



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 1st August 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE ON 01 AUGUST 2016

Application Ref: 16/0335/HHO

Proposal: Full: Erection of first floor extension to front, two storey extension to side and single storey extension to rear.

At: 21 Hollins Road, Nelson, Lancashire BB9 8JY

On behalf of: Mr A Majeed

Date Registered: 29 April 2016

Expiry Date: 24 June 2016

Case Officer: Mubeen Patel

Site Description and Proposal

The application was deferred at the last committee meeting pending a site visit.

The property is a two storey semi-detached located within a predominantly residential area of Nelson. It is within the settlement boundary as designated in the Replacement Pendle Local Plan. The property has a red brick constructed porch to the front with private amenity space provided to the side and rear, parking is available on the communal parking area on Hollins Road. The property is set on ground levels approximately 1.5m lower than the neighbouring properties opposite numbers 15 and 17. Allotment gardens are positioned to the west of the site.

The applications seeks to erect a first floor extension above the porch which will be used as a play room, a two storey extension to the side which will provide a kitchen at ground level and bedroom at first floor level and a single storey extension to the rear which will be used as a reception area.

Amended plans submitted show the single storey extension to the rear has been reduced in projection from 4m to 3m. Given the amended projection the extension would now be classed as Permitted Development under Schedule 2 Part 1 Class A of the Town and Country planning General Permitted Development Order 2015 and therefore does not require planning permission.

The first floor extension will measure 2.9m x 1.7 and will have a pitched roofed design and will be finished in render with a tiled roof. The two storey extension to side will project 5m to the front and 2.7m to the rear given the boundary line of the site. This extension will be finished in render, have a tiled roof and white upvc window frames.

Relevant Planning History

The site has no relevant planning history.

Consultee Response

Highways - The Highway Development Control Section does not have any objections in principle regarding the above proposal. There is no increase in the number of bedrooms proposed and therefore no corresponding increase in parking provision. However we have noted from a desk top study that there is no off-road parking provision at this site and parking is within a communal area. Nevertheless, we are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Nelson Town Council - Councillors were unanimous in their objection to the proposed extension. They were of the opinion the extension was too large. The proposed extension would overlook adjoining premises and restrict natural light it would also be out of character with the surrounding area.

Public Response

Twelve neighbours were notified by letter and 5 letters have been received objecting to the proposal by reason of;

- No available garden space will remain
- There will be overlooking right into my house
- The extension is big and will block the light
- It will block the view to Pendle Hill
- We will have no privacy
- It will be looking like a building site for a very long time
- It will cast a shadow
- There will be a reduction in light to our living room from the 4m extension to the rear. This will be overbearing and overshadow our property
- The property would change the outlook of the area
- Noise pollution from the proposed building works
- Parking issues due to deliveries and workmen
- The extension will be totally out of character.

Relevant Planning Policy

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

Officer Comments

The main issues for consideration with this application are Compliance with Policy, Design and impact on neighbouring 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 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

The first floor extension will be positioned above the existing porch and will have a pitched roofed design matching the existing dwelling. The eaves will be in line with the existing roof whilst the pitch of the roof will be set down from the height of the original roof. Although there are no first floor extensions to the front of dwellings within the vicinity, given its design, size and positioning it would not be fundamentally out of keeping with the surroundings.

This semi-detached property is positioned away from the road where the proposed two storey element to the side would not be readily visible from public vantage points. Furthermore the extension has been set back from the front elevation by 0.5m and set down from the original roof by 0.4m making this extension subordinate and where it would not create a terracing effect within the street. Although the two story element has a large frontage it would not appear out of character in the area and would be acceptable in terms of design where neighbouring properties generally have wide frontages. A 1.1m separation will be maintained between the extension and the south western side boundary of the site.

The details submitted show the materials used for the extensions will be tiles for the roof and white upvc for the window frames which would both match the existing dwelling and which would be acceptable, however the finish for the walls would be render which would not match the existing pebbledash finish of the dwelling, no further details have been submitted. Therefore, given the details a condition should be attached to any approval for details to be submitted and agreed in writing by the Local Planning Authority.

Impact on Residential Amenity

Overlooking

Numbers 15 and 17 Hollins Road comprise of two storey semi-detached dwellings which are positioned on ground level approximately 1.5m above that of the application site. These properties have their rear gardens adjacent to the front garden area of the application site. Given the difference in land levels, boundary fence between these properties, hedging and a shed, the ground floor windows of the proposed extensions would not overlook these properties significantly more than existing.

A distance of approximately 14m and 12.5m would remain between the proposed two storey side extension and first floor extension up to the rear elevations of numbers 15 and 17 Hollins Road. The two storey extension would serve habitable rooms and would be below the 21 metre separation distance for residential environments under the guidance contained within the Councils Design Guide. However, in this instance there is already a window in the front elevation of the original dwelling which has a similar relationship to the proposed windows. Although the proposal would create further windows and there would be a degree of overlooking between the first floor windows and the ground floor windows of these neighbouring properties it would not be to a degree that the privacy of the residents would be seriously compromised.

The window in the first floor extension would serve a playroom and therefore any overlooking from this window would be minimised by virtue of its proposed use. The plans show the windows in the sides of the first floor extension will be obscurely glazed.

The windows in the side elevation of the two storey extension would face the allotment gardens whilst a sufficient distance of some 23m would be retained to the property to the rear number 29 which would maintain privacy.

Overshadowing

The positioning of numbers 15 and 17 means that direct sunlight hits the front and side elevations of these dwellings during the day and the rear gardens during the late evenings. The proposed

extensions given their positioning, distance between properties, land level and orientation would not significantly compromise direct sunlight or overshadow these properties to a degree that would be detrimental to the amenity of the neighbouring occupiers.

Summary

The submitted scheme is acceptable in terms of design, siting and impact on neighbouring residential amenity. Therefore, the application is recommended for approval and would be in accordance with Policy ENV2 of the Core Strategy Part 1 and the Councils Design Guidance.

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 extension is acceptable in terms of design, size, scale and siting and presents no detrimental impact to neighbouring residential amenities. 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.

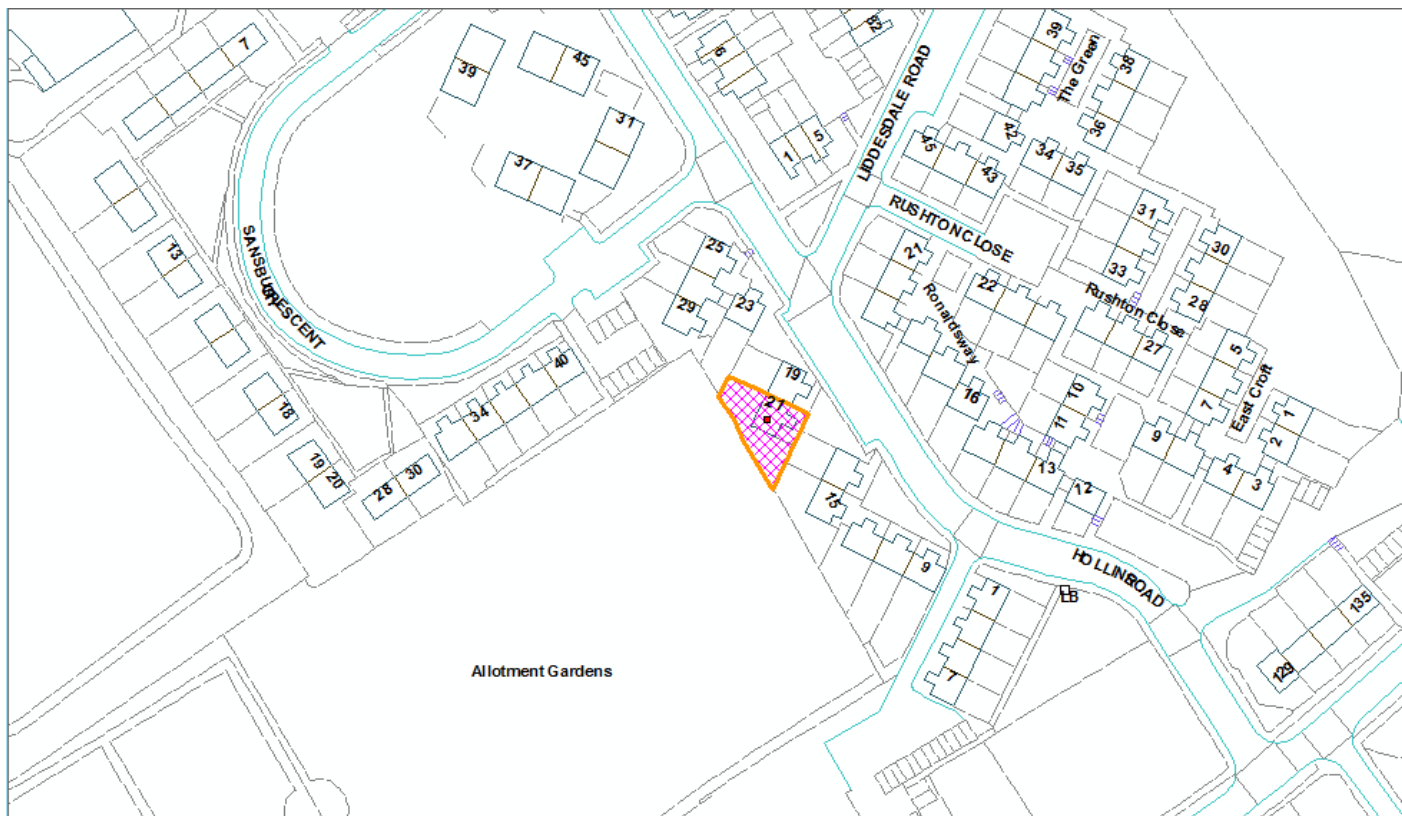
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: LU021-PL201 Revision A, LU021-PL101, LU021-PL102.

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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



Application Ref: 16/0335/HHO

Proposal: Full: Erection of first floor extension to front, two storey extension to side and single storey extension to rear.

At: 21 Hollins Road, Nelson, Lancashire BB9 8JY

On behalf of: Mr A Majeed

REPORT TO NELSON COMMITTEE ON 1st AUGUST, 2016

Application Ref: 16/0384/FUL
Proposal: Full: Conversion of A2 offices into two dwellings including external alterations
At: 13-15 Carr Road Nelson
On behalf of: YB Partnership
Date Registered: 17 May 2016
Expiry Date: 29 July 2016
Case Officer: Kathryn Hughes

This report has been brought before Members as the applicant is a Councillor.

Site Description and Proposal

The application site is a double terraced property located within Nelson Town Centre and Whitefield Conservation Area.

The proposal is to change the use of the property from an A2 solicitor's office to two dwellinghouses both with four bedrooms each.

The only external works proposed are the replacement of timber windows with upvc to the rear. The front windows will remain as timber.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways – Object as the applicant has not provided any details of vehicular parking for the two dwellings proposed. Three parking spaces should be provided for four or more bedrooms. However, due to the site's town centre location and proximity to the public transport network, we would accept a reduction to two per dwelling.

As there are waiting restrictions at the front of the properties parking within the vicinity is limited and a further increase in vehicles may lead to inappropriate parking behaviour at the front or rear.

PBC Conservation Officer – No objections provided timber windows remain to front elevation.

Nelson Town Council

Public Response

Site and press notices posted and nearest neighbours notified by letter without response.

Officer Comments

The main issues to consider in this application are impact on amenity, impact on conservation area and parking issues.

Policy

The site is within the settlement boundary and Whitefield Conservation Area.

Principle of Development

The principle of development is acceptable in this location.

Impact on Residential Amenity

There would be no undue impact on amenity. This area is mixed commercial and residential area and the proposed change of use from commercial to residential is acceptable here.

Impact on Conservation Area

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.

No external alterations are proposed to the front and the replacement of the windows to the rear with upvc is acceptable in this location where many properties have upvc windows and doors.

Parking Issues

The site does not have any existing parking and the proposal would result in two four bedroomed units. No parking is proposed or can be achieved within the site.

The site is within the town centre and there are town centre car parks located on the adjacent streets which can be used short term during the day and overnight. There are parking restrictions on Carr Road and LCC Highways have raised concerns regarding appropriate parking if this development was approved. However, this use is likely to result in less day time activity that the existing use as a solicitors and

Summary

The proposed residential use is acceptable in this location and although there is no off-street parking provision the existing situation is that this property is currently in a commercial use without parking. There is limited on-street parking during the day and there are town centre car parks located close to the site.

This proposal will bring a vacant unit back into use within the conservation area; create an additional two residential properties and accords with the Local Plan policies.

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 of the Pendle Local Plan Core Strategy. 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:

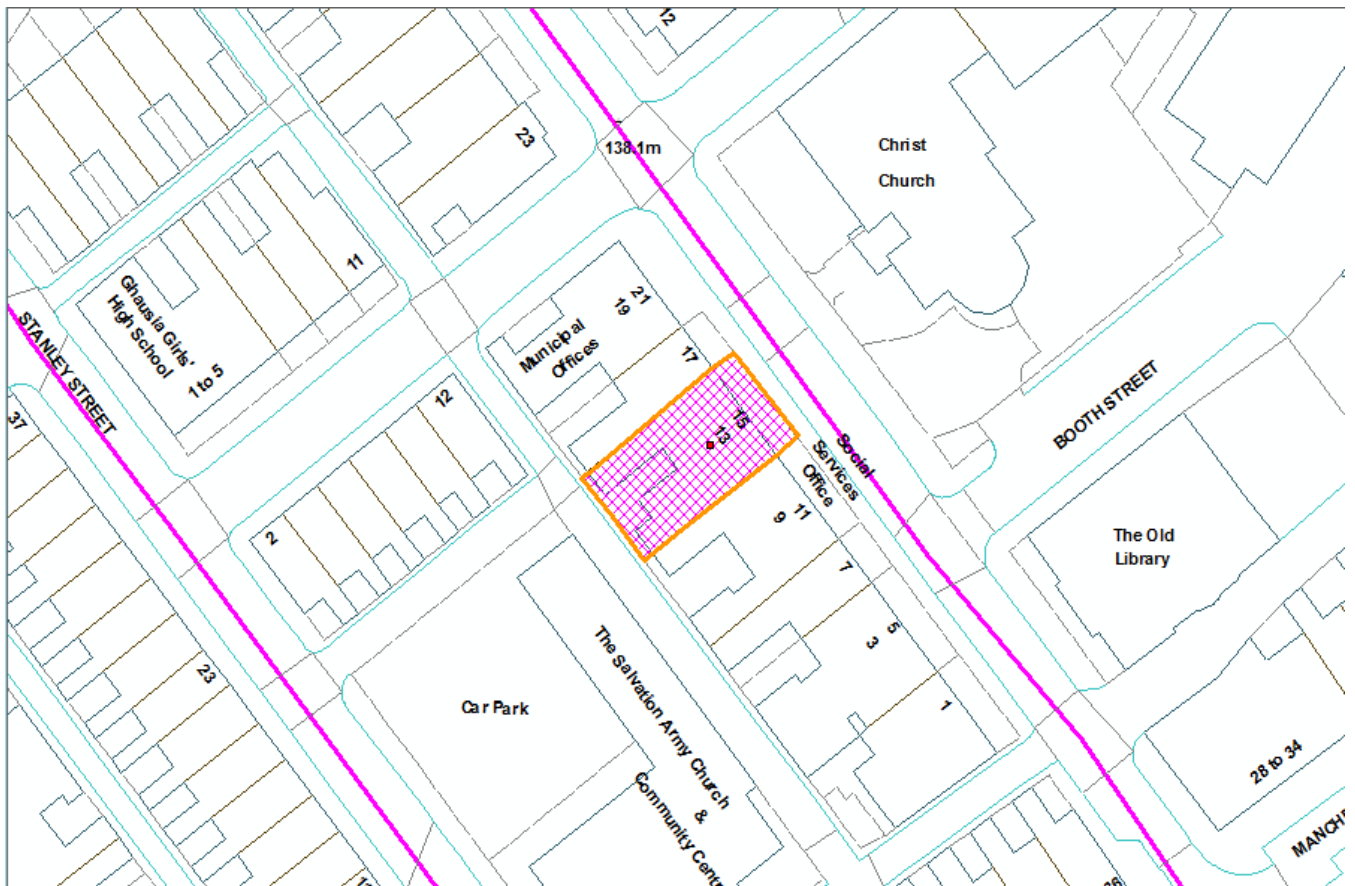
1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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.



Application Ref: 16/0384/FUL

Proposal: Full: Conversion of A2 offices into two dwellings including external alterations

At: 13-15 Carr Road Nelson

On behalf of: YB Partnership

REPORT TO NELSON COMMITTEE ON 01 AUGUST 2016

Application Ref: 16/0396/FUL

Proposal: Full: Sub-division of existing retail (A1) unit at ground floor to create retail unit and café/restaurant (A3) with alterations to shop front, installation of flue to rear roof slope.

At: 115 MANCHESTER ROAD NELSON BB9 7HB

On behalf of: Mr M Arif

Date Registered: 8th June 2016

Expiry Date: 3rd August 2016

Case Officer: Lee Greenwood

Site Description and Proposal

This application is brought to Committee due to the number of objections received.

It seeks to sub-divide an existing retail unit at 115 Manchester Road, Nelson to create two units at ground floor comprising a retail unit (Class A1) and a café/restaurant (A3).

The property is located on the A682 which is a primary route in to the town. The building lies some 100m from the nearest point of the town centre boundary to the east and falls within both the St Mary's Conservation Area and the wider Whitefield Conservation Area.

The site has been subject to several applications in recent history (see below) to convert to retail and hot food takeaway use at ground floor with 2 flats above. The hot food element has now been removed and replaced with an A3 use. The flats above have also been omitted. Works to the shopfront are proposed in order to serve the two units to be created.

Relevant Planning History

13/15/0519P - Sub-division of existing retail (A1) unit at ground floor to create retail unit and hot food takeaway (A5) with alterations to shop front, installation of flue and creation of 2 flats at first floor level - **Approved**

13/15/0282P - Change of use from retail (A1) to shop (A1) and hot food takeaway (A5) at ground floor and 2 x 3 bed flats at first floor including external alterations - **Refused**

13/12/0168P - Certificate of Lawfulness (Existing Use) Use as general retail (A1) - **Approved**

13/01/0638P - alterations to frontage - **Approved**

13/85/0793P - change of use from warehouse to fireplace showroom - **Approved**

Consultee Response

LCC Highways; concerns regarding the development, particularly the restaurant element. Whilst there are good links to public transport during the day this is less frequent at evenings/weekends. This could lead to greater reliance on private cars with limited unrestricted parking in the vicinity

combined with high demand, especially outside the working day. This could lead to inappropriate parking in the surroundings area to the detriment of residents and highway users.

PBC Conservation; the property is prominent along Manchester Road within the Whitefield Conservation Area. It was the subject of a heritage grant scheme in recent years and received English Heritage and Pendle Council funding for the careful reinstatement and repair of the timber shopfronts, windows and doors, using evidence from old photographs. It is important that the historic appearance of the property is maintained, in order to preserve the character and appearance of the Conservation Area at this point, but also to protect the Council's and English Heritage considerable investment in the building.

The only change from the previous proposal appears to be the use of double glazed timber frames, presumably for both shop windows/doors and upper floor windows, though this is not clear from the plans. Though I would support the use of timber for any new framing, more detailed drawings (including sections), and amendments are needed in respect of the shopfront design, clearly indicating which existing elements are to be retained, and where new frames are proposed.

The important original elements of the shopfront should be retained unchanged; these comprise the timber fascia, console brackets and all pilasters, and the recessed area to the right hand side containing two original timber doors. The two shop windows can be replaced if necessary in double glazing with new timber framing to the same profile as the existing frames. The treatment to the central recessed entrance needs to be clarified; any new doors should be timber to match the existing shop door.

The framing pattern to the upper floor and side windows is an original feature of the building and should remain the same as existing.

If two separate shop units are to be created, it is important that consideration is given to the position and type of signage to each unit, in order to retain the balanced appearance of the frontage.

Nelson Town Council; no comments received at time of writing.

Public Response

Eleven neighbours notified, site and press notices also displayed; nine responses received, commenting on;

- Existing parking problems to be made worse with little availability nearby
- Recent access problems for emergency vehicles to adjacent streets
- Illegal parking occurred when temporary retail use occupied property
- Number of disabled residents in the vicinity
- Café use will adversely impact on character of adjacent church
- Possible antisocial behaviour/waste/rubbish/pest control problems from the proposed uses
- Flue to rear will cause odour problems
- Late closing times will cause noise problems
- Note changes to application but concerns remain
- Will spoil residents quality of life
- Site is within a conservation area
- Bin storage would hinder parking and attract flies
- Building should be retained for A1 use

- Do not need any more premises of this nature in the area
- Neighbours regularly picking up rubbish from existing premises nearby

Officer Comments

As with the original scheme, the main issues to consider in this application are design, amenity, the suitability of the proposed uses and highway safety.

Policy

Policy ENV5 of the Local Plan Part 1 and Saved Policy 8 of the Replacement Pendle Local Plan seek to control issues of noise and pollution.

Policies ENV1 and 2 and saved Policy 10 seeks high standards of design within conservation areas, which preserve or enhance the character and appearance of the area.

Policy ENV2 and saved Policy 13 require new development to be in scale and harmony with the surrounding area. The Design Principles SPD also contains advice on shop fronts.

Policy WRK4 and saved Policy 25 relate to the location and retail development. It generally requires that uses such as retail/cafes are located with a defined town or local shopping centres as a priority.

Principle of Proposed Uses & Amenity

Retail

The site is currently vacant but has a lawful A1 retail use, established by way of a Certificate of Lawfulness granted in 2012. As such the site could be used as a single or multiple A1 uses without the need for further permission (other than for external alterations). The retention and continued use as shop premises is therefore acceptable.

Café/Restaurant

The A3 element replaces a hot food takeaway which was proposed in previous submissions. With regard to its location, whilst outside of the town centre, it is within circa 100m of the boundary and has direct links through public transport and pedestrian flows. Taking this in to account and the fall back of an established A1 retail use (unrestricted in terms of hours or operation) an A3 use is acceptable in principle in this location.

As with previous applications, the primary concerns of adjacent residents are the impacts on the proposed use on living standards and highway safety. The application proposes the following hours of operation for each use;

- A1 – 9am to 9pm 7 days a week
- A3 – 10am to 10pm 7 days per week

The site is surrounded by residential uses to this side of Manchester Road, there are however other commercial premises in the vicinity. Whilst the concerns of residents are noted, should the site re-open as one or more retail uses, the Planning Department would have no mechanism to control opening hours. Should permission be granted for the proposed uses, it would introduce an element of control in terms of the intensity of the development.

Residents have raised objection that the scheme is no different to earlier submissions; however an A3 use has been proposed and is the basis of assessment for the application. By their nature A3 uses are less intensive than A5 and have differing characteristics in terms of customer types and movements. The layout has also been created in such a way to ensure that the proposed A1 unit is located next to the attached neighbours at 117 and the A3 to the opposite side where a buffer, by way of the side/back street is in place between the buildings and nearest residential properties. Opening hours of up to 10pm are not unacceptable on an edge of centre location such as this.

An extraction flue is proposed to the rear roof slope which has also generated concerns. The Council's Environmental Health Services have raised no objections and subject to suitable controls regarding filters and sound attenuation, this element of the scheme would be acceptable.

The development also seeks to create a recessed bin store within the rear elevation of the site. Concerns have been raised that failure to properly maintain these will result in vermin and pest nuisances in the area. There is nothing to indicate at this time that the applicant or future occupants would operate in such a way as to cause such issues. Should permission be granted, conditions requiring suitable screening or means of enclosure to the bin store frontages can be added to ensure they are secure and access is restricted.

Existing litter problems have been described by adjacent residents. With the removal of the A5 element, the likelihood of either proposed use generating significant amounts of waste is reduced.

With the introduction of a less intensive A3 use which can be controlled by condition, and in light of a fall back position of one or more retail uses within the site, the proposed development is acceptable.

External Alterations

Changes to the external fabric of the building are proposed to facilitate the intended uses. There would also be some reconfiguration and replacement of the timber shop front.

Changes would also be made to rear openings to provide bin storage and to the gable several existing flues would be removed and replaced with a single unit in the rear roof slope to serve the A3 use.

The application site is located within both the Whitefield and St Mary's Conservation Areas, as such there is a duty under section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The Council will seek particularly high standards of design which preserves or enhances its surroundings as outlined in Policy 10 of the Replacement Pendle Local Plan.

These policies are supported by both the Design Principles SPD and the Conservation Area Design and Development Guidance SPD which contain more detailed advice regarding shop front alterations.

The site has previously been the subject of grant funding from both English Heritage and the Council to reinstate timber frontage.

The Council's Conservation Officer broadly supports the use of natural materials however it is of importance that the historic appearance of the property is maintained owing to its prominence and the time/expense previously invested in repairing and reinstating the frontage. The supporting

statement provided with the application advises that no alterations to the size of any openings will be made, nor will any of the traditional features be lost.

In principle some minor works (such as replacement/simplified windows) would be acceptable. The scheme does not therefore directly conflict with Policy as the earlier submissions have done and details could be controlled by condition.

Highways

The site has no dedicated off-street parking provision and this section of Manchester Road is subject to waiting restrictions.

The layout of Hope Street, with only pedestrian access to the front of the houses, means that residents also seek to park in and around the side and rear of the site.

Whilst having raised no objections to earlier applications (proposing A1 and A5 uses), Lancashire County Council Engineers have objected to this scheme with regard to limited availability, the potential for inappropriate parking and cumulative impacts, particularly in evenings and on weekends when public transport is less readily accessible.

The primary consideration is therefore whether the proposed use would be significantly more harmful than the existing lawful use.

The site could be subdivided internally to create several A1 retail uses without the need for planning permission. As stated above this lawful A1 use at the site is unrestricted and contains no conditions relating to hours of operation.

The introduction of an A3 would undoubtedly generate traffic, albeit different to that which would have been associated with the A5 uses previously proposed. Whilst this aspect of the scheme is marginal and parking arrangements in the vicinity are not ideal, the fall back position cannot be ignored.

Owing to the size of the unit (i.e. the number of customers it could accommodate) and its accessibility on foot or by public transport, it is the view of the Planning Department that the amount and frequency of movements would not be unacceptable or significantly impact on highway safety, in the context of a lawful A1 use.

Other Matters

The presence of other similar uses in the area and empty properties nearby has been raised, however they would not form material considerations in this instance. Nor does the Planning Department agree that the introduction of a café as a use would in any way harm or impact on the setting of the adjacent church or the wider conservation 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 complies with the aforementioned relevant Policies of the Local Plan Part 1 and the saved Policies of the Replacement Pendle Local Plan, being appropriate in terms of use, 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 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: Proposed Change of Use - Rev 'B'

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

3. The A3 use hereby approved shall not commence unless and until a scheme for the extraction, treatment and dispersal of fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. the provision of odour filters
- b. the siting and finished design of any external ventilation stack; and,
- c. details of any measures which are necessary to attenuate noise from the ventilation stack

The approved scheme shall be implemented prior to the use commencing and thereafter retained in good working order. No preparation of hot food shall be carried out on the site save during such times as the approved extraction and treatment equipment is operational and effective to the level of the approved scheme.

Reason: To protect the amenities of occupiers of adjoining properties and to ensure satisfactory means of fume extraction.

4. The premises hereby permitted to be used as an A3 café/restaurant shall not be open to customers or any other persons not employed within the business operating from the site outside the hours of 09:00 and 22:00. The premises to be used as an A1 retail use shall not be open to customers of any other persons not employed within the business outside the hours of 09:00 to 21:00.

Reason: In the interests of residential amenity.

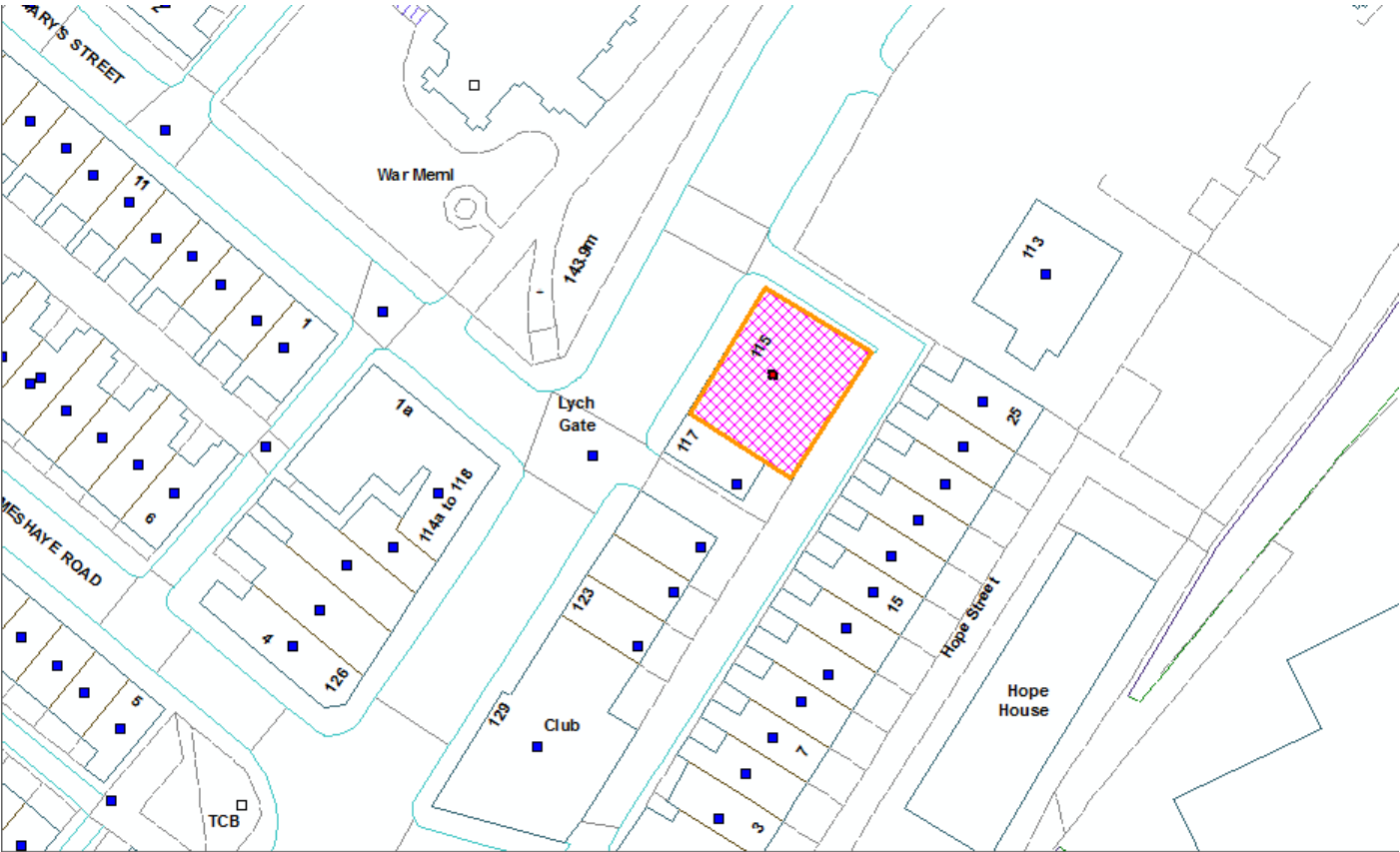
5. The uses hereby approved shall not commence unless and until details of proposed screening to the bin stores at the rear of the site has been submitted to and approved in writing by the Local Planning Authority. The agreed screens shall be installed prior to the first use of either site and retained thereafter.

Reason: In the interests of residential amenity and to ensure that the commercial bins are suitably screened and enclosed.

6. Prior to any alterations to the shop frontage, detailed plans and sections of any proposed new or replacement windows and doors at a scale not less than 1:20, together with details of proposed finishes, shall be submitted to and approved in writing by the Local Planning

Authority. The development shall thereafter at all times be carried out in strict accordance with the approved plans.

Reason: To ensure a suitable appearance and finish to this prominent and attractive frontage within the Conservation Areas.



Application Ref: 16/0396/FUL

Proposal: Full: Sub-division of existing retail (A1) unit at ground floor to create retail unit and café/restaurant (A3) with alterations to shop front, installation of flue to rear roof slope.

At: 115 MANCHESTER ROAD NELSON BB9 7HB

On behalf of: Mr M Arif

REPORT TO NELSON COMMITTEE ON 01 AUG 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

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

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

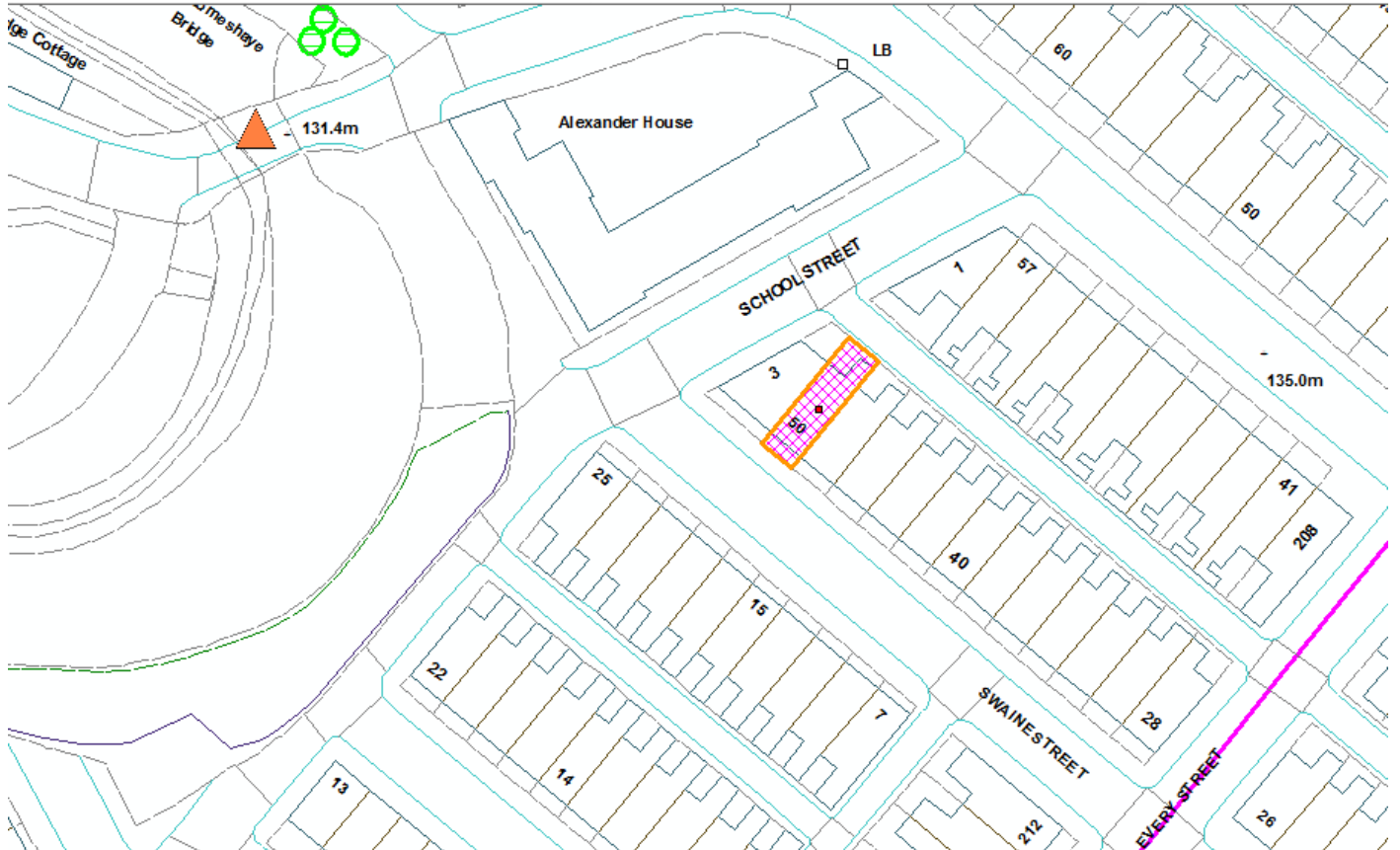
It is understood that the applicant wishes to increase the amount of living accommodation within the property. However, this would not result in a public benefit. Therefore, the proposal, in so far as it relates to the creation of dormers, would not be consistent with Paragraph 134 of the Framework and 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 01 AUG 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

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

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

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'.

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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.

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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.

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Summary

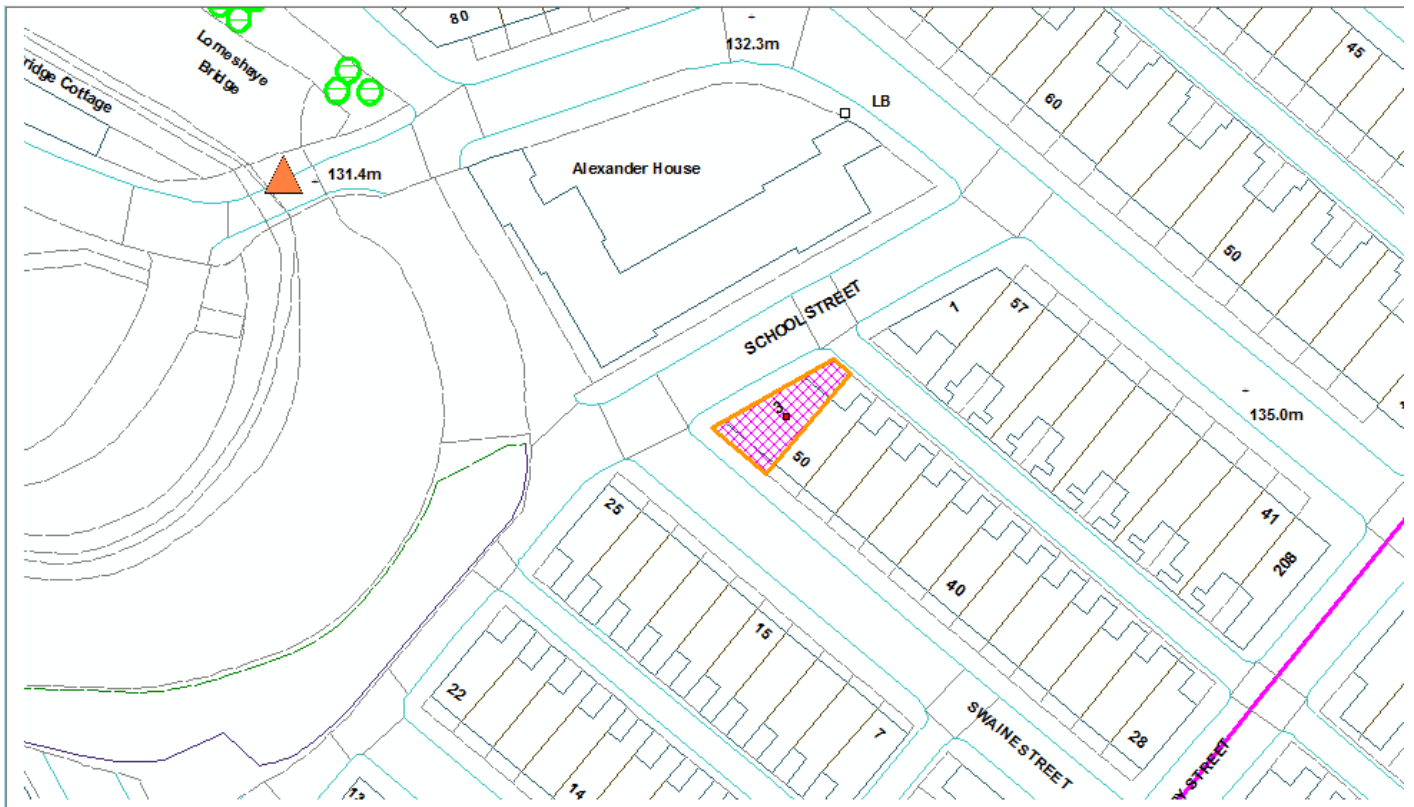
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Application Ref: 16/0440/HHO

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

At: 3 School Street, Nelson, Lancashire

On behalf of: Mr A Anwar

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 18th July 2016