

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 07th November 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 07 NOVEMBER 2016

Application Ref: 13/16/0056P

Ref: 19285

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

At: 384 RAILWAY STREET NELSON BB9 0JD

On behalf of: Mr A Ahmed

Date Registered: 11 February 2016

Expiry Date: 7 April 2016

Case Officer: Mubeen Patel

Site Description and Proposal

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

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

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

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

Relevant Planning History

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

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

Consultee Response

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

Public Response

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

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

Relevant Planning Policy

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

Officer Comments

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

Policy

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

The Design Principles SPD expands on the requirements of Policy ENV2, it requires that rear extensions should be designed to avoid causing overshadowing, loss of outlook or loss of privacy to the neighbours, or appear unduly dominant to neighbours.

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

Design

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

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

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

with the existing dwelling. This would result in a development incongruous appearance to the detriment of the visual amenities of the occupiers of the neighbouring dwellings and harmful to the character of the area. The development would therefore, be contrary to the aims of ENV2 and the Councils Design Principles SPD.

Amenity

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

Highways

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

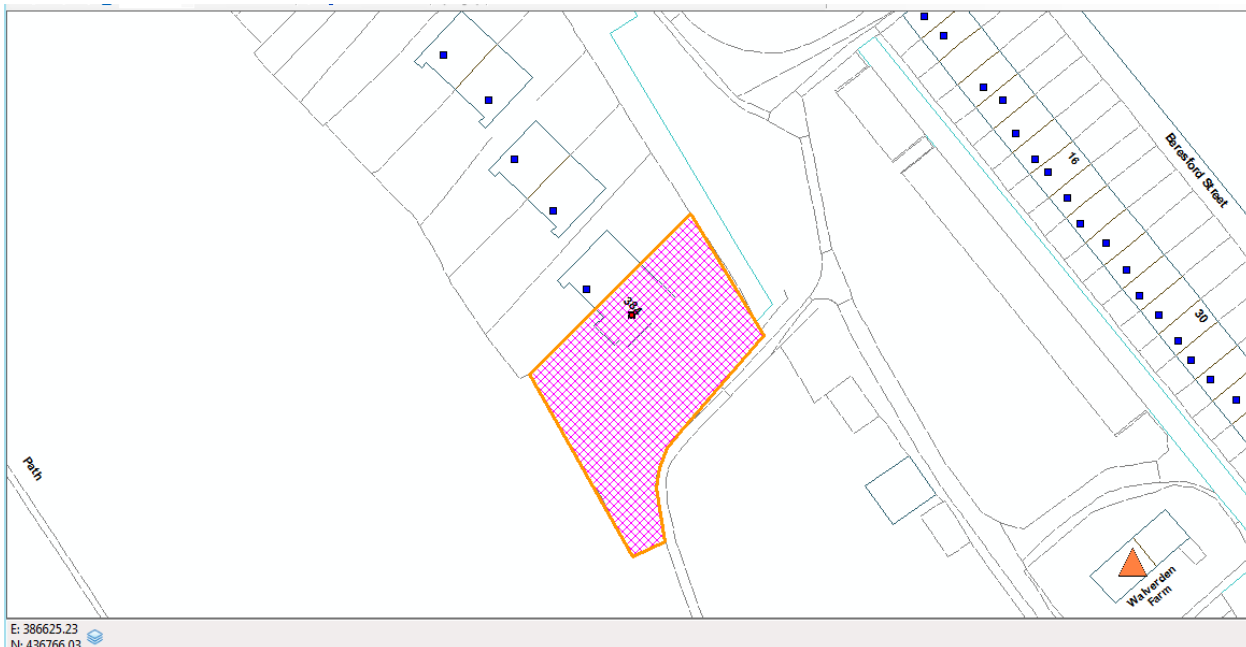
Conclusion

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

RECOMMENDATION: Refuse

For the following reasons:

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



Application Ref: 13/16/0056P

Ref: 19285

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

At: 384 RAILWAY STREET NELSON BB9 0JD

On behalf of: Mr A Ahmed

REPORT TO NELSON COMMITTEE 7TH NOVEMBER, 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 the October Committee to seek an alternative access arrangement.

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. However, High Street is a narrow unadopted street and not an ideal access in highway safety terms.

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.

At October's Committee Councillors indicated that an access from Cobden Street would be preferable. The applicant has considered this and, due to the difference in height between the site of the proposed car park and Cobden Street, has stated that it would not be practical to access the car park from Cobden Street. However, the Council's engineering section has assessed the feasibility of this and advised that it would be easily achievable.

An access directly onto Cobden Street would be preferable in highway safety terms and therefore it is recommended that a condition is attached requiring that the access to the car park is taken from Cobden Street.

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.

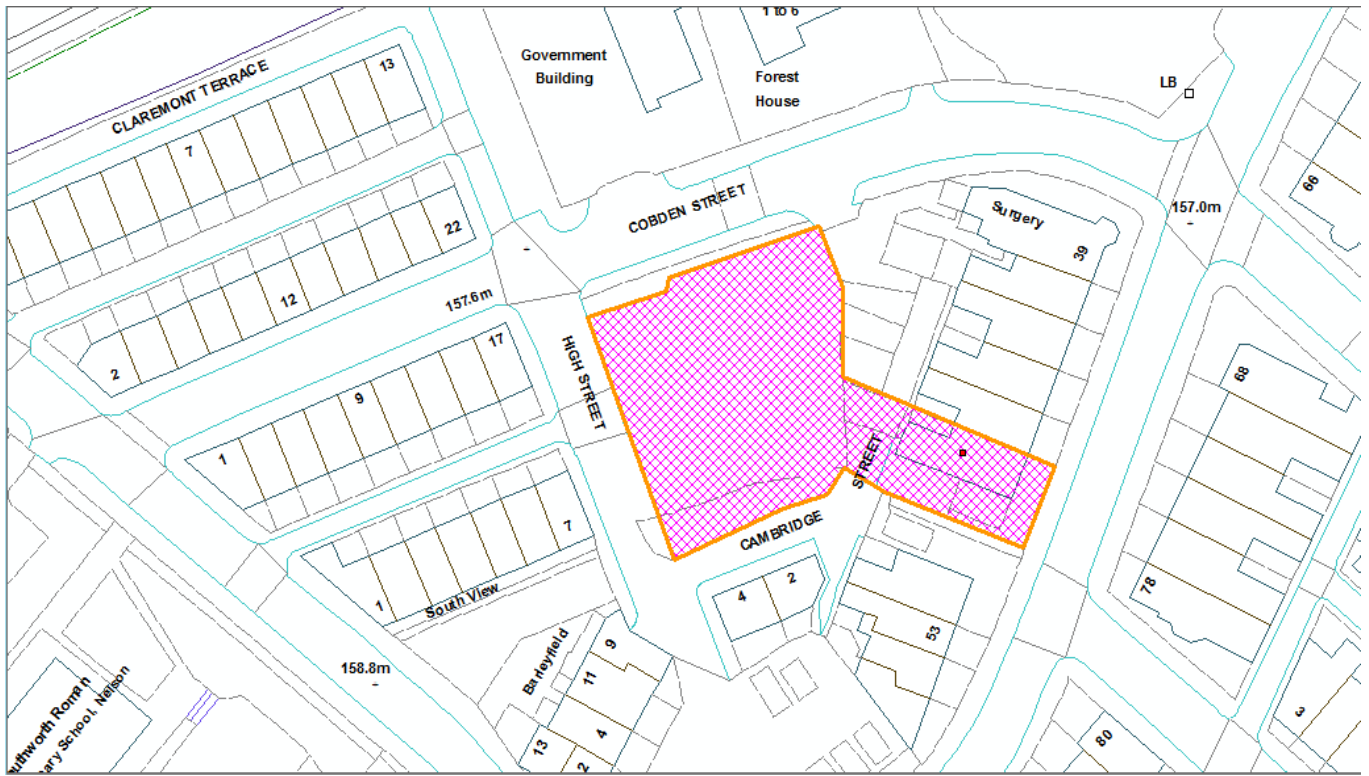
4. Notwithstanding any indication on the approved plans there shall be no vehicular access to the car park from High Street. The development shall not be commenced unless and until a scheme for the provision of vehicular access directly from Cobden Street, including a revised car parking layout, has been submitted to and agreed in writing by the Local Planning Authority. The use hereby approved shall not be commenced unless and until the access and car park have been surfaced, drained and laid out in accordance with the approved details. 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 7TH NOVEMBER, 2016

Application Ref: 16/0540/FUL

Proposal: Full: Change of use of No. 68 from retail (A1) to hot food takeaway (A5) and insertion of new shopfronts and security shutters to both units.

At: 68-70 Manchester Road, Nelson

On behalf of: Mr Muhammad Naeem

Date Registered: 1st August 2016

Expiry Date: 26th September 2016

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a terraced shop property located within Nelson Town Centre.

The proposal is to change the use of No. 68 from a retail shop to a hot food takeaway in conjunction with no. 70 which already operates as this use.

Replacement shop front to both units and external shutters are also proposed.

The site is within the settlement boundary and does not lie within a shopping frontage in Nelson Town Centre. The site is also within Whitefield Conservation Area.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways – No objections there is short stay parking to the front and side and free, longer stay car parking within easy walking distance. The property is close to the public transport network.

Architectural Liaison Unit - This planning consultation is an application for a change of use to a hot food takeaway at 68-70 Manchester Road, Nelson. I have conducted a crime and incident search of this policing incident location. During the period **19/08/2015 to 19/08/2016** there have been recorded crimes and incidents including theft, burglary and criminal damage. Below are security recommendations in order to prevent the opportunity for crime and disorder at the hot food takeaway:-

Security Recommendations

1. **Physical Security** – The replacement doors and windows should be certificated to enhanced security standards PAS 24/2012 or an equivalent standard such as LPS 1175. It is noted that roller shutters have been incorporated into the scheme for crime prevention purposes.

2. **CCTV** – Consideration should be given to the building being fitted with an infrared CCTV Camera system. A camera should be located inside the main public entrance doorset to provide a clear head and shoulders shot of all persons entering the takeaway. Advisory signage advising that CCTV is in operation should be fitted externally and internally.

3. **Intruder Alarm System** - The building should be fitted with an intruder alarm system that is monitored via an Alarm Receiving Centre. Contacts should be fitted to doors and windows and PIR motion sensors fitted internally to rooms.

4. **Lighting** - Front and rear doorsets should be illuminated with an anti-vandal proof dusk till dawn light.

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 principle of use, impact on conservation area, impact on amenity, design and materials and parking issues.

Policy

The following Local Plan Core Strategy: Part 1 policies are relevant in terms of this proposal:

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.

The Conservation Area Design and Development Guidance SPD is also relevant here.

The following saved policies of the Replacement Pendle Local Plan are relevant:

Replacement Pendle Local Plan policy 31 sets out the maximum amount of parking for each use class.

Principle of Development

The site is within Nelson Town Centre but does not lie within a defined frontage and therefore in principle this use would be acceptable.

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.

The site is a prominent corner unit within the conservation area and is an attractive three storey stone building.

At present both units have timber shopfronts with three part windows, timber pilasters and fascia board and a stall riser. The existing doorway sited in the middle of the two units is recessed.

The proposal is to remove the timber windows and replace these with large aluminium framed windows which extend to the ground resulting in the removal of the stall riser from the front elevation. The door recess would also be removed resulting in a modern, glazed flat frontage with most of the key features being removed.

The existing timber pilaster and fascia sign is shown to remain.

The Conservation Area Design and Development Guidance states that replacement shopfronts should be of a high design standard and well related to the individual building and streetscene.

Replacement shopfronts will only be approved if they maintain or improve the quality of the front they are to replace and where they relate well to the building and to the streetscene in terms of materials, form and proportion. The shopfront should not be designed in isolation but should be considered as part of the architectural composition of a building and respect its period and style.

The stall riser and sill act as a base and visual anchor for the frontage as a whole and should line in with the pilaster plinths. These are usually in ashlar or coursed stone and sometimes in timber.

Shop windows can be subdivided vertically to maintain the proportions of the building. Single window panes tend to be large with smaller top lights with frames, mullions and sills in timber and appropriately moulded.

Recessed doorways are a traditional feature either to the centre or side of the shop usually with a top light above.

Only high quality finishes and natural materials should be used, the use of plastics is not appropriate. Softwood timber painted in heritage colours are the most appropriate material.

Whilst shopfronts do not need to be traditional with a simple contemporary design which reflects the key elements can sometimes be achieved. However, where many traditional shopfronts have been lost or altered it can be appropriate to retain or reinstate shopfronts to follow their original form.

In terms of external shutters the guidance states that these will not normally be appropriate in conservation areas, however, there are many properties within the conservation area which have external shutters and provided these are of an appropriate design and colour then they would not look out of character in this town centre location.

In this case the stall riser, whilst not an original feature in traditional materials, is an important feature which together with the door recess and traditional natural timber materials represents some of the key elements of this frontage. The proposed scheme would result in all of these elements being lost and replaced with a more modern design which does not reflect or enhance the character of this traditional building. This is not acceptable and does not adhere to the Conservation Area guidance nor is it in accordance with policy ENV1 of the Pendle Local Plan: Part 1.

Impact on Amenity

There would be no undue impact on amenity. This area is mainly commercial although there are residential units above and at first floor on adjacent units.

Taking into account the existing hot food takeaway and that this proposal would result in an extension of that use the proposed change of use from retail to hot food takeaway is acceptable here.

Design and Materials

The shopfront is proposed to be powder coated aluminium in Light Grey as is the entrance door. The windows on the front would extend down to the ground and would result in the removal of the entire existing stall riser. To the side (Albert Street) the stall riser would remain.

The traditional recessed door would be lost and the proposed doorway would be flush with the shop frontage resulting in a flat uninspiring double frontage.

Policy ENV2 requires proposals to contribute towards the sense of place and make a positive contribution to the historic environment and local identity and character. This proposal does not accord with this and would remove the traditional features that remain at present.

In this case the stall riser, door recess and traditional timber material would be lost and a much more modern shopfront installed to the detriment of the traditional character of this property.

For the reasons mentioned above the shop front design and materials would not be acceptable in this location and therefore the proposed would fail to accord with policies ENV1 and ENV2 of the Pendle Local Plan: Part 1.

Recessed pin holed shutters are proposed and provided these are factory coated and these would be acceptable in this town centre location.

Parking Issues

The site does not have any existing parking. However, the site is within the town centre and there are short stay town centre car parks located nearby. There is also short term parking on Manchester Road which can facilitate this use.

Summary

The proposed hot food takeaway use (A5) is acceptable in this location and there are town centre parking located close to the site. However, the design and materials proposed for the shopfront are not appropriate for this prominent, attractive building within the conservation area and would result in the loss of most of its traditional features to the detriment of the building and the conservation area.

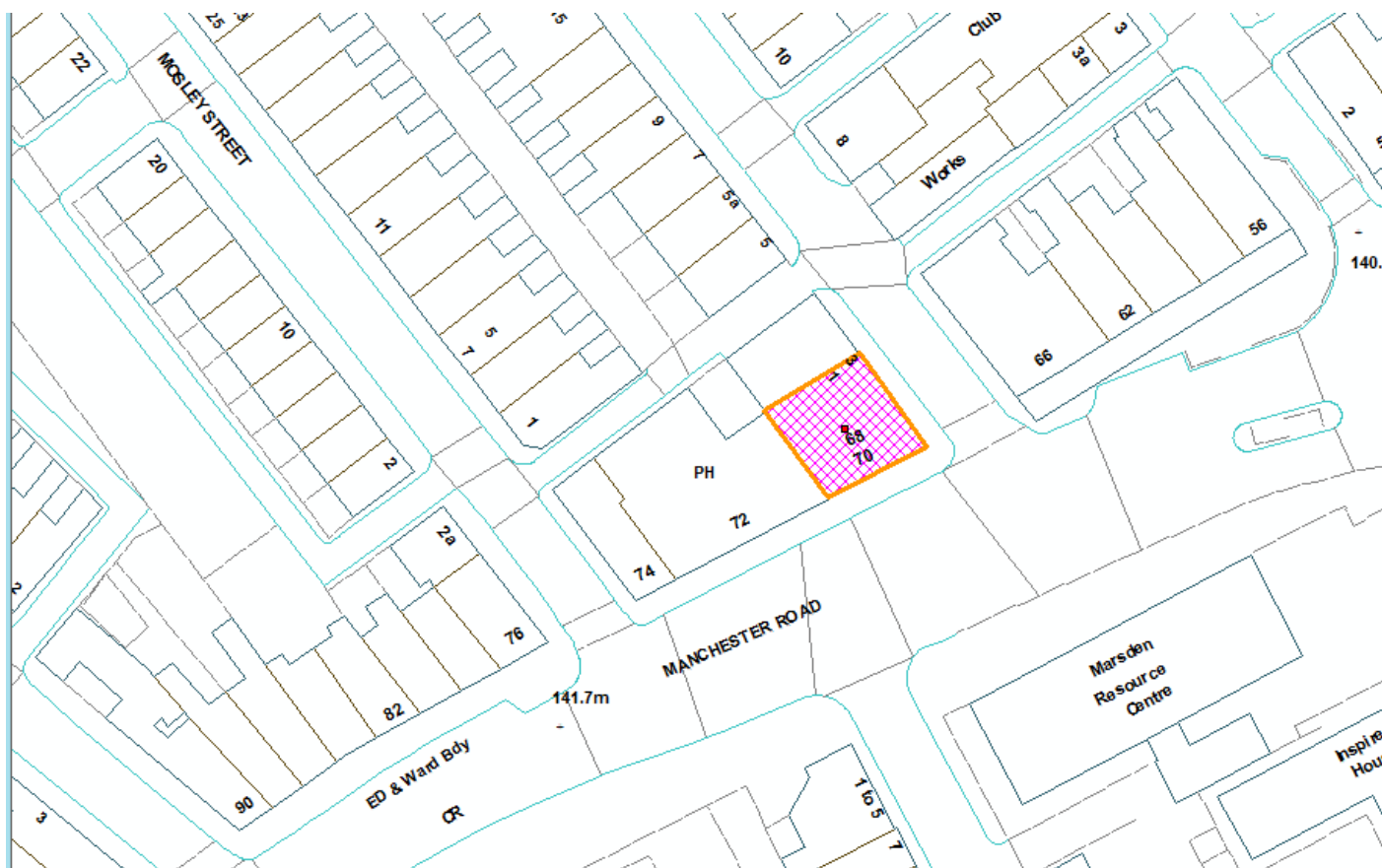
Reason for Decision

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. Whilst the proposed use is acceptable the design and materials of the shop front would not accord with policies ENV1 and ENV2 of the Pendle Local Plan Core Strategy and the Conservation Area Design and Development Guidance.

RECOMMENDATION: Refuse

On the following grounds:

1. The proposed shopfront would fail to retain or enhance the traditional features of the building in terms of design and materials and would therefore result in the loss of these traditional features and an unacceptable development in the Whitefield Conservation Area. This development therefore fails to accord with policies ENV1 and ENV2 of the Pendle Local Plan Core Strategy and the Conservation Area Design and Development Guidance.



Application Ref: 16/0540/FUL

Proposal: Full: Change of use of No. 68 from retail (A1) to hot food takeaway (A5) and insertion of new shopfronts and security shutters to both units.

At: 68-70 Manchester Road, Nelson

On behalf of: Mr Muhammad Naeem

REPORT TO NELSON COMMITTEE ON 7th November 2016

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

Site Description and Proposal

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

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

Relevant Planning History

No relevant planning history.

Consultee Response

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

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

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

Public Response

No public comments have been received.

Relevant Planning Policy

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

Officer Comments

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

Policy

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

Policy ENV1 of the Core Strategy part 1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy ENV2 of the Core Strategy part 1 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

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

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

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

Development Guidance SPD states that new dormers will not normally be acceptable unless they are appropriate to the age and style of the building and a feature of the surrounding architecture. It also notes that wide flat roofed dormers can detrimentally affect the character and appearance of an area by introducing a bulky shape which is at odds with an existing pitched roof, and can therefore disrupt the vertical emphasis of Victorian or Edwardian facades. The Design Principles SPD also states that the roof is an important element of a buildings design and unsympathetic extensions can have a negative impact.

Material Considerations

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

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

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

Paragraph 134 of the NPPF states that “where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

Design & Impact on the Conservation Area

The rear extension proposed is small and would have no detrimental impact on neighbours or the conservation area.

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

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

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

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

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

Highways

The proposal would result in an additional two bedrooms in the property which would lead to the potential for more people to live at the property and may result in additional pressure on on-street parking. However it is not considered that this would result in significant harm to the living conditions of nearby residents as a result of inconvenience in finding space in which to park, or

severe implications for highway safety. There is access to busses and public transport given its location to the town centre which would reduce the need for future occupants to have a car, and notwithstanding the representation made by the Highway Authority, no representations relating to problems of on- street parking have been made by members of the public.

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

Summary

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

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

RECOMMENDATION: Refuse

For the following reasons:

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



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

REPORT TO NELSON COMMITTEE ON 7th NOVEMBER 2016

Application Ref: 16/0588/FUL

Proposal: Full: Major: Demolition of existing industrial building and erection of extension to create additional production/storage B2 industrial/ B8 warehouse) 1,508sq.m. with staff canteen and facilities on first floor and compound with three flour silos.

At: Brook Street Mill Brook Street Nelson BB9 9PX

On behalf of: Farmhouse Biscuits Ltd

Date Registered: 31st August 2016

Expiry Date: 30 November 2016

Case Officer: Kathryn Hughes

This application has been brought to the Committee as it is a Major application.

Site Description and Proposal

The application site comprises Brook Street Mill, a vacant former manufacturing unit. The site is situated between the recently constructed Farmhouse Biscuits at the junction of Netherfield Road to the west, the existing original Farmhouse Biscuits unit to the east and in front the existing production unit to the north. The site is located within a Protected Employment Area.

The proposed development is to demolish of the mill building and erect a modern split level building with a covered loading bay and additional production/storage facilities as well as a staff canteen at first floor for the adjacent Farmhouse Biscuits complex. A compound to the south east would house three flour silos.

The total floor area would be 1,508sq.m finished in trapezoidal cladding and reconstructed stone and horizontal cladding banding to Brook Street elevation to match the existing office building together with powder coated aluminium windows and Goosewing Grey roof cladding.

Part of the existing boundary wall would be lowered adjacent to the road to allow for access to the proposed loading bay.

Relevant Planning History

13/11/0181P – Full: Major: Demolition of mill and erection of B2 Industrial, B8 Warehouse and B1(a) office unit (3,262sq.m.) and associated car parking and landscaping – Approved 12th May, 2011.

13/03/0165P- Erect factory extension (914sqm) in enclosed yard - Approved 02/07/2003

13/01/0310P - Extend factory unit - Approved 08/10/2001.

Consultee Response

LCC Highways - The Highway Development Control Section does not have any objections regarding the proposed demolition of the existing industrial building and erection of extension to existing biscuit manufacturing business and 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.

Based on the car parking recommendations in the Joint Lancashire Structure Plan and the Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards the Highway Development Control Section is of the opinion that the proposed new extension will require similar car parking provision to the building being demolished, if fully operational under the current approved use of the building.

The new vehicular access, within the adopted highway fronting the property will need to be constructed under a section 184 agreement of the 1980 Highways Act (Vehicle crossings over footways and verges); The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for vehicle crossings and then fill in the information at "Get a vehicle crossing quotation".

The Highway Development Control Section recommends conditions relating to wheel washing, provision for vehicles to enter and leave the site in forward gear, car parking, motorbike and cycling facilities and a traffic management plan.

Environment Agency - The Agency OBJECTS to the proposed development as submitted on the following grounds:-

Environment Agency position:

In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to *set finished floor levels at a height that will reduce the likelihood of flooding. the FRA states that floor levels will be set "as high as possible" which is vague.*

Overcoming our objection

You can overcome our objection by submitting an FRA which covers the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall, by setting floor levels at least 300mm above existing ground levels, to Ordnance Datum. If this cannot be achieved we are likely to maintain our objection to the application. Production of an FRA will not in itself result in the removal of an objection.

UPDATE

We have reviewed the revised flood risk assessment as submitted and wish to make the following comments:-

We are now satisfied that the proposed development will not be at an unacceptable risk of flooding and we therefore **withdraw** our objection.

The Agency has no objection in principle to the proposed development subject to the inclusion of conditions which meet the following requirements.

Environment Agency position: The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment Revision A submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition: The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A and the following mitigation measures detailed within the FRA:

1. *Finished floor levels are set no lower than 139.87m above Ordnance Datum (AOD).*

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. *To reduce the risk of flooding to the proposed development and future occupants.*

Lead Local Flood Authority – Comments awaited.

United Utilities – No objections subject to conditions related to foul and surface water and management and maintenance of sustainable drainage systems being attached to grant of permission.

PBC Environmental Health – No comments.

Public Response

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

Officer Comments

The key issues in the determination of this application are compliance with policy, impact on amenity, design and materials, contamination and flood risk, ecology, landscaping and highway issues.

Compliance with Policy

The following Core Strategy Policies are relevant to this application:

SDP4 sets out new employment land provision.

ENV2 seeks to achieve quality in design.

ENV7 addresses water management.

WRK1 seeks to strengthen and diversify the local economy and support proposals in the M65 corridor and other spatial areas.

WRK2 Protected Employment Areas are supported for B1, B2 and B8 uses.

WRK6 encourages well designed workplaces.

The following Replacement Pendle Local Policies are still relevant for this application:

The site is located within a Protected Employment Area, and therefore policy 22 of the Local Plan is applicable. Policy 22 states that permission will be granted for B2 development in a designated area. In addition, B1 development should not result in an excess of 25% of total floor space in the Protected Employment Area at any time, which this proposal would not exceed. Furthermore, permission will be granted for B8 use provided this does not result in an excess of 10% of floorspace in the Protected Area at any one time. The B8 use in this instance would be ancillary to the main use of food manufacturing, and would not unduly undermine Policy 22.

Policy 31 sets out the parking requirements for developments.

Impact on Amenity

There are no residential units in close proximity to the site which is surrounded by other commercial units within the same ownership as this proposed unit and therefore any potential impact would be limited. The demolition of the current mill building can be controlled by condition, to ensure there are no adverse noise and disturbance issues. Environmental Health has not raised any concerns regarding potential impacts from the new development.

With regards to potential emissions from the internal processes the current production of biscuits is undertaken without smells occurring. However in order to ensure this is controlled any emissions will be required to go through a filtration process.

Design and Materials

The new building would replace a vacant building which has no intrinsic design quality. The design of the replacement building has been considered in terms of its relationship with the surrounding area and provides an innovative design which relates to the recently completed office building to the west.

The building is set at two different heights with the lower section being a single storey loading area and the high canteen section at three storeys.

The design of the building is obviously modern and would replace a run down and dilapidated north lights former weaving shed. It would not look out of context in its setting and allows a more modern and useable building in a traditional industrial area.

In terms of materials these are similar to the materials used on the new office building to the west and are acceptable in this industrial location.

Contamination and Flood Risk

The site was formerly used as a printers and no known contamination issues have been raised or required by Environmental Health.

The site lies within Flood Zone 3a. A Flood Risk Assessment was submitted with the application which was not satisfactory and therefore it has been amended. This has been assessed and found

to be satisfactory by the Environment Agency subject to an appropriate relating to finished floor levels being attached to any grant of permission.

Ecology and Landscaping

There are no known ecology issues on the site which has been vacant for a short while. Although there is no evidence to suggest the presence of bats on the site the agent has been asked to provide confirmation of this.

No soft landscaping is proposed and the hard surfaces are proposed to be surfaced in hot rolled asphalt and concrete for durability.

Highway Issues

No off street parking spaces are proposed for this development. The proposal would result in a further 12 employees. There is currently off street parking along the Brook Street frontage and at the existing units on end of the street. Taking into account the nature of the development (that is to improve existing production facilities and the sustainable location of the site, close to the town centre and public transport links, it is not anticipated that there will be any undue concerns over parking levels.

The new building would be serviced 3 or 4 times a week by a 12 metre articulated vehicle. Finished products would leave the site in 7.5 - 18 tonne vans. All vehicles will be able to enter and leave the site in forward gear. There would be no adverse impact on the local highway network.

Summary

Discussions are still ongoing regarding sustainable drainage requirements and the requirement for ventilation and/or extraction systems and potential for bats. An update will be provided on these at the meeting.

The proposed development would be acceptable in this location, with the employment benefits and economic growth of this business. Subject to satisfactory details relating to sustainable drainage, extract ventilation and potential for bats being submitted and assessed as acceptable, the development would raise no adverse planning policy issues.

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 would improve the visual amenity of the area, provide expansion prospects for the existing business and subject to further details being received and acceptable, would be compliant with Policy. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250, 1:250 Topographical Survey, 2016/62/PL01, 2016/62/PL02 & 2016/62/PL03.

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. No external extraction or ventilation system shall be installed in the development without the prior written approval from the Local Planning Authority.

Reason: In order to safeguard the amenity of the area.

5. The loading bay area shown on plan 2016/62/PL01 shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the parking spaces and manoeuvring areas marked out in accordance with the approved plan, prior to the first use of the building.

Reason: In order a satisfactory development.

6. Prior to the commencement of development a Construction Code-of-Practice Method Statement shall be submitted to and be approved in writing by the Local Planning Authority and shall thereafter be adhered to. The Statement shall provide for:

1. a programme of works including phasing, hours of operation and measure for the control of traffic to and from the site, and within the site, during construction.
2. the parking of vehicles for site operatives and visitors
3. loading and unloading of plant and materials
4. storage of plant and materials used in the construction of the development
5. demolition management plan.
6. on site wheel-washing facilities
7. measures to control the emission of dust and dirt during construction
8. a scheme for re-cycling/disposing of waste resulting from demolition and construction works.

Reason: To maintain the operation of local streets and the through routes in the area during construction in the interests of highway safety.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. Prior to the commencement of development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of

the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

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

The development shall be completed in accordance with the approved details prior to being brought into use.

Reason: To promote sustainable development, secure proper drainage control and to manage the risk of flooding and pollution.

9. Prior to the commencement of development a sustainable drainage management and maintenance plan for the lifetime of the development shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include as a minimum:
- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company; and
 - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as on-going inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime; and
 - c) Means of access for maintenance and easements where applicable.

The development shall subsequently be completed, maintained and managed in accordance with the approved details prior to being brought into use.

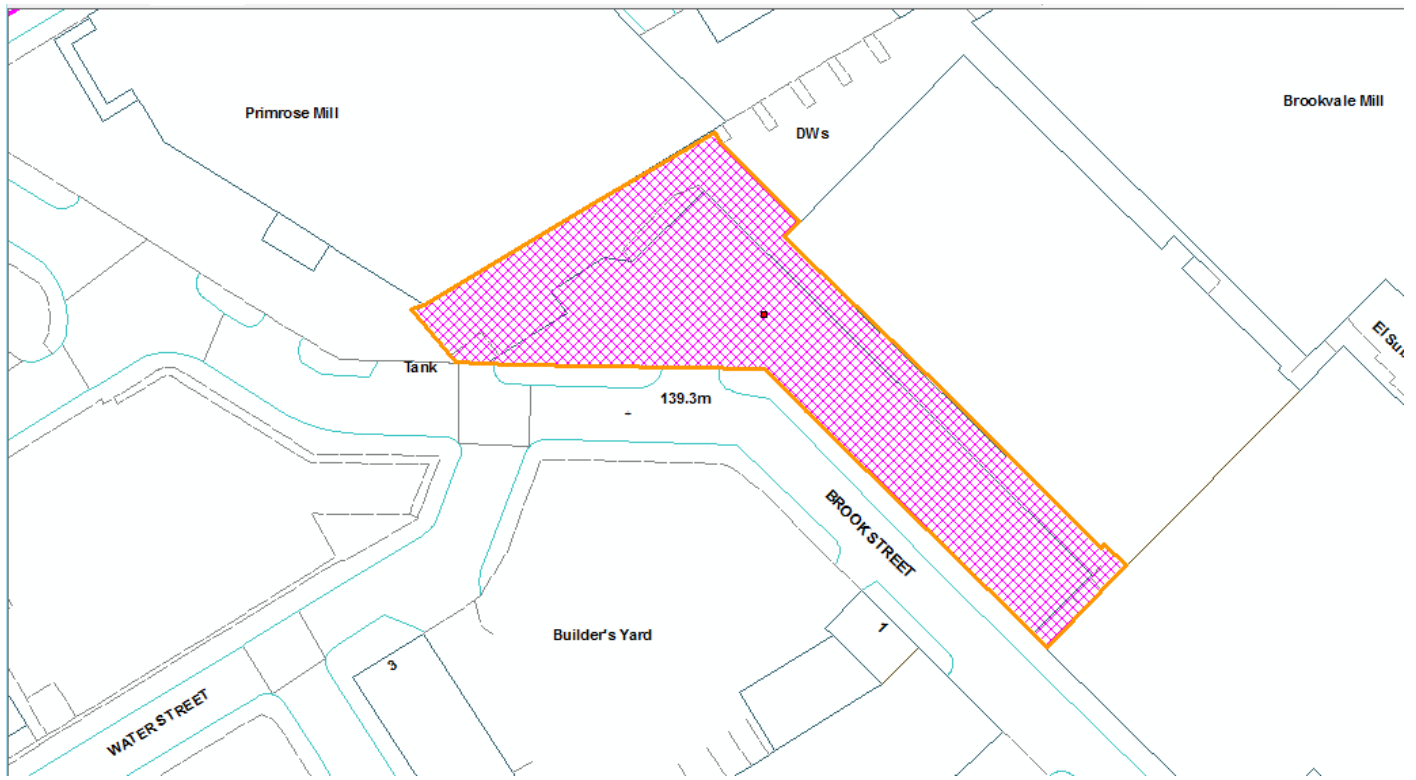
Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

10. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) Revision A and the following mitigation measures detailed within the FRA:

Finished floor levels are set no lower than 139.87m above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.



Application Ref: 16/0588/FUL

Proposal: Full: Major: Demolition of existing industrial building and erection of extension to create additional production/storage (B2 industrial/ B8 warehouse) 1,508sq.m. with staff canteen and facilities on first floor and compound with three flour silos.

At: Brook Street Mill Brook Street Nelson BB9 9PX

On behalf of: Farmhouse Biscuits Ltd

REPORT TO NELSON COMMITTEE ON 07 NOVEMBER 2016

Application Ref: 16/0593/HHO
Proposal: Full: Erection of dormers to front and rear.
At: 16 Lomeshaye Road, Nelson
On behalf of: Mr Majid Nasir
Date Registered: 27/09/2016
Expiry Date: 22/11/2016
Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought before Members at the request of the Chair.

The site is a mid-terrace residential property located within the settlement boundary of Nelson surrounded by similar properties. The site lies within the Whitefield Conservation Area.

The proposed development is the erection of dormer windows to the front and rear roof slopes. The proposed dormer windows would be flat roofed with slate to the sides, upvc cladding to the front and rear, upvc windows and rubber roofing. Two rooflights are also proposed above the front dormer.

Relevant Planning History

None.

Consultee Response

LCC Highways - No objection.

PBC Conservation Officer - This terrace on Lomeshaye Road is a prominent and distinctive one within the Whitefield Conservation Area. The houses were subject to recent group repair and an Article 4 Direction was imposed in order to preserve the uniformity of the row and prevent inappropriate changes. The terraces on Lomeshaye Road were built from the 1860's onwards as better quality housing for the growing town. They are therefore larger and have more architectural elaboration than the majority of Whitefield terraces, with front gardens, paired windows, tall chimney stacks and small pitched roof dormers, which were carefully restored as part of the group repair. These small scale original dormers add to the architectural character of the terrace as they increase the vertical emphasis and therefore the perceived scale of the houses. This stylistic difference between terraces contributes greatly to the significance of the conservation area as a whole, as do the distinctive and consistent blue slate roofslopes and chimney stacks.

The terrace is a long one and there are a few existing enlarged flat-roofed dormers to the front elevation of the terrace as a whole, these are relatively modern and likely constructed prior to conservation area designation, however all are of a much smaller scale to that now proposed at No. 16. The proposed dormers would be built right to the front of the roof, with little set-back, and across virtually the full width of the roof, appearing bulky and out of scale with the house and the terrace as a whole. They would also display a large area of unsightly white upvc cladding, which is not an appropriate material for the CA context. The front dormer would be clearly seen in views from Meadow Bank Road opposite, as well as from Lomeshaye Road itself. There would also be

two additional rooflights located above the front dormer. The rear dormer though still appearing bulky and out of scale with the house, would not be as visible or prominent in the CA as that at the front.

The proposals 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 CA would be less than substantial, this would not be justified by any public benefit, as required by NPPF 134. The dormers would be clearly at odds with, and detract from the design of the terrace row, and would be in conflict with guidance in the CA SPD (paras 4.19-4.20).

The proposal should be amended to retain the small scale dormer as existing to the front. As a compromise a dormer could be accommodated to the rear roof slope, but should ideally be reduced in scale, and slate should be used to the rear as well as the cheeks in order to reduce the visual impact.

Nelson Town Council

Public Response

Site and press notices posted and nearest neighbours notified by letter the notification period ends 16th November 2016. No response.

Officer Comments

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

Policy

Policy ENV1 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 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.

Design Principles SPD and Conservation Area Design and Development Guidance support both these policies SPD.

The Design Principles SPD states that the roof is an important element of a building's 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.

Design and impact of 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 block including the application site was in recent years included within the Article 4 Direction 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.

This terrace is a distinctive one within the Whitefield Conservation Area, the houses were subject to recent group repair and an Article 4 Direction was imposed in order to preserve the uniformity of the row. 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.

This property has an existing small pitched roof dormer to the front. 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 this Victorian terrace house.

The large and bulky dormer proposed to the front elevation would be clearly at odds with, and detract from the design and clean lines of the front of the terraced row. The front and rear dormers also display large areas of unsightly and inappropriate upvc cladding to the front and rear faces and rubberised roofing.

Although there are a number of similar existing front dormers within the street, the addition of the proposed dormer, and loss of the existing front dormer which enhances the character and appearance of the building, would have a further detrimental impact upon the appearance of the Conservation Area and its significance.

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 and the proposal would also conflict with guidance in the Conservation Area Design and Development Guidance SPD paras 4.19-4.20.

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

Residential amenity

The site is located within a typical terrace layout, with many properties having facing primary windows. The introduction of this development would not have an unacceptable impact on adjacent neighbours in terms of privacy.

Highways

The proposed development would increase the number of bedrooms from four to five. This does not require an increase in car parking provision.

REPORT TO NELSON COMMITTEE 07 NOVEMBER 2016

Application Ref: 16/0626/HHO

Proposal: Full: Demolition of garage and erection of a split level 2 storey extension to the side and 3 storey extension to the rear.

At: 51 LOWTHWAITE DRIVE NELSON BB9 0SU

On behalf of: Mrs S Ansar

Date Registered: 22/06/2016

Expiry Date: 17/08/2016

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought before Committee at the request of a Councillor and because three objections have been received.

The application site is a semi-detached dormer bungalow style house located within the settlement of Nelson surrounded by similar properties. The land the house is sited on slopes steeply down from front to rear and the rear boundary of the garden abuts the side boundary of No.11 The Warings. The materials of the existing house are brick walls, timber clad dormers, concrete tile roof and upvc fenestration.

The proposed development is a split level two store extension to the side and three storey extension to the rear with and a raised decking area to the side of that.

This is a revised application following the approval of a two storey split level extension to the side and rear, this application would add storey onto the rear extension of the existing permission.

Relevant Planning History

13/15/0466P - Full: Demolition of garage and erection of two storey extension to side, single storey extension to rear and creation of parking space to front. Approved.

16/0446/HHO - Full: Demolition of garage and erection of a split level 2 storey extension to the side and 2 storey extension to the rear (resubmission) (part retrospective). Approved.

Consultee Response

LCC Highways – No objection. Please attach a condition for access surfacing and a note relating to highway works.

Nelson Town Council

Public Response

6 neighbours notified – Three responses received objecting to the development on the following grounds:

Loss of privacy.

Overshadowing.

Noise impact from increase number of residents.

Impact on the saleability of adjacent properties.

Garden grabbing, overdevelopment and loss of open aspect.

The incremental submission of three applications has resulted in a poor design that contravenes section 64 of the National Planning Policy Framework.

The floor space of the proposed property would be more than double the original property which is not in-keeping with other properties in the area.

The existing permission results in overlooking of the neighbouring patio and kitchen area, the proposed 2m fence would have little effect if a third storey is built and the view from the patio would be of a brick wall which would be overbearing.

The first application has one level with one window overlooking the gardens of the houses on Kelswick Drive, Members agreed to this subject to frosted glass in the window - this third set of plans shows four windows and one door.

Considering the first application was for a side and single storey extension to the rear, this latest proposal fills us with horror and wonder is any consideration has been given to ourselves and other affected properties, as this is a very intrusive construction.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy states that all new development will be required to meet high standards of design, this is expanded upon in relation to domestic extensions by the Design Principles SPD.

National Planning Policy Framework

Paragraph 64 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Design

The Design Principles SPD states that two storey extensions should normally have a pitched roof. Although the approved rear extension has a flat roof, this was generally acceptable in the context of what was essentially a single storey extension in relation to the main house, which sits on a higher level. However, the addition of a third storey to the rear extension would make the flat roof to the rear of the building significantly more visible. The flat roof the extension would be prominently visible from the west on Lowthwaite Drive and would have an unacceptable impact on the street scene and visual amenity of the area. The flat roofed design of this large and prominent rear extension would represent poor design contrary to paragraph 64 of the National Planning Policy Framework and policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.

Amenity

The proposed bedroom window in the rear elevation would overlook the rear garden of 11 The Warings separated by just 5m. This would result in an unacceptable loss of privacy of that garden. This could not be resolved with an obscure glazing condition, as with the ground floor and basement windows, because it would leave the bedroom with no outlook, which is not acceptable. It could also not be resolved by relocating the window to a side elevation because this would unacceptably impact upon the privacy of the gardens of the dwellings to each side.

The first floor bedroom window proposed in the side of the extension would face the detached garage of the adjacent house and be at a sufficient angle from private areas to the rear to ensure that it would not unacceptably impact upon privacy.

The height and position of the patio door in the side of the rear extension and the level of the proposed decking is the same as that approved in the previous application. The privacy impact of the decking and patio was assessed in determining the previous application and found to be acceptable.

The extension would be 5m from the side and rear boundaries, this is sufficient to ensure that it would not result in an unacceptable loss of light or overbearing impact of the adjacent properties.

The proposed development would result in an unacceptable loss of privacy to the resident of 11 The Warings contrary to policy ENV2 and the guidance of the Design Principles SPD.

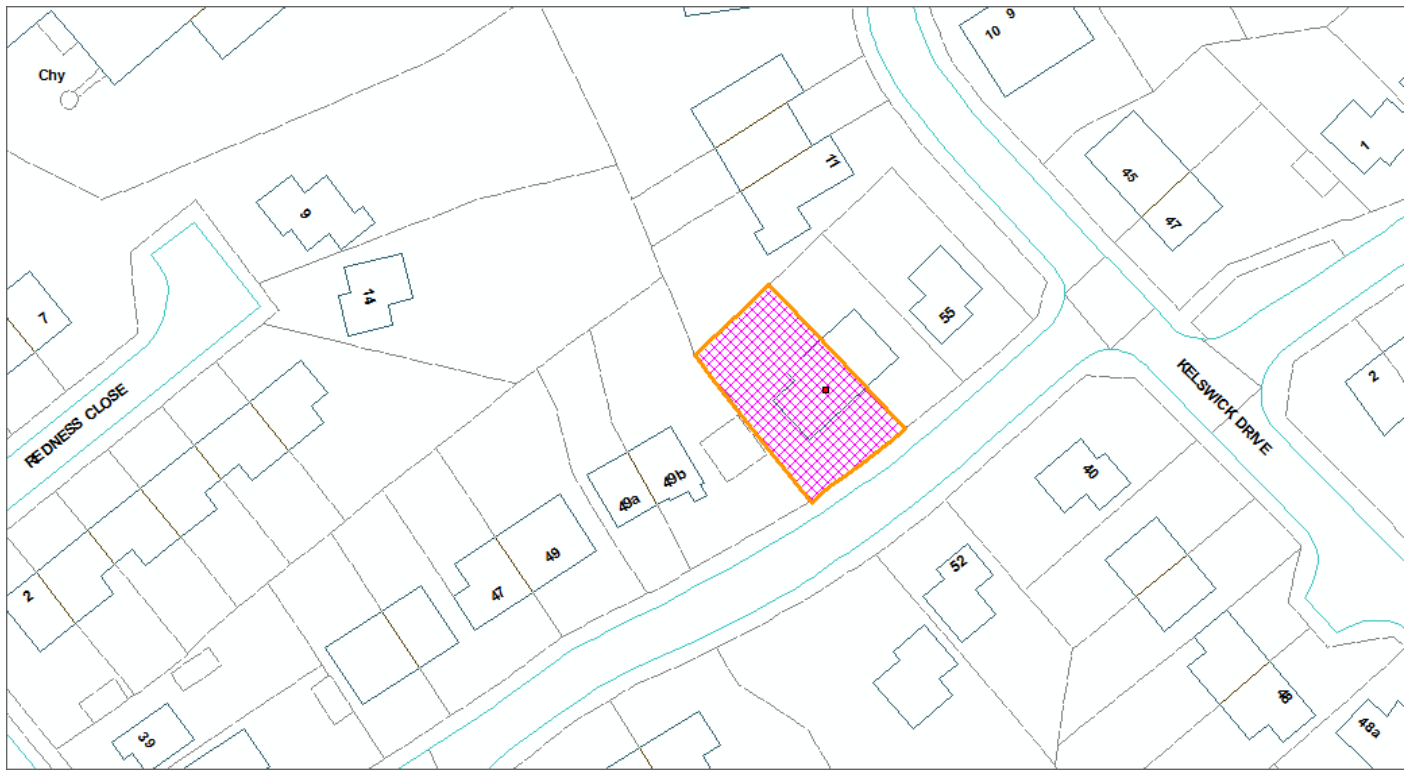
Highways

An acceptable level of off-street car parking provision is proposed and adequate drainage of the proposed parking area could be ensured with a condition. Therefore, the development is acceptable in terms of highway safety.

RECOMMENDATION: Refuse

Subject to the following conditions:

1. Due to the scale, prominence and flat roofed design of the proposed rear extension the proposed development represents poor design that would unacceptably harm the character and visual amenity of the area contrary to policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy, the guidance of the adopted Design Principles SPD and paragraph 64 of the National Planning Policy Framework.
2. The proposed rear extension would result in an unacceptable impact upon the privacy of the rear garden of 11 The Warings to the detriment of the residential amenity of occupants of that property contrary to policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy, the guidance of the adopted Design Principles SPD.



Application Ref: 16/0626/HHO

Proposal: Full: Demolition of garage and erection of a split level 2 storey extension to the side and 3 storey extension to the rear.

At: 51 LOWTHWAITE DRIVE NELSON BB9 0SU

On behalf of: Mrs S Ansar

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 14th October 2016