

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

TO: NELSON COMMITTEE

DATE: 12th June 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON COMMITTEE ON 12 JUNE 2017

Application Ref: 17/0106/FUL

Proposal: Full: Change of use of car park to car sales, erection of a sales office building and covered valet/car prep area.

At: Land between Number 129 and Bank Street, Leeds Road, Nelson

On behalf of: Mr Shah

Date Registered: 02/03/2017

Expiry Date: 27/04/2017

Case Officer: Alex Cameron

Site Description and Proposal

This application has been deferred from the Committee in May for a site visit.

The application site is a private car parking area to the west side of 129 Leeds Road. To the west is Bank Street and the car park of an industrial premises to the north and to the south is Leeds Road with commercial premises and dwellings opposite.

The proposed development is the change of use of the land to use for car sales (Sui Generis) and erection of a car preparation / valet and sales shelter and office building. The layout would consist of 6 car sales plots and 2 customer parking spaces, the proposed building would have a footprint of 12.6m x 5.1m with an eaves height of 3.5m and a ridge height of 4.5m. The building would be finished in stone to the front and side and render to the rear with a natural slate roof and upvc fenestration.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objections in principle regarding the proposed change of use of a car park to a car sales, erection of a sales office building and covered valet/car preparation area at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site, subject to the following comments being noted, and conditions being applied to any formal planning approval.

The number of vehicles for sale should be restricted to no more than six at any one time; these should be wholly within the car sales site. No vehicles shall be placed for sale within the surrounding public highway network, including the footway in front of the proposed sales pitch, as these could pose a hazard to other highway users.

The car valeting and preparation area should be used solely for the purposes of the car sales business and no other commercial activity to limit the number of vehicle movements to and from, and within the site, given the restricted nature of the site access.

Customer parking within the site should be reserved for customers only and should be clearly signed so that effective use of the parking area is made.

Public Response

Nearest neighbours notified – Responses have been received objecting to the application on the following grounds:

- There is insufficient car parking space in the area and the use would exacerbate parking problems.
- The propose use would increase traffic and exacerbate highway safety issues in the area.
- The layout would not provide sufficient parking spaces to meet their requirement.
- The proposed development does not respect the local context and street pattern or the scale and proportions of surrounding buildings.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that existing open spaces will be protected from development. The council will encourage and support improvement to these spaces.

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Principle of the Development

The site is located within the settlement of Nelson, this is an acceptable location in principle for the proposed car sales use.

Visual Amenity

The design and scale of the proposed building area acceptable and its materials would be acceptably in-keeping with the area and is therefore acceptable in terms of design and visual amenity in accordance with policy ENV2.

Residential Amenity

The proposed car sales use and ancillary car prep / valet area would not result in an unacceptable impact upon the residential amenity of any adjacent dwellings.

Highways

A number of concerns have been raised in relation to highway safety and parking in the area. The site is accessed from Bank Street which leads only to a narrow back lane to the rear of 129-151 Leeds Road, the width of the access to the back lane means that Bank Street is unlikely to be regularly used as vehicular access for anything other than the application site.

The parking layout of the site is cramped and would be likely to result in the need for cars accessing the site to reverse out onto Bank Street, however, taking into account that through traffic on Bank Street is unlikely, this would not result in an unacceptable highway safety impact.

The junction with Leeds road is acceptable to accommodate the additional traffic that would result from the proposed use.

The existing site is private land and therefore would not result in the loss of public car parking. An adequate level of on-site car parking is proposed and therefore the proposed use would not result in an unacceptable increase in on-street parking in the area.

The proposed development is therefore acceptable in terms of parking provision and highway safety.

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, 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

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Development Rev C.

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. The car valeting and preparation area shall be used only for purposes ancillary to the main car sales business and not for car washing, valeting or vehicle repairs other than those.

Reason: In the interest of highway safety.

5. The car parking spaces and manoeuvring area shall be laid out in accordance with the approved plan before the use hereby permitted becomes operative, the customer parking spaces and manoeuvring areas shall thereafter remain free from obstruction or parking of vehicles for sale and available for customer parking and manoeuvring.

Reason: To allow for the effective use of the parking areas.

6. All vehicles for sale shall be within the car sales area only. No vehicles shall be placed for sale within the surrounding public highway network.

Reason: In the interest of highway safety

REPORT TO NELSON COMMITTEE ON 12 JUNE 2017

Application Ref: 17/0138/HHO
Proposal: Full: Erection of dormer windows to front and rear roofslopes.
At: 112 Barkerhouse Road, Nelson
On behalf of: Mr Shah
Date Registered: 9 March 2017
Expiry Date: 4 May 2017
Case Officer: Lee Greenwood

Site Description and Proposal

The proposal seeks to erect dormer windows to the front and rear roof slopes of 112 Barkerhouse Road, Nelson. It is a mid-terrace dwelling within the settlement boundary of the town and of no special designation in the Replacement Pendle Local Plan.

The frontage of the property retains signs from a previous retail use. Whilst planning records show no details of a change of use from retail to residential, applications from the mid-1990's show a domestic use at that time. The applicant has also confirmed that the property is used solely as a dwelling, as such this appears to be the lawful position.

Relevant Planning History

N/A

Consultee Response

LCC Highways; no objections.

Nelson Town Council; no comments received.

Public Response

Five neighbours notified; no comments received.

Officer Comments

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

Policy

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

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

Design

Rear dormer windows can fall within permitted rights and other examples can be seen in surrounding streets. There are however implications with regard to the proposed front dormer.

The surrounding area is predominantly characterised by traditional terraced properties with slate roofs. No front dormers are visible within this terraced block and nor can any be seen in the wider street scene. It is clear that they are not a traditional or intrinsic feature of the wider area. The untouched slope of the slate roof and stone chimneys are an essential part of the visual harmony of the terrace.

The proposed dormer window would be of a 'box' style, covering the majority of the roof slope, appearing as a dominant feature. Materials proposed comprise oak coloured upvc panelling to the exterior. Its bulk and scale would be out of keeping and seen as an incongruous addition within the terrace, being immediately visible from public vantage points. It would have a significantly detrimental impact on the character and appearance of the street scene, contrary to Policy ENV2 and would fundamentally conflict with guidance contained within the SPD.

Amenity

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

Highways

The proposed development raises no adverse highway safety issues.

Summary

Whilst the rear dormer would not have an adverse impact on the street scene and could be undertaken through permitted rights, the proposed front dormer window would be introduced to an area and a row where such developments are not a traditional or common design feature. The front dormer would lead to a considerable reduction in the design quality of the area and be detrimental to the character and appearance of the area contrary to Policy ENV2 of the Local Plan Part 1 and SPD: Design Principles.

RECOMMENDATION: Refuse

For the following reasons:

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

LIST OF BACKGROUND PAPERS

Planning Applications

NW/CB

Date: 31st May 2017