

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 9th May 2016

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

COMMITTEE REPORT TO NELSON COMMITTEE 9TH MAY 2016

Application Ref: 13/11/0309C1
Proposal: Full: Erection of two storey extension (386 sq.m.) to side.
At: GHOSIA JAMIAH MOSQUE CLAYTON STREET NELSON BB9 7PR
On behalf of: Ghausia Jamia Mosque
Date Registered: 14 March 2016
Expiry Date: 06 May 2016
Case Officer: Kathryn Hughes

Site Description and Proposal

This proposal relates to the variation of condition 2 of planning permission 13/11/0309P in relation to changes in the approved plans for extensions and alterations to the Ghosia Jamiah Mosque on the corner of Pendle Street and Every Street, Nelson. The site is bound to the northwest, southwest and southeast by highway and to the northeast by residential properties set at a lower level than the application site. The character of the area is generally mixed, with retail and residential and industrial uses in the wider area.

The proposal seeks to vary condition 2 of planning permission 13/11/0309P in terms of the approved plans.

The proposed plans seek to make the following amendments:

- Internal alterations to the position and size of the kitchen, toilets and ablutions areas which have led to external changes to window/door sizes and positions;
- Changes in positions of internal fire escape staircases and external doors;
- Increase floor area for prayer hall;
- Changes to rear elevation and side elevations in terms of fenestration and positioning of external walls;
- Changes in window and door designs and number of units in south west and north east elevations;
- Retention of the domed roof;
- Changes in roof styles from hipped to gable and
- Larger glazed units to rear (south east) elevation.

Some of these changes have already been implemented.

Relevant Planning History

13/92/0181P – Erect railings at perimeter - Approved May, 1992.

13/97/0471P – Front extension to form vestibule - Approved September, 1997.

13/99/0349P – Extension to front to form canopied entrance, kitchen, wash area and WC's - Approved October, 1999.

13/11/0309P – Full: Major: Two storey side extension to NE, SW & NW elevations, replacement roof, single storey extension to rear and replacement door on SW elevation – Approved 9th September, 2011.

13/16/0098P – Full: Erection of two storey extension (386 sq.m.) to side – Pending.

Consultee Response

LCC Highways - No objections.

Architectural Liaison Unit

Canal & River Trust – No Comments.

Nelson Town Council

Public Response

Nearest neighbours notified by letter and site and press notices posted. No response to date. Publicity expires on the 21st May any comments received will be reported to the meeting.

Officer Comments

The main issues to consider in assessing this development are the changes in design and Policy compliance.

Policy compliance

Policy 25 requires that new D1 developments are located within town centres within the first instance. The site is on the edge of the defined town centre and the existing use as a Mosque is established on the site. It is proposed to extend the existing use and therefore is compliant with this policy.

Design

ENV1 and ENV2 seeks good quality design in new development with siting and design in scale and harmony with its surroundings.

The design of the building is appropriate for its proposed use and it would not result in any potential overlooking or be out of keeping with the context of the area due to other similarly large buildings within the vicinity.

Amenity

These plans are acceptable in terms of amenity and design and introduce relatively minor design changes.

Highways

LCC Highways have raised no objection to the proposed development.

Summary

The use of this site as a mosque is established and these amendments to the design would not result in any undue impact on amenity and subject to appropriate conditions would accord with policy.

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 design and accords with policy. 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: Delegate Grant Consent

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.

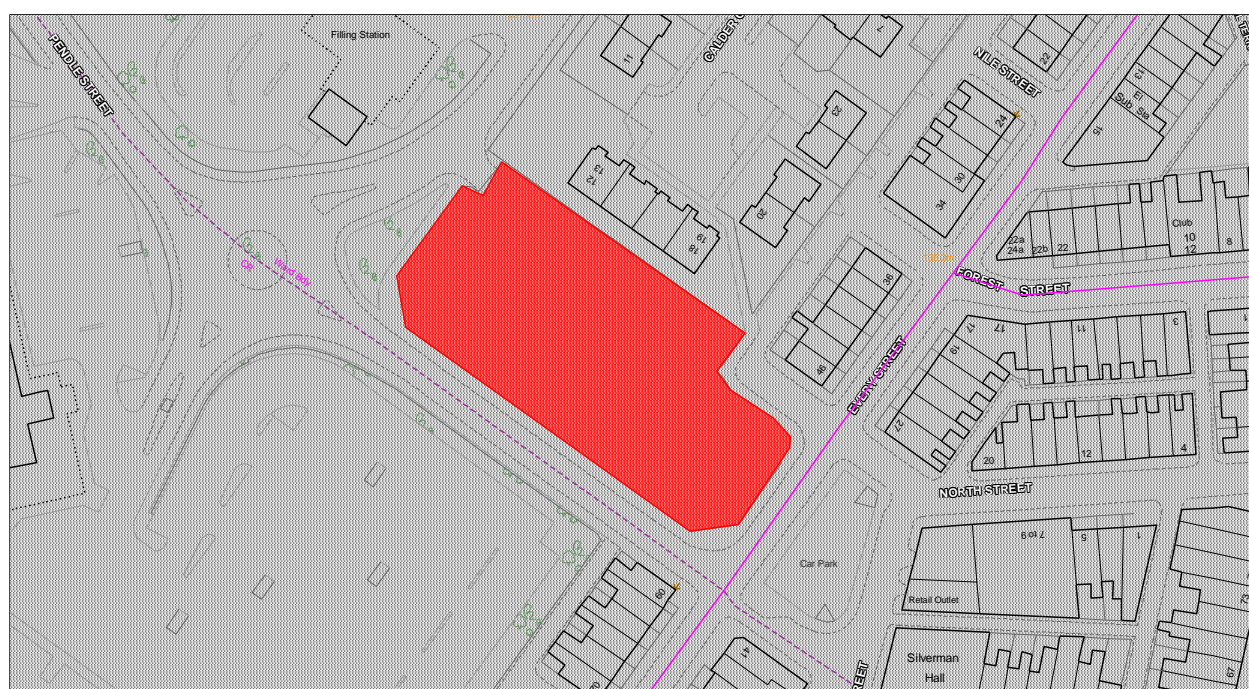
Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2201-P25, 2001 – P24, 1001 – P21, 2001 – P22 & 2001 – P23.

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

3. Within three months of the date of decision a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and information will be made available within 3 months of the use commencing and audited and up-dated at intervals not greater than eighteen months to ensure that the approved Plan is carried out.

Reason: To reduce dependence on car-borne travel.



Application Ref: 13/11/0309C1

Proposal: Full: Erection of two storey extension (386 sq.m.) to side.

At: GHOSIA JAMIAH MOSQUE CLAYTON STREET NELSON BB9 7PR

On behalf of: Ghausia Jamia Mosque

REPORT TO NELSON COMMITTEE ON 09 MAY 2016

Application Ref: 13/16/0050P

Ref: 19280

Proposal: Full: Two storey extension to side and alterations to existing single storey extension to rear.

At: 13 QUEENSGATE NELSON BB9 0AT

On behalf of: Ms S Mehmood

Date Registered: 5 February 2016

Expiry Date: 1 April 2016

Case Officer: Mubeen Patel

Site Description and Proposal

This application has been brought to the committee meeting at the request of a Councillor.

The application site relates to a rendered two storey semi-detached dwelling positioned in the residential area of Nelson. Parking is provided on the drive to the front and side which leads to the detached garage to the side/ rear, private amenity space is provided to the rear. The property has a flat roofed single storey extension to the rear. Bungalow properties are positioned to the west with similar semi-detached properties to the north and east.

The proposal is for the demolition of the existing garage to the side/ rear and the erection of a two storey extension to the side and alterations to the existing extension to the rear. The two storey extension will have a width of 3m and a length of 6.7m and will connect onto the proposed flat roofed single storey extension. The single storey extension will have a projection of 2m where the flat roof will overhang by a further 1m.

The materials proposed for the two storey extension will be render for the walls and concrete tiles for the roof whilst the single storey extension to the rear will have cladding for the walls and have a flat roofed finish.

Relevant Planning History

The site has no relevant planning history.

Consultee Response

Building Regulations - Required.

Public Response

Nine 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 to consider within this application are compliance with Policy, Design and Impact on Residential 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.

In relation to side extensions the Design Principles SPD requires that two storey side extensions should normally be set in from the side boundary by at least 1m and should be set back from the front wall of the house by a minimum of 1m with a corresponding lowering of the roof line. This should be increased to 2m where the ground floor is not set back. These requirements can be relaxed if the construction of the extension would not result in an actual or potential terracing effect.

Amenity

The Design Principles SPD states that a single storey rear extension located on or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling.

The proposed single storey extension in its entirety would project 3m from the rear elevation of the dwelling and therefore its amenity impact is acceptable in accordance with the advice set out in the Design Principles SPD and ENV1.

A window and door have been proposed in the eastern side elevation of the single storey extension. There is a 1.8m high solid fence on the boundary between the extension and number 11; therefore there will be no significant overlooking from these windows. The windows in the rear elevation of the extension will have an outlook onto the rear garden area.

A distance of 7 metres would remain between the proposed two storey extension to the side and the bungalow property at number 15. Given the positioning of the two storey extension and its distances to neighbouring properties it would not result in significant overshadowing of any neighbouring properties.

The windows positioned to the front and rear of the two storey extension would not overlook significantly more than existing windows to the front and rear. The plans show the two windows in the side elevation will be obscurely glazed and therefore would not create any harmful overlooking. Therefore given the positioning and size of the proposed extensions they would not create overlooking or overshadowing which would be significantly detrimental to the amenity of any neighbouring occupiers.

Design

The existing dwelling has a render finish with concrete tiles for the roof. The plans submitted indicate the two storey extension will use the same materials as existing and will have a pitched roofed design. Furthermore the two storey side extension has been set back and set down from the front of the dwelling and therefore would not create a terracing effect within the street in relation to the neighbouring properties.

The single storey extension to the rear will have some cladding and will be flat roofed. Although the flat roofed extension will not match the main dwelling, there is an existing flat roofed extension to the rear of the property, and furthermore, the single storey extension would not be seen from public vantage points and is therefore acceptable.

It is noted that many houses along Queensgate have been altered and extended and that these changes appear largely sympathetic to host properties. In particular, alterations to the front elevations facing the street largely respected the established frontage of the street and that this contributed to a sense of uniformity in keeping with the attractive character of the street.

The proposed Juliet balcony to the front of the two storey extension with its large expanse of opening and glass barrier at first floor level would be out of keeping with the surrounding area. The balcony would comprise an awkward and unusual feature, without contextual precedent. This feature would draw attention to the proposed development, rendering it unduly prominent in its surroundings. The balcony would be incongruous in appearance and would have a harmful impact and would not protect local character.

Taking the above into account, the proposal would harm the character and appearance of the area and would be of poor design. This would be contrary to Policy ENV2 of the Local Plan and the Design Principles SPD.

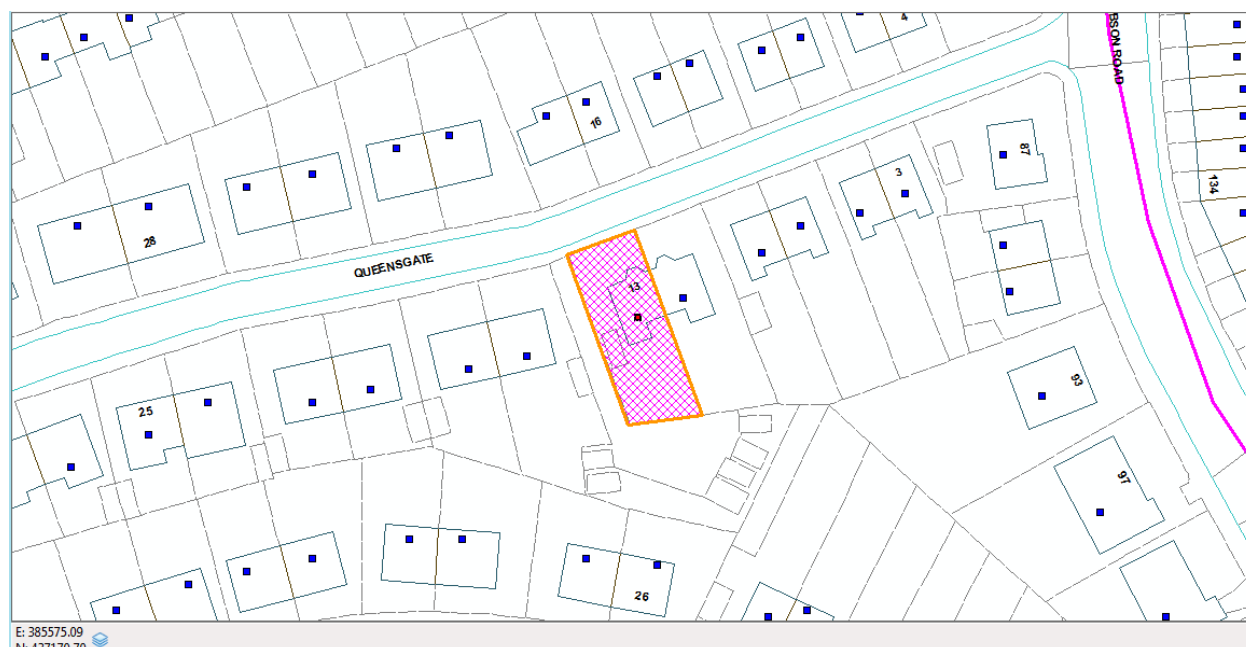
Highways

The proposed development would create one further bedroom which would result in the property having four bedrooms. Although the proposed extension would reduce the parking within the site, a car would still be able to park on the drive to the front and on street parking would be available where there are no restrictions; furthermore a garage site is also positioned to the rear of the site. Although the proposal does not meet the standard of 3 parking spaces for a property of this size, this is a maximum standard and therefore the proposal is acceptable in terms of highway impact.

RECOMMENDATION: Refuse

For the following reasons:

1. The balcony would comprise an awkward and unusual feature, without contextual precedent. This feature would draw attention to the proposed development, rendering it unduly prominent in its surroundings. The balcony would be incongruous in appearance and would have a harmful impact and would not protect local character contrary to Policy ENV2 of the Core Strategy Local Plan Part 1 and the Councils Design Principles SPD.



Application Ref: 13/16/0050P

Ref: 19280

Proposal: Full: Two storey extension to side and alterations to existing single storey extension to rear.

At: 13 QUEENSGATE NELSON BB9 0AT

On behalf of: Ms S Mehmood

REPORT TO NELSON COMMITTEE ON 09 MAY 2016

Application Ref: 13/16/0056P

Ref: 19285

Proposal: Full: Erection of three storey side extension and amend roof to insert dormer to rear elevation.

At: 384 RAILWAY STREET NELSON BB9 0JD

On behalf of: Mr A Ahmed

Date Registered: 11 February 2016

Expiry Date: 7 April 2016

Case Officer: Mubeen Patel

Site Description and Proposal

This application has been brought to the committee meeting at the request of a Councillor.

The application site is a semi-detached dwellinghouse located at the end of Railway Street, Nelson and within the settlement boundary of the town. The house sits on a higher ground level than the street and because of its split levels appears as a two storey from the front and a bungalow from the rear. The site affords a large side and rear garden which is fully screened with mature ferns.

The proposed development is for the erection of a three storey side extension (lower ground, ground and first floor). This proposal is similar to a previous application approved at the site in 2014 (13/14/0364P), however this proposal also includes the replacement of the roof from a hip to a gable end and insertion of a dormer to the rear elevation in order to provide a bedroom.

The proposed extension would project 6m to the side of the dwelling, would be 13m deep. The external materials would match the house and consist of blockwork and render walls, slate roof and upvc windows and door.

Relevant Planning History

13/11/0268P - Full: Erection of a three storey side extension & rear dormer window - Approved 21/07/2011.

13/14/0364P - Full: Erection of three storey side extension and enlarged rear dormer window - Approved - 22/09/2014.

Consultee Response

LCC Highways - I've noted that this site is accessed off a privately maintained road. The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway safety grounds, subject to the proposed on-site car parking of four spaces being provided in line with the plan submitted (Drawing No 0299/003/A1/Rev-).

Public Response

15 neighbours were notified by letter and a site notice was posted on the nearest lamppost, two objections have been received which state the following;

- o My house would be totally overlooked by this huge structure
- o This structure would dominate the whole area
- o It would be very out of character with the rest of the street
- o Our privacy would be affected

Relevant Planning Policy

Code	Policy
ENV 2	Achieving Quality in Design and Conservation
LP 31	Parking
SPDDP	Supplementary Planning Document: Design Principles

Officer Comments

The main issues for consideration are Policy, Design and impact on 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.

In relation to side extensions the Design Principles SPD requires that two storey side extensions should normally be set in from the side boundary by at least 1m and should be set back from the front wall of the house by a minimum of 1m with a corresponding lowering of the roof line. This should be increased to 2m where the ground floor is not set back. These requirements can be relaxed if the construction of the extension would not result in an actual or potential terracing effect.

Design

Whilst the extension doubles the frontage of the house, in this location being the end house would not appear incongruous in the street scene. Relaxation of not setting the side extension back from the frontage and ridge level would be acceptable in this location, as there would be no adverse harm to the street scene, due to the house being set back from the road and on higher ground level or likelihood of the terracing effect being an issue.

The property has an existing flat roofed dormer extension to the rear, the proposed dormer would be similar in design and would not appear out of character to the rear of the property. All external materials would match the house which is acceptable. The site has a large garden around the side of the house which lends itself to an extension of this size.

The proposal would extend the house to the side with the same eaves and ridge line however replacing the existing hipped finish with a gable finish. The gable design would appear incongruous and detract from the uniformity of front elevations of the neighbouring dwellings. Furthermore, the gable will un-balance the pair of dwelling by reason of its outward size and design would create a discordant and unduly assertive feature, poorly related and out of character with the existing dwelling. This would result in a development incongruous appearance to the detriment of the visual amenities of the occupiers of the neighbouring dwellings and harmful to the

character of the area. The development would therefore, be contrary to the aims of ENV2 and the Councils Design Principles SPD.

Amenity

Due to the siting of the extension to the side of the house, where there is a large garden and no houses that are directly affected there are no amenity issues as a result. Objections have been received in relation to overlooking. Although the dwelling is on a higher ground level to the properties on Beresford Street the distance to these properties would be approximately 40m, the proposal would not therefore create overlooking which would be significantly more than existing.

Highways

The proposed extension would retain sufficient parking within the site for at least three cars. Therefore there would be no issues created by the proposal in terms of highways safety.

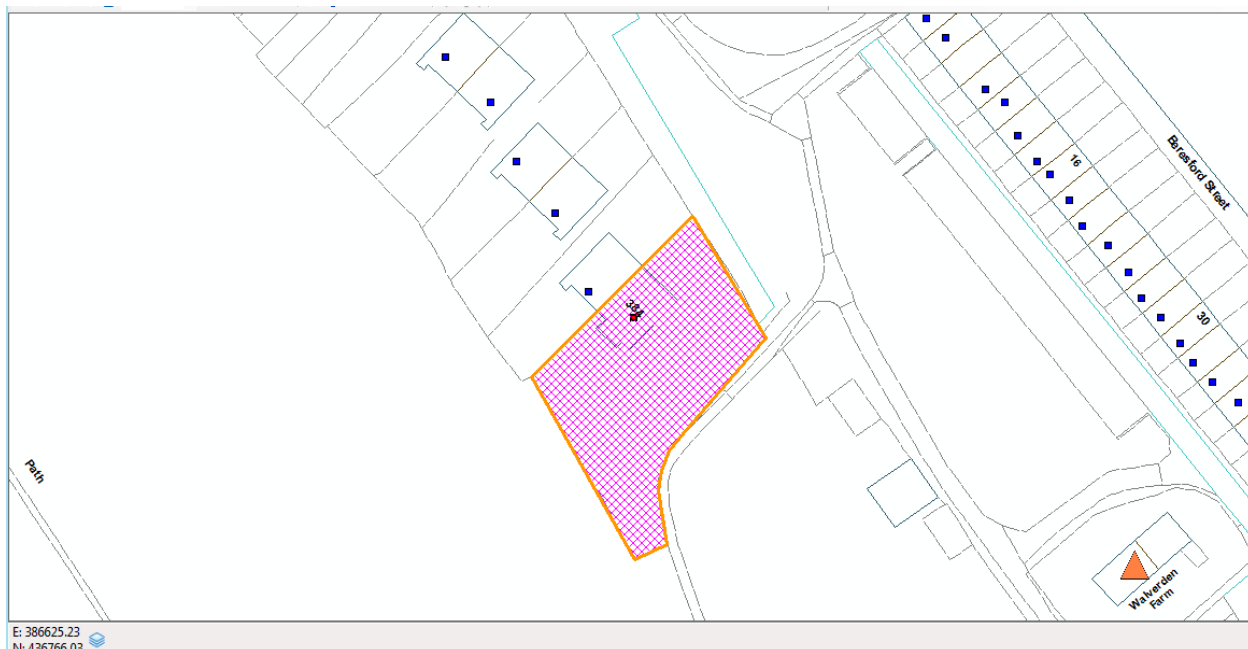
Conclusion

The proposed remodelling of the roof from hip to gable will un-balance the pair of dwellings and would create a discordant and unduly assertive feature, poorly related and out of character with the existing dwelling, resulting in a development of overpowering incongruous appearance to the detriment of the visual amenities of the occupiers of the neighbouring dwellings and harmful to the character of the area. The development would therefore, be contrary to the aims of ENV2 of the Local Plan: Core Strategy Part 1 and the guidance contained within the Councils Design principles SPD.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed remodelling of the roof from hip to gable will un-balance the pair of dwellings and would create a discordant and unduly assertive feature, poorly related and out of character with the existing dwelling, resulting in a development of overpowering incongruous appearance to the detriment of the visual amenities of the occupiers of the neighbouring dwellings and harmful to the character of the area. The development would therefore, be contrary to the aims of ENV2 of the Local Plan: Core Strategy Part 1 and the guidance contained within the Councils Design Principles SPD.



Application Ref: 13/16/0056P

Ref: 19285

Proposal: Full: Erection of three storey side extension and amend roof to insert dormer to rear elevation.

At: 384 RAILWAY STREET NELSON BB9 0JD

On behalf of: Mr A Ahmed

REPORT TO NELSON COMMITTEE ON 09 MAY 2016

Application Ref: 13/16/0062P
Proposal: Full: Erection of warehouse.
At: Land Adj Lonsdale Works, Lonsdale Street, Nelson
On behalf of: Medina Poultry
Date Registered: 16 February 2016
Expiry Date: 12 April 2016
Case Officer: Alex Cameron

Site Description and Proposal

The application site is an area of derelict land located within a mixed residential and employment area of the town. The site has no specific designation. To the south of the property is a bowling club, to the east are residential properties which are set on land approximately 2m higher than the application site. All other sides are bound by industrial land uses.

The proposed development is a warehouse unit (Use Class B8). The proposed building would have a footprint of 24m x 11m, and an overall height of 8.5m. There would be two roller shutter loading bay doors to the front and parking for up to 6 cars on the front forecourt.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objections in principle to the proposed storage and distribution warehouse providing adequate facilities are provided for pedestrians and parking for goods vehicles can be achieved.

The Highway Development Control Section recommends the applicant provides a 2m wide footpath for the full frontage of the site to aid social inclusion and the promotion of sustainable forms of transport. The proposed unit will generate more traffic movements than the current derelict land with direct access off Lonsdale Street.

The footpath would also help to protect the sight lines from the direct access off-road parking spaces.

The Highway Development Control Section recommends the applicant provided parking details for 7.5 tonne goods vehicles who would be expected to wait off road to collect and deliver materials. The waiting goods vehicle to be completely free of the adopted highway.

Lancashire Constabulary - In order to further reduce the risk of offenders targeting the proposed warehouse and car parking should it be granted planning permission, I advise the following measures;

Compulsory Security Measures

- The pedestrian doors should be certified to one of the following standards;

- PAS 24:2012,
- LPS 1175 SR2
- STS 201 or STS 202 BR2
- The recommended security standard for the loading bay shutters are;
 - LPS 1175 SR1
 - STS 202 BR1

Additional Security Measures

- The building should have an intruder alarm fitted which is linked to an Alarm Receiving Centre for the appropriate police deployment on a confirmed activation. A mixture of contacts on the pedestrian and loading bays and motion sensors inside the building at both levels should provide coverage of all areas.
- Consideration should be given to CCTV. If used, the cameras must be located where they cannot be easily reached and disabled and must be compatible with the available lighting to record clear images that would be of use if a crime or incident was to occur. Images should be stored for a 30 day period and then destroyed if not required. Signs displaying the use of CCTV should be clearly displayed and can also act as a deterrent even if a CCTV system is not installed.
- Consideration should be given to external lighting to promote natural surveillance and deter crime.
- Access should be restricted to staff areas to reduce the risk of sneak-in burglary offences – BS 3621 locks should be fitted to the internal office door which should be robust in construction and fitting.

United Utilities – No objection subject to foul and surface water drainage and SUDS management conditions.

Nelson Town Council - No objection or observations.

Public Response

13 neighbours notified – One response received objecting to the proposed development on the following grounds:

The building would block views to the rear of my property.

The proposed development would result in an increase in deliveries and Lonsdale Street is not suitable to support any increase in traffic.

Officer Comments

Policy

Policy ENV2 of the emerging Core Strategy states that all new development will be required to meet high standards of design.

Design

Lonsdale Street is fronted by a number of industrial buildings and the design of the proposed building would be in keeping with this environment, appropriate materials could be ensured by condition.

Amenity

The rear wall of the proposed building would be 6.7m from the rear elevations of dwellings on Malvern Court, have habitable room windows in the rear elevations facing the site and 1m from the rear boundary of the gardens.

Although the proposed building would be built on land approximately 2m lower than Malvern Court, its height in relation to Malvern Court would be closer to a typical two storey building.

The proximity of a building of the height proposed to the gardens and habitable windows in the ground floor rear elevations of Malvern Court would result in an unacceptable overbearing impact to the detriment of the residential amenity of occupants of those dwellings.

The Design Principles SPD advises that a minimum distance of 12m should be maintained between a two storey elevation and any facing principle window to a habitable room in an adjacent dwelling. Although this guidance is in relation to domestic extensions it is clear from this guidance that such a relationship would result in an unacceptable amenity impact.

Although planning permission has been granted in the past for industrial units on this site, they were designed with a significantly lower elevation facing Malvern Court.

Concerns have been raised regarding hours of deliveries, this could be controlled by condition to ensure that the development would not result in unacceptable levels of noise at unsociable hours.

The proposed development is unacceptable in terms of residential amenity contrary to policy ENV2.

Highways

Subject to an off-site highway works condition requiring 2m a footway to be provided to the front of the site the proposed development is acceptable in terms of highway safety.

RECOMMENDATION: Refuse

For the following reason:

Due to its height and proximity to habitable room windows in the ground floor rear elevations and rear gardens of Malvern Court the proposed building would result in an unacceptable overbearing impact upon those dwellings to the detriment of the residential amenity of their occupants contrary to policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.



Application Ref: 13/16/0062P

Proposal: Full: Erection of warehouse.

At: Land Adj Lonsdale Works, Lonsdale Street, Nelson

On behalf of: Medina Poultry

REPORT TO NELSON COMMITTEE ON 09 MAY 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: 20 May 2016

Case Officer: Kathryn Hughes

This application was deferred from the last meeting to allow for a site visit to take place.

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 acceptable and no noise nuisance will be caused by the extension of operating hours for the activities specified in the report.

Public Response

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

- The applicant is a bed manufacturer and not an essential service;
- Residents have a right to expect peace and quiet in their homes especially weekends and Bank Holidays;
- The sick, elderly and families with small children will have to contend with disturbance caused by light pollution, noise and traffic movement beyond normal working hours; and
- Concerned about effect on families when parents are enticed to work longer hours or extra days which would normally be spent at home with their children.

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

The noise assessment is acceptable therefore the imposition of additional conditions are not necessary. The proposal therefore is 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 6am 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.

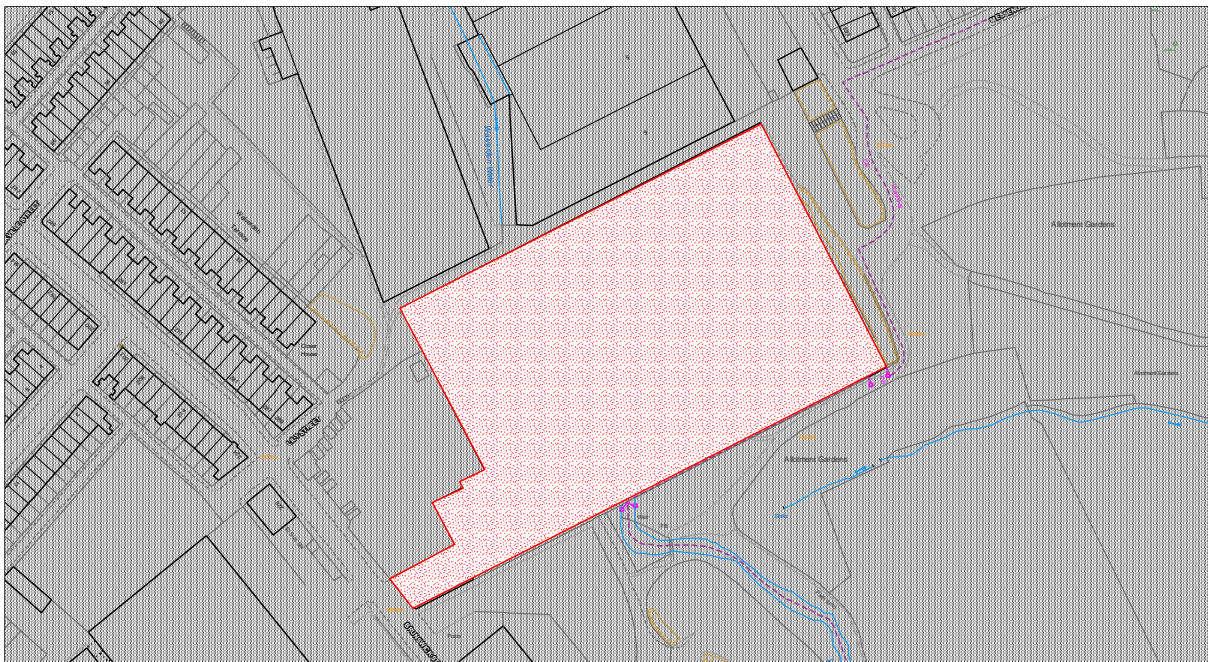
Reason: Other B2 uses would require specific assessment, particularly with regard to impact on residential amenity and highway safety.

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 09 MAY 2016

Application Ref: 13/16/0089P

Ref: 19329

Proposal: Full: Erection of a dormer to front.

At: 7-9 FOUNTAIN STREET NELSON BB9 7XU

On behalf of: Mr G Shahzad

Date Registered: 3 March 2016

Expiry Date: 28 April 2016

Case Officer: Mubeen Patel

Site Description and Proposal

The application has been brought to committee by the request of a Councillor.

The application site relates to two mid terraced properties which have been converted into one property located on Fountain Street in Nelson. Parking is provided on street whilst private amenity space is provided to the rear. Both properties have single storey extensions to the rear.

The proposed development is to erect a single dormer across the front roof slope of the property. The front and cheeks of the dormer will be hung with dark grey tiles. The roof design of the dormer will be flat. The dormer will measure 7m x 2.5m and will be 1.7m in height. Currently the property has 4 bedrooms whilst the proposed extensions would provide a further 5 bedrooms.

The plans submitted also show a dormer on the rear roof slope and a single storey extension to the rear. These extensions are classed as Permitted Development and therefore have not been taken into consideration within this application.

Relevant Planning History

The site has no relevant planning history.

Consultee Response

Highways - The Highway Development Control Section is concerned about the commutative effect of the increasing numbers of terraced homes being extended to increase bedroom numbers without providing any additional parking facilities. From observations and discussions with our traffic section, on-road parking around 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.

This proposed development will increase the two 2 bedroom property to a 9 bedroom dwelling.

Public Response

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

Relevant Planning Policy

Code	Policy
------	--------

ENV 2	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 compliance with policy, design and impact on the amenities of neighbouring residents.

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.

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 building's design and unsympathetic extensions can have a negative impact.

Policy 31 'Parking' which is a saved policy of the Replacement Pendle Local Plan requires adequate car parking to be provided for the development.

Design

A dormer has been proposed to the front of the property. As existing the 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. The proposed dormer window would almost extend across the full width of the property and disrupt this harmony to the front. Its 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.

Although there are two large sized dormers positioned on the property at Fern Bank further down the street, this is a large detached property, set back considerably from the street where its setting is very much different than the terraced properties along Fountain Street and surrounding terraced blocks. The dormers on this property given their positioning do not appear to be incongruous or have a significant detrimental impact on the character of the area.

It is noted that there are no existing dormers to the front of this terrace or on the 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 large and bulky dormer proposed to the front elevation would be clearly at odds with, and detract from the design and clean lines of the terrace row. The dormers would appear particularly prominent being located to the front and mid terrace; the front roof slope would clearly be visible from the street. Therefore the proposed dormer would not preserve the character or appearance of the area.

Impact on Amenity

The dormers 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.

Highways

The proposed development would create 5 further bedrooms increasing the number of bedrooms at the property to 9. Although it could be argued that all of the resulting bedrooms are not a direct result of the proposed dormer to the front (also from extensions erected under Permitted Development Rights) the proposed would certainly add 2 further bedrooms to the property.

As existing the property does not provide any off street parking and the applicant has not provided any adequate off street parking provision for the proposed development. A nine bed property should have 3 off-road parking spaces and currently there is only room to park two cars in front of the property, without parking outside an adjacent property.

From observations on-road parking around 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.

There needs to be a balanced approach that needs to be taken in relation to extensions to dwellings within inner urban areas given the layout of these properties which do not afford off street parking, clearly in this case the increase in the number of bedrooms and any increased demand for on-road parking is difficult to absorb without causing conflict for existing residents. Therefore the proposed development does not provide adequate parking provision and the proposal would intensify the number of cars parked on street creating severe implications for highways safety and amenity contrary to Policy 31 of the Replacement Pendle Local Plan which is a saved Policy.

Summary

The proposed dormer would appear as an incongruous addition to this terraced row and thereby fail to accord with ENV2 of the Local Plan: Core Strategy and also guidance contained within the Design Principles SPD.

Furthermore, the proposed development does not provide adequate parking provision and the proposal would intensify the number of cars parked on street creating severe implications for highways safety and amenity of neighbouring residents.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed dormer to front would, by virtue of its scale, design and positioning have an adverse impact on the appearance of the property and would be detrimental to the character of the area contrary to ENV2 of the Local Plan: Core Strategy Part 1 and the advice set out in the Design Principles SPD.
2. The proposed development fails to make adequate provision for the parking of vehicles and would result in creating severe implications for highways safety. The proposal therefore conflicts with Policy 31 of the Replacement Pendle Local Plan.



Application Ref: 13/16/0089P

Ref: 19329

Proposal: Full: Erection of a dormer to front.

At: 7-9 FOUNTAIN STREET NELSON BB9 7XU

On behalf of: Mr G Shahzad

REPORT TO NELSON COMMITTEE ON 09 MAY 2016

Application Ref: 13/16/0099P

Ref: 19340

Proposal: Full: Erection of single storey extension to side and rear, roof terrace and dormers to front and rear (Re-Submission)

At: 159 HIBSON ROAD NELSON BB9 0DX

On behalf of: Mr W Ali

Date Registered: 11 March 2016

Expiry Date: 6 May 2016

Case Officer: Mubeen Patel

Site Description and Proposal

This application has been brought to the committee meeting at the request of a Councillor.

It has to be noted that a similar proposal was submitted for the property on 15th May 2015 which was refused by this Committee on 6th July 2015. This re-submitted application has made no notable changes in order to overcome the previous reason for refusal stated below;

- 1) The proposed dormer on the front elevation would, by virtue of its scale and design, have an adverse impact on the appearance of the property and would be detrimental to the character of the surrounding area contrary to Policy 13 of the Replacement Pendle Local Plan and the advice set out in the Design Principles SPD.

The application site is a semi-detached two storey dwelling positioned on Hibson Road with Nelson Poultry Club positioned opposite and St Pauls Primary School positioned adjacent to the club. As existing the property has a kitchen and store room extension to the rear. Parking is provided on the hardstanding to the rear of the site accessed from the narrow side street. The property is positioned at an angle where vehicles and pedestrians travelling up Hibson Road would look directly at its front elevation. The site is within a mainly residential area of the town within the settlement boundary.

The proposed development includes a flat roofed single storey extension to the side that would attach onto the existing utility room towards the rear. The extension will provide a hallway, cloak room, dining room and WC. The cloak room and entrance hall would extend up to the side boundary that runs along Hibson Road. The dining room would project to the side by 2.6 metres and would be 3.7 metres in total height. The materials proposed for the walls are render.

A roof terrace has been proposed above the flat roofed side extension with a 0.9 metre balustrade. Dormers will be provided to the front and rear roof slopes which would provide an office/study to the front and a bedroom to the rear. The number of bedrooms at the property would be retained at three. Materials for the dormers include slates to match the existing roof.

Amended plans received show the dormer to the front has been made slightly smaller and will now include a pitched roofed design rather than a flat roofed design.

Relevant Planning History

13/15/0220P – Erection of single storey extension to side and rear, roof terrace and dormers to front and rear – Refused – 06/07/2015.

13/02/0324P - Erect detached garage to side - Refused - 04/11/2002.

Consultee Response

Highways - Having considered the above application the Highways Development Control section does not have any objections in principle to the proposed extensions etc subject to condition.

Public Response

Five neighbours were notified, no comments have been received.

Relevant Planning Policy

Code	Policy
ENV2	Achieving Quality in Design and Conservation
SPDDP	Supplementary Planning Document: Design Principles

Officer Comments

The main issues to consider in this application are design and impact on 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 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 building's design and unsympathetic extensions can have a negative impact.

Design

The proposed flat roofed dormer on the rear roof slope would be set down from the ridge of the existing roof and set up from the eaves by more than 20cm. The materials proposed would match those used on the roof of the original dwelling. Given the details the dormer to the rear would be classed as Permitted Development under Class A of the Town and Country Planning (General Permitted Development) Order and therefore does not require planning approval.

The plans show the dormer to the front will have a pitched roof design and will be set in from the sides and will be quite large in size. Although the pitched roof design is better than a flat roofed dormer, front dormers do not form part of the design of the properties and terraces on this stretch of Hibson Road, and there are no existing front dormers on the adjacent semi or on the surrounding terraces. The Councils SPD states 'dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality.

The large and bulky appearance of the dormer to the front elevation would clearly be at odds with, and detract from the design and clean lines of neighbouring properties and terraced rows. The house is particularly prominent being located at an angle to Hibson Road, with the front roofslope being clearly visible in view from people travelling in both directions of the Road. Therefore the proposed dormer would not preserve the character or appearance of the area.

The applicant has made reference to the flat roofed dormer recently constructed at No. 97 Hibson Road. This approval was in relation to a detached bungalow property which had a roof lift. This approved dormer is small in comparison with the size of the roof and is not a large or bulky addition. Although dormer windows are not common in the street scene, the houses on the west side of the road can accommodate this addition due to the separation distances between each dwelling and the set back of each dwelling from the road. This dormer window therefore does not adversely impact on the street scene or the design quality of the road.

The proposed single storey extension to the side and rear would have a flat roofed design which would match the flat roofed design of the existing kitchen and utility extensions and therefore would be acceptable in this location. The render finish of the external walls would be similar to the finish on the existing extensions. Therefore given the details the single storey side and rear extension would be in keeping with the host property and surrounding area.

The roof terrace will have a 0.9 metre balustrade positioned along the side and rear of the property which is of simple design and would not create any significant design issues.

Amenity

The proposed front dormer would raise no significant adverse amenity issues.

The proposed extension to the side and rear would have windows positioned in the front, side and rear elevations. The windows in the front and rear elevations would not overlook any neighbouring properties any more than existing and the windows in the side elevation would have an outlook onto the parking area within the site. Therefore the proposal would not overlook any neighbouring properties significantly more than existing.

The roof terrace would be positioned above the proposed side extension and does not extend over the flat roofed utility and kitchen extensions to the rear of the dwelling. Given its positioning and outlook from the terrace onto Hibson Road and open land owned by the Poultry Club, the roof terrace is acceptable in this location and will not have an adverse impact on the privacy and amenity of the occupiers of any neighbouring properties, nor will it have an overly overbearing impact on pedestrians using Hibson Road given its elevated position at first floor level on a residential dwelling.

Therefore the proposed extensions would not have a detrimental impact on the amenity of the occupiers of any neighbouring properties and would be in accordance with policy and guidance.

Summary

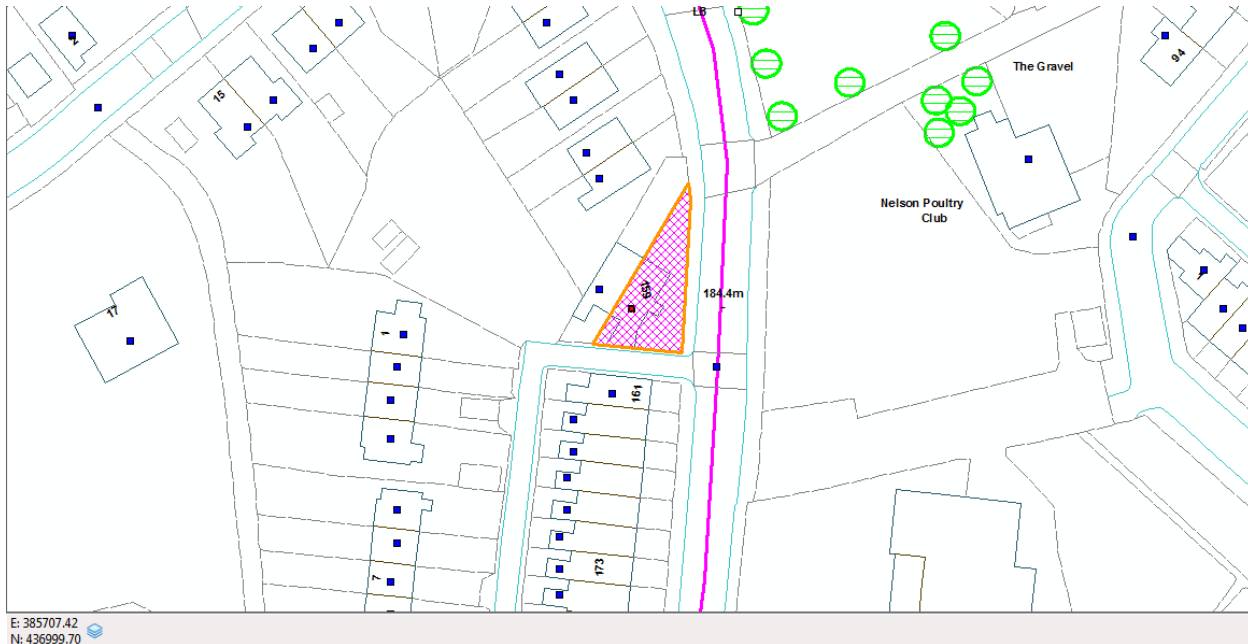
The proposed dormer on the front elevation would appear as an incongruous addition to this property and surrounding area and thereby fail to accord with ENV2 of the Local Plan: Core Strategy Part 1 and the guidance contained within the Design Principles SPD.

The single storey extension to side and rear and roof terrace although acceptable will also be refused as part of this application as a whole.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed dormer on the front elevation would, by virtue of its scale and design, have an adverse impact on the appearance of the property and would be detrimental to the character of the surrounding area contrary to Policy ENV2 of the Local Plan: Core Strategy Part 1 and the advice set out in the Design Principles SPD.



Application Ref: 13/16/0099P

Ref: 19340

Proposal: Full: Erection of single storey extension to side and rear, roof terrace and dormers to front and rear (Re-Submission)

At: 159 HIBSON ROAD NELSON BB9 0DX

On behalf of: Mr W Ali

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 24th April 2016