

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: NELSON COMMITTEE**

**DATE: 05<sup>th</sup> September 2016**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications

# REPORT TO WEST CRAVEN COMMITTEE ON 05 SEPTEMBER 2016

**Application Ref:** 16/0379/FUL

**Proposal:** Full: Change of use of care home to eye clinic and medical centre and formation of a car park.

**At:** 49 Hibson Road, Nelson

**On behalf of:** Dr Zahid Mahmood Dabir

**Date Registered:** 18 May 2016

**Expiry Date:** 13 July 2016

**Case Officer:** Alex Cameron

## **Site Description and Proposal**

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

The application site is a care home located within the settlement of Nelson within a terraced row of dwellings.

The proposed development is the change of use of the building to an eye clinic and medical centre and the formation of a 12 space car park on land to the rear. This is a resubmission of planning application granted permission in 2003 that has since expired.

## **Relevant Planning History**

13/03/0350P – Change of use to eye clinic. Approved.

## **Consultee Response**

LCC Highways – objections in principle regarding the proposed change of use of a care home to an eye clinic and medical centre and formation of a car park, subject to the following comments being noted and conditions being applied to any formal planning approval.

We are concerned that the applicant has not provided sufficient off-road parking for the usage class proposed. Four parking spaces are required per consulting room should be provided for Class D1 use. For this application that would equate to 32 spaces. Whilst we acknowledge that this is unlikely to be achieved within the site we would ask for more parking spaces than the 12 indicated, with a minimum being three disabled parking spaces.

The parking bays indicated on the plan are undersized. The JLSP also states that a standard car parking space should be 2.4 x 5m in size, whilst disabled parking bays should be 3.6 x 5m.

The access into the car park should be widened to a minimum width of 5m to allow two vehicles to safely enter or leave the car park at the same time

The applicant has also not included any provision for motor cycle parking or secure cycle storage, which may be used by staff or patients.

We would, therefore, ask that the applicant submits a revised car park layout which takes into account the above comments.

## **Public Response**

31 neighbours notified – 7 responses received objecting to the application on the following grounds:

There is only one entrance and exit for Southview and there is already a problem with this being blocked by inconsiderate drivers.

The road has been recently resurfaced and is not suitable for consistent use.

There is limited parking space within the area, especially at school times. The proposed use will escalate the problem.

The development would result in the removal of community planting carried out the boundary of the land.

The previous application was turned down because the applicant refused to carry out resurfacing work on the road to the front of the site. This work was eventually carried out by the Council.

I am particularly fearful of the formation of a car park in the residential area due to the invasion of privacy it would cause, along with the hindrance of the peace and tranquillity in the neighbourhood.

There are already limited parking spaces in the surrounding area. The opening of an eye clinic will lead to further traffic congestion, along with that of the nearby primary school, the driving test centre and will also heighten existing struggles for residents of the area to park their own vehicles.

I could not stress enough, how I would like the area in which I live, to remain a residential area. The addition of a commercial property would result in further disruption to privacy and peace in the area, thus causing distress to myself and neighbouring residents.

The development would increase traffic on Cobden Street which is already used by a driving test centre with 4 examiners doing 8 test daily and numerous driving schools parking opposite and practicing reverse parking. Less than 100 yards away is a primary school and people use Claremont Terrace as a short-cut. Cobden Street is not suitable for the existing level of traffic without allowing more traffic to use it.

The part of the site adjoining high street is not owned by the applicant and has been made into a community garden by residents.

The council has recently made-up the unadopted road at High Street. If permission is granted the applicant should cover the cost of this.

Whilst agreeing that some trees need to be felled, some can be maintained with attention. Two trees that had TPOs on them were felled two years ago.

Will the entrance to the car park be gated and locked when not in use?  
Is this a 24/7 operation and will drugs be left on site?

Will the saplings and communal garden on High Street that have been planted be kept?

## **Officer Comments**

Policy

Pendle Local Plan Part 1: Core Strategy

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

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.

### **Design**

The proposed change of use and formation of a car park is acceptable in terms of design and visual amenity in accordance with Policy ENV2.

### **Amenity**

The proposed clinic would not result in an unacceptable impact upon the amenity of adjacent dwellings and is therefore acceptable in terms of residential amenity in accordance with Policy ENV2.

### **Highways**

A number of concerns have been raised regarding the impact of an increase in traffic and parking on surround streets.

A car park of 12 spaces is proposed in the garden to the rear. Eight consulting rooms are proposed, the Replacement Pendle Local Plan parking standards require a maximum of 4 spaces per consulting room, this equate to up to 32 spaces.

Although 12 spaces are show in the plans, the car park area could accommodate more cars. 32 spaces is a maximum rather than a minimum and an adequate level of provision, circa 16 spaces, could be accommodated within the proposed parking area. With a condition requiring that a revised car parking layout is submitted and agreed the proposed development would be acceptable in terms of car parking provision. The development would therefore not result in an unacceptable increase in on-street parking.

LCC Highways have raised no highway safety concerns in relation to the access, although the surrounding street may be well used, and used by learner drivers, this is not in itself a highway safety issue. This is likely to result in caution and low speeds on Cobden Street rather than adverse highway safety. The access to the proposed car parking is acceptable in terms of highway safety.

The previous application was approved subject to a condition requiring High Street and Cambridge Street to be made up to adoptable standards. Since then improvement works have been carried

out to those streets and that condition is no longer necessary. It would not be reasonable to require the applicant to retrospectively contribute towards those works.

## Trees

A tree survey has been submitted with the application this identified one unprotected poplar tree in poor condition to be removed, this is acceptable. With a condition for a landscaping scheme the proposed development is acceptable in terms of its impact on trees.

## Other issues

Although the 'community garden' does appear to fall within the site boundary no development is proposed on that area.

## 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: Location Plan, Proposed Conversion.

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

3. The premises shall be used for an eye clinic only and for no other purpose including any other purpose in Class D1 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:** To control development in the identity of residential amenity and off street parking provisions.

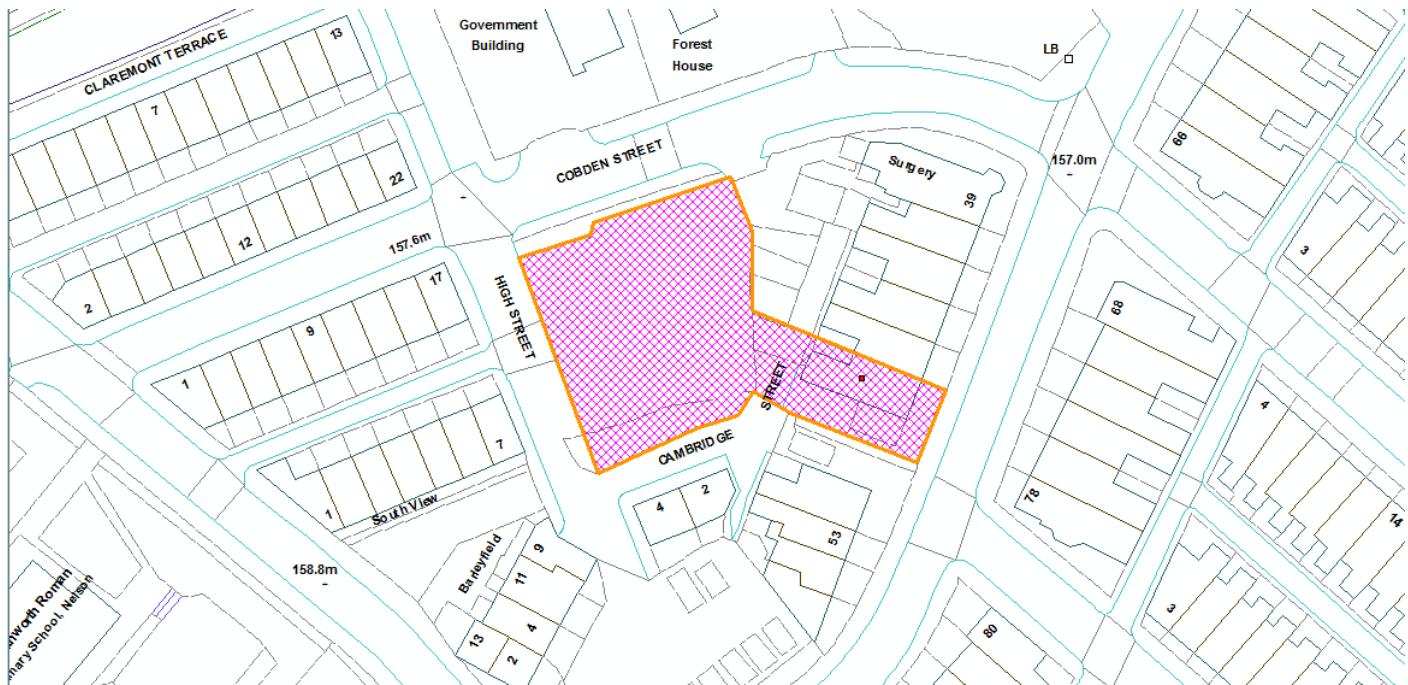
4. Prior to commencement of the use hereby approved details of the layout and construction of the car park shall be submitted to and approved in writing by the Local Planning Authority. The layout shall include provision for a minimum of 3 disabled parking bays. The use shall not be commenced unless and until the approved car park has been surfaced, drained and laid out in accordance with the approved details and made available for use. The car parking spaces and maneuvering areas shall thereafter be maintained free from obstruction and available for car parking and turning purposes.

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

5. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- the exact location and species of all existing trees and other planting to be retained;
  - all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - an outline specification for ground preparation;
  - all proposed boundary treatments with supporting elevations and construction details;
  - all proposed hard landscape elements and pavings, including layout, materials and colours;
  - the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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



**Application Ref:** 16/0379/FUL

**Proposal:** Full: Change of use of care home to eye clinic and medical centre and formation of a car park.

**At:** 49 Hibson Road, Nelson

**On behalf of:** Dr Zahid Mahmood Dabir

## REPORT TO NELSON COMMITTEE ON 05 SEP 2016

**Application Ref:** 16/0439/HHO

**Proposal:** Full: Erection of dormers to front and rear.

**At:** 50 Swaine Street, Nelson, Lancashire

**On behalf of:** Mr S Aftab

**Date Registered:** 28 June 2016

**Expiry Date:** 23 Aug 2016

**Case Officer:** Mubeen Patel

### **Site Description and Proposal**

This application was deferred at the last committee meeting, no further amendments for the application have been received, and the recommendation remains for refusal.

The proposed development is for the construction of dormers to the front and rear roof slopes of No. 50 Swaine Street, Nelson. The site is located towards the end of the terrace where Swaine Street meets School Street. The property is located within a predominantly residential area of Nelson and the Whitefield Conservation Area.

The dormers proposed in this application are identical to the front and rear roofslopes and would measure 3.5m in width, 2.15m in height with flat roofed designs. Materials proposed are natural slate to the front and cheeks of the dormers with UPVC window frames.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

**Highways LCC** - The Highway Development Control Section is concerned about the cumulative effect of the increasing numbers of terraced homes being extended to increase bedroom space without providing any additional parking facilities. From observations on site, on-street parking in this area of Nelson and surrounding roads are at a premium and any increased demand for on-road parking is difficult to absorb without causing additional loss of amenity and conflict for existing residents.

### **Public Response**

A site notice was posted on the nearest lamp post and 10 neighbours were notified by letter, no comments have been received.

### **Relevant Planning Policy**

Code	Policy
ENV1	Protecting and Enhancing Our Natural and Historic Environments
ENV2	Achieving Quality in Design and Conservation
LP 31	Parking
SPDDP	Supplementary Planning Document: Design Principles

## **Officer Comments**

The main issues to consider in this application are design and impact on the Conservation Area.

### **Policy**

Policy ENV1 of the Core Strategy part 1 (Protecting and Enhancing Our Natural and Historic Environments) 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 of the Core Strategy part 1 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the highways section

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. It also notes that wide flat roofed dormers can detrimentally affect the character and appearance of an area by introducing a bulky shape which is at odds with an existing pitched roof, and can therefore disrupt the vertical emphasis of Victorian or Edwardian facades. 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.

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The NPPF (National Planning Policy Framework) states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

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

### **Design & Impact on the Conservation Area**

The property is located in the Whitefield Conservation Area. The Conservation Area is regarded as being of importance in terms of its heritage significance. The application site is a traditional stone built terraced property located towards a prominent corner location. The terrace has a distinctive decorative eaves detail and front gardens sloping down to the road with low stone walls.

The unbroken slope of the blue slate roof and stone chimneys are an essential part of the visual harmony of the terrace. The proposed dormer windows would almost extend across the full width of the property and disrupt this harmony to the front and rear. Their bulk, scale and large windows would be totally out of keeping with the terrace and would be seriously detrimental to the character and appearance of the street scene. Furthermore the UPVC window frames would undermine the quality and character of the Conservation Area.

In this instance, the significance will be harmed through the alteration of the heritage asset where the building is currently occupied and the significance of the harm would be much greater weighted against the individuals benefit of creating further bedroom space with no public benefit.

Unlike some of the larger houses to Lomeshaye Road, dormers did not historically form part of the design of the terraces on Swaine Street, and there are no existing dormers on this terrace apart from the dormers to the front and rear of number 38 Swaine Street which have no planning history.

Part of the significance of the Conservation Area derives from the distinctive and consistent blue slate roofslopes 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 large and bulky dormers proposed to both front and rear elevations would be clearly at odds with, and detract from the design and clean lines of the terrace row.

The house is particularly prominent being located at the end of a terrace, with both front and rear roofslopes being clearly visible in views from both Swaine Street and School Street and from further away along the side streets. Therefore the proposed dormers would not preserve the character or appearance of the Conservation Area would result in less than substantial harm to the significance of the Conservation Area.

### **Amenity**

The proposed dormers raise no significant or adverse amenity issues. The site is located within a typical terrace layout, with many properties having facing primary windows. The introduction of this development would not have a detrimental impact on adjacent neighbours in terms of privacy.

### **Highways**

The proposal would result in an additional two bedrooms in the property which would lead to the potential for more people to live at the property and may result in additional pressure on on-street parking. However it is not considered that this would result in significant harm to the living conditions of nearby residents as a result of inconvenience in finding space in which to park, or severe implications for highway safety. There is access to busses and public transport given its location to the town centre which would reduce the need for future occupants to have a car, and notwithstanding the representation made by the Highway Authority, no representations relating to problems of on- street parking have been made by members of the public.

Moreover, saved Policy 31 of the RPLP refers to the parking standards as maximum. Therefore the proposed development would not significantly impact on the living conditions of nearby residents or on highway safety, and would not be contrary to saved Policy 31 of the RPLP.

### **Summary**

It is understood that the applicant wishes to increase the amount of living accommodation within the property. However, this would not result in a public benefit. Therefore, the proposal, in so far as it relates to the creation of dormers, would not be consistent with Paragraph 134 of the Framework and Policies ENV1 and ENV2 of the Core Strategy Part 1 which require development to conserve and enhance heritage assets such as the Whitefield Conservation Area, and to prevent harm to them, without clear and convincing justification.

The Council has a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to ensure that new development within Conservation Areas either preserves or enhances its character and appearance. It cannot be said in this instance that the development will achieve either of these aims.

### **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed development would, by virtue of their scale, design and materials have an adverse impact on the appearance of the host property and would be detrimental to the character of the Whitefield Conservation Area. The significance will be harmed through the alteration of the heritage asset where the harm would be much greater weighted against the individuals benefit of creating further bedroom space with no public benefit contrary to Paragraph 134 of the National Planning Policy Framework (NPPF), Policies ENV1 and ENV2 of the Core Strategy Local Plan Part 1 and the advice set out in the Design principles SPD.



**Application Ref:** 16/0439/HHO

**Proposal:** Full: Erection of dormers to front and rear.

**At:** 50 Swaine Street, Nelson, Lancashire

**On behalf of:** Mr S Aftab

## REPORT TO NELSON COMMITTEE ON 05 SEP 2016

**Application Ref:** 16/0440/HHO

**Proposal:** Full: Erection of dormers to front and rear.

**At:** 3 School Street, Nelson, Lancashire

**On behalf of:** Mr A Anwar

**Date Registered:** 28 June 2016

**Expiry Date:** 23 Aug 2016

**Case Officer:** Mubeen Patel

### **Site Description and Proposal**

This application was deferred at the last committee meeting, no further amendments for the application have been received and the recommendation remains for refusal.

The proposed development is for the construction of dormers to the front and rear roof slopes of No. 3 School Street, Nelson. The site is an end terraced property with its main gable elevation facing School Street. The property is located within a predominantly residential area of Nelson and the Whitefield Conservation Area.

The dormer on the front roof slope would be larger than the dormer to the rear given the wider frontage of the property. The front dormer would measure 4.5m in width, 2.1m in height with a flat roofed design, whilst the dormer to the rear would measure 3.3m in width, 2.1m in height and also with a flat roofed design. Materials proposed are natural slate for the front and cheeks with UPVC window frames.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

**Highways LCC** - The Highway Development Control Section is concerned about the cumulative effect of the increasing numbers of terraced homes being extended to increase bedroom space without providing any additional parking facilities. From observations on site, on-street parking in this area of Nelson and surrounding roads are at a premium and any increased demand for on-road parking is difficult to absorb without causing additional loss of amenity and conflict for existing residents.

### **Public Response**

A site notice was posted on the nearest lamp post and 11 neighbours were notified by letter, no comments have been received.

## **Relevant Planning Policy**

<b>Code</b>	<b>Policy</b>
ENV1	Protecting and Enhancing Our Natural and Historic Environments
ENV2	Achieving Quality in Design and Conservation
LP 31	Parking
SPDDP	Supplementary Planning Document: Design Principles

## **Officer Comments**

The main issues to consider in this application are design and impact on the Conservation Area.

### **Policy**

Policy ENV1 of the Core Strategy part 1 (Protecting and Enhancing Our Natural and Historic Environments) 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 of the Core Strategy part 1 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the highways section

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. It also notes that wide flat roofed dormers can detrimentally affect the character and appearance of an area by introducing a bulky shape which is at odds with an existing pitched roof, and can therefore disrupt the vertical emphasis of Victorian or Edwardian facades. 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.

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The NPPF (National Planning Policy Framework) states 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification'.

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

### **Design & Impact on the Conservation Area**

The property is located in the Whitefield Conservation Area. The Conservation Area is regarded as being of importance in terms of its heritage significance. The application site is a traditional stone built terraced property in a prominent corner location. The terrace has a distinctive decorative eaves detail and front gardens sloping down to the road with low stone walls.

The unbroken slope of the blue slate roof and stone chimneys are an essential part of the visual harmony of the terrace. The proposed dormer windows would almost extend across the full width of the property and disrupt this harmony to the front and rear. Their bulk, scale and large windows would be totally out of keeping with the terrace and would be seriously detrimental to the character and appearance of the street scene. Furthermore the UPVC window frames would not be in keeping with the existing wood framed windows and would undermine the character of the Conservation Area.

In this instance, the significance will be harmed through the alteration of the heritage asset where the building is currently occupied and the significance of the harm would be much greater weighted against the individuals benefit of creating further bedroom space with no public benefit.

Unlike some of the larger houses to Lomeshaye Road, dormers did not historically form part of the design of the terraces on Swaine Street, and there are no existing dormers on this terrace apart from the dormers to the front and rear of number 38 Swaine Street which have no planning history.

Part of the significance of the Conservation Area derives from the distinctive and consistent blue slate roofslopes 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 large and bulky dormers proposed to both front and rear elevations would be clearly at odds with, and detract from the design and clean lines of the terrace row.

The house is particularly prominent being located at the end of a terrace, with both front and rear roofslopes being clearly visible in views from both Swaine Street and School Street and from further away along the side streets. Therefore the proposed dormers would not preserve the character or appearance of the Conservation Area would result in less than substantial harm to the significance of the Conservation Area.

### **Amenity**

The proposed dormers raise no significant or adverse amenity issues. The site is located within a typical terrace layout, with many properties having facing primary windows. The introduction of this development would not have a detrimental impact on adjacent neighbours in terms of privacy.

### **Highways**

The proposal would result in an additional two bedrooms in the property which would lead to the potential for more people to live at the property and may result in additional pressure on on-street parking. However it is not considered that this would result in significant harm to the living conditions of nearby residents as a result of inconvenience in finding space in which to park, or severe implications for highway safety. There is access to busses and public transport given its location to the town centre which would reduce the need for future occupants to have a car, and notwithstanding the representation made by the Highway Authority, no representations relating to problems of on- street parking have been made by members of the public.

Moreover, saved Policy 31 of the RPLP refers to the parking standards as maximum. Therefore the proposed development would not significantly impact on the living conditions of nearby residents or on highway safety, and would not be contrary to saved Policy 31 of the RPLP.

### **Summary**

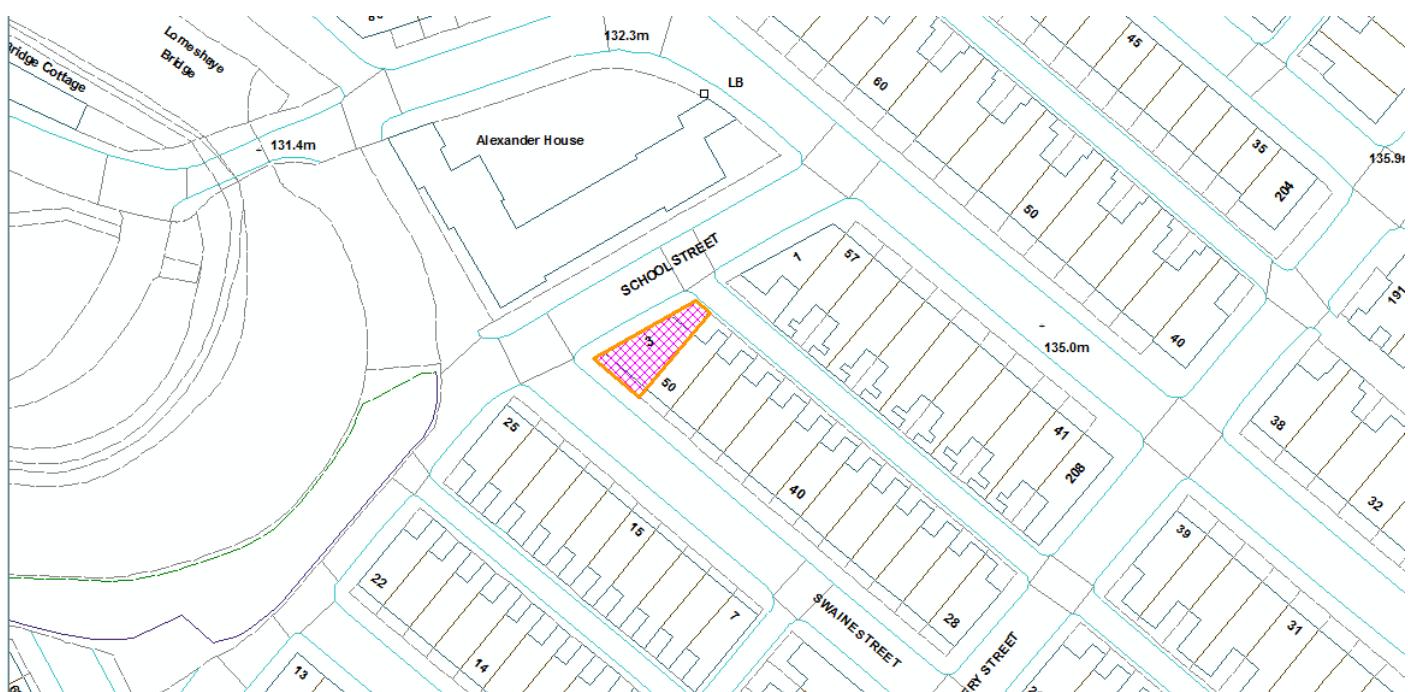
It is understood that the applicant wishes to increase the amount of living accommodation within the property. However, this would not result in a public benefit. Therefore, the proposal, in so far as it relates to the creation of dormers, would not be consistent with Paragraph 134 of the Framework and Policies ENV1 and ENV2 of the Core Strategy Part 1 which require development to conserve and enhance heritage assets such as the Whitefield Conservation Area, and to prevent harm to them, without clear and convincing justification.

The Council has a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act to ensure that new development within Conservation Areas either preserves or enhances its character and appearance. It cannot be said in this instance that the development will achieve either of these aims.

#### **RECOMMENDATION: Refuse**

For the following reasons:

The proposed development would, by virtue of their scale, design and materials have an adverse impact on the appearance of the host property and would be detrimental to the character of the Whitefield Conservation Area. The significance will be harmed through the alteration of the heritage asset where the harm would be much greater weighted against the individuals benefit of creating further bedroom space with no public benefit contrary to Paragraph 134 of the National Planning Policy Framework (NPPF), Policies ENV1 and ENV2 of the Core Strategy Local Plan Part 1 and the advice set out in the Design principles SPD.



**Application Ref:** 16/0440/HHO

**Proposal:** Full: Erection of dormers to front and rear.

**At:** 3 School Street, Nelson, Lancashire

**On behalf of:** Mr A Anwar

## **REPORT TO NELSON COMMITTEE ON 05 SEPTEMBER 2016**

**Application Ref:** 16/0464/OUT

**Proposal:** Outline: Residential development of up to 7 dwellinghouses (All Matters Reserved) (Reg.3)

**At:** LAND OFF COOPER STREET NELSON

**On behalf of:** Pendle Borough Council

**Date Registered:** 11 July 2016

**Expiry Date:** 19 September 2016

**Case Officer:** Mubeen Patel

### **Site Description and Proposal**

The application site is open space within the residential area of Nelson measuring approximately 64m x14m. The site backs on to a relatively new play area and sports facility with Walverden watercourse to the east, semi-detached properties to the north and residential terraces to the west. The site is within the settlement boundary of Nelson and designated as a development site proposed for housing in the Bradley Area Action Plan.

This is an outline application for access for up to 7 dwellings on the site with all matters reserved. The indicative plans submitted show 1 detached and 6 semi-detached dwellings with access to the drives off Cooper Street.

### **Relevant Planning History**

The site was previously occupied by terraced housing which has since been demolished under the Housing Market Renewal Scheme around 2009/2010.

### **Consultee Response**

LCC Highways - The Highway Development Control Section does not have any objections in principle regarding the proposed residential development of up to 7 dwelling houses (All Matters Reserved) at the above location, providing the following recommendations can be addressed.

Based on the car parking recommendations in the 'Joint Lancashire Structure Plan' and the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards' we are of the opinion that the current proposals do not provide any facilities for cycle storage. Two secure cycle spaces for each two to three bedroom property should be provided, to support social inclusion and promote sustainable forms of transport.

The private drives for each dwelling should be of minimum dimensions 12 x 2.4m, to permit two vehicles to park wholly within the property's curtilage.

Any works to create vehicle crossings, move the existing street lighting columns etc should be the subject of a legal agreement (Section 278) with Lancashire County Council as the Highways Authority.

### **Public Response**

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

## **Officer Comments**

### **Policy**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

#### 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 paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

#### Core Strategy: Local Plan

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

Policy SDP2 prioritises new development within settlement boundaries.

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

#### Bradley Area Action Plan

One of the key objectives of the Bradley AAP is to transform the local housing market. To do this it identifies several key sites for new housing. Together these will accommodate a range of property types that help to extend and diversify both the choice and quality of housing in the area.

The land at Cooper Street is a key site identified for new housing, the AAP states 'New housing in this location, orientated towards the new park alongside Walverden Water will help to create an attractive edge to this new area of public open space. New housing overlooking the park will help to make it a more secure 'defensible space' reducing crime through better urban design'.

### **Principle of the development**

The site falls within the settlement boundary of Nelson and has no other land use designations. It is within walking distance of public transport and access to essential services and therefore is in a sustainable location.

The Framework encourages the development of previously developed land. The proposed site in the past did have a terraced block built on the land which has now been demolished and grassed over.

Given the details, the principle of residential development of the site is acceptable in accordance with the National Planning Policy Framework and the Core Strategy.

## **Design and Visual Amenity**

This application is for all matters reserved, details of design would be assessed at the reserved matters stage should consent be granted in outline. The site is within an existing residential area and, subject to acceptable design and materials, it is clear that dwellings could be accommodated on the site without harm to the visual amenity of the area.

## **Residential Amenity**

Indicative layout plans submitted demonstrate seven dwellings could be accommodated on the site without unacceptable harm to the amenity of adjacent properties. The layout would be fully assessed at the reserved matters stage should consent be granted in outline.

## **Highways**

Full details of layout and parking provision would be assessed with layout at the reserved matters stage should consent be granted in outline. However, the indicative plans demonstrate that the site can be suitably and safely accessed and that an acceptable level of parking could be accommodated within the site.

## **Ecology**

The site has no features which may provide habitat for protected species

## **Other issues**

The agent has been contacted in relation to any potential noise nuisance from the adjacent play area against any future residential development at the site. This information is still outstanding and the Committee will be informed of any response received.

## **Summary**

Subject to a positive response being received in relation to noise nuisance the principle of the proposed development would be acceptable and therefore the application for outline permission is recommended for approval.

## **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 principle of the development is acceptable in accordance with the Core Strategy: Local Plan. 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. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

**Reason:** This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the access, appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

**Reason:** In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: E/NE/CO.

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

4. Foul and surface water shall be drained on separate systems. The development shall not commence unless and until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall thereafter only be completed, maintained and managed in accordance with the approved details.

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



**Application Ref:** 16/0464/OUT

**Proposal:** Outline: Residential development of up to 7 dwellinghouses (All Matters Reserved) (Reg.3)

**At:** LAND OFF COOPER STREET NELSON

**On behalf of:** Pendle Borough Council

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 2nd August 2016**