in planning permissions and then re-build
- Council have not addressed the applicant cctv which impacts on neighbours privacy
- The party boundary was removed and concerned the wall will collapse onto the neighbours land, and water from the application site is now flowing onto neighbours land
- The footpath is damaged and may cause people to trip over
- Both driveways have been raised higher by 2ft with water running onto the highway
- Concerned that applicant is getting favourable treatment from the Council
- The neighbour did not receive letters for the extension/building, how was such a big building allowed to be built at 7 Causey Foot, it is too high and does not look like the houses in the area and out of character
- Plans show there should be a garage but now a door

- The site has a massive porch
- Windows have been inserted on the side to 5 Causey way, but not included on the plans
- Issue with traffic and parking
- Side windows face towards the neighbouring property and impacting on the neighbours privacy
- Heavy vehicles have damaged the footpath
- Last application was refused, so how can a new application be submitted for the same development
- Applicant parks on the road and not on the drive
- The proposed developments to this site will reduce the value of our house and is overbearing

### **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.

ENV1 seeks to ensure a positive contribution to the protection, enhancement and conservation of the natural and historic environments, and that proposals should seek to conserve and enhance biodiversity.

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

Policy ENV 5 for pollution and unstable land and seeks to address unstable land.

Policy ENV 7 seeks to manage surface water runoff.

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

### **National Planning Policy Framework**

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

Paragraph 139 states that development that is not well designed should be refused.

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

### **Officer Comments**

The main considerations for this application are the design and materials, highways and residential amenity.

## Design and Materials

This application is retrospective for a front porch, for raising the existing driveways and increasing the land to the rear of the dwellinghouse, and for windows to the side elevation.

The application site is a detached building which has erected a single storey side extension above the garage and a roof lift across the dwelling house.

The Design Principles Supplementary Planning Document (SPD) states that front extensions and porches can be particularly prominent in the street scene and should be carefully designed to retain the character of residential areas. Porches would normally be acceptable where the porch does not extend beyond the front main wall of the house by 1.25m or half the distance between the wall and the highway boundary whichever is less, that materials should match the existing and have a pitched roof.

The porch is 3m wide and 3m long, it is upheld by two white columns with the porch being 2.7m high with a flat roof. The design of the porch with a flat roof would be viewed as poor design especially with the development being located on the front elevation and at an elevated height above the road. In this location, the application site is located in an area of predominately bungalows with pitched roof and small dormers with brick walls.

Although there is a similar development of a canopy/porch at Number 11 Causey Foot, the applicant did not build the porch/canopy in accordance with the approved plans (U03-P04 and U03-P03 of planning permission 17/0763/HHO) which was approved for a 1.5m deep, 2.79m wide and a height of circa 2m. Therefore, although there is an existing development similar to that of the application site, it is unauthorised. Furthermore, the elevated position of this proposal results in a greater visual impact.

In this location, the proposed porch with a flat roof with columns, at a higher elevation and bright white would result in an incongruous development in an area of simple bungalows with small dormers, the porch would represent poor design especially to the front elevation due to the flat roof and its scale and prominence in the street scene. The proposed porch would be a dominant development to the front elevation and elevated above the road by circa 2m high. It would represent poor design due to the scale and elevation above the road, and with limited softening of the development through planting or hedging. A porch of smaller proportions would be more in keeping in this location of simple bungalows.

The porch with a flat roof with white columns would be prominent in the street scene due to the higher elevation and dominate the street scene, it would appear as an alien feature in an area of simple bungalows of similar design and materials and out of scale of the surrounding dwellings, the porch would result in an incongruous development in an area of simple bungalows, it would represent poor design and have a harmful impact on the street scene.

The plans indicate that the existing drive extended to the front elevation of the dwelling house and was higher than the proposed drive, however the proposed drive extended to the rear elevation of the dwelling house, as the existing drive only extended to the front elevation of the dwelling, here the proposed driveway is longer, and the land to the rear of the site has been increased, four steps have been formed to provide access to the rear patio. The increase to the land to the rear is circa 0.48m higher than the existing land level and is adjacent to the party boundary with No. 9 Causey Foot.

To the rear garden of the application site there is hardstanding which is not permeable. Similar works could be undertaken by permitted development on this site and some of the work may not

constitute development if they involved changes of land of less than 30cm, which would include the hardstanding. Therefore, this would be acceptable.

Under planning permission 23/0073/HHO approved a ground floor window serving a kitchen and a first floor window serving a front bedroom to the side elevation with the chimney stack, as these windows were approved previously, then these are acceptable.

Environmental Health required that the hours of working to be conditioned, as the development is retrospective, then the condition would relate to the requirement for the proposed surface water drainage scheme and a dropped kerb to be undertaken. In this case, the surface water drainage and dropped kerb would be a limited amount of development, a condition for managing working hours in this case would be unreasonable.

The scale, design, and materials of the porch would result in an incongruous development in a prominent location, it would represent poor design and have a negative impact on the street scene. It would be contrary to Policy ENV2 of Pendle Local Plan Part 1 Core Strategy, the Design Principles Supplementary Planning Document and Paragraph 139 of the National Planning Policy Framework.

### **Residential Amenity**

The Design Principles SPD advises that developments should be designed to avoid overshadowing, loss of outlook and loss of privacy to neighbours and to not be unduly dominant.

The porch is at the same ground level as the dwelling house, it does not have windows and is an open porch, the porch would have no greater impact as that which already exists, therefore the porch would have no unacceptable impact on the residential amenity of neighbouring properties.

During the site visit, the applicant has inserted windows to the ground and first floor of the side elevation facing towards No. 5 Causey Way, the plans indicate that on this side elevation there would be a ground floor window serving a room with access from the front pedestrian door, and a first floor window to the front bedroom. The application site is at an oblique angle to No. 5 Causey Foot. There is a circa 1.8m high fence on the party boundary, therefore the proposed window would not result in loss of privacy to the neighbours kitchen window, a condition could be placed that a fence at 1.8m high or obscure glazing to this window to ensure no loss of privacy to No. 5 Causey Foot kitchen window. The proposed first floor window would be set back from the front elevation by circa 1.6m, here the view from the first floor window would be to the driveway of No. 5 Causey Foot and that the application site is at an oblique angle to No. 5 which would ensure no direct view to the windows on the side of No. 5 which have three windows with obscure glazing.

Subject to a condition for either a 1.8m high fence or obscure glazing to the window serving the room, the proposed development would have no unacceptable impact to the neighbours residential amenity and would conform with Policy ENV2 and the Design Principles SPD.

### **Highways**

The materials used for the driveways are hardstanding of printed concrete painted grey which is not permeable, which results in water flowing onto the highway which would cause a hazard to users of the highway with excess surface water and potential ice in sub-zero temperatures. A drainage scheme to be submitted for the management of surface water to be collected to a suitable internal outfall.

No dropped kerb has been constructed for the additional parking space, however, this is a matter controlled under the highways act.

Subject to conditions for surface water to be collected within the site and drained to a suitable internal outfall, and for three parking spaces the development is acceptable in terms of highway safety in accordance with Policy 31 of the Replacement Pendle Local Plan.

## **Other Matters**

Under permitted development allows a landowner to remove their fence and erect a 2m high fence. If the fence was in the neighbours ownership, then it is a civil matter between the neighbour and the applicant.

Residents are concerned that the footpath is damaged and may cause people to trip, LCC Highways are responsible for the maintenance of footpaths

A neighbour is concerned with the water flowing onto their land, as the driveways are not porous, a condition is recommended to ensure surface water is managed.

Residents have concerns that Number 7 Causey Foot will be changed into a care home. The applicant has business relating to care homes, however the business premises are on Leeds Road. There has been no application put forward by the applicant for a change of use of 7 Causey Foot, which is the applicant's residential home. In order to change the use of the dwelling house into a care home would require a change of use application.

Residents were concerned that the development would reduce the value of their property, this is not a planning matter that can be considered.

## **RECOMMENDATION: Refusal**

The scale, design, and materials of the porch would result in an incongruous development in a prominent location, it would represent poor design and have a negative impact on the street scene. It would be contrary to Policy ENV2 of Pendle Local Plan Part 1 Core Strategy, the Design Principles Supplementary Planning Document and Paragraph 139 of the National Planning Policy Framework.

**Application Ref:** 24/0689/HHO

**Proposal:** Full: Erection of a front porch, raise existing driveway and insertion of side windows.

**At** 7 Causey Foot, Nelson.

**On behalf of:** Mrs Nigat Riaz.

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2<sup>ND</sup> DECEMBER 2024

**Application Ref:** 24/0722/HHO

**Proposal:** Full: Erection of dormer windows to front and rear roof slopes.

**At** 77 Bankhouse Road, Nelson, Lancashire

**On behalf of:** Mr Zeeshan

**Date Registered:** 23.10.2024

**Expiry Date:** 18.12.2024

**Case Officer:** Athira Pushpagaran

This application has been called to committee by the Chair.

### **Site Description and Proposal**

The application site relates to a mid-terrace dwelling situated within the defined settlement boundary of Nelson. The application site is marked for block improvements within the Bradley Action Plan Boundary and is located across the road from industrial buildings of Throstle Nest Mill. The main access is from Bankhouse Road. The original dwelling has stone walls, a pitched roof of slate tiles and UPVC doors and windows. Except a dwelling on Regent street which has flat roof rear dormer there is no context of other dormers visually related to the site.

The proposed development is the insertion of flat roof dormers to the front and rear roof slopes.

### **Relevant Planning History**

13/09/0449P Full: Demolition of existing kitchen extension and erection of a domestic single storey rear extension.

### **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.

#### **Proposal**

The proposal is for the erection of dormers to the front and rear roof slopes which will increase the number of bedrooms from two to four.

#### **Car parking**

There is no associated off-road parking nor can any be provided. There is also a high demand for the existing on-road parking, which is limited. Whilst this raises concerns, as the increased demand for on-road parking can be difficult to absorb without causing loss of amenity for existing residents, these are not to such an extent to raise an objection. The highway authority also notes that the site is within acceptable walking distances of local amenities and facilities, including public transport, which may reduce the reliance on the use of private vehicles.



## **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 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 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. In general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties.

The proposal is for flat roof dormers to the front and rear roof slopes. Both the dormers would be set back from the respective front and back elevations by only circa 0.17m and from either side by circa 0.1m. The dormers would dominate 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 especially since dormers are not a characteristic feature of the locality. The proposed dormers are to be clad with grey cladding with UPVC windows and a membrane 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. However, to the rear elevation there would not be an unacceptable impact upon the visual amenity of the area. The front dormer would cause harm to the character and appearance of the original dwelling and have a wider impact upon visual amenity.

Overall, due to the dominance of the dormer to the front roof slope this development is unacceptable in this location and as such conflict with Policy ENV2, the Design Principles SPD.

### **Residential Amenity**

The proposed front dormer would face the industrial building across the street. Due to the layout of the streets at acute angles to each other the rear dormer would be 21m from the rear elevations of the terraced dwellings directly to its rear. Additionally, the building already has a relationship of first floor windows to the rear elevations facing the other properties to the rear and the proposed dormer window would be no closer than these existing windows.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

### **Highways**

The development raises no issues of highway safety.

### **RECOMMENDATION: Refuse**

By virtue of its position to the front elevation 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 street scene, in conflict with Policy ENV2 of the adopted Local Plan: Part 1 Core Strategy and the adopted Design Principles SPD.

**Application Ref:** 24/0722/HHO

**Proposal:** Full: Erection of dormer windows to front and rear roof slopes.

**At** 77 Bankhouse Road, Nelson, Lancashire

**On behalf of:** Mr Zeeshan

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 2<sup>ND</sup> DECEMBER 2024

**Application Ref:** 24/0729/HHO

**Proposal:** Full: Erection of front and rear dormers with associated internal alterations.

**At** 81 Pine Street, Nelson, Lancashire

**On behalf of:** Mr Muhammad Bashir Anwar

**Date Registered:** 25.10.2024

**Expiry Date:** 20.12.2024

**Case Officer:** Athira Pushpagaran

This application has been called to committee by the Chair.

### **Site Description and Proposal**

The application site relates to a mid-terrace dwelling, located in a residential area within the defined settlement boundary of Nelson. The main access is from Pine Street. The original dwelling has stone walls, a pitched roof of slate tiles and UPVC doors and windows. Except a dwelling within the terrace across the road from the application site which has flat roof front dormer there is no context of other dormers visually related to the site.

The proposed development is the insertion of dormer windows to front and rear roof slopes.

### **Relevant Planning History**

23/0222/HHO Full: Erection of single storey rear extension. Approved with Conditions

### **Consultee Response**

#### **Highways**

Having reviewed the documents submitted, Lancashire County Council acting as the local highway authority makes the following comments. The proposed development would increase the number of bedrooms from two to four. There is no associated off-road parking nor can any be provided. There is also a high demand for the existing limited on-road parking on the surrounding highway network. Whilst this raises concerns, as the increased demand for on-road parking can be difficult to absorb without causing loss of amenity for existing residents, these are not to such an extent to raise an objection. The highway authority also notes that the site is within acceptable walking distance of local amenities and facilities including public transport on Barkerhouse Road, which may reduce the reliance on the use of private vehicles.

#### **Parish/Town Council**

No response

#### **National Grid**

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 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 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. In general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. The front wall of a dormer should normally be set back at least 1m from the front elevation and 0.5m from either side, to prevent it having an overbearing effect on the street scene and adjoining properties.

The proposal is for flat roof dormers to the front and rear roof slopes. Both the dormers would be set back from the respective front and back elevations by only circa 0.4m and from either side by circa 0.35m. The dormers would dominate 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 especially since dormers are not a characteristic feature of the locality. The proposed dormers are to be clad with dark grey composite cladding with UPVC windows and a dark grey ply membrane 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. However, to the rear elevation there would not be an unacceptable impact upon the visual amenity of the area. The front dormer would cause harm to the character and appearance of the original dwelling and have a wider impact upon visual amenity.

Overall, due to the dominance of the dormer to the front roof slope this development is unacceptable in this location and as such conflict with Policy ENV2, the Design Principles SPD.

### **Residential Amenity**

The proposed dormer is to have a window to the front elevation. There would be no windows to the side elevation. The proposed dormer would be no closer to the dwellings on the opposite side of Pine Street than the existing front elevation windows, as such they would not cause any greater neighbouring amenity issue. Similarly, the dormer to the rear is to have a window facing towards the backstreet however this would be no closer than the existing windows to the rear of the dwelling.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

### **Highways**

The development raises no issues of highway safety.

### **RECOMMENDATION: Refuse**

By virtue of its position to the front elevation 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 street scene, in conflict with Policy ENV2 of the adopted Local Plan: Part 1 Core Strategy and the adopted Design Principles SPD.

**Application Ref:** 24/0729/HHO

**Proposal:** Full: Erection of front and rear dormers with associated internal alterations.

**At** 81 Pine Street, Nelson, Lancashire

**On behalf of:** Mr Muhammad Bashir Anwar