

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

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

**DATE: 6<sup>TH</sup> JANUARY 2025**

**Report Author: Neil Watson**  
**Tel. No: 01282 661706**  
**E-mail: [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)**

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**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**

Discussions have been undertaken with the applicant about an amended design. At the time of writing amended proposals have not been submitted so the recommendation remains the same.

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.

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**At** 17 Highgate, Nelson

**On behalf of:** Mr Atiq Rehman

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**Application Ref:** 24/0592/VAR

**Proposal:** Variation of Condition: Major: Vary Condition 2 (Plans) of Planning Permission 23/0301/FUL.

**At:** Land At Further Clough Head, Bamford Street, Nelson

**On behalf of:** PEARL Together Ltd

**Date Registered:** 02/09/2024

**Expiry Date:** 12/01/2025

**Case Officer:** Alex Cameron

## **Site Description and Proposal**

The application site is a 10 Ha parcel of open land to the south of Messenger Street, Wickworth Street and Pinewood Drive in Nelson with planning permission for 129 dwellings. There is open land to the south, and east, Pendle Industrial Estate to the west and dwellings and allotments to the north. The site would be accessed from Marsden Hall Road South. Public footpath Nos. 72 and 73 run along the north boundary of the site, No.70 runs alongside the proposed access road and 65 runs from the east boundary of the site to the allotments in its centre. The site is within the settlement boundary of Nelson and the eastern boundary of the site is adjacent to the boundary of the Southfield Conservation Area.

This application is for a variation of condition 2 of the planning permission to amend the approved plans.

The proposed amendments comprise:

Changes to the design of the house types, this includes increasing sizes and altering internal layouts to meet minimum space standards, the use of render has been replaced by brick proposed instead and other minor changes to design and detailing.

Changes to the layout relating to the public right of way route, private access to the rear of the terraced blocks.

Reduction to the height of retaining walls.

Amended plans have also been provided to clarify boundary treatments. Which would include timber post and rail fences and native hedging to the boundary with the Conservation Area.

## **Relevant Planning History**

17/0427/OUT - Outline: Major: Erection of up to 200 dwelling houses, with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road (Access only) (Re-Submission). Approved.

19/0740/REM - Reserved Matters: Major: Erection of 98 dwelling houses (Phases 1-3), with open space provision, estate roads, landscaping and emergency access road with access from Marsden

Hall Road (Appearance, Layout, Landscaping and Scale) of Outline Planning Permission 17/0427/OUT. Approved

23/0301/FUL - Full (Major): Erection of 129 dwelling houses, with open space provision, estate roads and landscaping. Approved

### **Consultee Response**

LCC Highways – No objection, note that an application needs to be made for a diversion of the public right of way.

Lead Local Flood Authority – Unable to recommend the variation of condition 2. The applicant has provided plans that relate to the final surface water sustainable drainage strategy to be included in varied wording of condition 2. However, the final surface water sustainable drainage strategy condition has not been recommended to be discharged and therefore these documents should not be included as approved (in accordance with) plans.

United Utilities – Recommend that Condition 2 is not amended. This is because the drawings provided with the variation do not show the changes to the drainage layout and therefore how it may interact with the existing 450mm surface water sewer on site.

Coal Authority - No objection. Conditions 27 and 28 are required to be duplicated on any reissued consent.

Nelson Town Council – No response

### **Public Response**

Site and press notices posted and nearest neighbours notified by letter. Response received objecting on the following grounds:

- Concerns relating to coal mining works and enforcement of the conditions relating to that.
- Concerns relating to the impact on highway safety and capacity resulting from the access and implementation of off-site highway works.
- Impact on wildlife including bat and badgers.
- The design of the developemnt is not in keeping with the character of the area.
- Impacts on local infrastructure.

### **Officer Comments**

#### **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 SDP2 sets out the roles each settlement category will play in future growth. Nelson is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Brierfield would be expected to provide, as a minimum, over the plan period.

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the target for 15 or more dwellings is 0%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

#### Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

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

#### National Planning Policy Framework (The Framework)

Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.



## **Principle of the development**

The principle of the acceptability of developing the land for housing has been established by the existing planning permission for up to 200 houses. The site is in a sustainable location adjacent to the settlement of Nelson and the principle of the development is acceptable.

## **Visual Amenity and Landscape Impact**

The proposed alterations to the design of the dwellings would not result in adverse visual amenity impacts and the design would remain acceptable.

The minor changes to the layout would allow for reduction in height of retaining walls and would not result in any unacceptable visual impacts.

The proposed amendments would not result in any unacceptable landscape or visual amenity impact in accordance with policies ENV1, ENV2 and LIV5.

## **Heritage Impact**

the proposed changes predominantly affect the interior of the development and would not be visible from the Conservation Area.

The revised boundary treatment plan clarifies that post and rail fencing and native hedging would be used to the boundary with the Conservation Area, which is acceptable in accordance with the previous conservation comments. The proposed amendments would preserve the significance of the Conservation area in accordance with policies ENV1, ENV2.

## **Residential Amenity**

The proposed amendments would not result in any unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings and would provide an acceptable living environment for future residents of the proposed dwellings.

## **Highways**

The proposed amendments raise no highway safety issue and would have no material impact on the access to the development. The amendments do not impact upon the off-site highway works required.

Condition 19 is however recommended to be varied to correct a drafting error in the original decision in which two conditions were conflated under one condition number. The condition has been split into two, with the second, related to estate road construction details, now condition 30.

## **Drainage**

United Utilities have objected as the amended plans do not show the changes to the drainage layout and therefore how it may interact with the existing 450mm surface water sewer on site and the Lead Local Flood Authority have objected as the submitted drainage details are subject to a separate discharge of conditions application and haven't yet been demonstrated to be acceptable.

The final details of drainage are controlled by conditions 11 and 13 which are not proposed for variation in this application. Furthermore, United Utilities have control over their assets to require that they are not unacceptably impacted upon.

### **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 variation of condition is acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: 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: 21073-ODA-SI-ZZ-DR-AL-90-300, 21073-ODA-SI-ZZ-DR-AL-90-100, 21073-ODA-SI-ZZ-DR-AL-90-115, House Type Name Changes, 8880-BOW-ZZ-00-DR-A-9010, 8880-BOW-00-ZZ-DR-A-9040 Rev P2, 8880-BOW-00-ZZ-DR-A-9041 Rev P2, 8880-BOW-00-ZZ-DR-A-9042 Rev P2, 8880-BOW-00-ZZ-DR-A-9043 Rev P2, 8880-BOW-01-ZZ-DR-A-1001 Rev P2, 8880-BOW-01-ZZ-DR-A-1002 Rev P3, 8880-BOW-03-ZZ-DR-A-1003 Rev P2, 8880-BOW-03-ZZ-DR-A-1004 Rev P3, 8880-BOW-04-ZZ-DR-A-1005 Rev P2, 8880-BOW-04-ZZ-DR-A-1006 Rev P3, 8880-BOW-06-ZZ-DR-A-1007 Rev P2, 8880-BOW-06-ZZ-DR-A-1008 Rev P2, 8880-BOW-08-ZZ-DR-A-1010 Rev P2, 8880-BOW-08-ZZ-DR-A-1011 Rev P2, 8880-BOW-08-ZZ-DR-A-1012 Rev P2, 8880-BOW-08-ZZ-DR-A-1013 Rev P3, 8880-BOW-08-ZZ-DR-A-1014 Rev P3, 8880-BOW-08-ZZ-DR-A-1015 Rev P1, 8880-BOW-12-ZZ-DR-A-1017 Rev P4, 8880-BOW-12-ZZ-DR-A-1018 Rev P4, 8880-BOW-14-ZZ-DR-A-1019 Rev P3, 8880-BOW-14-ZZ-DR-A-1020 Rev P2, 110.21001-ACE-00-ZZ-DR-C-3200 Rev P5, 110.21001-ACE-00-ZZ-DR-C-3201 Rev P4, 110.21001-ACE-00-ZZ-DR-C-3202 Rev P3, 110.21001-ACE-00-ZZ-DR-C-3203 Rev P4, 8880-BOW-00-00-DR-A-9020 Rev P2, 8880-BOW-00-00-DR-A-9021 Rev P2, 8880-BOW-00-00-DR-A-9022 Rev P2, 8880-BOW-00-00-DR-A-9023 Rev P2, 8880-BOW-00-00-DR-A-9024 Rev P2, 8880-BOW-00-00-DR-A-9025 Rev P2, 8880-BOW-00-00-DR-A-9026 Rev P2, 8880-BOW-00-00-DR-A-9027 Rev P2, 8880-BOW-00-00-DR-A-9028 Rev P2, 8880-BOW-00-ZZ-DR-A-9012 Rev P3, 110.21001-ACE-00-XX-DR-C-02000 Rev P3, 110.21001-ACE-00-XX-DR-C-02001 Rev P3, 2887-D-A0-01 Rev B, 2887-D-A1-01 Rev B, 101 Rev B, 102 Rev B.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of external materials / finishes of the walls, roofs, windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

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

4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

5. A scheme for the management (including maintenance) of the public open space areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the public open spaces shall thereafter be managed in accordance with the approved scheme.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

6. The development shall only be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal and Bat Survey and Badger Method Statement. Prior to the commencement of the development a scheme of ecological mitigation measures in accordance with the recommendations of the recommendations of the Ecological Appraisal shall have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented prior to the occupation of the first dwelling, or in accordance with phasing to be agreed as part of the scheme, and maintained thereafter.

Reason: To ensure protection and enhancement of ecology.

7. The landscaping scheme (Drawing Nos. 221212\_21073-ODA-XX-XX-XX-DR-90-117 REV A, 221212\_21073-ODA-XX-XX-XX-DR-90-116 REV A and supplementary drawing 8880-BOW-00-00-DR-A-9051 REV P3), or an alternative landscaping scheme that has been submitted to and approved in writing by the Local Planning Authority, shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

8. No ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, in accordance with drawing No. 6196.07 and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with the Tree Protection Plan. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

9. The development shall not commence unless and until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme and methodology for site investigation and recording, a programme for post investigation assessment, the provision to be made for analysis of the site investigation and recording, the provision to be made for publication and dissemination of the analysis and records of the site investigation, the provision to be made for archive deposition of the analysis and records of the site investigation, and the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation. No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: to ensure that archology is suitably investigated and recorded.

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

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

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

Advisory Notes:

(i) 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.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) 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.

Reason: In order to protect the health of the occupants of the new development and to prevent contamination of the controlled waters.

11. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
  - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
  - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
  - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
  - (v) Foul and surface water shall drain on separate systems.

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

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

12. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (8th December 2022 / 110.21001-ACE-ZZ-ZZ-RP-C-0001 – Revision 3 / ADEPT

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

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

13. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (8th December 2022 / 110.21001-ACE-ZZ-ZZ-RP-C-0001 – Revision 3 / ADEPT) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

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

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
- ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
- iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

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

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

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

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence of an assessment of the existing on-site watercourse and culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

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

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

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

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

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

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

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

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

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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

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

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

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

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

17. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
  - i) The parking of vehicles of site operatives and visitors
  - ii) The loading and unloading of plant and materials
  - iii) The storage of plant and materials used in constructing the development
  - iv) The erection and maintenance of security hoarding
  - v) Wheel washing facilities
  - vi) Measures to control the emission of dust and dirt during construction
  - vii) Measures to control noise and vibration during construction
  - viii) A scheme for recycling/disposing of waste resulting from demolition and construction works
  - ix) Details of working hours
  - x) Routing of delivery vehicles to/from site
  - xi) Control of burning on site

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



18. For the duration of the construction period the construction HGV traffic movements shall be prevented between 8-9am and 3-4pm Mon-Fri during term time to avoid school start and finish times.

Reason: In the interest of highway and pedestrian safety.

19. Prior to commencement of any development a scheme shall be submitted for the upgrade of the WB and EB bus stops on Barkerhouse Road (2500IMG2717 & 2500IMG2719) and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first occupation.

Reason: To ensure acceptable access to public transport and offset the impact of the development on public transport use.

20. The Framework Travel Plan shall be implemented in accordance with the timetable contained within.

Reason; To support sustainable travel modes.

21. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases (including the provision of the emergency access link) and the standards that estate streets serving each phase of the development will be completed.

Reason: In the interest of highway safety.

22. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Reason: In the interest of highway safety.

23. Prior to first occupation the garages, driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

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

24. Prior to the occupation of the first dwelling a scheme of improvement works to footpath No.65 within the site and to the point where it meets Southfield Street shall be submitted to and approved in writing by the Local Planning Authority, no dwelling shall be occupied unless and until the works have been completed in accordance with the approved scheme.

Reason: To ensure acceptable pedestrian access along the public right of way.

25. Prior to first occupation each dwelling shall have a secure cycle store in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for sustainable transport.

26. Prior to the first occupation each dwelling shall have an electric vehicle charging

point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that adequate provision is made for sustainable transport.

27. No development shall commence unless and until;

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

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

Reason: To ensure the stability of the site in the interest of public safety.

28. 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 further mitigation necessary to address the risks posed by the mine entry.

Reason: To ensure the stability of the site in the interest of public safety.

29. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the said obligation shall provide a contribution to support the development and implementation of the Travel Plan and for improvements to nearby public rights of way comprising surfacing, drainage, signage and the upgrade of stiles to accessible gates.

Reason: To support the implementation of the Travel Plan, accessibility and offset the impact of the development on the nearby public footpath network.

30. Prior to commencement of any development full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads shall have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

Notes:

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

• Consent must be obtained before starting any works on site. It cannot be issued retrospectively. • Sites may be inspected prior to the issuing of consent. • Unconsented works within the Highway or Sustainable Drainage System may prevent adoption. • Applications to culvert an existing open ordinary watercourse will generally be refused. • Enforcement action may be taken against unconsented work. For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays. You should contact the Lead Local Flood Authority to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

Where permeable paving is included in the hydrological calculations of a development proposal the Local Planning Authority is advised to consider the removal of permitted development rights for permeable paving. Should the Local Planning Authority not remove the permitted development rights for permeable paving on privately owned land, the Lead Local Flood Authority will consider the need to designate such areas under Schedule 1 of the Flood and Water Management Act 2010. The District Council, as a flood risk management authority in its own right, also has these powers to designate.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided

**Application Ref:** 24/0592/VAR

**Proposal:** Variation of Condition: Major: Vary Condition 2 (Plans) of Planning Permission 23/0301/FUL.

**At:** Land At Further Clough Head, Bamford Street, Nelson

**On behalf of:** PEARL Together Ltd

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**Application Ref:** 24/0681/FUL

**Proposal:** Full: Change of use from a place of worship to a large HMO comprising of 11 bedrooms and erection of a part storage unit.

**At** Methodist Church, Temple Street, Nelson, Lancashire

**On behalf of:** Mr Mohammad Aslam

**Date Registered:** 09.10.2024

**Expiry Date:** 04.12.2024

**Case Officer:** Athira Pushpagaran

This application has been called to committee by the Chairperson.

## **Site Description and Proposal**

The application site is a former ecclesiastical building situated in a residential area within the settlement boundary of Nelson. The site has its main vehicular access from Temple Street and a pedestrian access from Castle Street. It has a yard towards Temple Street which is set slightly higher than the street level.

The proposal is the change of use from a place of worship to a large HMO comprising of 11 bedrooms and erection of a part storage unit. On-street parking is proposed on the yard facing Temple Street.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

### **Highways**

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority does not raise an objection regarding the proposed development 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 being applied to any formal planning approval.

### **Proposed development**

The proposed development is for the change of use from a place of worship to a large HMO comprising 11 bedrooms and change of use to part of the building to a storage unit.

### **Site access**

The site is accessed from Temple Street. There is an existing dropped vehicle crossing which allows vehicles to enter and leave the site in forward gear. During the site visit it was noted that the separate pedestrian access has been widened so that a vehicle could access the site. However, there is no formal dropped vehicle crossing so that any vehicle crossing the footway would be

doing so illegally. A second vehicle access is not proposed on the submitted plans and therefore this access must be permanently and physically closed up. A pedestrian access should not be constructed as this would increase the potential for conflict between vehicles parking and manoeuvring in bays 1 – 6 and pedestrians.

#### HMO – car & cycle parking

The site is within acceptable walking distance of public transport with bus stops on Barkerhouse Road.

Eleven car parking spaces are proposed, which would be an adequate level for the type and size of development proposed. 2 There is a difference in ground levels on the Northern side of the site which would prevent parking bays 1 – 6 from being provided unless the site is levelled off. The applicant should provide details of how this will be achieved, to demonstrate that the parking and manoeuvring shown on the submitted plan can be provided.

The car parking bays should be marked out prior to first occupation of the building for the efficient use of the off-road parking provision.

Storage for four cycles is proposed internally which the highway authority considers is too few, given the future occupants who may not have a car. Secure, covered storage for a minimum of six cycles should be provided, either internally and/or externally to ensure that the site supports sustainable forms of transport. This can be controlled by condition.

#### Storage unit

The highway authority requests that the storage unit is controlled by condition for personal use only and not for any commercial use. This is to ensure that its use does not generate additional traffic movements and parking demands to those associated with the HMO, and which have not been fully assessed.

Subject to the satisfactory receipt of further information regarding the car parking the following conditions should be applied to any formal planning approval granted. A suitably worded condition regarding the storage unit's use should also be applied.

#### Conditions

1. Prior to first use of the approved development the access at the North West of the site (former pedestrian access onto Temple Street) shall be physically and permanently closed up in accordance with a scheme that shall be approved in writing by the Local Planning Authority. Reason: In the interest of highway safety.

2. Prior to first occupation of the approved development the parking and manoeuvring areas shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials and thereafter always remain available for the parking of vehicles associated with the site's occupants and the manoeuvring area 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.

3. Prior to first occupation of the approved development secure, covered cycle storage for at least six 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.

#### Further comments

An amended plan was submitted following the initial comments showing covered storage for six cycles. Whilst the storage area will be tight to accommodate 6 cycles this is still likely to be achievable with correct spacing of the internal Sheffield stands.

### **PBC Environmental health**

We have two issues: 1. Is the bin storage area large enough to accommodate enough bins for this many tenants? 2. We are concerned about them working unreasonable hours during the construction and consequently causing nuisance and would therefore ask the informative below is included: 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

#### Further comments

We have the following comments regarding the planning application detailed below:

- We require a fire risk assessment
- We require further details on what the integral storage unit will be used for and this should be included as part of the fire risk assessment
- Advisory – A full list of HMO standards is available from Pendle Council. If permission is granted please contact Housing and Environmental Health at an early stage to check that standards will be complied with to avoid costly rectification works at a later stage

### **Parish/Town Council**

No response

### **Architectural liaison**

No response

### **United Utilities**

No response

### **PBC Engineering**

No response

### **Public Response**

The nearest neighbours have been notified by letter, and one objection was received from a member of public raising the following issues:

- there is already an HMO within 100 meters of this proposed site, and this proposal cumulatively would exacerbate existing issues, particularly regarding parking congestion, noise levels, and strain on local services.
- Would alter the residential character and impact residents' quality of life
- Worsen the existing issues regarding parking and traffic, and pedestrian safety
- Noise complaints from nearby residents have already increased since the establishment of the existing HMO within 100 meters. Adding another would amplify this issue, disturbing the peace and quiet that current residents enjoy.

- places additional pressure on essential local services such as waste collection, healthcare facilities, and local schools. The area already has littering issue which could potentially worsen.
- Negative Impact on Property Values
- The cumulative effect of multiple HMOs creating a more transient population could result in a loss of cohesion and community spirit.
- With an increase in transient residents comes a greater risk of anti-social behaviour, such as noise disturbances, littering, and minor vandalism, issues which are already being experienced to some extent due to the existing HMO nearby.

### **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 proposal 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 proposal would alter a few of the openings of the existing building. It would insert two bedroom-windows on the east elevation which fronts Castle Street. These two windows would be

placed at the same sill height as the existing first floor windows and would be built into the existing niched portion of the wall and therefore would harmonise with the rest of the building.

On the west elevation the existing roller shutter would be replaced with a window into the proposed bedroom. The double door to the entrance lobby would be replaced with a single door with a fixed side panels and the existing window would be replaced by a double door into the storage unit. The west elevation is setback from temple Street by circa 19m and consists of a modern extension to the original building. The proposed changes to the west elevation would not have unacceptable impact on the character of the building and its surroundings and would be acceptable.

On the south elevation, two new ground floor windows serving a lounge/diner are proposed. This would follow the proportions of the existing ground floor window on this elevation and would be acceptable in terms of its design. All new windows and doors would be UPVC to match the existing UPVC windows on the building.

No changes are proposed to the north elevation.

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 proposal would alter a few of the openings of the existing building. It would insert two bedroom-windows on the east elevation which fronts Castle Street. Castle street has terraces on either side of the street with windows facing each other at circa 12m separation from each other. The east elevation windows of the proposed HMO would not be any closer to the windows of the terrace across the street than that is typical on this street. And therefore, would not have any unacceptable overbearing impact or loss of privacy to the occupants of its neighbours.

On the west elevation the existing roller shutter would be replaced with a bedroom window. The double door to the entrance lobby would be replaced with a single door with a fixed side panels and the existing window would be replaced by a double door into the storage unit. The proposed bedroom window would be perpendicular to the rear elevations of the terraces on York Street and would be set back into the site by circa 27m and therefore would not result in any unacceptable overbearing impact or loss of privacy to neighbours.

On the south elevation, two new ground floor windows serving a lounge/diner are proposed. These windows face open to the side road gable end of 44 Castle Street and faces the blank gable of No.44. It would result in any unacceptable impact on the neighbour's privacy and would be acceptable.

The proposal would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent 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 being noted and conditions being added to any approval.



The highways have requested further information regarding how the site would be levelled to provide the parking provision shown to demonstrate that the parking and manoeuvring shown on the submitted plan can be provided. This can be added as a condition.

## **PBC Environmental health**

Environment health has requested a condition to restrict the hours of construction activity however and would be unreasonable to attach such a condition to a proposal of this scale.

Concerns were raised regarding the sufficiency of the bin store to accommodate the bins required to serve the property. The bins storage area is proposed to the open yard and would be able to accommodate the bins that would be required to serve the occupants of the proposed use.

A fire risk assessment was also requested by Environment health. However, this is covered by other legislation under HMO licensing and therefore would not be necessary to duplicate as a planning condition.

## **Reason for Decision**

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

## **RECOMMENDATION: Approve**

Subject to the following conditions:

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

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

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

- Location Plan (received 17.10.24)
- TEM-02-20 Proposed
- TEM-03-20 Specification (received 27.11.24)

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior consent of the Local Planning Authority.

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

4. Prior to the occupation of the development hereby approved the access at the northwest of the site (former pedestrian access onto Temple Street) shall be physically and permanently closed up in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

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

5. Prior to the occupation of the development hereby permitted a detailed plan showing the parking and manoeuvring areas including the ground levels shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development hereby approved the parking and manoeuvring areas shall be constructed, laid out and surfaced in bound porous materials (unless alternative drainage is approved and provided) in accordance with the approved details and thereafter always remain available for the parking of vehicles associated with the site's occupants and the manoeuvring area 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.

### **Informative Note**

A full list of HMO standards is available from Pendle Council. If permission is granted please contact Housing and Environmental Health at an early stage to check that standards will be complied with to avoid costly rectification works at a later stage.

**Application Ref:** 24/0681/FUL

**Proposal:** Full: Change of use from a place of worship to a large HMO comprising of 11 bedrooms and erection of a part storage unit.

**At** Methodist Church, Temple Street, Nelson, Lancashire

**On behalf of:** Mr Mohammad Aslam

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**Application Ref:** 24/0688/HHO

**Proposal:** Full: Erection of a gate and fencing to the front and side of property.

**At:** 4 Vicarage Road, Nelson, Lancashire, BB9 0DE

**On behalf of:** Aisha Javed

**Date Registered:** 11.11.2024

**Expiry Date:** 03.01.2025

**Case Officer:** Negin Sadeghi

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

## **Site Description and Proposal**

The application site is the second property at an end of terraced, two-storey dwelling featuring brick walls, a grey pitched roof, and white window frames at the front. It is surrounded by properties of similar scale and design, though with varying brick colours, and is located within the defined settlement boundary of Nelson. The front of the property faces a 2.5-meter-wide pedestrian walkway along the terrace. Most houses in the row, except for the first, have an entrance porch. The property has a small 2-meter front yard and lacks off-street parking.

The retrospective application seeks approval for the erection of a gate and fencing to the front and side of the property.

## **Relevant Planning History**

No relevant planning history.

## **Consultee Response**

### **Highway LCC:**

Having reviewed the documents submitted, the above retrospective development raises no highway concerns. Therefore, Lancashire County Council acting as the highway authority would raise no objection on highway safety grounds.

**Parish:** No respond

## **Public Response**

The adjacent neighbour has been notified by letter, and no objections have been received.

## **Relevant Planning Policy**

### **Pendle Local Plan Part 1: Core Strategy**

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

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

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

### **Replacement Pendle Local Plan**

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

### **National Planning Policy Framework**

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

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

## **Officer Comments**

This is a retrospective application for the erection of a gate and fencing to the front and side of the property.

### **Design and Materials:**

The proposed fence would have a height of 1.7 to 2 metres around the perimeter of the property. While the neighbourhood features a range of fence designs and materials for rear yard fences, none exceed 1.5 metres in height.

The proposed fence would be visible from the side and front pedestrian paths, where it would appear overbearing and negatively impact the enjoyment of the front garden and path, particularly as the front yard is approximately 0.3 metres higher than the street level. This would detract from the character of the dwelling and its surroundings, ultimately representing poor design. The proposal does not comply with Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy or the Pendle Design Principles SPD.

### **Residential Amenity:**

The proposed gate and fencing would not have any unacceptable impact on residential amenity. Therefore, the development is acceptable in terms of residential amenity, in line with Policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design Principles SPD.

### **Highways:**

The proposal involves the erection of a timber gate and fencing to the front and side of the property. The application is acceptable in terms of highway impact.

## **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: Refuse**

The following reasons are provided:

The proposed fence and gate would result in development incongruous and out of character with the design of the building and that of the surrounding area thus resulting in poor design. This would cause unacceptable harm to the area's character and visual amenity. As a result, the proposal would conflict with Policy ENV1, ENV2 of the Local Plan Part 1: Core Strategy, and the Council's adopted Design Principles Supplementary Planning Document.

**Application Ref:** 24/0688/HHO

**Proposal:** Full: Erection of a gate and fencing to the front and side of property.

**At:** 4 Vicarage Road, Nelson, Lancashire, BB9 0DE

**On behalf of:** Aisha Javed

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**Application Ref:** 24/0704/HHO

**Proposal:** Full: Erection of a two-storey side and rear extension, part single storey rear extension and a front porch.

**At** 129 Marsden Hall Road North, Nelson, Lancashire

**On behalf of:** Mr Muneeb Ul Hassan

**Date Registered:** 10.10.2024

**Expiry Date:** 05.12.2024

**Case Officer:** Athira Pushpagaran

This application has been called to committee by the Chairperson.

## **Site Description and Proposal**

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

The proposed development is the erection of a two-storey side and rear extension, part single storey rear extension and a front porch. Three previous applications for a similar scheme were previously refused based on their visual impact. It is noted that the current application has removed elements of the proposal which were part of the refused schemes and redesigned the retained elements.

## **Relevant Planning History**

24/0278/HHO Full: Erection of two-storey side and rear extension, 2 no. single storey rear extensions, a side porch and boundary treatment works. Refused

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

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

## **Consultee Response**

### **Highways**

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

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). My detailed examination of this application, which included accident analysis, visibility requirements and parking concludes that there are no highway grounds to support an objection as set out by NPPF.

The following comments should be noted, and conditions and informative note applied to any formal planning approval.

#### Site planning history

24/0278/HHO - Full: Erection of two-storey side and rear extension, 2 no. single storey rear extensions, a side porch and boundary treatment works. Refused

24/0117/HHO - Erection of two-storey side and rear extension, 2 x single storey rear extension, a porch to the side and boundary treatment works. Refused.

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

#### Proposal

The proposal is for the erection of double storey side and rear extension and part single storey rear extensions. This will increase the number of bedrooms from four to five.

#### Car & cycle parking

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

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

#### Vehicle crossing

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

#### Construction phase

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

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

#### Conditions

1. Any HGV construction traffic movements 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 and a vehicle cross-over constructed across the footway and grass verge fronting the site onto Marsden Hall Road North 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. The approved development should not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always be kept free from obstructions and remain available for the parking of domestic vehicles associated with the dwelling. Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site.
4. Prior to first occupation of the approved development 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 provides the infrastructure to support sustainable forms of transport.
5. Prior to first occupation of the approved development an electric vehicle charging point shall be installed. 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 provides the infrastructure for sustainable forms of transport.

#### Informative notes

1. This consent requires the construction of a dropped vehicle crossing to the publicly maintained highway. Only a contractor approved by Lancashire County Council can undertake the approved works under Section 171 of the Highways Act 1980. Before any work begins at the site, please contact [lhsvehiclecrossing@lancashire.gov.uk](mailto:lhsvehiclecrossing@lancashire.gov.uk) for the list of approved contractors and to start the Section 171 process.
2. The alterations to the existing highway as part of the works to construct the dropped vehicle crossing may require changes to the existing street lighting and strengthening of any footway utility boxes, which will be at the applicant's expense.

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

No response

#### **PBC Environmental health**

We are concerned about nuisance during the construction phase of development caused by working outside of reasonable development hours, we therefore recommend the informative below is added: 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**

Five neighbour objections have been received raising the following issues:

- Worsening the traffic on an already busy and accident-prone junction near a school which is expanding
- Danger to pedestrians and vehicles by parking on footpaths
- The proposed drive would impact the privacy of neighbour's front facing rooms
- Poor design
- Inappropriate development
- Same proposal as the planning applications which were refused before
- Contrary to policy
- Overlooking neighbour's gardens and impact their privacy
- Obstruct views
- Setting a bad precedent
- Have already removed the hedges and affected the wildlife living in them
- Disproportionate addition
- Affect privacy of neighbours

## **Relevant Planning Policy**

### **Pendle Local Plan Part 1: Core Strategy**

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

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

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

### **Replacement Pendle Local Plan**

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

### **National Planning Policy Framework**

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

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

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

## **Officer Comments**

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

### **Design and Materials**

The application site is an end-terraced dwelling situated within a short, isolated line of terrace houses surrounded by open spaces resulting in its visually prominent position within the neighbourhood. The line of terraced dwellings has a continuous sloping roof that end at the application site with a turned gable forming dormers to the front and rear. The exterior of the existing dwelling is finished with pebble dash and has UPVC windows like the other dwellings of the terrace. There is no other context of two-storey extensions in the area which are visually related to the application site.

The proposed development consists of a pitched roof two-storey extension to the side less than the width of the original dwelling. The existing dwelling has a dormer element to the front elevation. The proposed side elevation would remove this dormer element and continue the continuous roofline of the terrace and reposition the dormer to the end of the side extension preserving the original character of the terrace. The proposed development consists of a dual pitched porch of dimensions 3.3m x 1.6m to the front of the proposed two-storey side extension. The design of the porch by itself would not be unacceptable.

The proposed development would also have a two-storey rear extension to the rear of the existing building and the proposed side extension. This two-storey rear extension would setback from the party boundary by 2m. It would comprise of two pitched roof dormer elements to the rear set below the roof ridge. Between the two-storey rear extension and the party boundary there would be a single-storey flat roof element which would be in line with the two-storey element.

The SPD advises extensions to be designed to appear subordinate in scale to the original dwelling. The application site in this case is highly prominent within the street scene with its rear and side elevations visible from two highways. Albeit having a pitched roof design, the overall scale and massing of the proposed extensions would not be sympathetic to the modest scale of the original dwelling and would not appear subordinate to it and would have an adverse impact on the street scene. Therefore, the proposed rear and side extensions would be of poor design and have an overbearing impact on the character and scale of the dwelling and its surroundings and would thus be unacceptable and contrary to policies ENV1, ENV2, the Design principles SPD and paragraph 139 of the NPPF.

The proposed development would be finished in off-white silicone render, concrete roof tiles on the roof and UPVC windows. While this would be different from the existing materials of the dwelling and of other dwellings within the terrace, it would not look completely unacceptable provided the context of other dwellings within the neighbourhood within the neighbourhood.

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

## **Residential Amenity**

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

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

The proposed development has a two-storey pitched roof extension to the rear, extending 4m from the rear elevation of the neighbour's conservatory and set back from the party boundary by 2m. This element of the proposed development would not breach the 4m rule and would be in accordance with the guidance set by the Design principles SPD in terms of residential amenity of neighbours.

The proposed development would have ground floor and first floor windows to the rear. These would not overlook any neighbouring properties and thus would not impact on the privacy of neighbours.

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

## **Highways**

LLC Highways raised no objection to the proposed development subject to their comments being noted, and conditions and informative notes being applied to any formal planning approval granted.

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

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

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

## **Other matters**

No weight is given to objections from neighbours on the grounds of loss of private view as this is not a planning consideration.

## **RECOMMENDATION: Refuse**

For the following reason(s):

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

**Application Ref:** 24/0704/HHO

**Proposal:** Full: Erection of a two-storey side and rear extension, part single storey rear extension and a front porch.

**At** 129 Marsden Hall Road North, Nelson, Lancashire

**On behalf of:** Mr Muneeb Ul Hassan

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**Application Ref:** 24/0728/HHO

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

**At:** 57 York Street, Nelson.

**On behalf of:** Mr Shabbir Anwar.

**Date Registered:** 25/10/2024.

**Expiry Date:** 20/12/2024.

**Case Officer:** Joanne Naylor.

This application has been called in by a Councillor.

## **Site Description and Proposal**

The application site is a two-storey mid-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls and a pitched natural slate roof. The application site is set a higher level than the road and has a small garden to the front and a rear yard with a single storey outrigger. The application site is within an area of predominately terraced houses with some more modern semi-detached properties with pitched roofs and pebble dash walls.

The proposed development seeks to erect a front and rear dormer with flat roofs.

## **Relevant Planning History**

Non relevant.

## **Consultee Response**

### **LCC Highways**

The proposed development would increase the number of bedrooms from three 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 comment.

## **Public Response**

The nearest neighbours have been notified by letter, no responses received.

## **Relevant Planning Policy**

### **Pendle Local Plan Part 1: Core Strategy**

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

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

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

### **National Planning Policy Framework**

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

Paragraph 139 of the Framework states that poor design should be refused where it fails to reflect local design policies.

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

## **Officer Comments**

### **Design and Materials**

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

On this terrace row there are no front and rear dormers, to the rear there are two terrace rows at right angles to the application site, here these two terrace rows have no front or rear dormers, in this area, front and rear dormers are not characteristic.

Although drawing 2279/10 indicates that the rear dormer would be achieved through permitted development rights, the General Permitted Development Order under Schedule 2 Part 1 Class B allows for the enlargement of a dwelling by construction of additional storeys, however the conditions would require that the materials would for any exterior work must be of a similar appearance, therefore a planning application has been submitted to assess the proposed rear and front dormers.

The proposed front dormer would not be set back from the front elevation by 1m, it would not be set in from the side elevation by 0.5m and would be set below the ridgeline by more than 0.2m, it is proposed that the front dormer would have a flat roof, in this prominent location next to a highway a flat roof would be poor design, a pitched roof would be a better design.

The Design Principles SPD states dormers should be faced in materials which match the existing roof coverings and that not more than one third of the roof area should be covered, here the front dormer covers the majority of the roof. In this case the proposed materials would be dark grey composite cladding to the front wall and cheeks of the dormers and for dark grey ply membrane to the flat roof with the upvc framed windows coloured dark grey. The existing roof materials are natural slate tiles which is characteristic in this area of terrace houses.

The proposed front dormer with a flat roof adjacent to the highway and the proposed materials of grey composite cladding and grey ply membrane to the flat roof, the proposed front dormer would represent poor design due to the materials and flat roof, furthermore the proposed front dormer would appear overbearing due to the dormer extending the width of the roof and not being set in by 0.5m from either side and not set back enough from the front elevation, the proposed front dormer would result in an overbearing effect, the flat roof and materials would contribute to a poor design on the dwelling house and on the terrace row and would not match the materials on the existing roof. The proposed front dormer would represent poor design due to the flat roof and materials adjacent to a public highway, the front dormer would have an overbearing impact and would have an unacceptable impact on the visual amenity of the area.

The proposed rear dormer would not be set back from the rear elevation, would not be set in from the sides by 0.5m, and would be set below the ridge by more than 0.2m, the proposed rear dormer would also have a flat roof. The materials would be dark grey composite to the walls and cheeks, a flat roof of grey ply membrane and grey upvc framed windows. The proposed rear dormer would extend over most of the rear roof slope. The proposed design and materials to the rear dormer would not be readily seen from the public highway and would be acceptable.

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

## **Residential Amenity**

The Design Principles SPD advise that proposals should protect neighbours' enjoyment of home, to not overshadow or have an overbearing effect on neighbouring properties, and that windows should not overlook adjacent property.

The application site is at a higher land level at circa 1.5m above the highway, the site looks towards the side elevation of 27 Bath Street which has a glazed porch to the rear, a door at ground floor and a first floor window to the gable end, these windows serve a landing and a door to the dwelling and a porch to the rear. No. 27 Bath Street is set to the side of the proposed development and across a highway. The proposed front dormer would view towards the rear garden of No 27 Bath Street and to the rear porch, there is already public views from the highway here, therefore the proposed front dormer would have no greater impact than that already existing to the neighbours rear garden and porch. The neighbours window first floor the window serves a landing which is not a habitable room, therefore the proposed front dormer would have no unacceptable impact to the residential amenity at No. 27 Bath Street, and that there is already an existing relationship of windows facing each other.

To the rear elevation the dwellinghouse is at the same land level as Stafford Road, the proposed rear dormer would face towards the back lane and the rear elevations of Stafford Road and Bath Street, Stafford Road and Bath Street are at a right angle to the application site and have party boundary treatments and outriggers to the rear. The gable end of 25 Bath Street has no windows to the gable end, and to Stafford Road the gable end is blank, as the application site is at a right angle to the terraces to the rear, the view would be limited due to the view being at an oblique angle to the rear windows of Stafford Road and Bath Street. There is already an existing relationship of the application site facing towards the windows of the neighbouring properties to the rear, the proposed rear dormer would have no greater impact than that already which already exists.

The proposed front and rear dormers would have no unacceptable impact to the neighbours residential amenity, therefore the proposal would comply with Policy ENV2 and the Design Principles SPD.

## **Highways**

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

## **RECOMMENDATION: Refusal**

For the following reasons:

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

**Application Ref: 24/0728/HHO**

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

**At:** 57 York Street, Nelson.

**On behalf of:** Mr Shabbir Anwar.



## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**Application Ref:** 24/0745/FUL

**Proposal:** Full: Change of use from a disused shop and industrial unit to an office (Use Class E) and 1 no. flat (Use Class C3).

**At** 31 Elizabeth Street, Nelson, Lancashire

**On behalf of:** Mr Adnan Shafait

**Date Registered:** 28.10.2024

**Expiry Date:** 23.12.2024

**Case Officer:** Athira Pushpagaran

This case is sent to committee since 3+ objections have been received.

### **Site Description and Proposal**

The application site is situated at the end of a terraced row accessed from Elizabeth Street. It is situated in a predominantly residential neighbourhood within the settlement boundary of Nelson. The site also falls within the Bradley Area Action Plan Boundary.

The proposal is for the change of use of a former shop with light industrial use upstairs, to office (Use Class E) on the ground and first floors and a flat (Use Class C3) within the loft space. Two new pedestrian doors are proposed to the gable end elevation. At the time of the site visit there was a large opening created in this section of the wall.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

#### **Highways**

The site was visited on 13 November 2024.

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 raises an objection regarding the proposed development and concludes that there are highway safety grounds to support an objection as set out by NPPF.

#### **Site planning history**

No previous planning history.

### Proposal

The proposal is for the change of use of a former shop with storage areas at all floor levels to four offices on the ground and first floors and a two bed flat within the loft space. The existing storage area at the rear of the ground floor will be retained and used for storage and distribution (B8). A roller shutter door and separate pedestrian door is proposed to be installed in the gable end elevation, the opening for which has already been constructed.

### Access

The proposed intensification use of the premises causes highway safety concerns particularly the installation of a roller shutter door on to the narrow width back street to create an internal storage area. This appears to support commercial vehicle movements which we would raise an objection to based upon the conflict with intensified commercial vehicle movements and other highways users, particularly pedestrians in this residential area due to the narrow carriageway width and heavy on-street car parking.

The commercial vehicles are likely to reverse turn from Elizabeth Street onto the back street or vice versa or travel down the back street to between Elizabeth Street and Rook Street. Both scenarios present a highway safety issue for other highway users, especially vulnerable users such as pedestrians.

It was noted on site that the unnamed section of back street between Elizabeth Street and Rook Street is gated at both ends with the access to the rear of Elizabeth Street also gated from the Baker Street end. The highway authority has also noted the previous practice of cars being parked within the gated section, which would obstruct the free passage of any other vehicles.

Vehicles were parked on both sides of Elizabeth Street and up to both sides of the access to the gable end of No 31. Vehicles parked here would prevent a vehicle, especially a larger one, from entering/exiting without having to carry out multiple manoeuvres within the carriage on Elizabeth Street, where it would prevent the free flow of traffic and would also pose a hazard to other highway users.

Furthermore, the highway authority would not support any loading or unloading taking place within the highway, as vehicles would obstruct the free flow of traffic along Elizabeth Street. There are no external areas to the premises currently. The intensification of use will likely intensify refuse requirements and there are currently no designated areas for receptacles.

### Car & cycle parking

Although one car parking space is indicated on the application form this is not shown on any plans. The highway authority therefore considers that there is no off-road parking provision associated with this property. However, the site is within acceptable walking distances to local amenities and facilities, including public transport on Scotland Road (approx 160m), which may reduce the reliance on the use of private vehicles for residents of the flat or office tenants/users.

At the time of the mid-morning site visit there was a high demand for the on-street parking on Elizabeth Street and the surrounding streets. Whilst no longer operational the site's previous use would have generated some parking demand. As no details are available it is not possible to make a comparison between the site's previous and proposed uses. Secure, covered cycle storage for at least two cycles would need to be provided for the flat in accordance with the borough council's Parking Standards and to support sustainable travel modes.

### Conclusion

Lancashire County Council, acting as the highway authority, raises an objection to this application on highway safety grounds as outlined above and considers that it would be contrary to Paragraph 115 of the NPPF.

### Further comments:

Following the highway authority's response dated 14 November 2024 revised plans were submitted on 25 November 2024. These are Existing & Proposed Ground Floor Plans (Drawing AB0201 - 02A) and Existing & Proposed Elevations (Drawing AB0201 - 03A). The only amendments made are to indicate a cycle storage area within the rear ground floor storage area and to remove the roller shutter door previously proposed on the side elevation with what appear to be two outward opening doors. Whilst the provision of cycle storage is noted and could be controlled by condition this was not the grounds for objection. The large opening in the side elevation remains and whilst the style of door opening has been altered this would still facilitate its use for storage and distribution (B8) separate from the use of the rest of the building for office and residential uses. Therefore, the highway authority maintains its objection as outlined in its original response of 14 November 2024.

### Further comments (2):

Further amended plans have been submitted following the highway authority's most recent comments dated 5 December 2024. These are Existing & Proposed First & Attic Floor Plans (Drawing AB0201 - 01A) and Existing & Proposed Elevations (Drawing AB0201 – 03B).

The two doors previously proposed on the side elevation opening into the storage area have been replaced with a single door and fixed, glazed panels on either side. This door should open inwards.

The highway authority considers that this door should be for pedestrian use only in association with access to the refuse and storage areas and be ancillary to the use of the premises. This is to minimise the intensification in use of the unnamed side street by the site's occupants.

As noted in its original response of 14 November the highway authority considers that any use of the side street by commercial vehicles would be to the detriment of highway safety.

If the use of the side door can be controlled by condition for pedestrian use only then the highway authority would consider withdrawing its objection. If such a condition cannot be applied then the highway authority maintains its objection.

### Cycle storage

Secure cycle storage should be provided for four cycles in the internal rear storage area. That is, two for the flat and two for the offices. This is to support sustainable forms of transport. Details of the cycle storage can be controlled by condition. If the local planning authority is minded to approve this application the following conditions should be applied to any formal planning approval granted.

### Conditions

1. Prior to first occupation of the approved development secure, covered cycle storage for at least four 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.
2. External access to the rear ground floor storage area from the unnamed street on the gable end of 31 Elizabeth Street shall be for pedestrian use only in association with access to the refuse bin and cycle storage areas ancillary to the use of the premises. Reason: In the interest of highway safety to minimise the intensification in use of the unnamed side street.

## Parish/Town Council

No response

### PBC Environmental health

With regards to this development, we are concerned about activities in the offices disturbing the residents above, so would recommend use of the conditions below:

#### H30 Noise Insulation of Flats

A scheme for the noise insulation of the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.

#### Note

A. Sound insulation provided shall not be less than that standard detailed in the Building Regulations 1991 Document E.

B. Where revised plans are required, it may be wise to negotiate and secure revisions before a decision is made.

Reason: To protect the amenities of the occupiers of the proposed dwellings. H01 Commercial Use - Hours Limitation The use hereby permitted shall only be conducted between the hours of 0800 and 1800 on weekdays and 0900 and 1800 hours on Saturdays and at no time on Sundays, Bank or Public Holidays. Reason: To protect the amenities of occupiers of adjoining and nearby properties.

### **Public Response**

The nearest neighbours have been notified by letter and 5 objections were received raising the following issues:

- development will have an impact on the traffic and pollution and negatively impact health of neighbours
- endangers pedestrian safety and safety of children in the neighbourhood
- loss of privacy for neighbours
- noise pollution impacts the health and wellbeing of residents
- further impact on already existing issue with parking
- blocks access to back street
- not suitable for a residential area
- the current situation of the building doesn't reflect the proposed plans
- applicant intends to start a car tyre garage

### **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. The proposal seeks to change the use of the existing shop to offices and associated storage with flats above. It is noted that Schedule 2 Part 3 Class G of the GPDO allows permitted development rights to change of use from a use within Class E (commercial, business and service) to a mixed use for any purpose within that Class and as up to 2 flats, subject to prior approval. The other principal material considerations for the application are as follows:

#### **Design and Materials**

The proposal includes external alterations to the side and front elevations and installation of two roof lights. To the front elevation the existing shop front would be retained on the ground floor with the size and position of the glazed panels and entrance door readjusted. The wooden decorative panels around the shop front which is currently in a deteriorated condition would be replaced like for like. The proposed changes would not have any greater impact on the character of the building and its surroundings.

To the side elevation which only had windows on the first floor, two new pedestrian doors would be proposed, one to the associated storage area and one to the hallway to the stairs. This was initially proposed to be a roller shutter opening into the storage space it would serve but was changed into a pedestrian single door following an objection from Highways. The doors would be opening to the private back street.

Overall, the proposed development it would not have any unacceptable impact on the character of the building or its surroundings and 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 current building has a shop on the ground floor with associated storage on the ground floor and additional storage on the first floor. The proposal seeks to change the ceiling heights of the existing floors and introduce a new loft floor above the first floor. The proposal would change the

use of the existing ground floor shop to an office in the front and storage to the back. The first floor would have offices and associated kitchen and toilets. The loft floor would accommodate a two-bedroom flat.

As per the submitted drawings the ceiling heights would be shortened to accommodate the loft and therefore the existing first floor windows would be between the first floor and loft floor. On the side elevation that faces the rear elevation of dwellings on Fleet Street, the building has three windows. On the first floor these would be served by offices and on the loft floor by the flat. The part of the windows serving the offices would be obscure glazed. For the flats the windows would be low level, starting from the floor level to up to 1.4m height. These side elevation windows would have views into the rear habitable room windows of 29 Elizabeth Street and 60- 62 Fleet Street. It is noted that this separation distance would be typical of what is usually found between the rear elevations of terraced properties in the area. In this case on balance, it would not have any unacceptable impact on the privacy of neighbours.

The development would also not result in any overbearing impacts or unacceptable loss of light to any adjacent 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 proposal includes a small office on the ground floor and rest of the ground floor would be used for storage. Considering the amount of storage provided and the door in the side elevation into this storage area, this could facilitate its use for storage and distribution (B8) separate from the use of the rest of the building. This appears to support commercial vehicle movements and would result in conflict between the intensified commercial vehicle movements and other highways users, particularly pedestrians in this residential area due to the narrow carriageway width and heavy on-street car parking.

The LCC Highways objects to the proposal unless a condition can be added to any approval to ensure that the proposed new door should be for pedestrian use only in association with access to the refuse and storage areas and be ancillary to the use of the premises to minimise the intensification in use of the unnamed side street by the site's occupants. Such a condition can be added to any approval. In this case the proposal is acceptable in terms of highway impact.

LCC also requests a condition regarding the provision of a cycle store.

## **PBC Environmental health**

Environmental Health requests conditions for controlling the hours of operation for the commercial use and for the noise insulation of the flats. Noise insulation is a building control matter and therefore cannot be added as a planning condition.

## **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:

- AB0201 – 04 Site and Location Plans (received 28.10.24)
- AB0201 - 03B Existing and proposed Elevations
- AB0201 - 01A Proposed First and Loft floor Plans
- AB0201 - 02A Existing and Proposed Ground floor Plan

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

- 3.All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior consent of the Local Planning Authority.

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

- 4.The commercial use hereby permitted shall only be conducted between the hours of 0800 and 1800 on weekdays and 0900 and 1800 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.

**Reason:** To protect the amenities of occupiers of adjoining and nearby properties.

5. Prior to first occupation of the approved development secure, covered cycle storage for at least four 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.

- 6.External access to the rear ground floor storage area from the unnamed street on the gable end of 31 Elizabeth Street shall be for pedestrian use only, there shall be no opening element other than the pedestrian doorways shown on the approved plans.

**Reason:** In the interest of highway safety to minimise the intensification in use of the unnamed side street.

- 7.The storage use detailed on the approved plans shall be ancillary to the Use Class E use of the building and shall at no time be used for Use Class B8 storage and distribution of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) (or

equivalent class in any Order revoking and re-enacting that Order with or without modification).

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

**Application Ref:** 24/0745/FUL

**Proposal:** Full: Change of use from a disused shop and industrial unit to an office (Use Class E) and 1 no. flat (Use Class C3).

**At** 31 Elizabeth Street, Nelson, Lancashire

**On behalf of:** Mr Adnan Shafait



# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**Application Ref:** 24/0747/HHO

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

**At:** 24 Cumberland Street, Nelson.

**On behalf of:** Mr Mohammad Rose Khan.

**Date Registered:** 30/10/2024.

**Expiry Date:** 25/12/2024.

**Case Officer:** Joanne Naylor

This application has been called in by a Councillor.

## **Site Description and Proposal**

The application site is a two-storey mid-terrace house located within the settlement boundary of Nelson. The dwelling house has natural stone walls and a pitched natural slate roof, to the rear there is a yard with a pitched roof outrigger. The site is within an area of predominately terraced housing of a similar design, materials and scale.

The proposed development seeks to erect front and rear dormer with flat roofs.

## **Relevant Planning History**

21/0833/CEA: Certificate of Lawful Use (S.192 Proposed Development): Erection of a single storey detached outbuilding. CLUD Issued.

## **Consultee Response**

### LCC Highways

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. The property is located within a row of terraced housing where there is 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 distance of local amenities and facilities including public transport on Leeds Road, which may reduce the reliance on the use of private vehicles.

### Parish/Town Council

No comment.

## **Public Response**

The nearest neighbours have been consulted by letter, no responses received.

## **Relevant Planning Policy**

### **Pendle Local Plan Part 1: Core Strategy**

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

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

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

### **National Planning Policy Framework**

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

Paragraph 139 of the Framework states that poor design should be refused where it fails to reflect local design policies.

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

## **Officer Comments**

### **Design and Materials**

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

On this terrace row there are no front and rear dormers, there are a few front and rear dormers on other terrace rows, but front and rear dormers are not characteristic in this area.

The proposed front dormer would not be set back from the front elevation by 1m, it would not be set in from the side elevation by 0.5m, it would be set below the ridgeline by more than 0.2m, it is proposed that the front dormer would have a flat roof, in this prominent location next to a highway a flat roof would be poor design, a pitched roof would be a better design. The Design Principles SPD states dormers should be faced in materials which match the existing roof coverings and that not more than one third of the roof area should be covered, here the front dormer covers the majority of the roof.

The proposed front dormer with a flat roof adjacent to the highway would represent poor design due to the materials and flat roof, furthermore the proposed front dormer would appear overbearing due to the dormer extending the width of the roof and not being set in by 0.5m from either side and not set back enough from the front elevation, the proposed front dormer would result in an overbearing effect, the flat roof and materials would contribute to a poor design on the dwelling house and on the terrace row and would not match the materials on the existing roof. The proposed front dormer would represent poor design due to the flat roof and materials adjacent to a public highway, the front dormer would have an overbearing impact and would have an unacceptable impact on the visual amenity of the area.

The proposed rear dormer would not be set back from the front elevation by 1m, it would not be set in from the side elevations by 0.5m but would be set down from the ridge by more than 20cm. The proposed rear dormer would have a flat roof, in this case the proposed rear dormer could be achieved through permitted development therefore it would be acceptable.

The proposed materials would be grey cladding to the front wall and cheeks of the dormers and for a flat roof with a felt system and upvc window to the front. The existing roof materials are natural slate tiles which is characteristic in this area of terrace houses.

The proposed front dormer with a flat roof adjacent to the highway would be prominent and overbearing, it would harm the visual amenity of the terrace row and the roof scape and the street scene, the materials proposed are uncharacteristic in an area of natural stone walls and natural slate tiles.

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

## **Residential Amenity**

The Design Principles SPD advise that proposals should protect neighbours' enjoyment of home, to not overshadow or have an overbearing effect on neighbouring properties, and that windows should not overlook adjacent property.

The proposed front dormer would insert a window at second floor level, across the highway there is an end dwelling house at No. 11 Newport Street with ground and first floor windows facing towards the application site, there is already an existing relationship of windows facing each other, the proposed front dormer would have a similar impact as that which is already existing and would have no greater impact than that which already exists.

There is an end terrace at 9 Cumberland Street, which has ground and first floor windows, here the proposed dormer would not have a direct view to the ground and first floor windows as the view would be at an oblique angle. The rear elevation of No. 11 Cumberland Street has a blank gable elevation to the existing outrigger, to the first floor there is an obscure glazed window for the bathroom, the proposed front dormer would not impact on the privacy of the occupants of No. 9 Cumberland Street window as the view to the neighbours window would be at an oblique angle and there would be no direct view to that window..

To the rear elevation of the terrace dwellings on Midland Street there are a number of properties with rear outriggers, the proposed dormer would have an oblique view to the outriggers, there are

first floor windows to the rear elevation serving habitable rooms, as the dormer is set away from the rear elevations of Midland Street, the view from the proposed front dormer would be at an oblique angle and would not result in direct views, furthermore there is already an existing relationship of windows facing each other in this location.

To the rear the application site has a yard area with an outrigger, the proposed rear dormer would face towards the rear elevations of Newport Street, there is a back street between the rear elevations of Newport Street and the Working Men's Club. The end dwelling at 17 Newport Street has a blank wall with one window at first floor, the view from the proposed rear dormer would be at an oblique angle to No. 17 Newport Street. The proposed rear dormer would view towards the rear yards and outriggers on Newport Street, here there is already an existing relationship of the applicants windows overlooking to the rear elevation and the rear yards, therefore the proposed rear dormer would have no greater impact to the neighbours residential amenity than that which already exists.

The proposed development would have no unacceptable impact to the residential amenity of the neighbouring properties, and would comply with Policy ENV2 and the Design Principles SPD.

## **Highways**

The proposed development would increase the number of bedrooms from two to four bedrooms. The application site has no off-street parking. There is concern that the proposal would increase the demand for on-road parking, but it is not to an extent which would raise an objection and that the site is within walking distance of local amenities. And public transport. The proposal would comply with Policy 31 of the Replacement Pendle Local Plan.

## **RECOMMENDATION: Refusal**

For the following reasons:

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

**Application Ref:** 24/0747/HHO

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

**At:** 24 Cumberland Street, Nelson.

**On behalf of:** Mr Mohammad Rose Khan.

**Date Registered:** 30/10/2024.

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**Application Ref:** 24/0763/HHO

**Proposal:** Full: Erection of a single storey rear extension, dormers to front and rear roof slopes including chimney removal.

**At** 20 Woodlands Road, Nelson.

**On behalf of:** Mr Ghazanfar Hussain.

**Date Registered:** 04/11/2024

**Expiry Date:** 30/12/2024

**Case Officer:** Joanne Naylor

This application has been called in by a Councillor.

## **Site Description and Proposal**

The application site is a two-storey end-terrace dwelling house, with natural stone walls and a pitched roof of natural slate. There is a small front garden area, and a rear yard with an outbuilding set along the side boundary. The application site is located in a predominately residential area of terraced houses and semi-detached properties. The site is on sloping land and within the defined settlement boundary of Nelson.

The proposal seeks to erect a single storey rear extension with a pitched roof, and erect front and rear dormers with flat roofs.

## **Relevant Planning History**

None relevant.

## **Consultee Response**

### **LCC Highways**

The proposed development would increase the number of bedrooms from two to five, whilst the single storey rear extension would create a new kitchen/dining area.

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 distance of public transport on Barkerhouse Road, which may reduce the reliance on the use of private vehicles.

Although the rear yard area will be reduced due to the single storey extension sufficient space will be retained to store refuse bins and provide pedestrian access.

## Parish/Town Council

No comment.

## Environmental Health

We have concerns about nuisance being caused, because of working unsuitable hours, we would therefore recommend that the informative below is used:

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 have been notified by letter, no responses received.

## **Relevant Planning Policy**

### Pendle Local Plan Part 1: Core Strategy

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

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

Policy ENV2 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.

Paragraph 139 of the Framework states that poor design should be refused where it fails to reflect local design policies.

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

## **Officer Comments**

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

### **Design and Materials**

The Design Principles SPD advises that dormers should be in keeping with the dwelling and should not dominate the roof slope which could result in a property being unbalanced. The SPD also advises that front dormers will not normally be acceptable unless they are a feature of other similar houses in the locality and where 25% of the properties have front dormers and that front dormers with flat roofs are not acceptable. In this location, there are very few dormers to the terraced properties, in this location front and rear dormers are not characteristic of the area.

The Design Principles SPD advises that dormers should be set below the ridgeline of the original roof by 0.2m, set back by at least 1m from the front elevation, and 0.5m from either side to avoid an overbearing effect and to have materials matching the existing roof. In addition, dormers on the front of a roof slope will not normally be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block/frontage). On this terrace row there are no front or rear dormers, in this area dormers are not characteristic.

The application site is an end terrace where the front elevation is narrower than the rear elevation forming a wedge shape. The proposed front dormer would not be set back from the front by 1m, it would not be set in from the sides by 0.5m, and would not be set below the ridge by 0.2m.

In this terrace row there are no front or rear dormers, the roofscape has retained its original form with natural slate roof tiles and chimney stack. The terrace row opposite the application site has no front or rear dormers and has also retained its original roofscape. In this area front and rear dormers are not characteristic and the roofscape has been retained in its original form.

The proposed front dormer would have a flat roof adjacent to the highway, the proposed materials would be smooth render to the dormer with hanging grey tiles and a grey EPDM to the flat roof with a large window to the front elevation of the front dormer. The proposed front dormer would represent poor design due to the materials and flat roof, furthermore the proposed front dormer would appear overbearing due to the dormer extending the width of the roof and not being set in by 0.5m from either side and not set back enough from the front elevation, the proposed front dormer would result in an overbearing effect, the flat roof and materials would contribute to a poor design on the dwelling house and on the terrace row and would not match the materials on the existing roof. The proposed front dormer would represent poor design due to the flat roof and materials not matching the materials on the property and that it is highly visible and adjacent to a public highway, the front dormer would have an overbearing impact and would have an unacceptable impact on the visual amenity of the area.

As part of the proposal, it would seek to remove the chimney stack. The roof is an important element of a buildings design and alterations can result in unsympathetic extensions impacting negatively on the visual appearance of the dwelling house. On this terrace row the chimneys have been retained, and in the wider vicinity the chimney stacks have been retained. The roof is an important aspect of the terrace row and dwellings, creating an attractive roof scape. The removal of the chimney and the erection of dormers would result in a development which would harm the visual appearance of the terrace row and roof scape.

The proposed rear dormer would not be set back from the rear elevation, would not be set in from the sides by 0.5m, and would not be set below the ridge by 0.2m, the proposed rear dormer would also have a flat roof. The materials would be smooth render to the dormer with hanging grey tiles and a grey EPDM to the flat roof. The proposed rear dormer would extend over most of the rear roof slope. It would have two sets of windows to the rear dormer with white upvc windows. The proposed design and materials to the rear dormer would not be readily seen from the public highway and would be acceptable.

The proposal also seeks to erect a single storey rear extension located on the party boundary with No. 18 Woodlands Road, No. 18 Woodlands Road dwelling house is set away from the party boundary with the application site.

The proposed extension would extend 4m from the rear elevation and be 6m wide, it would have pitched roof and a rear window and two roof lights. The proposed extension would not project more than 4m from the rear elevation, therefore the proposed extension would be acceptable. In terms of materials, it is proposed that the finish to the walls would be smooth render, modern grey roof tiles, white upvc gutters and soffits, with upvc white windows and doors, and aluminum sky lights. As the proposed extension is to the rear with a back street, the proposed extension would not be readily visible from public vantage points. There would be enough space left to the rear yard to allow bins and some outdoor space. The proposed rear extension would be acceptable in terms of design and materials. However the proposed front dormer would result in an overbearing impact, the proposed material of render and a flat roof would be poor design and would not match the materials on the dwelling house, particularly the front dormer which would be highly visible with the proposed render, in this location a pitched roof to the dormers would be better design and to use materials characteristic of the area. The proposed front dormer with a flat roof in a prominent location to the roof and located on the highway, with the render materials exacerbating the impact to the street scene and the roof scene, it would result in harming the character of the terrace row which has not been altered, with materials which are not sympathetic to the character of the area, the proposal would harm the character and visual amenity of the area.

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

## **Residential Amenity**

The Design Principles states that extensions should not have an overbearing effect or overlook neighbouring property.

The proposed front dormer would have a window to the front elevation at second floor. The dwelling house opposite at No. 7 Whitehall Street presents a gable end on Woodland Road which has a ground floor window with obscured glazing and three first floor windows which serve bedrooms and a landing. There is already an existing relationship of windows facing each other, the proposed front dormer would have a similar impact as that already existing with windows facing each other.

To the rear, the proposed rear dormer would face towards the rear elevation of No. 23 Walverden Crescent. No. 23 Walverden Crescent is at a higher elevation than the application by circa 1.2m. The proposed rear dormer would be slightly lower than the windows to No. 23 Walverden Crescent, and as there is already an existing relationship of rear windows facing each other, the proposed rear dormer would have a similar impact as that which is already existing of windows facing each other.



The application site has an existing shed located on the party boundary with No. 18 Woodlands Road circa 1.8m high.

The proposed single storey rear extension would extend 4m from the rear elevation and would adjoin the party boundary with No. 22 Woodland Road. The Design Principles SPD states that for single storey rear extensions located on or immediately adjacent to the party boundary with neighbouring properties will normally be acceptable if it does project more than 4m from the rear elevation, as the proposed rear extension would be adjacent to the party boundary and extend 4m from the rear elevation, the proposed rear extension would be acceptable.

The proposed rear extension would have a pitched roof with two roof lights inserted, and a rear kitchen window and door. The proposed extension would bring the windows closer towards No.23 Walverden Crescent. The application site has a circa 1.8m high boundary treatment rising to circa 2m high to the rear yard wall. No. 23 Walverden Crescent is at a higher land level than the application site by circa 2m higher, the rear elevation of No. 23 Walverden Crescent has a door, kitchen window and a habitable room window. There is already a relationship of facing towards the rear windows, as No. 23 Walverden Crescent is at a higher land level and has a circa 1m high fence, the proposed kitchen window would view towards the boundary treatment of the application site and the boundary treatment of No. 23 Walverden Crescent.

The proposed development would insert two roof lights to the pitched roof, here the roof lights would have a similar impact as the existing windows, and as they are at a higher level it would not be possible to view towards the windows of the properties to the rear.

The proposed extension would be located on the party boundary with No. 18 Woodland Road, the dwellinghouse of No. 18 woodland Road is set away from the party boundary, there are rear windows serving a kitchen. As the proposed rear extension would extend 4m from the rear elevation, and that No. 18 Woodland Road is set away from the party boundary by circa 2m and that No. 18 Woodland Road rear elevation is forward of the proposed rear elevation of the application site, the proposed development would not breach No. 18 Woodland Road rear kitchen window.

The proposed development would have no unacceptable impact on the residential amenity of neighbouring properties, and therefore it would conform with Policy ENV2 and the Design Principles SPD.

## **Highways**

LCC Highways have not raised an objection to the proposal. However concern about the lack of parking, but this would not be to such an extent to raise an objection. Therefore, the proposed development would comply with Policy 31 of the Replacement Pendle Local Plan.

## **Environmental Health**

Environmental Health are concerned about nuisance during the construction phase, that hours of operation and construction to be limited.

The proposed development is a small scheme, it would be unreasonable to place conditions for the days and hours of construction.

## **RECOMMENDATION: Refuse**

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

**Application Ref:** 24/0763/HHO

**Proposal:** Full: Erection of a single storey rear extension, dormers to front and rear roof slopes including chimney removal.

**At** 20 Woodlands Road, Nelson.

**On behalf of:** Mr Ghazanfar Hussain.

## REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**Application Ref:** 24/0782/HHO

**Proposal:** Full: Erection of dormer windows to front and rear roof slopes and the erection of a single storey rear kitchen extension.

**At:** 14 East Street, Nelson, Lancashire, BB9 7PG

**On behalf of:** Mrs Shahida

**Date Registered:** 11.11.2024

**Expiry Date:** 06.01.2025

**Case Officer:** Negin Sadeghi

This application has been called to committee by the acting chairperson.

### **Site Description and Proposal**

The application site is a two-storey mid-terrace dwelling featuring stone walls, a slate roof, and white-framed UPVC windows and doors. It is located within Nelson's settlement boundary, surrounded by similarly sized properties. There is no off-street parking.

The proposal includes the installation of dormer windows on the front and rear roof slopes and the construction of a single-storey rear kitchen extension. Currently, the house consists of two bedrooms. The proposed development would add two additional bedrooms on the second floor (loft), bringing the total to four bedrooms.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

- **Environmental Services**

We have concerns about nuisance being caused, because of working unsuitable hours, we would therefore recommend that the informative below is used: 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

- **Parish/Town Council:** No reply.
- **Highway LCC:**

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. Although the number of bedrooms will be increased from two to four the development site is considered to be a town centre location where access to and the use of a private vehicle is not essential.

## **Public Response**

The nearest neighbours have been notified by letter, and no objections have been received.

## **Relevant Planning Policy**

### **Pendle Local Plan Part 1: Core Strategy**

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

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

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

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

### **National Planning Policy Framework**

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

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

## **Officer Comments**

### **Design and Materials**

The proposal includes the installation of dormer windows on both the front and rear roof slopes. Both dormers are designed with flat roofs and would be clad in grey on the front and sides, featuring UPVC-framed, double-glazed windows with 100mm restrictors. The dormers would be positioned 0.3 meters below the roof ridge and set 0.3 meters from the eastern and western walls. The roof will be covered with 10mm white stone chippings hot-bonded to an elastomeric roofing felt system on a 19mm WBP plywood deck.

While the proposed materials generally match the existing ones, the flat dormer roof creates a design mismatch.

The property currently has a one-storey rear extension with a pitched roof, which the proposal seeks to replace with a larger extension. However, the rear dormer appears excessively large and disproportionate, dominating the rear roof. When considering this application, the Council must assess the fallback position under Schedule 2, Part 1, Class B of the Town & Country Planning (General Permitted Development) Order 2015. In this case, the rear dormer's scale and size comply with the provisions of permitted development. With suitable materials (to be conditioned), the rear dormer would be permissible. Therefore, there are no objections to the rear dormer.

The front dormer, however, would disrupt the existing streetscape, especially in a terrace where no other properties feature dormers. While the area contains various dwelling types, dormers are absent in the immediate vicinity. The proposed front dormer is poorly designed and would have an unacceptable impact on the street scene.

The proposal also includes the replacement of the existing 1.8m x 3.1m rear kitchen extension with a larger 1.8m x 4.4m extension, extending 1.3 meters further in length. The new extension would feature two windows and one door. One window and the door would occupy the same positions as the current ones, while the second window would be added along the extended length. The design, materials, and scale of the rear extension are in keeping with the established pattern of the neighbourhood and are considered acceptable.

In aesthetic design terms the rear dormer and kitchen extension would be acceptable, the proposed front dormer would cause significant harm to the character and visual amenity of the area due to its poor design. It would conflict with Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, and the Design Principles SPD.

## **Residential Amenity**

The proposed dormers include windows on both the front and rear elevations, with no side windows. The front dormer would be sufficiently distanced from properties on the opposite side of East Street, maintaining the current relationship between windows on the street. At the rear, the dormer would overlook an open lot used as a car park, ensuring no unacceptable impact on residential amenity.

The proposed extension would fully enclose the windows in the house adjacent at number 12. This property already has an extension that runs up to the boundary so enclosing the windows even more would have a major detrimental impact on the living environment of the occupants of number 12. The development is unacceptable in terms of the impact on the occupants of number 12.

## **Highways**

The proposed development would increase the number of bedrooms from two to four, necessitating additional parking spaces. Sufficient on-street parking and a nearby parking lot at the rear are available. The development would not compromise highway safety.

## **RECOMMENDATION: Refuse**

The following reasons are provided:

- 1- The proposed front dormer would result in development incongruous and out of character with the design of the building and that of the surrounding area thus resulting in poor design. The extension would also have an unacceptable impact on the living conditions of the occupants of number 12. This would cause unacceptable harm to the area's character and visual amenity and to the living conditions of the neighbouring property. As a result, the

proposal would conflict with Policy ENV2 of the Local Plan Part 1: Core Strategy, Paragraph 139 of the National Planning Policy Framework, and the Council's adopted Design Principles Supplementary Planning Document.

**Application Ref:** 24/0782/HHO

**Proposal:** Full: Erection of dormer windows to front and rear roof slopes and the erection of a single storey rear kitchen extension.

**At:** 14 East Street, Nelson, Lancashire, BB9 7PG

**On behalf of:** Mrs Shahida

# REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 6<sup>TH</sup> JANUARY 2025

**Application Ref:** 24/0802/HHO

**Proposal:** Full: Erection of a single storey rear extension with associated internal alterations and site works.

**At:** 39 Elland Road, Brierfield, Lancashire, BB9 5RX

**On behalf of:** Mr Muhammad Shehzad

**Date Registered:** 19.11.2024

**Expiry Date:** 14.01.2025

**Case Officer:** Negin Sadeghi

## **Site Description and Proposal**

The application site is a semi-detached property situated on Elland Road, within the settlement boundary of Brierfield. The property features pebble-dashed brick and block walls, a slate roof, and white-framed windows. It includes a front yard and off-street parking for one car at the side. Opposite the property is a green playing field. At the rear, the sloping terrain positions the house at a lower level, with the raised rear yard accessible via 4-5 steps.

The proposal seeks to erect a single-storey rear extension, accompanied by internal alterations and associated site works. The development aims to create a larger kitchen and dining area while adding three additional ground-floor rooms.

## **Relevant Planning History**

13/95/0232P Erection of a rear extension.

## **Consultee Response**

- **Highway:**

Having reviewed the documents submitted, together with site observations, Lancashire County Council acting as the local highway authority does not raise an objection in principle regarding the proposed development. However, this is subject to the following comments being noted, a revised parking plan being submitted, and conditions and informative note being applied to any formal planning approval.

### **Site planning history**

No recent applications.

### **Proposed development**

The proposed development is for the erection of a single storey rear extension with associated internal alterations and external site works. A third bedroom will be provided on the ground floor.

## **Car parking**

The Existing Site Plan does not reflect the current site layout at the front of the dwelling and the Proposed Site/Block Plan is misleading by indicating that there is an existing access to off-road parking.

The Proposed Site/Block Plan shows three off-road parking spaces – one down the side of the house and two across the front. There is insufficient width down the side of the house to park a car and be able to open the doors. There is also insufficient depth at the front of the house to provide two parking spaces due to the front porch and so this does not meet the highway authority's criteria to provide a vehicle crossing. The highway authority therefore considers that only one adequately sized off-road parking space can be provided. Whilst this is below the two spaces recommended for a three-bed dwelling there is existing on-street parking and so one off-road parking space would be accepted in this instance provided that a properly constructed vehicle crossing is installed.

## **Public Response**

None

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

## **Officer Comments**

### **Design and Residential Amenity**

The existing property has a single-storey rear extension, and the proposal seeks to extend this to the side and rear.

The extension would bring the developed area to the boundary with nos 41 so that the development would be on the shared boundary. It would be longer than the existing extension which is located away from the joint boundary and has less impact on the occupants of nos 41. The proposed extension would be 8.5m long and would dominate the rear garden and window of nos 41. That impact would be significant and detrimental and would be contrary to the Council's Design Guide. It is unacceptable in terms of its impact on nos 41.

The existing extension is closer to nos 37 than the proposed extension. The new extension would not exacerbate the existing relationship.

In design terms the aesthetic look of the extension is acceptable due to its location to the rear and there being ample garden space beyond.

There would be no overlooking as only a kitchen door would face nos 37.



## Highway

The Proposed Site/Block Plan indicates three off-road parking spaces; however, only one off-road parking space would be acceptable in this instance, provided a properly constructed vehicle crossing is installed. On-street parking is available in the area and, if utilized, would not compromise highway safety.

### **RECOMMENDATION: Refuse**

The development would have a significant and detrimental impact on the living conditions of the occupants of number 41 due to its length, position on the joint boundary and scale. The development would be extremely poor design contrary to Policy ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design Principles Supplementary Planning Document.

**Application Ref:** 24/0802/HHO

**Proposal:** Full: Erection of a single storey rear extension with associated internal alterations and site works.

**At:** 39 Elland Road, Brierfield, Lancashire, BB9 5RX

**On behalf of:** Mr Muhammad Shehzad