

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

TO: NELSON COMMITTEE

DATE: 3rd October 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.

REPORT TO NELSON COMMITTEE ON 03 OCTOBER 2016

Application Ref: 16/0379/FUL

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

At: 49 Hibson Road, Nelson

On behalf of: Dr Zahid Mahmood Dabir

Date Registered: 18 May 2016

Expiry Date: 13 July 2016

Case Officer: Alex Cameron

Site Description and Proposal

This application was deferred from September Committee.

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

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

Relevant Planning History

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

Consultee Response

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

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

The parking bays indicated on the plan are undersized. The JLSP also states that a standard car parking space should be 2.4 x 5m in size, whilst disabled parking bays should be 3.6 x 5m. The access into the car park should be widened to a minimum width of 5m to allow two vehicles to safely enter or leave the car park at the same time.

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

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

Public Response

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

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

Design

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

Amenity

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

Highways

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

Amended plans have been received increasing the proposed car park from 12 to 18 spaces and widening the access to 6m.

Eight consulting rooms were shown in the original plans, the amended give additional clarification on the uses of each room, this results in six of those rooms being rooms that would be classed as consulting rooms for the purpose of calculating parking requirements. The Replacement Pendle Local Plan parking standards require a maximum of 4 spaces per consulting room, this equates to 24 spaces. This is a maximum rather than a minimum and the 18 proposed spaces would provide an acceptable level of on-site car parking provision.

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

The access to the proposed car parking is acceptable in terms of highway safety.

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

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

Trees

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

Other issues

Although the 'community garden' falls within the site boundary it would not be affected by the proposed car parking and the widened access would only affect a small area either side of the existing access. Irrespective of this, the area is not designated as public open space or otherwise protected in planning terms.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Conversion Rev A, Car Park Layout received 05/09/2016.

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

3. The premises shall be used for an eye clinic only and for no other purpose including any other purpose in Class D1 of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To control development in the identity of residential amenity and off street parking provisions.

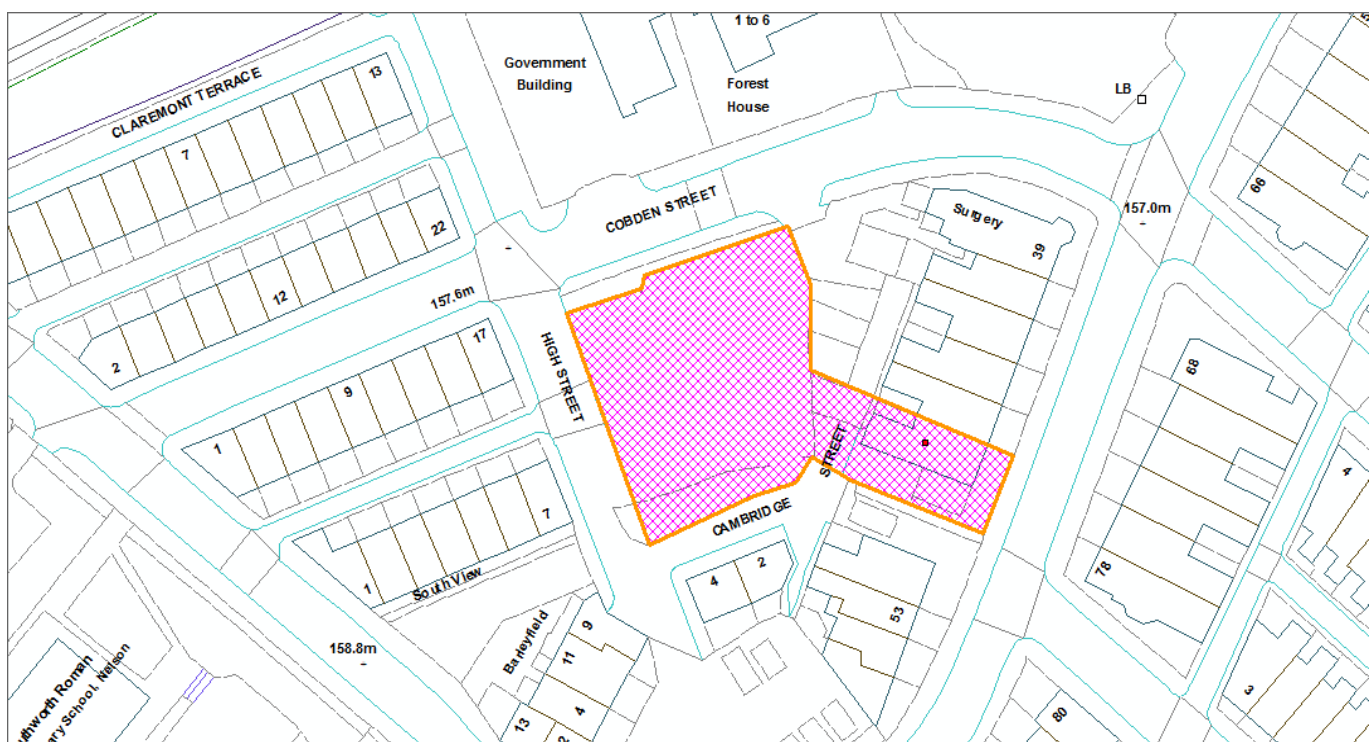
4. The use hereby approved shall not be commenced unless and until the approved car park has been surfaced, drained and laid out in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority. The car parking spaces and maneuvering areas shall thereafter be maintained free from obstruction and available for car parking and turning purposes.

Reason: In the interest of highway safety.

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

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

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



Application Ref: 16/0379/FUL

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

At: 49 Hibson Road, Nelson

On behalf of: Dr Zahid Mahmood Dabir

REPORT TO NELSON COMMITTEE ON 03 OCT 2016

Application Ref: 16/0439/HHO
Proposal: Full: Erection of dormers to front and rear.
At: 50 Swaine Street, Nelson, Lancashire
On behalf of: Mr S Aftab
Date Registered: 28 June 2016
Expiry Date: 23 Aug 2016
Case Officer: Mubeen Patel

Site Description and Proposal

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

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

Amended plans have been received for which show the proposed front dormer reduced in size and the design changed to a pitched roof dormer. The proposed dormers to the rear would remain as a flat roofed dormer as originally submitted.

The front dormer would measure 2.2m in width and 2m in height to the pitch of the roof, whilst the dormer to the rear would measure 3.5m in width, 2.15m in height and 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 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 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 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 roof slopes 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

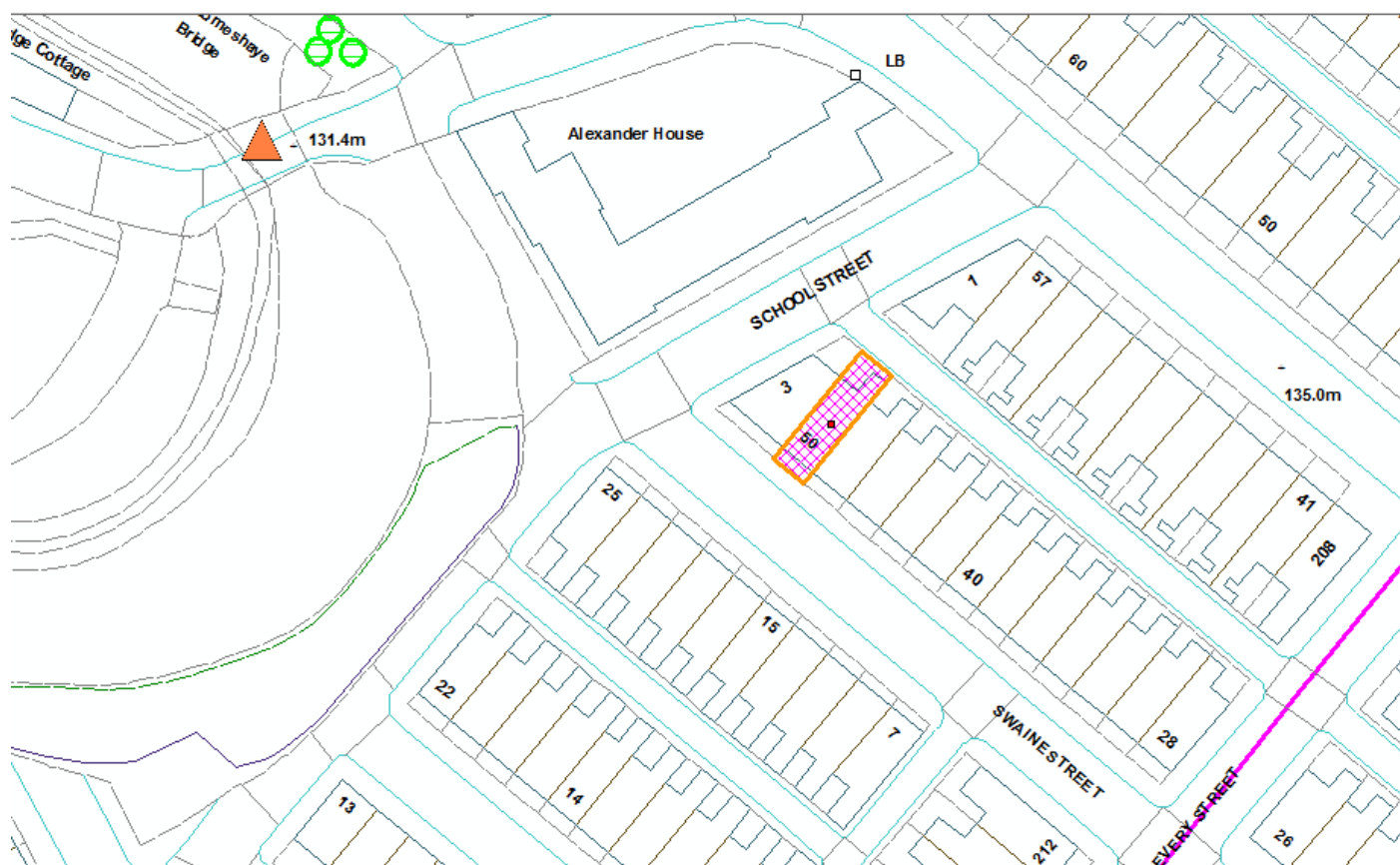
It is understood that the applicant wishes to increase the amount of living accommodation within the property. However, this would not result in a public benefit. Therefore, the proposal, in so far as it relates to the creation of dormers, would not be consistent with Paragraph 134 of the Framework and 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 03 OCT 2016

Application Ref: 16/0440/HHO
Proposal: Full: Erection of dormers to front and rear.
At: 3 School Street, Nelson, Lancashire
On behalf of: Mr A Anwar
Date Registered: 28 June 2016
Expiry Date: 23 Aug 2016
Case Officer: Mubeen Patel

Site Description and Proposal

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

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

Amended plans have been received for which show the proposed front dormer reduced in size and the design changed to a pitched roof dormer. The proposed dormers to the rear would remain as a flat roofed dormers as originally submitted.

The front dormer would measure 2.2m in width and 2m in height to the pitch of the roof, whilst the dormer to the rear would measure 3.3m in width, 2.1m in height and 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'.

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

Design & Impact on the Conservation Area

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

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

and appearance of the street scene. Furthermore the UPVC window frames would not be in keeping with the existing wood framed windows and would undermine the character of the Conservation Area.

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

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

Part of the significance of the Conservation Area derives from the distinctive and consistent blue slate roofslopes of the terraces which are relatively simple in form but characterised by the repetitive chimney stacks which contribute so much to the local townscape character. The large and bulky dormers proposed to both front and rear elevations would be clearly at odds with, and detract from the design and clean lines of the terrace row.

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

Amenity

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

Highways

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

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

Summary

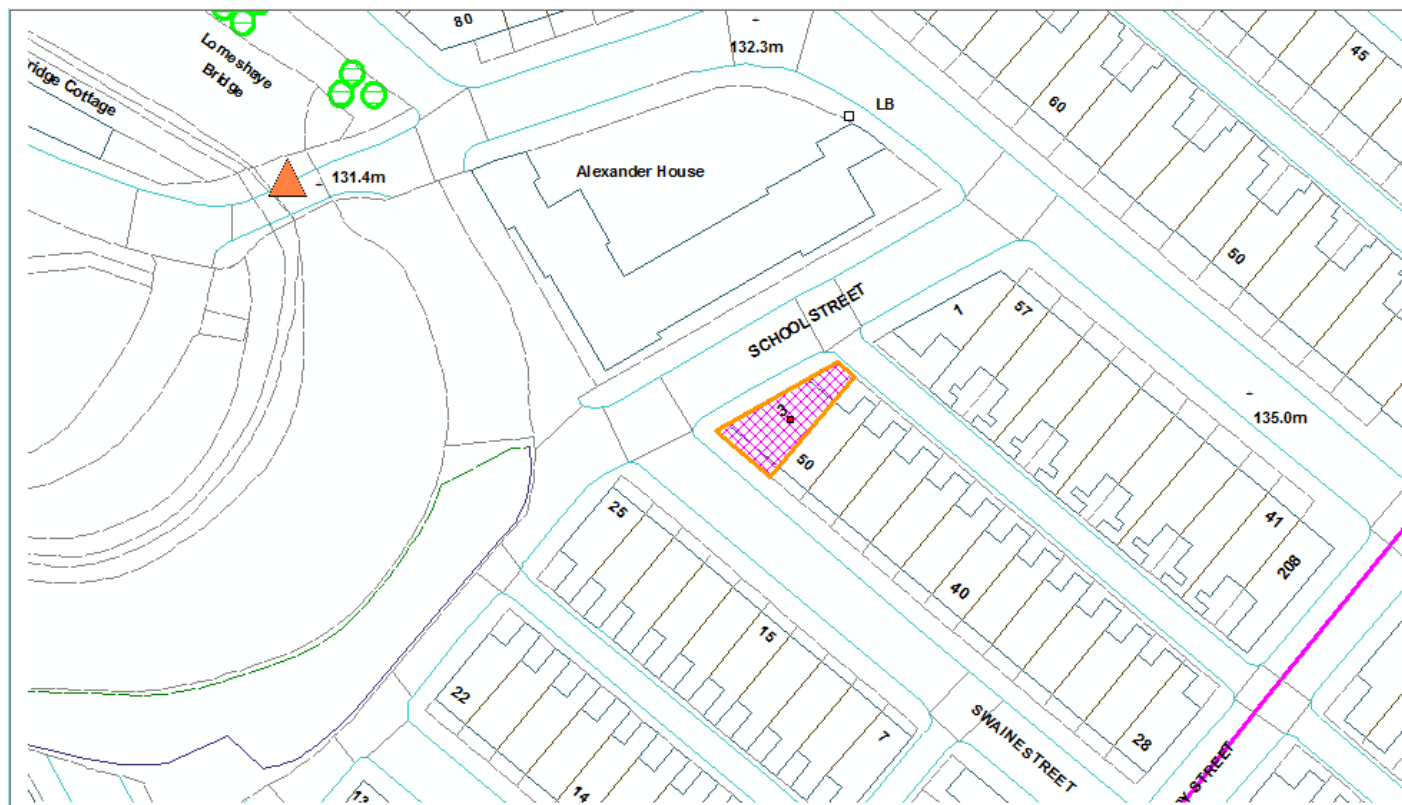
It is understood that the applicant wishes to increase the amount of living accommodation within the property. However, this would not result in a public benefit. Therefore, the proposal, in so far as it relates to the creation of dormers, would not be consistent with Paragraph 134 of the Framework and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

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

RECOMMENDATION: Refuse

For the following reasons:

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



Application Ref: 16/0440/HHO

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

At: 3 School Street, Nelson, Lancashire

On behalf of: Mr A Anwar

REPORT TO NELSON COMMITTEE ON 03 OCTOBER 2016

Application Ref: 16/0509/VAR

Proposal: Full: Variation of Condition: Vary condition 2 of planning permission 13/12/0142P to allow opening hours of 08:00 - 20:00.

At: Leeds Road Service Station, 112 Leeds Road

On behalf of: Mr Waqas Mahmood

Date Registered: 18/07/2016

Expiry Date: 12/09/2016

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought before Committee at the request of a Councillor.

The application site is a former petrol filling station which is now in use as a car wash. The site faces onto Leeds Road with dwellings opposite and to the west side across Barkerhouse Road, to the south is former church with planning permission for change of use to 7 flats and to the east are vehicle repair garages.

This application is to vary condition 2 of the planning permission for the car wash to allow opening hours of 8am to 8pm. Condition 2 currently restricts the hours of use to 9am to 6pm

Relevant Planning History

13/12/0142P - Full: Change of use from petrol filling station to a car wash (Retrospective).
Approved.

Consultee Response

PBC Environmental Health - We have received complaints about noise and lights from these premises & other premises associated with intensity of use of the site. The applicant will need to demonstrate that noise and lights will not affect nearby residents, or we must object to the proposal.

LCC Highways – No objections regarding the proposed change of opening times and are of the opinion that the proposed variation should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Public Response

29 neighbours notified. Six responses have been received objecting on the following grounds:

- We live directly opposite the car wash and it does affect us as it is very noisy at times.
- We can't open our windows due to the noise.
- The proprietor doesn't keep to the hours set by the current planning permission.
- I believe that if the hours were granted the car wash would open longer than those hours.
- The existing hours are long enough. The use should never have been granted.

- The proposed 12 hour continuous opening hours will be intolerable for residents.
- I strongly object to 12 hour opening on a Sunday when other places have to close early.
- I have to close my curtains because of car headlights and people that work there staring in my window.
- Vehicles are cleaned on the pavement when the site is full.

Officer Comments

Policy

Replacement Pendle Local Plan

Policy 8 (Contamination and Pollution) states that proposals where noise is likely should be accompanied by a statement illustrating the level of potential (noise) pollution and any remedial action to be undertaken. In circumstances where there is likely to be harmful pollution, such as noise pollution, development will be permitted where any remedial action is sufficient to reduce the risk of pollution.

Residential Amenity

Planning permission was granted for the current use with the evidence being that there would be no unacceptable impact on neighbouring land uses. The operation of the business has however attracted a number of complaints and is operating in a way that is having a negative impact on residents. This has resulted in an investigation by Environmental Health as to the causes and remedy of the impacts.

Environmental Health have thus raised concerns relating to the intensity of the current use and the impact it has upon adjacent dwellings. The proposed increase in operating hours, although during what would normally be acceptable operating times, would be likely to increase the current impact on resident in terms of noise pollution as there would be a longer duration. In line with policy 8, the applicant must demonstrate that this impact could be mitigated to make the extension of hours acceptable. No information demonstrating this has been submitted with the application.

The applicant has been offered the opportunity to meet with planning and environmental health officers to discuss whether any mitigation measures could be put in place that would ensure the proposed increase in operating hours would not either further increase or result in an unacceptable impact upon the amenity of residents of adjacent dwellings. The outcome of any discussions will be reported to Committee.

In the absence of information to demonstrate that the impact can be mitigated the proposed extension of the hours is unacceptable and contrary to Policy 8 of the Replacement Pendle Local Plan.

Highway Safety

The proposed hours of opening would not result in an unacceptable highway safety impact.

Reason for Decision

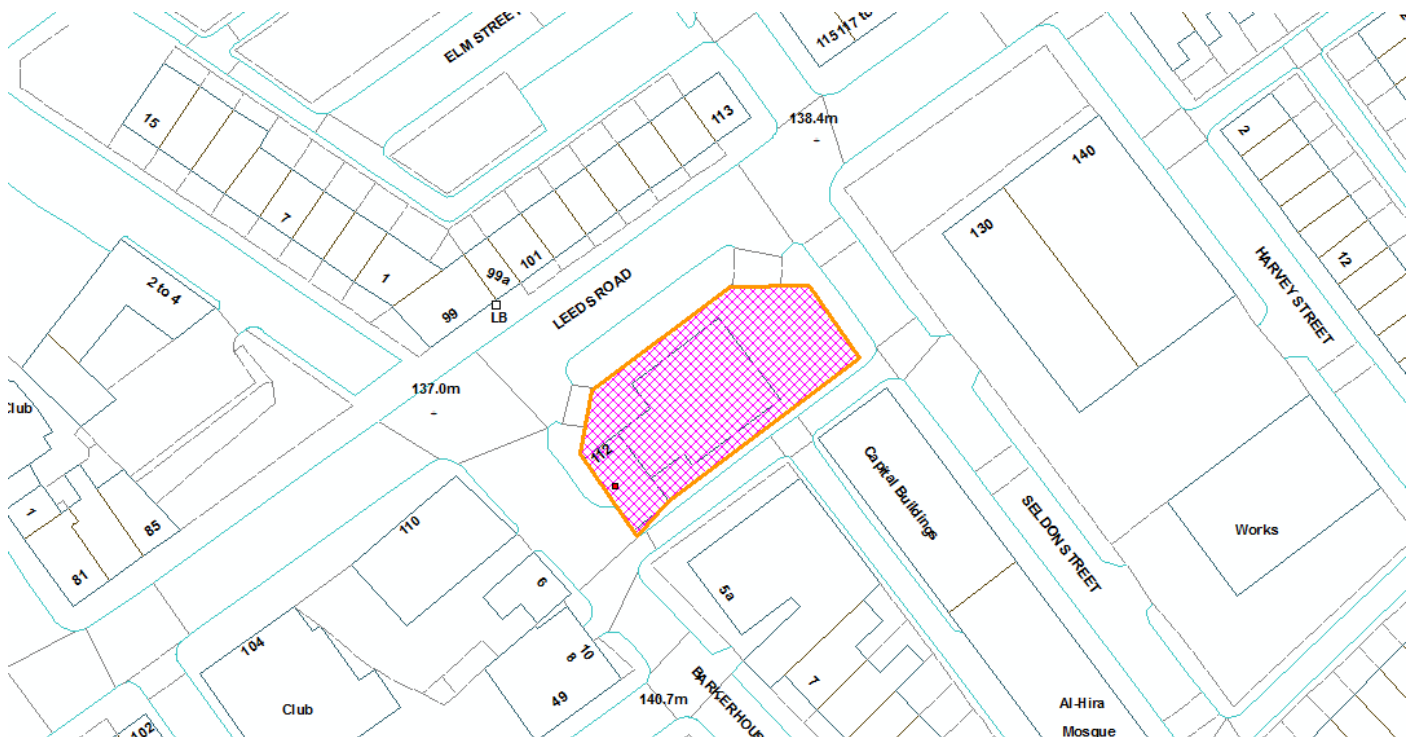
Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The variation of condition is acceptable in terms of residential amenity. The development therefore complies 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: Refuse

The proposed increase in the hours of operation would result in an unacceptable impact upon the amenity of residents of adjacent residential properties. The applicant has failed to demonstrate that this impact could be mitigated contrary to Policy 8 of the Replacement Pendle Local Plan.

Enforcement Action

This application resulted from an enforcement case investigating the failure to comply with the hours of operation imposed by condition 2 of planning permission 13/12/0142P. It is recommended that a Breach of Condition Notice is served on the owner of the land to require the site only to operate within the times granted on the planning permission.



Application Ref: 16/0509/VAR

Proposal: Full: Variation of Condition: Vary condition 2 of planning permission 13/12/0142P to allow opening hours of 08:00 - 20:00.

At: Leeds Road Service Station, 112 Leeds Road

On behalf of: Mr Waqas Mahmood

REPORT TO NELSON COMMITTEE 3rd OCTOBER, 2016

Application Ref: 16/0531/HHO

Proposal: Full: Erection of dormer windows to front and rear

At: 55-57 St. Mary's Street Nelson

On behalf of: Mr Zaman

Date Registered: 5 August 2016

Expiry Date: 4 October 2016

Case Officer: Kathryn Hughes

This application has been brought before Committee at the request of a Member.

Site Description and Proposal

The site is a mid-terrace residential property located within the settlement boundary of Nelson in a residential area. The site lies within the Whitefield Conservation Area.

The proposal is to erect two dormer windows to the front and rear roofslopes.

The two front dormers would measure 3.55m x 2m x 3.2m whilst the two dormers on the rear roofslope would measure 3.55m x 2m x 3.2m maximum. The front dormer would be sited between 0.25m and 0.4m lower than the ridge whilst the rear dormer would be sited between 0.2m and 0.35m lower than the ridge. Both sets of dormers would be set 0.2m above the eaves level.

The dormers would be finished in uPVC cladding and rubberised roofing material.

Relevant Planning History

13/06/0139P – Erection of single storey extension to rear – Refused 26/04/2006.

13/06/0345P – Rear extension – Approved 10/07/2006.

Consultee Response

LCC Highways – Concerned about the cumulative effect of the increasing number 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. We would, therefore object to this application.

Nelson Town Council

PBC Conservation Officer - These houses are relatively plain. Dormers did not historically form part of this design. This differs from the nearby terraces which are more elaborate and higher status, with front canopies, bay windows and small pitched roof dormers. This stylistic difference in terraces contributes greatly to the significance of the conservation area. 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. It would also display large areas of unsightly upvc cladding. The proposal would fail to preserve or enhance the character or appearance of the conservation area, as required by S72 of the 1990 Act. Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by NPPF 134. The proposal would also be in conflict with guidance in the CA SPD (paras 4.19-4.20).

Public Response

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

Officer Comments

The main issues for consideration are compliance with policy, impact on amenity (including the conservation area), design and materials.

1. Compliance with Policy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

SPD: Design Principles and SPG: Conservation Area Design and Development Guidance lend support to both these policies.

The Design Principles SPD states that the roof is an important element of a buildings design and unsympathetic extensions can have a negative impact. It sets out several criteria that dormers should adhere to. Dormers should not be so large as to dominate the roof slope resulting in a property which looks unbalanced. Roof alterations should be minor and sympathetic to the original design of the building.

The Conservation Area Design and Development Guidance SPD also contains guidance on development. It emphasises a need to retain historic elements, specifically identifying Whitefield as an area where original dormer windows exist. It states that new dormers should always be sympathetic to the building.

2. Impact on Amenity (including the Conservation Area)

The property is located within the Whitefield Conservation Area, where significant regeneration work has been undertaken over recent years, with group repairs to terraces and installation of traditional style windows, doors and boundary treatments.

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.

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.

This row of properties is different from the others in the area as the houses are relatively plain. Dormers did not historically form part of this design.

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 front dormer would be built right to the front of the roof, with no set-back. It would also display large areas of unsightly upvc cladding. The proposal would fail to preserve or enhance the character or appearance of the conservation area, as required by S72 of the 1990 Act. Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by para 134 of the National Planning Policy Framework. The proposal would also conflict with guidance in the Conservation Area Design and Development Guidance Supplementary Planning Guidance.

This proposal therefore fails to accord with policies ENV1 and ENV2 and the Conservation Area Design and Development Guidance SPD and the Design Principles SPD.

3. Design and Materials

This property has no roof alterations at present. The proposal is to create large flat boxed dormers to the front and rear of the building. The dormers are overly large with a poor design in the context of the vertical nature of the building, as with many Victorian terrace houses. The use of upvc and rubberised materials which are unsympathetic in Conservation Areas would be inappropriate and will not be supported.

In this case the design of the dormer windows is inappropriate due to its horizontal emphasis and top heavy appearance set only 200mm back from the eaves instead of the 1m set back from the front wall as required in the Design Principles SPD.

The position and size of the windows in the front dormers would unbalance this even further.

The materials proposed for the cladding of the dormers are upvc to the front and sides and rubberised matting to the roofs.

The large area of upvc cladding and rubberised matting would be inappropriate material and would result in harm to the character and appearance of Whitefield Conservation Area.

This proposal therefore fails to accord with policies ENV1 and ENV2 and the Design Principles SPD.

4. Highways

The application site does not currently have any off-street parking provision and there is no prospect of accommodating any on the site. This is an acceptable situation for a terraced property.

5. Summary

The proposed development would introduce poorly designed overly large dormer windows due to their size and position on the roofslopes, clad in materials which are not characteristic of the area

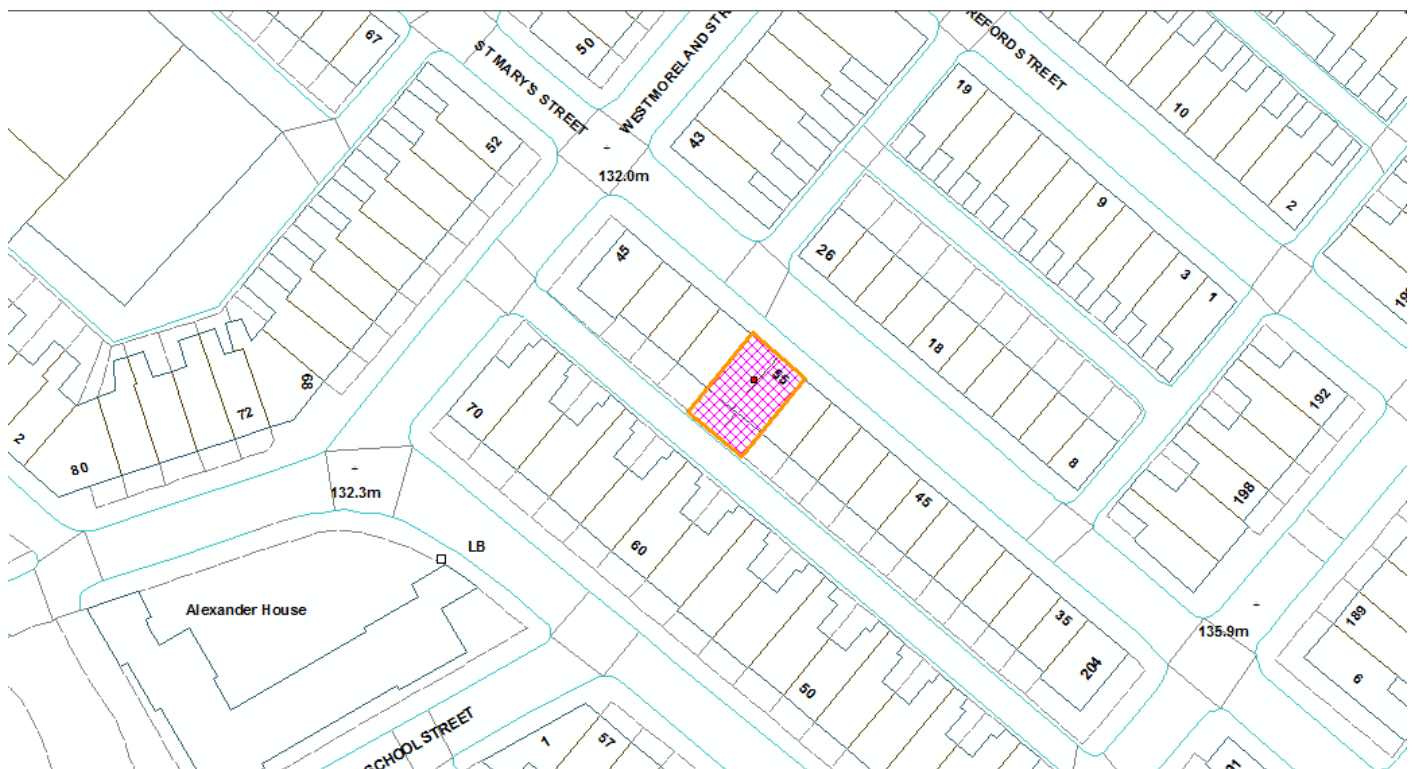
and which would harm the appearance of the conservation area and thereby fails to accord with policies ENV1 and ENV2 of the Pendle Local Plan: Part 1 and also the guidance contained within the Design Principles and Conservation Area Design and Development Guidance SPD's.

In this particular case the proposed development would not preserve or enhance the character and appearance of the conservation area and therefore should be resisted.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed dormer windows would lead to a considerable reduction in the design quality of the area to the detriment of the character and appearance of the Whitefield Conservation Area due to their scale, siting, design and materials contrary to policies ENV1 And ENV2 of the Pendle Local Plan: Part 1 and the Conservation Area Design and Development Guidance SPD.



Application Ref: 16/0531/HHO

Proposal: Full: Erection of dormer windows to front and rear

At: 55-57 St. Mary's Street Nelson

On behalf of: Mr Zaman

REPORT TO NELSON COMMITTEE 3rd OCTOBER, 2016

Application Ref: 16/0532/HHO

Proposal: Full: Erection of dormer windows to front and rear

At: 53 St. Mary's Street Nelson

On behalf of: Mr Zaman

Date Registered: 5 August 2016

Expiry Date: 4 October 2016

Case Officer: Kathryn Hughes

This application has been brought before Committee at the request of a Member.

Site Description and Proposal

The site is a mid-terrace residential property located within the settlement boundary of Nelson in a residential area. The site lies within the Whitefield Conservation Area.

The proposal is to erect a dormer window to the front and rear roofslopes.

The front dormer would measure 3.55m x 2m x 3.2m whilst the dormer on the rear roofslope would measure 3.55m x 2m x 3.2m maximum. The front dormer would be sited between 0.25m and 0.4m lower than the ridge whilst the rear dormer would be sited between 0.2m and 0.35m lower than the ridge. Both dormers would be set 0.2m above the eaves level.

The dormers would be finished in uPVC cladding and rubberised roofing material.

Relevant Planning History

13/08/0359P – Erect single storey rear extension (as amended) – Approved 21/08/2008.

Consultee Response

LCC Highways – Concerned about the cumulative effect of the increasing number 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. We would, therefore object to this application.

Nelson Town Council

PBC Conservation Officer - These houses are relatively plain. Dormers did not historically form part of this design. This differs from the nearby terraces which are more elaborate and higher status, with front canopies, bay windows and small pitched roof dormers. This stylistic difference in terraces contributes greatly to the significance of the conservation area. 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. It would also display large areas of unsightly upvc cladding. The proposal would fail to preserve or enhance the character or appearance of the conservation area, as required by S72 of the 1990 Act. Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by NPPF 134. The proposal would also be in conflict with guidance in the CA SPD (paras 4.19-4.20).

Public Response

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

Officer Comments

The main issues for consideration are compliance with policy, impact on amenity (including the conservation area), design and materials.

6. Compliance with Policy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

SPD: Design Principles and SPG: Conservation Area Design and Development Guidance lend support to both these policies.

The Design Principles SPD states that the roof is an important element of a buildings design and unsympathetic extensions can have a negative impact. It sets out several criteria that dormers should adhere to. Dormers should not be so large as to dominate the roof slope resulting in a property which looks unbalanced. Roof alterations should be minor and sympathetic to the original design of the building.

The Conservation Area Design and Development Guidance SPD also contains guidance on development. It emphasises a need to retain historic elements, specifically identifying Whitefield as an area where original dormer windows exist. It states that new dormers should always be sympathetic to the building.

7. Impact on Amenity (including the Conservation Area)

The property is located within the Whitefield Conservation Area, where significant regeneration work has been undertaken over recent years, with group repairs to terraces and installation of traditional style windows, doors and boundary treatments.

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.

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.

This row of properties is different from the others in the area as the houses are relatively plain. Dormers did not historically form part of this design.

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This proposal therefore fails to accord with policies ENV1 and ENV2 and the Conservation Area Design and Development Guidance SPD and the Design Principles SPD.

8. Design and Materials

This property has no roof alterations at present. The proposal is to create large flat boxed dormers to the front and rear of the building. The dormers are overly large with a poor design in the context of the vertical nature of the building, as with many Victorian terrace houses. The use of upvc and rubberised materials which are unsympathetic in Conservation Areas would be inappropriate and will not be supported.

In this case the design of the dormer windows is inappropriate due to its horizontal emphasis and top heavy appearance set only 200mm back from the eaves instead of the 1m set back from the front wall as required in the Design Principles SPD.

The size and position of the window in the front dormer would unbalance this even further.

The materials proposed for the cladding of the dormers are upvc to the front and sides and rubberised matting to the roofs.

The large area of upvc cladding and rubberised matting would be inappropriate material and would result in harm to the character and appearance of Whitefield Conservation Area.

This proposal therefore fails to accord with policies ENV1 and ENV2 and the Design Principles SPD.

9. Highways

The application site does not currently have any off-street parking provision and there is no prospect of accommodating any on the site. This is acceptable for a terraced street.

10. Summary

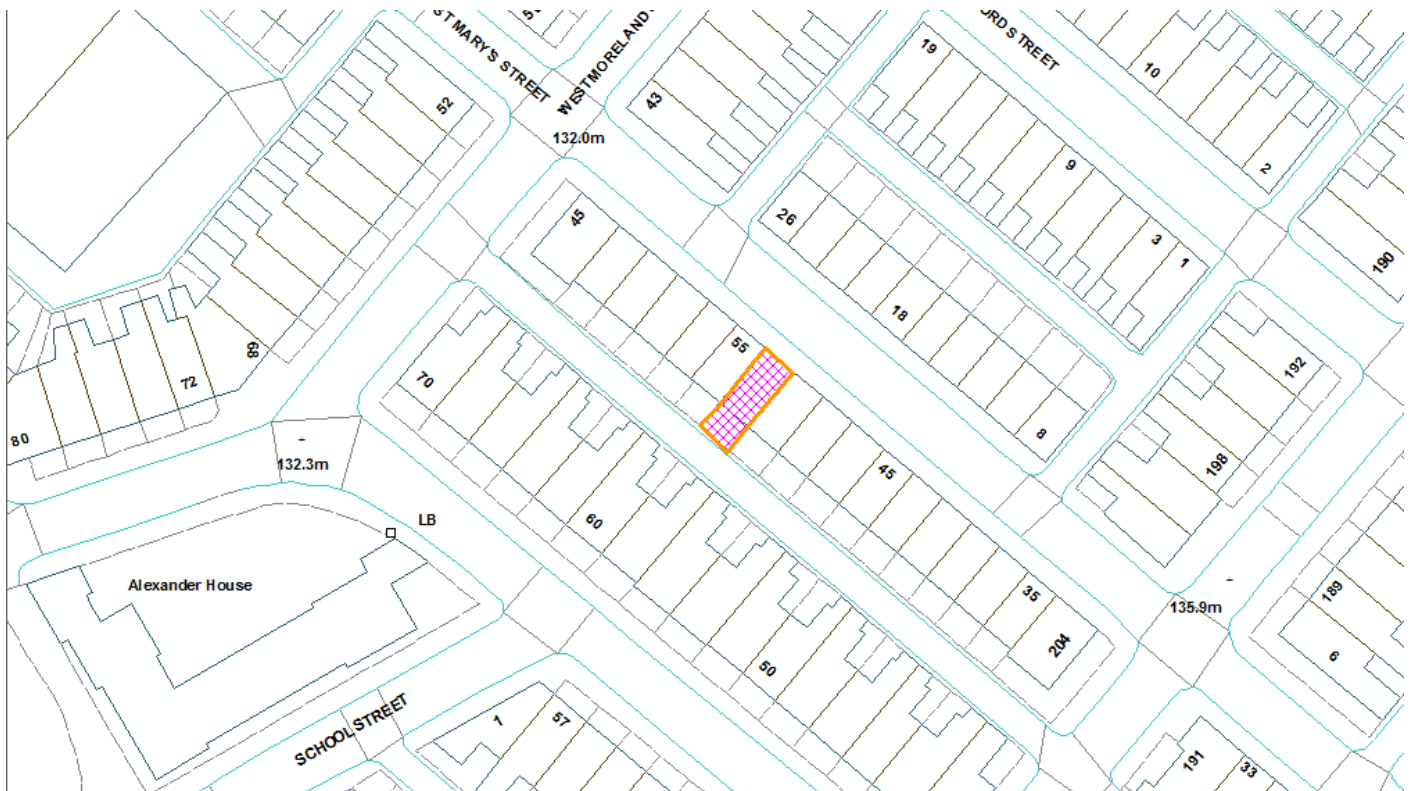
The proposed development would introduce poorly designed overly large dormer windows due to their size and position on the roofslopes, clad in materials which are not characteristic of the area and which would harm the appearance of the conservation area and thereby fails to accord with policies ENV1 and ENV2 of the Pendle Local Plan: Part 1 and also the guidance contained within the Design Principles and Conservation Area Design and Development Guidance SPD's.

In this particular case the proposed development would not preserve or enhance the character and appearance of the conservation area and therefore should be resisted.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed dormer windows would lead to a considerable reduction in the design quality of the area to the detriment of the character and appearance of the Whitefield Conservation Area due to their scale, siting, design and materials contrary to policies ENV1 and ENV2 of the Pendle Local Plan: Part 1 and the Conservation Area Design and Development Guidance SPD.



Application Ref: 16/0532/HHO

Proposal: Full: Erection of dormer windows to front and rear

At: 53 St. Mary's Street Nelson

On behalf of: Mr Zaman

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 19th September 2016