

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 30th March 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE ON 30 MARCH 2016

Application Ref: 13/16/0008P

Ref: 19228

Proposal: Full: Change of use from offices to two dwellings and external alterations

At: LANCASHIRE COUNTY COUNCIL 19-21 CARR ROAD NELSON BB9 7JS

On behalf of: Mr N Younis

Date Registered: 8 January 2016

Expiry Date: 4 March 2016

Case Officer: Alex Cameron

Site Description and Proposal

The application site is an office building within a terraced row of similar properties located within Nelson town centre and Whitefield Conservation Area.

The proposed development is the change of use of the building to two four bedroom dwellings. The external proposed alterations include blocking up four windows to the rear, removal of the ramp to the front and replacing the existing timber sash windows to the front and side with upvc windows.

Relevant Planning History

None.

Consultee Response

PBC Conservation - The building is on a main road and prominent corner within the Whitefield Conservation Area. The properties on Carr Road were built around the 1870's as better quality terraced houses for the middle class professionals of the town, and are built of coursed stonework with good quality ashlar detailing to doorcases and bay windows. This matching pair of houses retains its original timber front doors and sash windows to the important and very visible front and gable elevations.

I would support reuse as dwellings in principle as there are now several vacant in this row (former LCC properties?) and the buildings will deteriorate if left empty. The design and materials used however should be consistent with the Council's nearby repair schemes for similar terraced houses on Every Street, in order to protect the character and appearance of the CA.

The removal of the unsightly ramp and rails to the front and the reinstatement of front boundary walls would enhance the building and the character and appearance of the CA, please condition the detailed appearance of this to match the adjacent dwarf stone wall. However the replacement of timber windows with upvc would not enhance the building or CA. The original windows do not appear to be in a very poor condition and could likely be refurbished by a specialist firm, however if there is a very strong case for replacement then the timber frames should be replicated and slimline double glazed units used to preserve the dimensions and appearance of the originals, as has been done on the refurbished Whitefield terraces. The timber front doors and casings are of good quality and should also be retained.

PBC Environmental Health - No adverse comments.

LCC Highways - The applicant has indicated on their application form that vehicle access and parking for both properties will be by the existing provision. However they have not provided a plan showing the exact locations and dimensions. As there are waiting restrictions at the front and side of the properties parking within the vicinity is limited, and this may cause inappropriate parking behaviour.

Nelson Town Council - No objections or observations.

Public Response

A site and press notice have been posted and nine neighbours notified - No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 states that new development within settlement boundaries unless it is an exception outlined in the Framework of elsewhere in the LPP1.

Policy LIV1 sets out the Council requirement to deliver new housing at a rate of 298 dwellings per annum.

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.

Conservation Area Design and Development SPD

In relation to upvc windows the SPD states that upvc windows cannot replicate the proportions, detailing and pleasing aesthetic qualities of timber windows and will not normally be appropriate in Conservation Areas.

Principle of the development

The site is not located within a designated shopping frontage and this town centre site is a sustainable location for new houses, the proposed use is therefore acceptable in principle in accordance with policies SDP1, SDP2 and LIV1.

Visual Amenity and Conservation Area Impact

The proposed external alterations involve the blocking up windows in the rear outrigger, removal of a concrete ramp to the front and the replacement of the existing timber windows with upvc

windows.

The blocking up of windows in the outrigger would not have an adverse impact on the appearance of the building and the proposed removal of the concreted ramp would have a beneficial visual impact.

The building is an attractive 1870's property located on a prominent corner within Whitefield Conservation Area and it makes a contribution to the character and appearance of the Conservation Area. The building retains its original painted timber sash windows to the front and side gable elevation.

Upvc windows cannot fully replicate the finish and fine detailing of painted timber windows. The replacement of the existing painted timber frames with upvc would result in the loss of these important features of the building and adversely impact upon the character and appearance of the Conservation Area.

Therefore, a condition is necessary to ensure that any replacement of these windows be in timber and designed to match the proportions and detailing of the existing windows.

With this condition and conditions to control the materials used in the other works in place the proposed development would not adversely impact upon the the significance of the Conservation Area in accordance with policies ENV1 and ENV2.

Residential Amenity

The proposed dwellings would not result in an adverse impact on the residential amenity of surrounding properties and would provide an acceptable level of amenity for its occupants. The proposed development is therefore acceptable in terms of amenity in accordance with policy ENV2.

Highways

Although no on site car parking is proposed, taking into account the town centre location and that the surrounding area is characterised by properties without off-street car parking, the proposed development is acceptable in terms of parking and highway safety.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy, design, amenity and highway safety. 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: YOUN/03 Dwg 02.

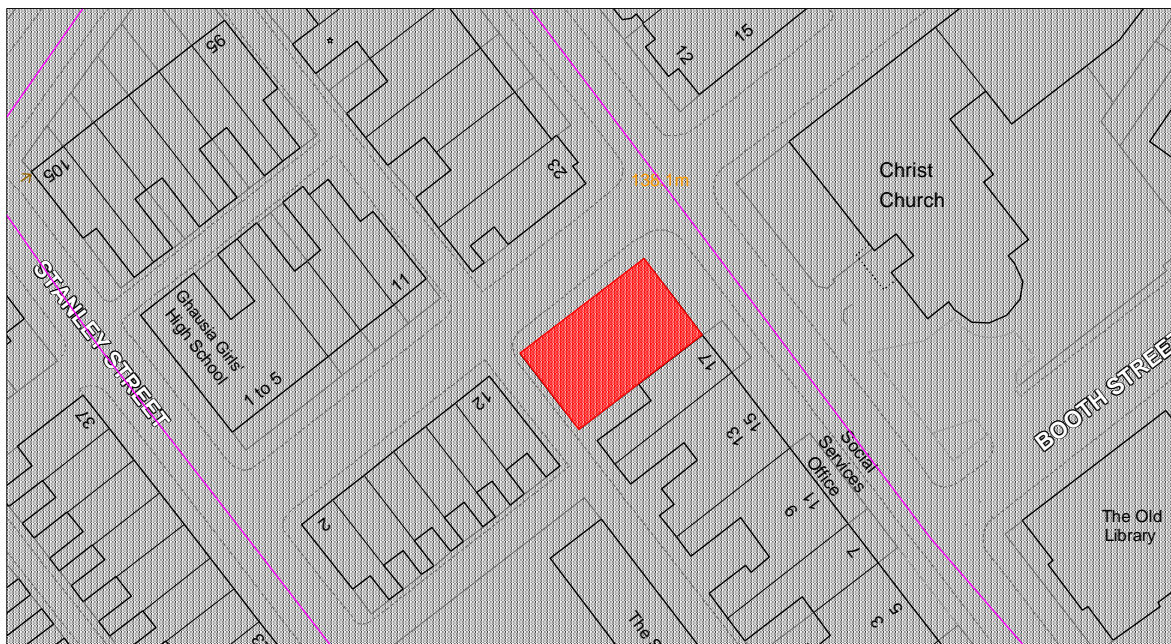
Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of the development samples of the materials to be used in the blocking up of the windows and erection of boundary walls of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

4. Notwithstanding any indication on the application forms or approved plans any replacement of the existing timber windows in the front and gable elevations shall be of timber construction and painted finish only. The replacement windows shall not be installed unless until details of their design and finish have been submitted to and approved in writing by Local Planning Authority. The windows shall only be installed, and shall thereafter be maintained, in strict accordance with the approved details.

Reason: In order to preserve the character and appearance of the Conservation Area.



Application Ref: 13/16/0008P

Ref: 19228

Proposal: Full: Change of use from offices to two dwellings and external alterations

At: LANCASHIRE COUNTY COUNCIL 19-21 CARR ROAD NELSON BB9 7JS

On behalf of: Mr N Younis

REPORT TO NELSON COMMITTEE ON 30 MARCH 2016

Application Ref: 13/16/0010P

Ref: 19230

Proposal: Full: Change of use of ground floor at No.42 from dwelling to retail to expand adjoining retail unit, erection of single storey front extension to form shop front and external staircase to rear.

At: 40-42 GLENFIELD ROAD NELSON BB9 8PA

On behalf of: Mr S Mahmood

Date Registered: 11 January 2016

Expiry Date: 7 March 2016

Case Officer: Alex Cameron

Site Description and Proposal

This application was deferred from Committee in February to allow the applicant to submit a sequential assessment.

The application site is a terraced house and shop unit located within a residential area of Nelson surrounded by similar dwellings with a bus stop to the front.

The proposed development is the change of use of the dwelling to retail with a one bedroom flat above. It is proposed for the existing shop to be expanded into the ground floor of the dwelling. The proposed development would also involve the erection of a front extension to form a shopfront and an external steel staircase to the rear.

Relevant Planning History

13/06/0044P - External roller shutters to front. Approved, 15/02/2006.

Consultee Response

LCC Highways - No objection.

PBC Environmental Health - No comments.

Nelson Town Council - No objection.

Public Response

11 neighbours notified - No response.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability.

Policy SDP5 (Retail Distribution) states that smaller-scale retail provision should be located within a town or local shopping centre.

Policy WRK4 (Retailing in Town Centres) states that retail uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

It also states that the provision of small-scale retail uses that enable people to meet their daily needs for convenience shopping, within walking distance of their homes and places of work, will be encouraged, particularly where they relate to the re-opening of village or corner shops.

Replacement Pendle Local Plan

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan requires that retail proposals be located in the following order of priority:

- within a defined town centres, local shopping centre or local frontage;
- on an edge of centre allocated site;
- edge of a defined town centre; and
- Elsewhere outside of a defined town centre or local shopping centre with preference given to sites which are and will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

In areas 3 and 4 a Statement is required proving that the proposal requires extensive floor space which cannot be accommodated within the preferred town centre.

Policy 25 also allows the modest expansion of existing retail uses outside of town centres, this expansion should not exceed 50% of the existing floorspace.

National Planning Policy Framework

The Framework states that Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Principle of the development

The application site is located 780m outside of Nelson Town Centre. Edge of centre locations are defined as sites up to 300m walking distance of the boundary of a town centre (Policy 25: paragraph 25.9). It is therefore in the lowest ranked order of sequential priority.

Whilst the policy WRK4 encourages the provision new convenience retail in areas that are lacking such provision, this area has existing retail units, including the existing shop, to serve this need.

The proposed change of use would increase the floorspace of the retail premises by 100%. This would be double the maximum allowance for expansion in Policy 25 and would not be a modest expansion.

The intention of both local and national policy is to concentrate retail and service development in town centres in order to reduce vacancy rates and protect / improve the viability and vitality of town centres. Taking into account the vacancy rates within Nelson town centre there are likely to be many sequentially preferable locations available.

Following the previous Committee meeting the applicant has submitted a justification statement for the expansion of the shop. This states that there are sequentially preferable sites available within Nelson Town Centre, however, the cost of the premises and cost / upheaval of relocation mean that it would not be feasible to relocate the business.

This is not a justification which would outweigh the impact of allowing a 100% increase in floorspace. Policy 25 allows small retail uses outside of town centres a reasonable level of expansion, that level is set in policy at 50%.

To allow such a large increase in floorspace outside of the town centre would harm the vitality and viability of Nelson town centre, although the individual harm would be relatively minor it would also set a precedent that could cumulatively result in a significant impact on the vitality and viability of Nelson town centre if such expansions were to be followed by many other similar small retail units. The proposed change of use is therefore contrary to policies SDP5, WRK4 of the LPP1, policy 25 of RPLP and the Framework.

Visual Amenity

The proposed external alterations and staircase would be acceptable in terms of design and visual amenity in accordance with policy ENV2.

Residential Amenity

The proposed use and staircase would not be likely result in any adverse residential amenity impact.

Highways

There is no off street parking within the application site, however, the proposed use would not have significantly greater parking requirements than the existing use and is located close to public transport. The proposed use is therefore acceptable in terms of highway safety.

RECOMMENDATION: Refuse

For the following reasons:

1. The application site lies outside of the nearest defined town centre of Nelson and the proposed change of use would not constitute modest expansion for the purposes of policy 25 of the Replacement Pendle Local Plan. Retail provision should be located within a defined town centre and then a sequential site selection process followed as required by policy WRK4 of the Pendle Local Plan Part 1: Core Strategy, policy 25 of the Replacement Pendle Local Plan and the National Planning Policy Framework. This proposal has failed to assess the retail impact on Nelson Town Centre or demonstrated that there are no sequentially preferable sites and it would be harmful to the vitality and viability of Nelson Town Centre and fails to accord with policies WRK4 and SDP5 of the Pendle Local Plan Part 1: Core Strategy, policy 25 of the Replacement Pendle Local Plan and paragraphs 23 and 24 of the National Planning Policy Framework.



Application Ref: 13/16/0010P

Ref: 19230

Proposal: Full: Change of use of ground floor at No.42 from dwelling to retail to expand adjoining retail unit, erection of single storey front extension to form shop front and external staircase to rear.

At: 40-42 GLENFIELD ROAD NELSON BB9 8PA

On behalf of: Mr S Mahmood

REPORT TO NELSON COMMITTEE ON 30 MARCH 2016

Application Ref: 13/16/0023P

Ref: 19247

Proposal: Full: Single storey extension to rear.

At: 53-55 DERBY STREET NELSON BB9 7RE

On behalf of: Mrs F Birjees

Date Registered: 9 March 2016

Expiry Date: 4 May 2016

Case Officer: Mubeen Patel

Site Description and Proposal

The application site is a two in to one dwellinghouse that is a traditional terrace stone and slate construction. The site is nos. 53-55 and is located in a mainly residential area of Nelson. The property has a conservatory to the rear.

The proposed development is to make alterations to the conservatory by reducing its width by 1m and replacing the roof with tiles and erecting a single storey flat roofed extension which will provide for a bathroom. The proposed extension will measure 2.3m x 2.7m and will be 2.8m in total height. The materials used will be artificial stone for the wall facing the street to the rear with render used for the walls facing the yard area.

Relevant Planning History

13/05/0371P - Full: Erect conservatory to the rear - Approved 20/06/2005.

13/14/0018P - Alterations to existing conservatory including new tiled roof and re-configuration of window and door openings - Approved - March 2014.

Consultee Response

Highways - The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway safety grounds.

Public Response

10 neighbours were notified by letter, no comments have been received.

Relevant Planning Policy

Code	Policy
ENV 2	Achieving Quality in Design and Conservation
SPDDP	Supplementary Planning Document: Design Principles

Officer Comments

The main issues for consideration with this application are Compliance with Policy, Design and Amenity.

Policy

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy 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.

The Design Principles SPD expands on the requirements of Policy ENV2, it requires that rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to the neighbours, or appear unduly dominant to neighbours.

Design

The proposed extension would be flat roofed and would be a small addition to the existing conservatory. The replacement of the of the existing conservatory roof with tiles would not appear out of character in this residential location. Although the proposed bathroom extension will have a flat roofed design the boundary wall adjacent to the back street is as tall as the extension where the extension would not be seen from public vantage points.

The materials proposed would be acceptable to an extension to the rear of a dwelling in this location. The proposal would therefore raise no adverse design issues and would conform Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and SPD: Design Principles.

Amenity

There are no changes to the east boundary wall that separates the site and no. 51. The conservatory height would remain unchanged.

The proposed single storey extension would face the yard area of the site and would not raise adverse privacy issues for no. 57 as there is a stone boundary wall in situ which protects the privacy of this neighbour. Given the height and positioning there would be no significant overshadowing to the detriment of any neighbouring occupiers.

Summary

The proposed development would raise no adverse Policy, Design or Amenity issues and would be in accordance with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and SPD: Design Principles.

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 raise no adverse Policy, Design or Amenity issues. 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.

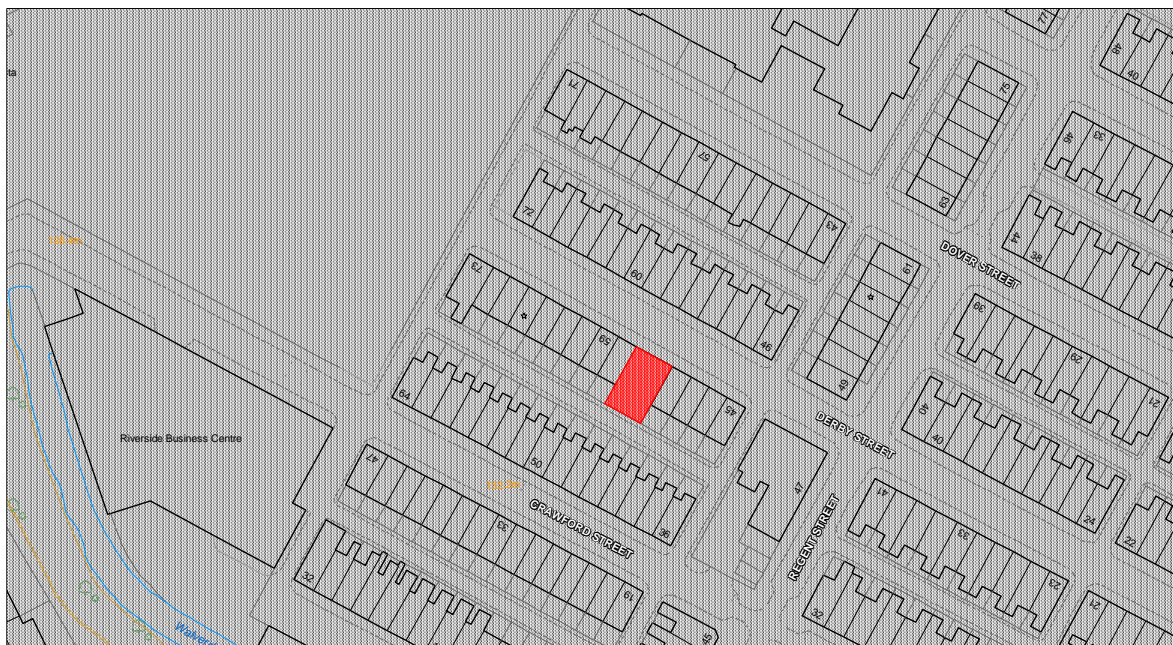
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan 1:1250
Block Plan 1:500
Proposed Plans.

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

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



Application Ref: 13/16/0023P

Ref: 19247

Proposal: Full: Single storey extension to rear.

At: 53-55 DERBY STREET NELSON BB9 7RE

On behalf of: Mrs F Birjees

REPORT TO NELSON COMMITTEE ON 30 MARCH 2016

Application Ref: 13/16/0068P

Ref: 19306

Proposal: Variation of Condition: Major: Vary condition 3 of Planning Permission 13/15/0408P (hours of operations)

At: WAR PENSIONS DIRECTORATE SCHOLEFIELD MILL BRUNSWICK STREET NELSON BB9 0HU

On behalf of: Sweet Dreams

Date Registered: 19 February 2016

Expiry Date: 15 April 2016

Case Officer: Kathryn Hughes

Site Description and Proposal

This application is brought to Committee as a major development and seeks to vary condition 3 attached to planning permission for change the use from storage (Class B8) to a general industrial use (Class B2) under 13/15/0408P relating to hours of operation.

The site is allocated as a Protected Employment Area in the Pendle Local Plan Part 1: Core Strategy policy WRK 2.

The variation of condition 3 hours of operation seeks to extend the hours from 8am - 6pm Monday to Friday to 6am - 10pm Monday - Friday and 8am - 6pm Saturday, Sunday and Bank Holidays.

All other aspects of the proposal will remain as approved.

Relevant Planning History

13/15/0408C1 - Approval of Detail reserved by condition: Discharge of condition 7 (noise) of planning permission 13/15/0408P - Pending.

13/15/0408P - Full: Major: Change of use of mill (11,000 Sq.m) from storage (Use class B8) to general industrial (Use class B2) - Approved 6th November, 2015.

13/03/0876P - Erect access walkway along east elevation parapet - No Objections

13/96/0565P - Re-roof mill - No Objections

Consultee Response

PBC Environmental Health - A Noise Impact Assessment shall be carried out to assess the impact of the proposed noise sources. The noise report as submitted is not acceptable as there are several queries on this which need to be addressed.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Publicity expires 29th March. No response to date any comments received will be reported to the meeting.

Relevant Planning Policy

Code	Policy
ENV 5	Pollution and Unstable Land
ENV 7	Water Management
LP 31	Parking
WRK 2	Employment Land Supply

Officer Comments

The main issues to consider in this application are the potential noise impact on residential amenity.

Policy

The site is within the settlement boundary and allocated as a Protected Employment Area (mixed use) in the Replacement Pendle Local Plan. Policy 22 of the Plan states that permission will be granted for B2 uses in these areas.

Policy 8 seeks to control issues of contamination and pollution, including noise.

Principle of Development

The principle of development has been considered and approved under planning application 13/15/0408P subject to appropriate conditions.

It is now proposed to vary condition 3 which relates to the hours of operation which were proposed to be 8am to 6pm, Monday to Friday and not at all on weekends and Bank Holidays.

Residential Amenity

The area surrounding the application site is mixed, with dwellings and industrial premises in close proximity to one another. It is understood that Scholefield Mill was built in the early 1900's and originally used for cotton weaving. However in 1941, during World War 2, the mill was requisitioned for Government use and subsequently became the storage facility for the Ministry of Pension (now the DWP). It had remained in storage use until last year when the facility was closed.

The fall back of a long standing and unrestricted B8 use would allow for any new occupant to undertake storage and distribution activities. However the proposed change to B2 does provide for more on site manufacturing which in turn could potentially generate associated noise.

The hours of operation are now proposed to be 6am to 10pm, Monday to Friday and 8am to 6pm weekends and Bank Holidays. The most likely impacts for residents will be potential changes in traffic flows and noise, particularly for those properties on Walverden Terrace, Brunswick Street, Southfield Street and Messenger Street.

A noise assessment has been undertaken and submitted. Discussions are on-going with the Environmental Health regarding the submitted noise assessment which does not take into account the proposed extended operating hours. The agent has been requested to address this.

Subject to an acceptable noise assessment the noise emanating from the site can be controlled and/or mitigated should issues arise. The development would therefore comply with policy ENV5.

Summary

Whilst the principle of development is acceptable, further information is required in relation to the submitted noise assessment and proposed extension of operating hours.

Subject to the receipt of an acceptable noise assessment and the imposition of additional conditions to control it the proposed development would be acceptable and compliant with the Pendle Local Plan Core Strategy.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of use, amenity and highway safety, therefore complying with policies ENV5, ENV7, WRK2 of the Pendle Local Plan Core Strategy and saved policy 31 of Replacement Pendle Local 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:
15.128 03, 15.128.02 & 15.128 04.

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

3. The use hereby approved shall not be operated outside the hours of 8am and 10pm Monday to Friday and 8am to 6pm Saturdays, Sundays and Bank/Public Holidays.

Reason: To protect the general amenities of adjacent neighbours.

4. The existing car parking provision within the yard of the site, as shown on drawing number 15.128 04, shall remain open and available for use at all times for the parking of vehicles associated with the use hereby approved.

Reason: In the interests of highway safety.

5. There shall be no additional external lighting of the development hereby permitted unless with the prior written consent of the Local Planning Authority as to the type, size, location, intensity and direction of the lighting. Any lighting provided shall at all times be so provided in strict accordance with the approved details.

Reason: In order to prevent light pollution to protect the amenity of the environment.

6. The premises shall be used for the manufacture, storage and associated activities relating to the production of furniture only and for no other purpose including any other purpose in Class B2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any

provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

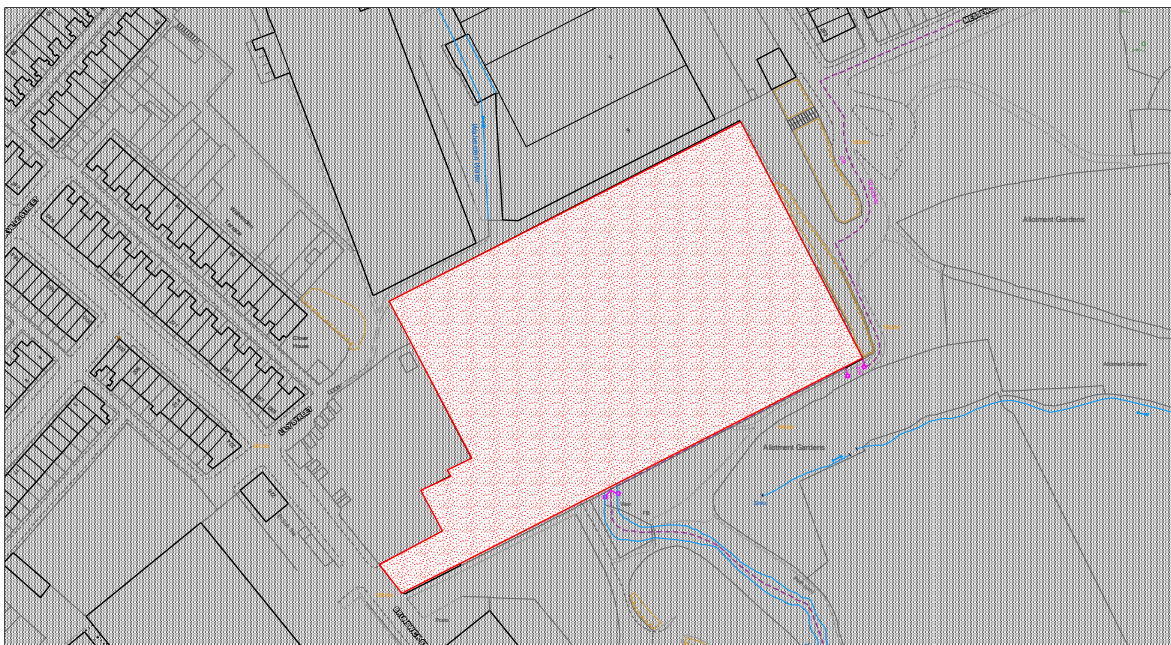
Reason: Other B2 uses would require specific assessment, particularly with regard to impact on residential amenity and highway safety.

7. The use hereby approved shall not commence unless and until an assessment establishing levels of existing background noise at the perimeter of the site has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the use shall at all times operate in manner that does not result in noise levels greater than 5dB below the aforementioned agreed background noise level, when measured at any point along the boundary of the site, as identified on approved drawing no. 15.128 03.

Reason: In the interests of residential amenity.

8. Deliveries and dispatches from the site shall be managed in accordance with the Transport Statement dated 19th October 2015.

Reason: In the interests of highway safety.



Application Ref: 13/16/0068P

Ref: 19306

Proposal: Variation of Condition: Major: Vary condition 3 of Planning Permission 13/15/0408P (hours of operations)

At: WAR PENSIONS DIRECTORATE SCHOLEFIELD MILL BRUNSWICK STREET NELSON BB9 0HU

On behalf of: Sweet Dreams

REPORT TO NELSON COMMITTEE ON 30 MARCH 2016

Application Ref: 13/16/0069P

Ref: 19309

Proposal: Full: Change of use of dwelling house (No.89) (C3) to retail (A1) ground floor only, canopy to front, single storey extension to rear and alterations to gable elevation.

At: 89 REGENT STREET NELSON BB9 7RG

On behalf of: Mr A Ahmed

Date Registered: 22 February 2016

Expiry Date: 18 April 2016

Case Officer: Mubeen Patel

Site Description and Proposal

The application site is a stone constructed end terraced house located within a residential area of Nelson surrounded by similar dwellings.

The proposed development is the change of use of the dwelling to retail at ground level with a three bedroom flat above. This would be an expansion of the existing shop at number 87 into the ground floor of the proposed dwelling. The proposed development would also involve the erection of a front canopy and a single storey lean to extension to the rear.

Relevant Planning History

13/91/0300P - erection of rear store - Approved - 01/07/1991.

13/99/0592P - extend shop over forecourt - Approved - 07/02/2000.

13/11/0617P - Full: Single storey extension to the rear of shop - Approved - 07/02/2012 2012.

Consultee Response

Highways - The applicant proposes to convert a portion of the existing yard space to provide and extend the enclosed storage area to the rear of this and the neighbouring property (No 87). I've noted that a degree of yard space will be retained as part of the proposal. Although limited in size this should still be adequate to allow for the storage of refuse bins, whilst retaining limited pedestrian access. However the applicant should ensure that there will be sufficient space in the area to the rear of the property to accommodate all refuse bins, to avoid refuse migrating and ultimately being left on the adopted back street, whilst still maintaining pedestrian access.

Any alterations to, including the re-building of, the rear wall of the property shall ensure that this is built on the existing boundary line and should not encroach onto the adopted highway.

For the avoidance of doubt, the applicant should be made aware that the highway authority (Lancashire County Council) would not permit goods to be displayed or stored on the adopted highway network, thereby posing a hazard to highway users.

Apart from the above comments I can confirm that this application is unlikely to adversely affect the highway network or its users and raise no objection to the proposal.

Public Response

Ten neighbours were notified by letter, no comments have been received.

Relevant Planning Policy

Code	Policy
ENV 2	Achieving Quality in Design and Conservation
LP 25	Location of Service and Retail Development
LP 31	Parking
SDP 5	Retail Distribution
WRK 4	Retailing and Town Centres

Officer Comments

Policy

Local Plan Part 1: Core Strategy

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability.

Policy SDP5 (Retail Distribution) states that smaller-scale retail provision should be located within a town or local shopping centre.

Policy WRK4 (Retailing in Town Centres) states that retail uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

It also states that the provision of small-scale retail uses that enable people to meet their daily needs for convenience shopping, within walking distance of their homes and places of work, will be encouraged, particularly where they relate to the re-opening of village or corner shops.

Replacement Pendle Local Plan

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan requires that retail proposals be located in the following order of priority:

- within a defined town centres, local shopping centre or local frontage;
- on an edge of centre allocated site;
- edge of a defined town centre; and
- Elsewhere outside of a defined town centre or local shopping centre with preference given to sites which are and will be well served by a choice of means of transport and which are close to the centre and have a high likelihood of forming links with the centre.

In areas 3 and 4 a Statement is required proving that the proposal requires extensive floor space which cannot be accommodated within the preferred town centre.

Policy 25 also allows the modest expansion of existing retail uses outside of town centres; this expansion should not exceed 50% of the existing floorspace.

National Planning Policy Framework

The Framework states that Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

Principle of the development

The application site is located 320m outside of Nelson Town Centre. Edge of centre locations are defined as sites up to 300m walking distance of the boundary of a town centre (Policy 25: paragraph 25.9). It is therefore in the lowest ranked order of sequential priority.

Whilst the policy WRK4 encourages the provision new convenience retail in areas that are lacking such provision, this area has existing retail units, including the existing shop, to serve this need.

The existing shop at number 87 has previously been extended by way of a canopy to the front and single storey extension to the rear. These amount to an increase of the original shop by 55%. The proposed change of use including existing and proposed extensions would increase the floorspace of the retail premises by 200%. This would be considerably more than the maximum allowance for expansion in Policy 25 and would not be a modest expansion.

The intention of both local and national policy is to concentrate retail and service development in town centres in order to reduce vacancy rates and protect / improve the viability and vitality of town centres. Taking into account the vacancy rates within Nelson town centre there are likely to be many sequentially preferable locations available.

There is no justification provided which would outweigh the impact of allowing a 200% increase in floorspace. Policy 25 allows small retail uses outside of town centres a reasonable level of expansion, that level is set in policy at 50%.

To allow such a large increase in floorspace outside of the town centre would harm the vitality and viability of Nelson town centre, although the individual harm would be relatively minor it would also set a precedent that could cumulatively result in a significant impact on the vitality and viability of Nelson town centre if such expansions were to be followed by many other similar small retail units. The proposed change of use is therefore contrary to policies SDP5, WRK4 of the LPP1, policy 25 of RPLP and the Framework.

Visual Amenity

The proposed canopy to the front would be a continuation of the existing canopy at number 87 and would be similar in terms of design and style. The openings on the front elevation of the dwelling will be bricked up and new openings in the form of a door and window will be provided in the ground floor gable end.

The proposed lean to single storey extension would be finished in render with concrete tiles and given its positioning to the rear would be acceptable in terms of design and visual amenity. The proposed extensions would therefore be in accordance with policy ENV2.

Residential Amenity

The property is an end terrace property which would be an extension to an existing shop, therefore the proposed use of the dwelling as a shop would not result in any adverse residential amenity impact which would be significantly more than existing.

The extension to the rear by virtue of its positioning would not impact on the amenity of any neighbouring properties.

Sufficient store and yard space is provided to the rear for bin storage.

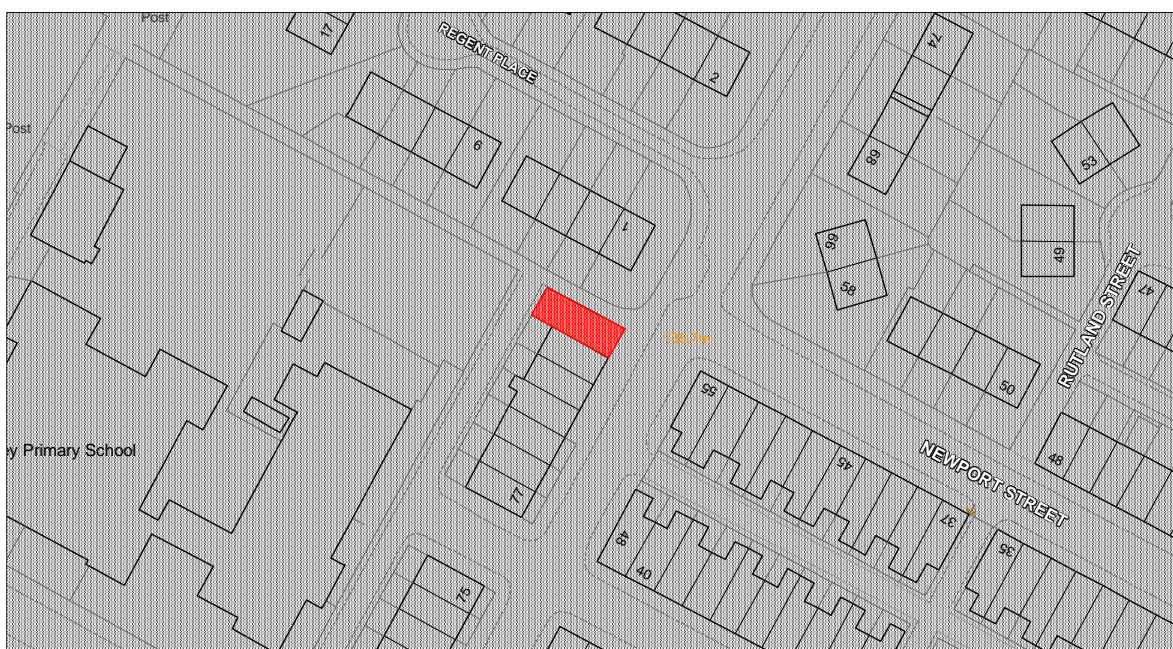
Highways

There is no off street parking within the application site, however, the proposed use would not have significantly greater parking requirements than the existing use and is located close to public transport. The proposed use is therefore acceptable in terms of highway safety.

RECOMMENDATION: Refuse

For the following reasons:

1. The application site lies outside of the nearest defined town centre of Nelson and the proposed change of use would not constitute modest expansion for the purposes of policy 25 of the Replacement Pendle Local Plan. Retail provision should be located within a defined town centre and then a sequential site selection process followed as required by policy WRK4 of the Pendle Local Plan Part 1: Core Strategy, policy 25 of the Replacement Pendle Local Plan and the National Planning Policy Framework. This proposal has failed to assess the retail impact on Nelson Town Centre or demonstrated that there are no sequentially preferable sites and it would be harmful to the vitality and viability of Nelson Town Centre and fails to accord with policies WRK4 and SDP5 of the Pendle Local Plan Part 1: Core Strategy, policy 25 of the Replacement Pendle Local Plan and paragraphs 23 and 24 of the National Planning Policy Framework.



Proposal: Full: Change of use of dwelling house (No.89) (C3) to retail (A1) ground floor only, canopy to front, single storey extension to rear and alterations to gable elevation.

At: 89 REGENT STREET NELSON BB9 7RG

On behalf of: Mr A Ahmed

REPORT TO NELSON COMMITTEE ON 30 MARCH 2016

Application Ref: 13/16/0078P

Ref: 19318

Proposal: Full: Change of use from takeaway with flat above to a dwelling house, erection of a single storey rear extension and front dormer window.

At: 85 REGENT STREET NELSON BB9 7RG

On behalf of: Mr M Aslam

Date Registered: 29 February 2016

Expiry Date: 25 April 2016

Case Officer: Mubeen Patel

Site Description and Proposal

The application site relates to a mid-terrace stone and slate constructed property occupied by a Fish and Chip Shop (A5) on the ground floor and a flat (C3) at first floor level. The Fish and Chip Shop has been vacant for some time. The neighbouring property number 87 occupies a grocery store with residential terrace rows to the east and south. Bradley Primary School is to the west. Parking is provided on street with a small yard area to the rear.

The proposal is for the material change of use of the unit from the existing A5 use defined as hot food takeaway use to C3 residential use. The proposal is also for the erection of a single storey extension to the rear which will provide a kitchen and erection of dormers to the front and rear roofslopes which will provide two further bedrooms.

The single storey extension to rear will project 3.5m up to the rear boundary of the site and have a width of 2.9m. The height will be 3.8m to eaves level and 4.2m in total height. Steps will be provided from the extension down to the yard given the land level changes to the rear of the site. The materials proposed are render for the walls with grey concrete tiles for the lean to roof.

The plans received show the dormer window to the front has been reduced in width and would span 3.1m wide x 3.4m deep x 2m tall and set up from the eaves by 400mm and set in from the sides by 0.5m. The dormers will be finished using grey UPVC cladding for the front and natural slates to the sides with UPVC window frames.

Relevant Planning History

The site has no relevant planning history.

Consultee Response

Highways - Having considered this application the Highway Development Control Section has concerns about the cumulative effect of terraced housing being extended without the corresponding increase in on-street parking facilities being provided.

As part of the application the applicant proposes to convert a portion of the existing yard space to create a ground floor kitchen. We have noted that a degree of yard space will be retained as part of the proposal. Although limited in size this should still be adequate to allow for the storage of refuse bins, whilst retaining limited pedestrian access. As a result the retained yard area should avoid refuse migrating and ultimately being left on the adopted back street.

Any alterations to, including the re-building of, the rear wall of the property shall ensure that this is

built on the existing boundary line and should not encroach onto the adopted highway. The new wall to the front of the property should also not encroach onto the adopted highway.

Should the planning authority be minded to approve the application we would ask for the following condition be applied to any formal planning approval:

1. The proposed prayer room should be restricted to personal use only and should not be available for use by the wider community to avoid further demand on the limited on-street parking in this location. Reason: In the interests of highway safety.

Public Response

Five neighbours were notified by letter, one comment has been received which states that they have 'no problems' with the proposal.

Relevant Planning Policy

Code	Policy
ENV 2	Achieving Quality in Design and Conservation
LIV 1	Housing Provision and Delivery
LIV 5	Designing Better Places to Live
LP 31	Parking
SPDDP	Supplementary Planning Document: Design Principles

Officer Comments

The main issues to consider within this application are compliance with Policy, design, impact on residential amenity and highways safety issues.

Policy

The following Pendle Local Plan Part 1 policies are relevant to this application:

Policy ENV2 seeks to deliver the highest possible standards of design, in form and sustainability, and will be designed to meet future demands whilst enhancing and conserving our heritage assets.

The Development Guidance SPD states that new dormers will not normally be acceptable unless they are appropriate to the age and style of the building and a feature of the surrounding architecture. The Design Principles SPD also states that the roof is an important element of a buildings design and unsympathetic extensions can have a negative impact.

LIV1 sets out the housing requirement for the Borough and the Pendle Local Plan Part 2: Site Allocations and Development Policies will be used to allocate. New housing development will also be supported where they accord with other policies in the Core Strategy and are on non-allocated sites within a Settlement Boundary where they are sustainable and make a positive contribution to the five year supply of housing land.

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.

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

Change of use

The proposal is for the material change of use from an existing hot food takeaway use A5 at ground level to proposed residential C3 use. The property is set within a terrace row of properties which are occupied mainly by residential properties within a residential area of Nelson. The change of use into a residential dwelling would not create an increase in noise or general disturbance to the property than would have been created by the hot food takeaway when trading. The proposed change of use would not have a significant adverse impact upon the amenity of the adjoining residents or the neighbouring business.

The proposed residential use would not create significant noise or amenity issues and would not have an adverse impact on the amenity of neighbouring occupiers and therefore would be compliant with Policies LIV1 and LIV5 of the Core strategy Part 1.

Design

Single storey extension to rear

The proposed extension would run the full length of the boundary with number 87. There is a similar single storey extension to the rear of this neighbouring property. The proposed extension would be positioned to the rear of the property where it would not be readily seen from public vantage points.

The extension to rear would have a lean to roofed design which would match the roof design of the original dwelling. The proposed render finish of the extension is considered acceptable to the rear of the dwelling. The concrete tiles proposed for the roof would be acceptable. Therefore, given the details the single storey extension to rear is acceptable in terms of its design and visual amenity.

Rear dormer

The proposed dormer to rear would be set up from the eaves by 0.4m and would not rise any higher than the ridge of the original roof. The materials proposed for the exterior would be similar to the materials used on the existing dwelling. Therefore given the details submitted the dormer to the rear would be classed as Permitted Development within Part 1 Class B of the Town and Country Planning General Permitted Development Order 2015.

Front Dormer

As existing this terrace block is characterised by the unbroken slope of the slate roofs and stone chimneys which are an essential part of the visual harmony of the terrace.

It is noted that there are no further dormers to the front of surrounding terraces. Part of the character of this area derives from the distinctive and consistent clean roof slopes of the terraces which are relatively simple in form but characterised by the repetitive chimney stacks which contribute so much to the local townscape character.

The proposed dormer window, extending across almost all of the width of the property, would disrupt this harmony. The bulk, scale and horizontal 2.1m wide window would be totally out of keeping with the terrace and would be seriously detrimental to the character and appearance of the street scene and wider area. This would be contrary to ENV2 of the Local Plan. It would also conflict with design advice adopted by the Council which advises that dormers on the front roof slope will normally not be acceptable unless they are a feature of other houses in the locality and the design is appropriate.

This assessment is supported by an appeal decision at 129 Bankhouse Road, Nelson

(13/12/0036P) in which the Planning Inspectorate dismissed the appeal made against the refusal of planning permission for a similar front dormer window. In that decision, the Inspector commented in reference to the dormer that it would be "totally out of keeping with the terrace and would be seriously detrimental to the character and appearance of the street scene".

Amenity

Dormer Window

The dormer positioned on the front roof slope would not overlook any neighbouring properties significantly more than existing. There will be no impact in relation to overshadowing.

Single storey extension to rear

The proposed extension would be positioned adjacent to the extension at number 87 and therefore it would not impact on the amenity of this neighbouring property. Number 83 has a single storey extension to the rear which projects approximately 1.8m. Given the proposed extension would be set in from the boundary shared with number 83 by 1.6m and would be single storey in height, there would be no overshadowing which would be significantly detrimental on the amenity of this neighbouring property.

The outlook from the proposed window in the southern elevation would be on to the rear yard area and blank elevation of the neighbouring extension. Therefore, the proposed single storey extension would not impact on the level of overlooking or overshadowing significantly more than existing and is acceptable in terms of residential amenity.

Highways

The existing takeaway would provide parking on street. The proposed change of use of the building to residential would reduce the number of vehicles parking around the site. Therefore, the proposal would reduce the highways impact in this area given its residential use. Although no off street parking is provided and further bedroom space is proposed, on street parking is typical of a terraced residential dwelling in this location. Therefore, given the details the proposal would not have a significant detrimental impact on Highways safety and would be in accordance with Policy 31 of The Replacement Pendle Local Plan.

Summary

The proposed dormer window to the front would be introduced to an area that is characterised by clean and undeveloped roof slopes and would lead to a considerable reduction in the design quality of the area and be detrimental to the character and appearance of the area contrary to Policy ENV2 of the adopted Pendle Local Plan Core Strategy and SPD: Design Principles. The development would also set a precedent for similar unacceptable developments to come forward in the locality. The recommendation for the proposal is therefore to refuse.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed dormer window to the front would be introduced to a street that is mainly characterised by clean and undeveloped roof slopes and would lead to a considerable reduction in the design quality of the street and be detrimental to the character and appearance of the area, therefore contrary to Policy ENV2 of the Pendle Local Plan Core Strategy: Part 1 and SPD: Design Principles. The development would also set a precedent for similar unacceptable developments to come forward in the locality.



Application Ref: 13/16/0078P

Ref: 19318

Proposal: Full: Change of use from takeaway with flat above to a dwelling house, erection of a single storey rear extension and front dormer window.

At: 85 REGENT STREET NELSON BB9 7RG

On behalf of: Mr M Aslam

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 16th March 2016