

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 5th December 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE ON 05 DECEMBER 2016

Application Ref:	16/0556/HHO
Proposal:	Full: Erection of dormers to front and rear.
At:	36 Farrer Street, Nelson
On behalf of:	Mr M Khan
Date Registered:	19/08/2016
Expiry Date:	14/10/2016
Case Officer:	Neil Watson

Site Description and Proposal

This application was deferred at the previous meeting. Amended plans have now been received and are being assessed at the time of writing. An update will be provided prior to the Committee meeting.

The property is an end of terrace which faces onto the rear elevations of a row of terraced properties on Every Street. The site lies in the conservation area and the front faces onto a mill which is still used for textile production.

The house has a rear two storey outrigger to the rear made of stone. It has stone chimneys along the ridge. There are no dormers present on the front or rear of the row of properties on which its sits.

Relevant Planning History

No relevant planning history.

Consultee Response

Conservation officer; These houses are relatively simple in design and dormers did not historically form part of the design of this terrace. The stylistic difference in terraces contributes greatly to the significance of the conservation area, as do the distinctive and consistent blue slate roofslopes of the terraces characterised by the repetitive chimney stacks which contribute to the local townscape character.

The large and bulky dormers proposed to both front and rear elevations would clearly be at odds with, and detract from the design and clean lines of the terrace row. The proposal would fail to preserve or enhance the character or appearance of the conservation area, as required by S72 of the 1990 Act. Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by NPPF 134. The proposal would also be in conflict with guidance in the CA SPD (paras 4.19-4.20).

LCC Highways: Concerns about the cumulative effect of the increasing numbers of terraced housing is having on parking spaces. Object to the application.

Public Response

No public 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

Primary weight in decision making needs to be given to an up to date development plan. The Core Strategy is up to date and as such the Planning Acts require decisions to be taken in accordance with it unless material considerations indicate otherwise.

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.

The Replacement Pendle Local Plan also has policies relevant to the application:

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

Guidance on how to interpret policy is given in Supplementary Planning Documents:

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.

Material Considerations

As detailed above planning decisions are required, under the planning acts, to be made in accordance with the development plans unless material considerations indicate otherwise.

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'.

Paragraph 134 of the NPPF 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 rear extension proposed is small and would have no detrimental impact on neighbours or the conservation area.

The property is located in the Whitefield Conservation Area which is a designated heritage asset. The site is a traditional stone built terraced property which is traditional and simple in design. It sits on the end of a terrace that has no other dormers on it and has a simple uniform roofs cape which adds to the simple townscape that the conservation area exhibits. Two rectangular shaped dormers are proposed on the front elevation and a larger single dormer to the rear.

The proposals seek to erect large square dormers which sit at the height of the roof. No attempt has been made to produce a design which would fit in with the traditional form of development surrounding. The designs would in themselves not be acceptable as they do not match in bulk, form or design any of the features on the existing building or surrounding street scenes. The applications should be refused based partly on the poor design of dormer proposed which would be contrary to policy ENV1 of the adopted Core Strategy and paragraph 64 of the National Planning Policy Framework.

A significant reason why the conservation area was designated was because of its townscape value. The simple nature of the designs of the housing and their uniformity are key features. The terrace on which the property sits is an example of that simplicity. There are no dormers on the row and dormers are not a feature in the immediate vicinity.

Introducing bulky, poorly designed and incongruous dormers will harm the character and appearance of the conservation area. The harm to the heritage asset will be less than significant but nevertheless the development would be harmful to the heritage asset. The requirement under the Listed Buildings Act 1990 is that conservation areas should be preserved and enhanced. This application would lead to harm to the conservation area.

Paragraph 134 of the Framework states that where there is harm of less than significance to a heritage asset that harm should be weighed against the public benefits. We have had a recent appeal which clarifies whether the benefits to individual applicants are public benefits. The Inspector confirmed that the benefits to an applicant are not public benefits. In the absence of public benefits to weigh against the harm to the heritage asset the planning balance is that the application should be refused as there would be harm to their heritage asset.

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

The development is poorly designed and the design would be adverse to the appearance of the area. The dormers would lead to harm to the conservation area whilst, being less than substantial harm, this would harm the character and appearance. There are no public benefits to the proposal and the development would not comply with Paragraph 134 of the Framework and Policies ENV1 and ENV2 of the Core Strategy Part 1.

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 character and appearance of the conservation area which is a designated heritage asset. This would result in less than significant harm to the designated heritage asset but this would not be offset by any public benefits. The development would thus be contrary to Paragraph 134 of the National Planning Policy Framework (NPPF), and Policies ENV1 and ENV2 of the Core Strategy Local Plan Part 1.
- 2 The design of the proposed dormers is poor and would be out of keeping with the design and character of the house and area. The development would thus be contrary to paragraph 64 of the National Planning Policy Framework and Policy ENV 1 of the adopted Pendle Core Strategy.



Application Ref:	16/0556/HHO
Proposal:	Full: Erection of dormers to front and rear.
At:	36 Farrer Street, Nelson
On behalf of:	Mr M Khan

Application Ref:	16/0598/HHO
Proposal:	Full: Erection of dormer windows to front and rear roof slopes and block up 3 windows in side elevation.
At:	168A Brunswick Street, Nelson
On behalf of:	Mr M I Ali
Date Registered:	13 September 2016
Expiry Date:	8 November 2016
Case Officer:	Lee Greenwood

Site Description and Proposal

This application is brought to Committee at the request of Councillors.

The proposal seeks to erect dormer windows to the front and rear roof slopes of 168A Brunswick St, Nelson. It is an end of terrace dwelling within the settlement boundary of the town and of no special designation in the Replacement Pendle Local Plan.

Relevant Planning History

N/A

Consultee Response

LCC Highways; no objections.

Nelson Town Council; no comments received.

Public Response

Five neighbours notified; no comments received.

Officer Comments

The main issues in this application are design, amenity and compliance with Policy.

Policy

Policy ENV2 of the Local Plan Part 1seeks to ensure the highest standards of design in new development.

The adopted Supplementary Planning Document: Design Principles also encourages high standard of design for developments such as dormer windows. Front dormer windows are not considered appropriate unless they are a characteristic of the area or relate to the design of a building. If they are accepted at the front of a terraced house the design should be of a high quality and visually appropriate.

Design

Rear dormer windows can fall within permitted rights and accounting for the presence of others in this particular row, no concerns are raised with regard to this aspect of the scheme. There are however implications with regard to the proposed front dormer.

The surrounding area is predominantly characterised by tradition terraced housing located on to or immediately adjacent to the public footway. The application site and the properties within this row (138-168A inclusive) whilst being terraced, are a notable exception to this style, being set back from Brunswick Street within relatively long front gardens. They have an attractive uniformity with bay windows, decorative timber fascias, porch detailing and a slate canopy running between ground and first floors.

No other dormers are visible to the front of this terraced block and it is clear that they are not a traditional or intrinsic feature of the wider area. The untouched slope of the slate roof and stone chimneys are an essential part of the visual harmony of the terrace. This appearance is of importance accounting for the individuality of the row within the wider street scene.

The proposed dormer window would be of a 'box' style, covering the majority of the roof slope, appearing as a dominant feature. Materials proposed include hung slate to the cheeks and upvc cladding to the face. Its bulk and scale would be out of keeping and seen as an incongruous addition within the terrace, being immediately visible as an end property. It would have a significantly detrimental impact on the character and appearance of the street scene, contrary to Policy ENV2 and would fundamentally conflict with guidance contained within the SPD.

The applicant has been informed that the development does not comply with the aforementioned policy and guidance. He has advised that the property has been vacant for a significant period and fallen in to disrepair, with neighbours supportive of his plans to renovate. Whilst these points are noted and the Council would encourage the re-use of empty dwellings, this would not outweigh the design concerns detailed above.

The scheme also seeks to block up a series of small windows to the gable elevation which would not normally require permission and raises no adverse issues.

Amenity

Whilst new windows would be introduced to the upper floors with the addition of the dormers, existing separation distances to nearby neighbours would be maintained. In a street layout such as this, no part of the development raises any adverse privacy or amenity issues.

Highways

The proposed development raises no adverse highway safety issues.

Summary

Whilst the rear dormer would not have an adverse impact on the street scene, the proposed front dormer window would be introduced to an area and a row where such developments are not a traditional or common design feature. The front dormer 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 Local Plan Part 1 and SPD: Design Principles.

RECOMMENDATION: Refuse

For the following reasons:

1. The dormer window to the front elevation would appear incongruous in the street scene, introducing a visually inappropriate addition which is not a feature of the area, and it would adversely affect the character and appearance of the row. The development thereby fails to accord with Policy ENV2 of the Local Plan Part 1 and the Design Principles Supplementary Planning Document.



Application Ref:16/0598/HHOProposal:Full: Erection of dormer windows to front and rear roof slopes and block up 3
windows in side elevation.At:168A Brunswick Street, Nelson

On behalf of: Mr M I Ali

Application Ref:	16/0601/REM
Proposal:	Reserved Matters: Major: Erection of commercial units (B1(c), B2 and B8 use) with access of Westfield (Access, appearance, landscaping, layout and scale).
At:	Site Of Former Reedyford Mill, Westfield, Nelson
On behalf of:	Pendle Projects Ltd
Date Registered:	20/10/2016
Expiry Date:	19/01/2016
Case Officer:	Alex Cameron

Site Description and Proposal

The application site is part of the former site of Reedyford Mill, now demolished. The Leeds to Liverpool Canal runs to the east, to the north is a petrol filling station, to the south is an area of the site with outline permission for housing and to the west is the rear of Burns Street. The site is on the boundary between the commercial/industrial area on the edge of Nelson town centre to the east and the residential streets to the west.

This application is for the reserved matters (access, appearance, landscaping, layout and scale) of the industrial element of a hybrid application for a petrol filling station (full), industrial units and housing granted (outline) granted permission in 2015 (ref: 13/15/0068P).

The proposed development would comprise a single building with a footprint of 72.6m x 30.3m an eaves height of 7.1m and a ridge height of 9.1m containing three industrial units. The roof and upper walls of the building would be finished in grey profiled metal panels with a stone base and steel roller-shutter doors.

Relevant Planning History

13/15/0068P - Outline: Major: (Access only): Erection of 65 dwellings with access from Pendle Street, Erection of 2040 Sq.m of commercial floor space (B1(c), B2 and B8 use) with access off Westfield, Full: Erection of petrol filling station (Sui Generis) 472 Sq.m. Approved, 23/06/2015.

Consultee Response

LCC Highways – objections regarding the proposed reserved matters application, the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

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 the Highway Development Control Section is of the opinion that the applicant has provided adequate off road parking provision for this type and size of development.

Lancashire Fire & Rescue Service – Provided advice relating to building regulations requirements.

Canal & River Trust - The Trust is content with the proposal. Please attach a note relating to works adjacent to the canal.

Environment Agency – No further comments.

Lancashire Constabulary Architectural Liaison - a security condition is attached to the decision, covering the following points;

Physical Security

1. All external glazed panels in windows and doors should be 6.8mm laminated glazing. Reason: to reduce burglary and criminal damage.

2. Wiring should be in place within the units to allow the individual business to install an intruder alarm. Reason: to reduce burglary.

3. External security lighting should be installed on the North and South elevations which would be most vulnerable to intruders. Reason: to reduce burglary.

4. External shutters should be certified to a minimum security standard of LPS 1175 SR2. Reason: to reduce burglary.

5. Visibility around the site is essential to make the area less comfortable for an intruder.

Restricting views by introducing hedges, for example between the petrol filling station and the commercial units, would increase the vulnerability of the units as the rear elevation would be concealed from view of outside areas. The lack of boundary treatments to this area further increases the vulnerability. Natural surveillance should be increased as far as possible by opening up views between this site and outside areas. Reason: to reduce burglary, damage and anti-social behaviour.

Natural England - No comments

Nelson Town Council

Public Response

Press and site notices have been posted and nearest neighbours notified – No response.

Officer Comments

This is a reserved matters application, the principle of the development on this site and the acceptability of the access have be established by the outline permission.

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 of the Local Plan 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 of the Pendle Local Plan Part 1 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 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

Visual Amenity

The proposed industrial building is acceptable in this setting on a previously industrial site with similar industrial buildings to the south east across the canal. The proposed development is acceptable in terms of visual amenity in accordance with policy ENV2.

Residential Amenity

The proposed industrial units are on a site with an established industrial use, the distance of the siting from adjacent houses and the design with no openings facing the existing housing to the north would acceptably limit the risk of noise impacts. The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

The principle of the main access to the site and overall transport implications of the development has already been approved by the outline permission.

The proposed layout includes adequate car parking and manoeuvring / servicing areas and therefore the proposed development is acceptable in terms of highway safety in accordance with Policy 31.

Landscaping

The landscaping is acceptable in principle, however, more details is required of the planting specification. This is already required by the conditions of outline permission and so no additional conditions are required.

Summary

The appearance, landscaping, layout and scale of the proposed industrial development are acceptable and it is therefore recommended that the application be approved.

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 compliant with policy and the access, appearance, landscaping, layout and scale of the development are acceptable. 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. This notice constitutes an approval of matters reserved under Condition 3 of Planning Permission No.13/15/0068P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 13/15/0068P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 174/03, 174/04, 174/05, 16057-C-52.

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

3. Within two weeks of the commencement of development samples of the external materials to be used in the construction of the roof and walls and samples of the colour and finish of windows and doors of the development hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved materials.

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

4. The use of the industrial units hereby approved shall not commence unless and until the parking spaces, access and manoeuvring areas shown on the approved plans have been laid out, hard surfaced, drained and made available for use. The parking spaces, access and manoeuvring areas shall thereafter at all times be maintained free from obstruction and available for access, parking and manoeuvring purposes.

Reason: To ensure the provision of adequate parking and turning facilities in the interest of highway safety.

5. Within two weeks of the commencement of the development a scheme for crime prevention measures shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of the following:

a) A minimum of 6.8mm laminated glazing to all external glazed panels in windows and doors should be.

b) Wiring to be installed within the units to allow the individual business to install an intruder alarm.

c) External security lighting to be installed on the North and South elevations.

d) External shutters, to be certified to a minimum security standard of LPS 1175 SR2.

The approved scheme shall be fully implemented prior to the commencement of the use of the industrial units hereby approved and maintained at all times thereafter.

Reason: to reduce the risk of burglary, criminal damage and anti-social behaviour.

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Application Ref:	16/0601/REM	
Proposal:	Reserved Matters: Major: Erection of commercial units (B1(c), B2 and B8 use) with access of Westfield (Access, appearance, landscaping, layout and scale).	d

At: Site Of Former Reedyford Mill, Westfield, Nelson

On behalf of: Pendle Projects Ltd

Application Ref:	16/0659/FUL
Proposal:	Full: Extension of existing playing area with associated equipment and boundary fencing (Reg 3).
At:	Land at Hodge House Community Centre, Regent St, Nelson
On behalf of:	Pendle Borough Council
Date Registered:	12 October 2016
Expiry Date:	7 December 2016
Case Officer:	Lee Greenwood

Site Description and Proposal

This application is brought to Committee as a Council submission.

The proposal seeks to extend an existing play area on land adjacent to the Hodge House Community Centre. The wider site is denoted as open space in both the Local Plan and the Open Space Audit (OSA), designated for 'Outdoor Sports' serving the Bradley Ward.

Relevant Planning History

N/A

Consultee Response

LCC Highways; no objections – recommend conditions relating to timing of deliveries of materials to avoid peak traffic flow in the surrounding highway network.

Lancs Constabulary; no comments received at time of writing, any response will be reported by way of an update.

Nelson Town Council; no comments received at time of writing, any response will be reported by way of an update.

Public Response

Twenty one neighbours notified, site and press notices also displayed; no comments received at time of writing, any comments will be reported by way of an update.

Officer Comments

The main issues to consider in this application are use, design, amenity, highway safety and compliance with Policy.

Policy

Policy ENV1 of the Local Plan Part 1 is relevant to the proposal, as is saved Policy 33 of the Replacement Pendle Local Plan and paragraph74 of the National Planning Policy Framework. ENV1 advises that existing open space (as identified in the OSA) will be protected from development and that the Council will support improvements to these spaces. Paragraph 74 of the Framework advises that such land should not be built on unless;

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss

Policy SUP2 and saved Policy 32 supports the provision of new facilities for recreation, health and leisure. This includes the provision and enhancement of open space within settlements or areas of identified need.

Policy ENV2 seeks to ensure high standards of design in new development.

Use and Principle of Development

The proposed development is a result of joint working between the Council and Bradley Big Local. The intention is to extend the existing play facility to provide equipment (including an outdoor gym) for use by all members of the community.

The proposed extension of the play area occupies a modest amount of the wider playing fields and would not adversely impact on the use of adjacent sports pitches. It provides alternative and improved provision within the open space, which is accessible for local residents, those further afield and people who use other facilities within the site.

The principle of development therefore accords with the aforementioned policies.

Design and Amenity

The extended play area measures circa 28m by 13m, projecting in to the south east corner of the field. It would be enclosed by 1.2m high fencing to match the existing boundary treatment and contain a selection of equipment with appropriate soft/hard surfacing.

The field itself is relatively enclosed, being surrounded by dwellings on all sides. As such wider vantage points are limited. Seen in context, the proposed development would not be overly large or incongruous in this setting.

The new area would be a sufficient distance from the nearest neighbours to avoid any direct privacy loss or impact from its use.

Highways

The site is served by an existing pedestrian and vehicular access from Regent Street, which is adequate to accommodate the proposed development.

LCC Highways have assessed the proposal and raise no objections, which should have a negligible impact on highway safety and capacity.

Summary

The proposed development is acceptable and compliant with the Local Plan.

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 complies with Policies ENV1, ENV2 and SUP2 of the Local Plan Part 1, being appropriate in terms of scale, design and amenity. 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 development must be begun not later than the expiration of three years beginning with the date of this permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: E0485 D1, D2

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

3. There shall be not external lighting of the development hereby approved, unless in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the amenities of nearby residents.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).



Application Ref:	16/0659/FUL
Proposal:	Full: Extension of existing playing area with associated equipment and boundary fencing (Reg 3).
At:	Land at Hodge House Community Centre, Regent St, Nelson
On behalf of:	Pendle Borough Council

LIST OF BACKGROUND PAPERS

Planning Applications

NW/SM Date: 25 November 2016