



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 7th August 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

Report to Nelson Committee – August 7th 2017

Application Ref: 17/0242/FUL

Proposal: Full: Erection of single storey rear extension, formation of gable roof and front and rear dormers and subdivision to two flats.

At: 72 Maurice Street, Nelson

On Behalf of: Mr Mirza Hussain

Date Registered: 15 May, 2017

Expiry Date: 10 July, 2017

Case Officer: Christian Barton

Site Description and Proposal

The application site is an end of row terrace property located within the south-west of the settlement boundary of Nelson. The two storey property is located within the Whitefield Conservation Area and has a yard area to the rear long with an existing kitchen outrigger. The dwellinghouse is surrounded by industrial premises (Whitefield Mill) to the west and north along with residential properties on Maurice Street to the south-east and properties on Victoria Street to the east. The dwellinghouse is of a simple design and is constructed from natural stone with a slate roof and plain window and door surrounds. The property has a hipped roof to the side elevation and white uPVC doors and windows. The front and rear elevations of the dwellinghouse are currently painted white with the gable elevation having an unpainted, natural stone finish.

The proposal seeks to erect a single storey extension in the rear yard of the property with a part mono-pitched, part flat roof to serve a kitchen area and downstairs Water Closet (WC). The rear extension is to have irregular ground dimensions with heights of 2.2m to the flat roof and 3.7m to point of the mono-pitched roof that affixes with the rear elevation of the dwellinghouse. As the property is to be converted into two flats, an additional access door is to be installed in the gable elevation of the dwellinghouse. Roof alterations are also proposed to provide additional internal area and accommodate reconfigurations. The hipped roof is to be replaced with a gable roof and roof dormers are proposed on both the front and rear roof slopes of the property. The dormers are to be faced with vertically hung slate tiles with the heights of the front elevation of the dormers being 2m (front dormer) and 2.3m (rear dormer). The dormers are to be 3.2m (front dormer) and 4m (rear dormer) in length with both having flat roofs. The materials to be used for the development are to match those that construct the original dwellinghouse and these are to comprise of natural stone and render with slate roofing tiles and white uPVC doors and windows.

Planning History

No planning history.

Planning Appeals History – Similar Case (Whitefield Conservation Area)

Appeal Ref: APP/E2340/D/16/3165033

55-57 St Marys Street, Nelson, BB9 7AY (16/0531/HHO)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Zaman against the decision of Pendle Borough Council.

- The application Ref 16/0531/HHO, dated 5 August 2016, was refused by notice dated 25 October 2016.
- The development proposed is described as dormer extensions to front and rear elevations.

Conclusion

For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Consultee Response

LCC Highways - The Highway Development Support Section does not have any objections in principle regarding the proposed erection of a single storey rear extension, formation of gable roof and front and rear dormers and subdivision to two flats at the above location, subject to the following comments being noted. From a site visit today I noted that development works had already commenced, including the side and rear yard walls having been fully re-built. I also noted that the gate opening was in a different location to that shown on the plan for the proposed ground floor layout.

From the information submitted it is not clear where the refuse bins for the three bed flat would be stored as the rear yard area is restricted in size. Therefore please ask the developer how bins for both properties would be accommodated off the surrounding adopted highway network. The number of bedrooms has increased with no increase in parking provision. However, this location has a medium level of accessibility to the public transport network and facilities and we would accept a reduction in parking standards.

PBC Environment and Conservation Section – The terraces in this part of the Whitefield Conservation Area were built in the 1870's and 80's as workers' housing to serve the adjacent Whitefield Mill. The cottages are very simple in design, with plain door and window surrounds, the only hint of decoration being the stone gutter corbels to the front and side elevations. This cottage is at the end of the terrace and has a hipped roof to the side elevation. This is in common with other nearby terrace rows which also display hipped roofs to each end; this is at odds with the usual straight gabled roof form more common in the slightly older parts of the CA. This stylistic difference between terraces contributes greatly to the heritage significance of the conservation area. The significance also derives from the distinctive and consistent blue slate roofslopes of the terraces which are relatively simple in form but characterised by their clean lines and repetitive chimney stacks.

The terrace has no existing dormers; dormers did not historically form part of the design of these plainer terraces. The hipped roof is proposed to be altered to a straight gable form, which would be at odds with the style and character of this particular terrace row. The proposed dormers would be large, with very little set-back, and built across virtually the full width of the roof, appearing bulky and out of scale with the house and the terrace as a whole. As this is an end terrace house both dormers would be clearly seen in public views. There would be no objection in principle to the enlarged rear extension provided that natural materials are used; the extension appears to be being built in artificial or reconstituted stone.

The alteration of the roof form to a straight gable, together with the large and bulky flat-roofed 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 proposals would therefore 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 proposal would also be in conflict with guidance in the CA SPD (paras 4.19- 4.20).

Nelson Town Council – No response provided.

Public Response

All of the nearest neighbours have been notified by letter along with a site notice being posted on the entrance to the application site without any response.

Officer Comments

The main considerations for this application are any potential impacts on the amenity of neighbouring properties, visual impacts on the Whitefield Conservation Area, any potential issues with parking created from the increase in bedroom numbers from the sub-division of the property and also design and materials.

The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011–2030) policies are:

ENV1 seeks to protect and enhance the natural and historic environment and sets out the requirements for development proposals.

ENV2 sets out general design principles, historic environment and climate change.

Saved Replacement Local Plan Policy 31 also applies, this Policy sets out the parking standards for development.

The Design Principles Supplementary Planning Document (SPD) applies to extension and sets out the aspects required for good design.

The Conservation Area Design and Development Guidance gives direction and advice on dealing with developments within Conservation Areas.

1. Impact on Amenity

The impact on the amenity of the neighbouring properties must be considered for this application and these include properties as part of the Whitefield Mill Business Centre, 68 and 70 Victoria Street and 70 Maurice Street. The premises as part of Whitefield Business Centre are located to the west and north of the application site and are exclusively commercial premises. The businesses would not be impacted upon by the development in the way of amenity as they are located within an expansive Victorian mill behind a large curtilage wall roughly 4m in height. The property to the south-east, 70 Maurice Street is the adjoined neighbour of the application site. The first floor extension to the rear is to be of similar dimensions to the kitchen outrigger currently at present; only slight increases in the massing of this aspect of the development are proposed with the height of the mono-pitched roof being the same height as the existing structure. Negligible further levels of light obstruction will result from the development based on this with this also applying to the addition of dormers on both roof slopes. No increased levels of overlook will result from the proposal for No. 70 given the elevated position of the dormers.

The neighbours to the rear of the development, 68 and 70 Victoria Street are located to the east of the application site. The properties are distanced 7m from the application site with this distance being adequate in the respect that acceptable levels of light obstruction will result from the proposal regarding the first floor extension and addition of a rear dormer. The dormer to the rear is to have two windows, both of which are to serve main habitable rooms (bedrooms) in the attic. No.'s 68 and 70 both have large unobscured glazed first floor windows on the rear elevation that also serve bedrooms. No obscure glazing has been proposed for the additional two bedroom windows the rear dormer will provide. This relationship would be unacceptable as adverse levels of overlook would result from the development for the rear bedroom windows of No.'s 68 and 70.

Care has not been exercised to ensure that the development does not create adverse levels of overlook for neighbouring properties and as such the development fails to comply with Policy ENV2 and the Design Principles SPD.

2. Design and Materials

The Design Principles SPD states that rear extensions should not project more than 4m from the rear elevation of the dwellinghouse, this is achieved from the design of the proposal. Adequate amenity space for the storage of bins and seating would also be left available within the rear yard of the property once the single storey rear extension has been completed and no windows are proposed for the rear elevation of the extension.

The design of the roof alterations and the addition of roof dormers on both roof slopes would not be in keeping with the dwellinghouse and unacceptable levels of overlook would result from the rear dormer for 68 and 70 Victoria Street. The design dormers would dominate the roof slopes as the width of the dormers would occupy the majority of the roof slopes of the property. The dormers would appear unsympathetic in relation to the dwellinghouse along with the row of terraces as no roof dormers are currently found on the bottom rows of both Maurice Street and Victoria Street.

Dormers are typically unacceptable in relation to natural stone and slate roofed terraced properties with the domineering design of the dormers contributing further to the unacceptability of the proposal. The flat roofed dormers on the front roof slope of the property would be visible from a number of public vantage points and would be highly incongruous within the existing street scene. Proposals to replace the hipped roof with a gable roof are also unacceptable as it would be at odds with the uniformity of the surrounding rows of terraces in this area of Whitefield. The development is therefore unacceptable in relation to the design as such the fails to accord with Policy ENV2 and the Design Principles SPD.

3. Impacts on the Whitefield Conservation Area

The rear extension of the proposal would raise no concerns in relation to the Whitefield Conservation Area based on the modesty of the extension and the proposed choice of materials. The late 19th Century dwellinghouse has a hipped roof with this style of roof being used for the construction of the surrounding rows of terraces in the Whitefield Area. The proposal to alter the hipped to a gable roof would be of detriment to the stylistic appearance and heritage significance of the Whitefield Conservation Area. No dormers, neither front or rear, are found on the lower rows of Maurice Street and Victoria Street, the dormers as proposed would have a domineering appearance on the roof slopes of the terraces with little set back from the eaves of the dwellinghouse contributing further to this.

As the property is an end of row property both the front and rear dormers would be visible from a multitude of public viewing points. The proposal to alter the roof form of the property would detract from the clean lines of the terraced row. The design of the dormers as proposed is not appropriate to the age and style of the building, the surrounding architecture and the Whitefield Conservation Area as a whole. The dormers are also not of a traditional design and would not compliment the façade of the Victorian property as such the development fails to comply with Policy ENV1 and the Conservation Area Design and Development Guidance.

4. Parking and Highway Safety

The subdivision of the property into two flats would bring the total number of bedrooms within the property to four. Policy 31 requires 4 bedroom properties to provision three off-street parking spaces. Due to the nature of the terraced property no off-street parking provisions can be made that would accommodate the increase in bedroom numbers and as such the development fails to

comply with Policy 31. No unreasonable effects on the highway and highway safety would result from the proposal other than increases in parking requirements.

5. Summary

The proposal seeks to erect a single storey extension to the rear elevation of the property along with alterations to the form of the roof and the installation of front and rear roof dormers. The extension to the rear of the property, alterations to the form of the roof and front dormer raises no undue concerns regarding the amenity of the neighbouring properties, those on the Whitefield Mill Business Centre, 68 and 70 Victoria Street and 70 Maurice Street. The rear dormer however would result in unreasonable levels of overlook for the rear bedroom windows of 68 and 70 Victoria Street that would be of detriment to the privacy of those neighbouring households. The design of the front and rear dormers would be unacceptable in this location as no roof dormers are found at present on the row of terraces.

The addition of roof dormers and the altering of the roof form would be of detriment to the character of the property, the surrounding area and the Whitefield Conservation Area. The developer has also failed to provision off-street parking spaces that would accommodate the increase in bedroom numbers within the property and as such the proposal fails to comply with Policy ENV1 and ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011–2030), the Design Principles Supplementary Planning Document, the Conservation Area Design and Development Guidance and Policy 31 of the Saved Replacement Local Plan.

RECOMMENDATION: Refuse

1. The installation of roof dormers would be unacceptable in this location as no dormers are currently found on the row of terraces and the design of the dormers would have a domineering appearance on the roofline given their extent over almost the entirety of both the front and rear roofslopes. The rear dormer would present unacceptable levels of privacy loss for the properties at the rear of the application site, 68 and 70 Victoria Street and as such the development fails to comply with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011–2030) and the Design Principles Supplementary Planning Document.
2. The altering of the form of the roof and the installation of roof dormers would be of detriment to the character of the property, the surrounding area and the Whitefield Conservation Area. The altering of the roof form from a pitched roof to a gable roof would be at odds to the existing clean lines of this particular terraced row with the addition of dormers to the end of row property contributing to this further. The design of the dormers would also be of detriment to the Victorian façade of the property therefore the development fails to comply with Policy ENV1 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011–2030) and the Conservation Area Design and Development Guidance.
3. The subdivision of the property into two flats and the creation of four bedrooms would require the provision of three off-street parking spaces. Given the nature of the property, the requirement for additional off-street parking cannot be provisioned and as such the development fails to comply with Policy 31 of the Saved Replacement Local Plan.

REPORT TO NELSON COMMITTEE 7TH August, 2017

Application Ref: 17/0253/FUL

Proposal: Full: Change of use from offices (B1) to school (D1), erection of two enclosed staircases to sides and windows and door on rear elevation and erection of 2m high fence to all four sides.

At: The Innovation Centre, Brunswick Street, Nelson

On behalf of: Fountains of Knowledge

Date Registered: 30 May 2017

Expiry Date: 25 July 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The site is an existing office building sited off Brunswick Street on land which is designated as protected Employment Land for Use Classes B1, B2 and B8 uses.

The proposal is to change the use of the building from office (B1) to school and children's nursery (D1) with external alterations including erection of two enclosed staircases on each gable elevation and changes to the windows and door on the rear elevation.

Part of the car park to the east would be utilised as a play area for the school element and the nursery would use the existing rear yard area. A 2m high fence is also proposed to be erected to all four sides of the site.

A refuse store is also shown to the western side of the building.

Relevant Planning History

None.

Consultee Response

LCC Highways – The Highway Authority would raise the following information and ask that additional information in relation to the parking requirement and Yorkshire Street playground is submitted and an amendment to the plan is made prior to the final comments being made.

Access

The existing access is suitable to accommodate the proposed change of use however the applicant proposes to erect gates to the existing site access which require an amendment. The gates should be set back by a minimum of 5 metres from the back edge of the highway to ensure that a vehicle can clear the highway whilst the gates are operated.

The gates should remain open during the normal working hour of the site to ensure that staff, parents and visitors have unlimited access to the car park.

Parking

The application proposes to use the existing ground floor accommodation as a children's nursery for an unstated amount of children, with 20 staff proposed. The parking standards require a 1.5 spaces per 2 staff at the nursery which equals 15 spaces plus dropping off spaces of 1 per 10 children. The applicant needs to confirm the maximum number of children that the site can accommodate to allow the parking standards to be applied.

The first floor accommodation is proposed as a primary and secondary school with 7 classrooms. The parking standards require 1 space per classroom which equals 7 spaces.

The maximum total spaces required are 22 plus dropping off spaces (based upon nursery children numbers). The accessible location of the site does support a reduction from the maximum number of spaces in accordance with a Travel Plan, however the applicant should submit the additional information before a full assessment can be made.

Yorkshire Street

It is noted on the drawing that the land adjoining Yorkshire Street will become the nursery playground.

There are no details of proposed levels and the applicant should indicate if they propose to excavate any land adjacent to Yorkshire Street to provide the play area.

If any engineering works are required adjacent to Yorkshire Street then a condition will be required to require the applicant to submit engineering drawings of the support to the highway.

Architectural Liaison Unit - The premises would facilitate pre-school age children (0-5 year olds) on the ground floor, and children aged 11-16 on the first floor. A new school playground will be introduced as well as a separated landscaped area for the nursery children. The existing car park is partially maintained for up to 20 vehicles. The premises would also be used to provide vocational training in the evenings and weekends for local children and adults. The proposed building opening times would be 8am-6pm (Mon-Fri), 9am-6pm (Sat-Sun & Bank Holidays).

The Crime Impact Statement is formed based on local crime figures and trends, incidents reported and community knowledge gathered from local policing teams. It is with this policing knowledge that recommendations are made which are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

Crime Risks

Over the past 12 months there have been high levels of reported crime in and around the area of the proposed development, including burglary, criminal damage, vehicle crime and assaults. Educational establishments can be attractive to criminals and are often targeted for burglary as they generally store large quantities of IT equipment, such as computers, laptops, projectors, cameras, etc. for use by the pupils and staff, and also petty cash. Buildings can often be targeted for criminal damage and arson, which can be due to location and also the fact that buildings are generally unoccupied at regular times of the day, weekends and school holidays. Also, multi-site schools should be avoided wherever possible as they inevitably generate movement between the sites, which increases the potential for unauthorised access and also difficulty in managing site/perimeter security.

Security recommendations

In order to reduce the risk of crime and anti-social behaviour affecting pupils, staff and local community, the proposed development should be designed in accordance with the principles of „Secured By Design“ New Schools 2014 criteria and incorporate the following security observations and recommendations;

□ A secure boundary will help staff manage the site by limiting trespass and by channelling visitors to the site through appropriate entrances. It will also frustrate the intruder intent on breaking into the building or limit the quantity or type of goods that can be stolen. Therefore, the proposed 2m high boundary fencing should be constructed of anti-climb weldmesh or expanding metal fencing and installed without creating gaps underneath. The proposed children play areas should be designed as „defensible space“ and have good natural surveillance from the building, close supervision and be well lit. The site should also be secured with matching lockable vehicular/pedestrian gates or suitable electronic access control gates. Public footpaths immediately outside the boundary fencing can affect security; therefore, the use of defensive planting in addition to fencing should be considered. However, this should not block natural surveillance from the footpath.

□ The scheme should be covered externally (including parking facilities) and internally (in public areas), by a HD digital colour CCTV system, including stairwells and external door sets. The CCTV system should aim to capture clear full body images of those entering or exiting the buildings and car park. Cameras must not be located where they can be easily disabled or tampered with. If they can be reached, they must be housed in a casing to protect them from damage. Recorded data should be stored for a 30 day period before being destroyed, if not required, and staff trained in the system use and retrieval. Signage should inform visitors of the presence of CCTV.

□ A bespoke wireless or hardwired and monitored Intruder Alarm system should be installed to EN50131 (Grade 1-4) and comply with the National Police Chiefs Council Policy „Guidelines on Police Requirements and Response to Security Systems“. The alarm installation company should be certified by the National Security Inspectorate (NSI) or Security Systems Alarm Inspection Board (SSAIB), as both organisations promote high standards of service within the security community. A risk assessment should identify whether the design of the alarm system incorporates a combination of internal passive infrared detectors, magnetic door and window contacts, break glass acoustic or vibration detectors, wall or ceiling sensor cable and personal attack facilities.

□ The building should be illuminated with vandal resistant „dusk to dawn“ photoelectric cell lights at all external doors and ground floor windows. The lighting design should be co-ordinated with the CCTV installation to ensure that the lighting is sufficient to support a CCTV system.

□ Any landscaping should be designed so that trees/shrubs do not grow to obscure lighting columns or impede natural surveillance as they mature or be utilised as a climbing aid. Landscaping should be designed in conjunction with the lighting and CCTV scheme so one does not have a negative impact on the other.

□ Access into the building must be restricted by installing an effective access control system at the main entrance and also internal doorsets to restrict unauthorised deeper access into the building. Should an intruder gain access into the building they should not be able to easily gain access into private areas, such as classrooms, stairwells, the lift and offices where valuable equipment is stored and cash may be stored. These areas and doorsets should be restricted with proximity card access or a digital push button door entry system for staff.

□ The proposed ground floor makes no mention of a school reception; therefore, a dedicated reception area should be created to deal with visitors, parents and pupils, which should be staffed whilst the building is open. Access to this space should be restricted from the public side by the use of an access control system. Reception staff should have a clear view of the approach to the school entrance doors and any waiting area. Reception desks should be high and deep enough to afford protection for staff, but the design must consider the needs of wheelchair users. An audible personal attack alarm should be located at the reception desk so that the staff can use it to summon assistance from trained staff if confronted by an aggressive visitor. This facility should also be linked into a monitored Intruder Alarm system.

- Preventing easy access to any flat or vulnerable roof areas should be carefully considered. External rainwater pipes can be used for climbing and should be either square or rectangular in section, flush fitted against the wall or contained within a wall cavity or covered recess. Bends in pipes and horizontal runs should be minimized. They should be of fire resistant material.
- All door sets windows (including the proposed bi-folding doors) should be tested and certified to PAS24/2012 (16) (or an alternative accepted standard such as LPS 1175). Glazing must include one pane of laminated glass that is securely fixed in accordance with the manufacturer's instructions and certified to BS EN 356 2000 rating P1A.
- Ground floor windows or other easily accessible must meet the requirements of PAS 24:2012 (16) and incorporate laminated glazing. Opening vents must also have key operated restrictors fitted to reduce the risk of opportunist „sneak-in“ type offences.
- Any external bicycle storage must be secured and any containers for their storage must be certificated to LPS 1175 SR 1 or Sold Secure. Communal bicycle stores with individual stands or multiple storage racks for securing bicycles should be as close to the well-used buildings. They should be within 50 metres of the primary entrance to these premises and located in view of „active“ rooms. The bicycle area/store must be lit at night using vandal resistant, light fittings and energy efficient photoelectric cell lamps and covered by the CCTV system.
- Any proposed bin stores should have a lockable lid and secured to reduce the risk of arson and nuisance caused by bins being removed. Any boundary treatments to the bins store/service areas should allow some natural surveillance into these areas to reduce the risk of them being targeted for burglary, damage and nuisance.
- As graffiti tends to attract further graffiti we would advise that it is removed as soon as possible. Various anti-graffiti glazes and sacrificial coatings are available for treating surfaces.
- All valuable equipment, such as laptops, cameras, computer tablets etc. should be clearly property marked and the details stored securely. This equipment should be securely locked away when the building is closed and not visible from windows.
- Fire escapes can be vulnerable to intruder attack and vandalism and should be free from external hardware and kept clear at all times. They should be illuminated to promote natural surveillance and be linked into the intruder alarm system to deter crime and anti-social behaviour.
- I would recommend that Lancashire Fire and Rescue Service are invited to conduct a comprehensive fire risk assessment and make comment on the proposal at an early stage. The external fire escape stairwells should be „caged“ and made secure from the outside at ground floor level with a lockable door. This door should incorporate a quick release facility internally to facilitate easy egress from the fire escape. However, the final material and design should ensure that the quick release facility can't be accessed by putting a hand through the structure to open the door and by pass security. The fire exit doors and stairwell should also be linked into any fire or intruder alarm system within the building. The final design of the stairwells should remove the opportunity for it to be also used as a climbing aid. This recommendation should be considered and assessed in conjunction with Lancashire Fire & Rescue Service.

Unfortunately, there have been a large number of reported thefts and burglaries at construction/development sites across all areas of Lancashire. High value plant, machinery, white goods and boilers are targeted as the development nears completion. This is placing additional demand on local policing resources. Therefore, the site must be secured throughout the construction phase to include robust perimeter fencing and a monitored alarm system (with a response provision) for site cabins where tools, materials and fuel could be stored.

Condition: The site must be secured throughout the construction/redevelopment phase as part of the construction management plan. The site should be secured at the perimeter with security fencing and gates as well as other measures such as monitored digital CCTV accredited with either National Security inspectorate (NSI) or Security Systems & Alarm inspection Board (SSAIB).

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

The main issues relate to principle of the use, impact on amenity, design and materials of external alterations and highway safety issues.

Policy

The following Pendle Local Plan Part 1: Core Strategy policies apply:

Policy ENV2 seeks to deliver high standards of design.

Policy SUP3 seeks to improve the educational and training opportunities in Pendle.

Policy WRK2 protects employment areas for B1, B2 and B8 uses with the exception of small allowance for public open spaces, shops and leisure facilities to serve the immediate needs of the area and reduce the need to travel.

Policy WRK6 encourages the provision of well designed work places. Innovative projects that re-use and/or adapt existing workplaces for new employment uses will normally be supported.

The following saved Pendle Replacement Pendle Local Plan policies apply:

Policy 22 only allows for B1, B2 and B8 development on protected sites unless the premises is shown to obsolete and the premises has been vacant for over four years or there would be significant benefit to the community or the proposal relates to sale for goods for B1/B2/B8 activity.

Policy 31 sets out the requirement parking standards.

Principle of the use

The site is within protected employment area and therefore restricted to B1, B2 and B8 uses.

The current owner of the building purchased the property in 2015 with three tenants in occupation since then then two of the tenants have vacated the premises leaving one tenant and less than 10% occupancy. Nevertheless the building is still occupied and therefore this proposal does not accord with the requirements of policy 22 in terms of being obsolete.

The supporting statement submitted with the application sets out the occupation of the building since 2007 with 50% of the building (all of the ground floor) being occupied by one tenant and 10% of the building being occupied by two further tenants.

It is clear from this than 60% of the building has been occupied up to 2017. All the marketing evidence submitted relates to prior to 2015 and appears to have been carried out by the previous landlord.

The Planning Policy Statement submitted with the application states that the nursery would provide a total of 30 staff. No full time equivalent has been provided and ten of these would be part time.

Policy WRK2 protects employment areas for B1, B2 and B8 uses with the exception of small allowance for public open spaces, shops and leisure facilities to serve the immediate needs of the area and reduce the need to travel.

The agent has stated in the supporting statement that the proposal would meet the demand for primary and secondary education in the Borough, provide facilities for the wider community, job creation, raise educational attainment levels on an accessible site and therefore support local policies.

Clearly the site is accessible and would create jobs, however, no evidence has been submitted which supports the shortage of secondary school places and pre-school in the Borough and there are existing schools and other establishments which provide homework clubs and language courses in the area.

The Planning Policy Statement submitted with the application states that the nursery would provide a total of 30 staff. No full time equivalent has been provided and ten of these would be part time.

In my opinion the use and benefits proposed do not outweigh the protection of this site and the fact that the premises is still in occupation and has had 60% occupancy up until 2017.

Policy 22 only allows for B1, B2 and B8 development on protected sites unless the premises is shown to obsolete and the premises has been vacant for over four years or there would be significant benefit to the community or the proposal relates to sale for goods for B1/B2/B8 activity.

Therefore the proposal fails to accord with saved Replacement Local Plan policy 22 and WRK2 of the Pendle Local Plan Part 1: Core Strategy 2011- 2030.

Impact on Amenity

The site is in a mixed use commercial and residential area with the Protected Employment Area. There are elderly residential units on Bannister Court to the south east of the site as well as residential properties on Bradshaw Street and Rosser Court to the west and east respectively.

Although there would be likely to be some increased activity at weekends and evenings from comings and goings and increased outside noise from play times this would not be detrimental to the amenity of the area taking into account the existing commercial use.

The proposal would have a limited impact on the amenity of the area as it is an existing building located in a mixed area. The proposed use of part of the building as a children's nursery would not have an undue detrimental impact on the amenity of the area.

Design and Materials

The covered external staircases, windows alterations and bin store would be acceptable in terms of design and materials.

The external changes proposed are acceptable and would not adversely affect the design of the existing building. Overall the building will remain much the same in terms of appearance, form and layout.

The proposal therefore accords with policy ENV2.

Parking and Highway Issues

The site will continue to be accessed from a single access point from Brunswick Street.

There are 47 existing car parking spaces within the site. This would be reduced to 20 car parking spaces due to the proposed play areas. Five of these would be used as a drop off zone.

The application proposes to use the existing ground floor accommodation as a children's nursery for 25 – 50 children. The parking standards require a 1.5 spaces per 2 staff at the nursery which equals 10 spaces plus dropping off spaces of 1 per 10 children which equals 5 spaces maximum.

The first floor accommodation is proposed as a secondary school with 7 classrooms. The parking standards require 1 space per classroom which equals 7 spaces.

The maximum total spaces required are 22 including dropping off spaces. The accessible location of the site does support a reduction from the maximum number of spaces.

The amount of car parking to be provided for this use would be 5 spaces for dropping off children and 15 for staff (20 in total) which is acceptable taking into account its location close to the town centre and transport hubs.

This proposal would not raise any due parking issues and accords with policy 31.

The agent has changed the gates to the access in order to address the highway comments and this is acceptable.

Summary

The proposed change of use of the site to a nursery and secondary school would not be an acceptable use in terms of policy 22 and WRK 2 as it is designated as a protected employment site which is still in occupancy. The external alterations would be acceptable in terms of policy, impact on amenity, design and materials and would not adversely impact on highway safety subject to appropriate conditions. However, this does not outweigh the fact that this use is not acceptable in this location.

RECOMMENDATION: Refuse

On the following grounds:

1. The proposal would result in the loss of a B1(a) office building without sufficient justification and would introduce an unacceptable use into a Protected Employment Area contrary to policy 22 of the Replacement Pendle Local Plan and WRK2 of the Pendle Local Plan Part 1: Core Strategy 2011- 2030.

REPORT TO NELSON COMMITTEE 07 AUGUST 2017

Application Ref: 17/0275/FUL

Proposal: Full: Change of use from betting shop (Use Class A2) to taxi booking office (Use Class Sui Generis) and parking for 1 taxi.

At: 136 Scotland Road, Nelson

On behalf of: Mr Mohammed Choudhry

Date Registered: 30/05/2017

Expiry Date: 25/07/2016

Case Officer: Alex Cameron

Site Description and Proposal

The application site is a bookmakers shop located within a row of retail/commercial units on Scotland Road in Nelson.

This application is to change the use of the bookmakers shop to a taxi base with parking for one vehicle on land adjacent to 3 Fountain Street.

Relevant Planning History

None applicable.

Consultee Response

LCC Highways – Object to this proposal because I do not have enough information to reach a considered opinion.

The application is for a Taxi Office at 136 Scotland Road as a movement of the present business from 142 Scotland Road, a property that is shared with a hairdresser. The information indicates a parking space for one taxi "off Street" as part of the land that was formally No1. Fountain Street, Nelson. The space indicated (4.65m X 2.55m) is of less length that I would accept for parking bay as this may cause the need for the parked vehicle to protrude into the highway.

Prior to being able to remove my objection to the taxi office I will need to know how many licenced vehicles are to operate from the office and be satisfied that there is sufficient "off street" in line with Pendle Councils Standards for these vehicles within 100m of the property.

PBC Environmental Health – Please attach conditions requiring that no in-car amplification equipment is to be operated in taxi vehicles when they are at the premises and taxi engines must be switched off when vehicles are stationary at the premises.

Nelson Town Council

Public Response

Nearest properties notified by letter. Objections received raising the following concerns:

- Traffic and parking issues
- Noise disturbance.
- Littering.

Officer Comments

Policy

Local Plan Part 1:Core Strategy

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.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy WRK4 (Retailing and Town Centres) states that applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Replacement Pendle Local Plan

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan states that new retail and service uses, including taxi bases, should be located in the following order of priority:

1. Within the boundary of a defined town centre, local shopping centre or local shopping frontage.
2. On the edge the town centre allocated site (being Clayton Street, Nelson)
3. Within 300m of the boundary of a defined town centre.
4. Elsewhere with preference given to sites that are close to a town centre and have good transport links to the centre.

The proposed site is outside of the defined town centre boundary, but within 300m, therefore it falls within the 3rd order of priority above. The Policy goes on to define that development will only be allowed in areas 3 or 4 if the application is accompanied by a statement which proves that the proposal would require extensive floor space which cannot be accommodated within the preferred town centre and the proposal cannot be met on the edge the town centre allocated site.

National Planning Policy Framework

Paragraph 32 of the Framework decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the

development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Principle of the Development

The building is outside of the boundary of Nelson town centre, Policy 25 states that where existing commercial uses exist outside of defined town centres they can be replaced by some other commercial use of the same scale. Scale for the purposes of this is the scale of the impact of the development. A taxi base use would have a more wide-ranging impact than the existing use in that, it would be likely to be more active later into the evening and activity would be limited solely to the premises with comings and goings from the proposed parking space in a residential street. Therefore, the proposed use would not be of the same scale as the existing use.

In this circumstance, for the use to be acceptable in policy terms it must be demonstrated that there are no units available within the town centre that could accommodate the proposed use. The applicant was made aware of this requirement at the pre-application stage but no sequential assessment demonstrating this has been submitted with the application.

There are numerous vacant units available within Nelson town centre and to allow a use outside of the centre that could potentially be accommodated in a vacant town centre unit would harm the vitality and viability of Nelson town centre contrary to policies 25 and WRK4.

The application form indicates that it is proposed to relocate the taxi base from existing premises at 142 Scotland Road. However, that property is not shown as being within the ownership of the applicant on the site location plan or any other details submitted with the application and there is no other indication that the applicant would have the authority to, or has sought agreement from the owner to enter into a Section 106 agreement to extinguish the planning permission for that use at 142 Scotland Road. Therefore this application must be dealt with as an additional taxi base which could operate in addition to the existing base at 142.

Visual Amenity

The proposed use raises no unacceptable visual amenity issues.

Amenity

The comings and goings of taxis and customers could potentially raise residential amenity issues, however, these could be acceptably controlled by condition.

Highways

Policy 31 'Parking' states that parking at a level of 1 space per 1.5 cars should be located within 100 metres of the taxi booking office. One parking space is proposed adjacent to 3 Fountain Street approximately 50m from the proposed taxi base. However, this space would be 4.65m x 2.55m, an acceptable parking space would be a minimum of 5m in length (although 5.5m is usually required in this situation with the end of the space abutting a wall). The length of the space would result in parked vehicles overhanging the footway of the lane to the side of 3 Fountain Street. The proposed parking space is therefore inadequate to be counted as a parking space for the purposes of policy 31. The inadequate length of the parking space would result in an unacceptable highway safety impact particularly in relation to conflict with cars accessing or exiting the lane and passing pedestrians. The proposed use is therefore contrary to policies 31 and ENV4.

RECOMMENDATION: Refuse

For the following reasons:

1: The applicant has failed to demonstrate that there is no suitable alternative site available within Nelson town centre, the development would therefore be detrimental to the vitality and viability of the town centre contrary to policy 25 of the Replacement Pendle Local Plan and WRK4 of the Local Plan Part 1: Core Strategy.

2: The proposed vehicle parking is of inadequate size to constitute an acceptable off-street car parking space. The development would therefore result in an unacceptable increase in on street car parking in the vicinity and a severe highway safety impact from cars parking overhanging the space onto the highway contrary to policy 31 of the Replacement Pendle Local Plan, ENV4 of the Pendle Local Plan Part 1: Core Strategy and paragraph 32 of the National Planning Policy Framework.

REPORT TO NELSON COMMITTEE 07 AUGUST 2017

Application Ref: 17/0292/FUL
Proposal: Full: Erection of a two storey extension to the front.
At: Lonsdale Car Body Repairs, Lonsdale Street, Nelson
On behalf of: Mr Mohammad Arif
Date Registered: 01/06/2017
Expiry Date: 27/07/2017
Case Officer: Alex Cameron

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

Site Description and Proposal

The site is a vehicle repair garage located within what appears to be a former mill building located in a mixed industrial and residential area of Nelson. There are similar industrial/commercial premises to the north and south, a railway line runs to the west and there are terraced dwellings to the east across Lonsdale Street. The existing building is constructed from stone with a slate roof.

The proposed development is the erection of a two storey extension to the front (east) gable elevation. The proposed extension would project 6.7m from the existing front wall for the full width and height of the elevation.

Relevant Planning History

13/11/0473P - Full: Change of use of vehicle repair garage portacabin office for a taxi booking office for four cars. Approved.

13/06/0733P - Full: Extension to side. Approved.

Consultee Response

LCC Highways – The proposal seeks to extend an existing building used as a tyre sales and service centre by 350m². There is an existing porta cabin on the development site which will be removed as part of the proposal.

The applicant states that the purpose of the building is to secure what is currently exposed storage space that poses a fire and safety risk. They also state that there will no increase in traffic (pedestrian or vehicular), no increased requirement for parking and no increase in storage area.

Upon visiting the site it is noted that there are multiple vehicle service and repair businesses in the buildings to the west of Lonsdale Street. The surrounding highways are heavily parked with staff and customer vehicles, with an element of residential parking during the day.

The Highway Authority would not support the intensification of use of the site due to the limited capacity for any additional parking to be accommodated within the development site. There should be no additional vehicles parked on the surrounding highways due to the existing heavily congested situation.

The Highway Authority would object to the proposal as it is not clear how the applicant's proposal can be suitably conditioned to prevent an intensification of use.

Nelson Town Council

Public Response

Nearest neighbours notified – Response received objecting to the development on the following grounds:

- Increased on street parking.

Officer Comments

Policy

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.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Saved Replacement Pendle Local Plan Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework

Paragraph 32 of the Framework decisions should take account of whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Visual Amenity

The existing building is relatively attractive stone built former mill building, however, it is not Listed or within a designated area. Lonsdale Street itself has a mixture of buildings types including terraced house, pre-war industrial buildings and modern industrial buildings. The walls of the proposed extension would be mainly finished in render, other than a plinth of stone with, projecting right up to the footway of Lonsdale Street with a blank gable elevation. Whilst this is not ideal in design terms, taking into account that many of the adjacent existing building are built right up to the footway and are finished in modern industrial materials such as profiled metal sheet, this would not be out of keeping with the street scene and character of the area. Taking this into account, the proposed design and materials are acceptable in accordance with policy ENV2.

Residential Amenity

There are dwellings opposite the side across Lonsdale Street, taking into account that a blank gable wall would face those dwellings, at a sufficient distance to ensure that it would not result in an overbearing impact or unacceptable loss of light, the proposed development would not result in an unacceptable impact in terms of increased noise and activity over and above the existing use. The proposed development is therefore acceptable in terms of amenity in accordance with policy ENV2.

Highways

The site currently has parking provision for four vehicles. Based on the floorspace details given in the application forms the proposed development would result in an increase in the parking requirement as set out in the Replacement Pendle Local Plan from 5 spaces to 8 spaces.

However, the existing floorspace details given in the application forms do not appear to be correct. The existing floorspace is given as 200m² but the existing garage building has a footprint of 420m², part of which appears to be two storeys, so the existing floorspace appears to be significantly more than 200m². This would further increase the parking requirement.

Although this is a minimum rather than a maximum requirement, on street parking is already congested from surrounding businesses and dwellings, with cars often parking both sides of the street and on the footway because the highway width is not adequate to accommodate this. The increase in on street parking would exacerbate this resulting in a severe highway safety impact. The proposed development is therefore unacceptable in terms of highway safety contrary to policies 31 and ENV4.

RECOMMENDATION: Refuse

For the following reasons:

1. The existing on-site parking is inadequate to accommodate the increase in floorspace proposed. The development would therefore result in an unacceptable increase in on-street car parking in the surrounding streets resulting in a severe highway safety impact contrary to policies 31 of the Replacement Pendle Local Plan and ENV4 of the Pendle Local Plan Part 1: Core Strategy and paragraph 32 of the National Planning Policy Framework.

REPORT TO NELSON COMMITTEE 7TH AUGUST 2017

Application Ref: 17/0337/ADV

Proposal: Advert Consent: Retain three illuminated signs – two fascia signs and one projecting sign to front and side elevations.

At: 68 – 70 Manchester Road, Nelson

On behalf of: Mr M Naeem

Date Registered: 21 June 2017

Expiry Date: 16 August 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a hot food takeaway. The signage has already been erected on the site which lies within Nelson Town Centre and Whitefield Conservation Area.

The two illuminated fascia signs are to the front and side elevations. An illuminated projecting sign is sited on the corner of the front elevation. These signs are all internally illuminated by static LED's.

The front fascia sign measures 10.95m x 0.95m sited 2.6m above the ground. It is Perspex with red and blue background with white lettering and a chicken logo illuminated by LED's.

The side fascia sign measures 6.3m x 0.87m sited 2.7 - 3m above the ground. It is Perspex with red and blue background and white lettering and a chicken logo illuminated by LED's.

The projecting sign measures 0.93m x 0.93m sited 2.6m above the ground. It is Perspex with red and blue background and white lettering and a chicken logo illuminated by LED's.

This is the exact same application as was refused by the Council in March this year.

Relevant Planning History

16/0540/FUL: 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 – Approved.

16/0721/ADV – Advert Consent: Erection of 2 illuminated fascia signs and 1 illuminated projecting sign (retrospective) – Refused 1st March, 2017.

Consultee Response

LCC Highways - The Highway Development Control Section does not have any objections in principle regarding the erection of two illuminated fascia signs and one illuminated projecting sign at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety in the immediate vicinity of the site, subject to the following condition being applied to any formal approval:

1. The limits of the illuminance shall not exceed those described in paragraph two of Schedule 3 Part II of the Town and Country Planning Act (Control of Advertisements) Regulations 1992. Reason: To avoid glare, dazzle or distraction to passing motorists.

PBC Conservation Officer – The building is a former Co-operative store dating from the 1860's and is a large gable-fronted building which is very prominently located within the Whitefield CA. Its 3-storey height at the end of a two-storey row of shops, and its corner location emphasises this prominence. The building makes a significant contribution to the character and appearance of the CA, and to the architectural variety of the town centre at this point. It also has historic significance as the Co-operative Society played an important role in Nelson's history, being established in the town in the 1860's and by 1910 having 21 branches. This was one of two large town centre premises.

The shopfront has been recently altered with the original timber shopfront cornice and decorative pilaster capitals being retained, together with the stall riser below. The fascia signs to front and side are internally illuminated box signs which project out almost 20cm from the fascia, resulting in a very bulky appearance which does not respect the scale and proportions of the retained capitals to either side. As a result the signs detract from the appearance and proportions of the building, and the character and appearance of the CA at this point. In addition two large air conditioning units have been placed to the side elevation directly above the footpath, which also detract from the appearance of the frontage.

The signs are in conflict with CA SPD 4.108 which states that signs should relate well to the building and to the surrounding area, and also with 4.109 which states that any lighting should be sensitive to the design of the shopfront and the character of the streetscene. Internally illuminated box fascia signs will not normally be appropriate in CA's.

The signs do not preserve or enhance the character and appearance of the CA. NPPF 134 advises that any harm caused should be weighed against the public benefits of the proposal.

Nelson Town Council – No objections, however, the signs have already been installed.

Public Response

Nearest neighbours notified by letter without response. Publicity expires on the 4th August.

Officer Comments

The issues to consider in this application are Impact on Amenity and Highway Safety.

Amenity

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 shopfront has been recently altered with the original timber shopfront cornice and decorative pilaster capitals being retained, together with the stall riser below. The fascia signs to front and side are internally illuminated box signs which project out almost 20cm from the fascia, resulting in a very bulky appearance which does not respect the scale and proportions of the retained capitals to either side. As a result the signs detract from the appearance and proportions of the building, and the character and appearance of the Conservation Area.

The Conservation Area Design and Development Guidance Supplementary Planning Document para 4.108 states that signs should relate well to the building and to the surrounding area. Para 4.109 states that more impact can be achieved by good design and quality materials than by size and brightness. Simple and restrained signs are often more effective than over-large and garish ones.

The signs are over-large as they extend beyond the original timber fascia's and are garish in terms of design and colours.

These signs do not preserve or enhance the character and appearance of the Conservation Area. National Planning Policy Framework para 134 advises that any harm caused should be weighed against the public benefits of the scheme. There are no public benefits from this scheme and therefore it should be refused on this basis.

The signage would adversely affect the amenity of the area and in particular Whitefield Conservation Area.

The size, colours and design of the signs are not appropriate in this location and would detract from the Conservation Area and therefore fail to accord with policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Guidance SPD.

Highway safety

The proposed scheme will not impact on highway safety and therefore is acceptable in this aspect.

Enforcement Action

As the signs have already been erected and refused previously an enforcement notice has been served in order to obtain their removal in a timely fashion.

Summary

The signage adversely affects the amenity of the conservation area and are not acceptable in terms of design although they would not raise any adverse highway safety concerns. The signage therefore fails accords with saved policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Guidance SPD.

This is the exact same application as was refused by the Council in March this year and therefore it can not be approved without a change in circumstances. There has been no such change since the decision was taken.

Enforcement action is being taken in order to effect the timely removal of the signage.

RECOMMENDATION: Refuse

1. The signage which has been erected adversely affects the amenity of the conservation area and is not acceptable in terms of size, colour and design. The signage therefore fails accords with saved policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Supplementary Planning Document.

REPORT TO NELSON COMMITTEE 07 AUGUST 2017

Application Ref: 17/0347/HHO
Proposal: Full: Erection of dormer windows to front and rear roofslopes.
At: 51 Princess Street, Nelson
On behalf of: Mr O. Malik
Date Registered: 24/06/2017
Expiry Date: 21/08/2017
Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is a mid-terrace dwelling within the settlement boundary of the town and of no special designation in the Replacement Pendle Local Plan. The existing house is of stone construction with a slate roof and upvc fenestration.

The proposal seeks to erect dormer windows to the front and rear roof slopes. The proposed dormer windows would be box style dormers with slate clad walls, flat membrane roofs and upvc windows.

It appears that the rear dormer would fall within permitted development rights, however it has been included on the plan and in the description of the development and so forms part of this application.

Relevant Planning History

None.

Consultee Response

LCC Highways - The proposal is to increase from 3 bedrooms to 4, parking standards require 3 parking spaces, an increase in one to the current requirement.
In this case, a reduction from the parking standards is acceptable as the location is accessible to local facilities. The proposal raises no concerns on highway safety grounds.

Nelson Town Council

Public Response

Nearest neighbours notified - no response.

Officer Comments

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. In general, dormers on the front of a roof slope will not be acceptable unless they are a feature of other similar houses in the locality (e.g. where at least 25% of properties have front dormers in a terrace block or street frontage) or the dormer would otherwise be appropriate in visual design terms. Dormers are not normally appropriate on older (stone slated) buildings.

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 tradition terraced properties with slate roofs. Although there are a number of front dormers on an adjacent side street, Wilkinson Street, the houses on that street of a different character to Princess Street where front dormers are not a feature. 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. 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, the relationships between them and facing windows would be similar to the existing relationships of upper floor windows. In a street layout such as this, no part of the development raises unacceptable privacy or amenity issues.

Highways

Although the development would result in an increase in the number of bedrooms and resulting parking requirement, taking into account that that dwellings without off-street parking are characteristic of the area and access to services and facilities the proposed development is acceptable in highway terms.

Summary

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 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.

REPORT TO NELSON COMMITTEE 7th AUGUST, 2017

Application Ref: 17/0359/FUL

Proposal: Full: Change of use of part of curtilage to cattery including 4 parking spaces and erection of two buildings with 15 double cattery pens to accommodate up to 30 cats.

At: Catlow Hall Farm

On behalf of: Miss Elizabeth Bradshaw

Date Registered: 27 June 2017

Expiry Date: 22 August 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a Grade II Listed Building within Southfield Conservation Area.

The proposal is erect two buildings containing 15 double cattery pens for up to 30 cats with ancillary kitchen. The buildings would be sited to the south west of the building accessed via a recently constructed vehicle access.

The units would measure 17.6m x 4.5m x 2.48m high maximum and 4.5m x 4.04m x 2.48m high maximum and pre-constructed in upvc insulated panels in Charcoal Grey for the elevations and heat reflective polycarbonate roofs.

Parking provision for four vehicles for this business use has been indicated on the plans.

Relevant Planning History

13/02/0248P – Convert Barn (west) to dwelling – Approved 15th July, 2002.

13/02/0223P – Convert barn to dwelling – Approved 15th July, 2002.

13/02/0105P – Erect car ports – Approved 20th May, 2002.

Consultee Response

LCC Highways – No objection in principle but have concerns over the location as Robin House Lane is very narrow and included two fords. Customers should be directed via Southfield Lane on any promotional material.

PBC Conservation Officer – The site is within the Southfield CA and within the curtilage of a Grade II Listed Building. Catlow Hall Farm forms part of an early farmhouse dating from the 1600's, and comprises a central gabled frontage with a later 18th/19th century wing added to the western side. Its main significance lies in the local stone and stone slate of its construction, the attractive gabled frontage with arched doorway, and mullioned windows to both the front and rear elevations. It has been altered over the years, but still retains much of its historic character and significance.

There is no objection in principle to the siting of the proposed cattery building, which would be located away from the LB, adjacent to and screened by a tall boundary wall, and therefore unlikely to be seen from the main approach to the front of the building. The setting of the LB would therefore be preserved. I would suggest that natural timber would be a more appropriate material

for the building than UPVC, in view of the setting within a CA and the curtilage of a LB. The CA SPD para 4.63 suggests simple building forms and good quality natural materials for ancillary/garden buildings.

Nelson Town Council

Public Response

Nearest neighbours notified by letter. Publicity expires on the 4th August and any further comments will be reported to the meeting. Twenty nine responses have been received to date objecting on the following grounds:

- Grave concerns about proposed location, impact on local community, environment and vehicle access;
- The proposed access serves Catlow Court, six cottages and Catlow Row. The entrance to and from Southfield Lane is hazardous and trying to exit is difficult with drivers passing at around 40mph;
- Lack of visibility is an issue and Southfield Lane is very poorly maintained and is not gritted in winter periods. Increased traffic would make this worse;
- There is no mention of suitable drainage;
- There is an existing cattery ¼ mile away which can easily be heard across the valley. Catlow is open to the elements and the noise and odour would easily travel and make it unpleasant for residents;
- Solid and liquid waste will need to be dealt with;
- This proposal will set a dangerous precedent for this with no benefits except the applicant;
- Work has already been undertaken and we question whether Listed building consent has been obtained;
- This small hamlet has numerous listed buildings around it and the environmental impacts on neighbours can not be overstated;
- The lighting may contribute to light pollution in the area
- Not an appropriate location for a cattery;
- As a conservation area it will have a major impact on the local environment and does not follow the principle of good design and conflicts with the rural landscape of Southfield Conservation Area by way of location, design and materials;
- Possibly increase traffic flows;
- Create additional waste problems;
- Unsuitable upvc materials against a listed building and neighbouring stone buildings;
- Noise disturbance will result from vehicle movements, cats in residence and from commercial air conditioning and refrigeration units;
- The main unit holding 12 pens would be sited against our boundary wall only 5.2m from our dining room and 8m from the kitchen and master bedroom;
- The increased traffic would pose a risk to walkers and horse riders using the public footpaths and bridleways;
- The proposal is for a new business proposal to be housed in a new building and should not be viewed as rural diversification. There is no evidence of further need for a cattery in this location;
- This proposal involves the erection of a dark grey upvc and glazed building within 5.2m of a listed building. This will have a significant adverse impact on the setting of the listed building by way of the introduction of an inappropriate building within its curtilage and will give the impression of a upvc conservatory attached to a listed building when viewed from a distance;
- The character of the conservation area reflects historic farmsteads in an upland landscape setting. The hamlet of Catlow which forms a small part of the Conservation Area consists largely of a group of former agricultural estate buildings and workers cottages straddling

Southfield Lane. Today the estate no longer exists and the former agricultural buildings have been converted to residential properties. This proposal would introduce an urban feature into a rural landscape which will have a significant adverse impact on the Southfield Conservation Area by way of design and materials used and a significant impact on views into the Conservation Area;

- The building is of poor design in its traditional stone context and is contrary to the NPPF, policy ENV2 and policy 13;
- Policy ENV5 states that development will be required to ensure that the potential for noise, odour and light pollution is minimised;
- Policy 8 states that development will be permitted where no harmful pollution or contamination or remedial action is sufficient to reduce the risk of pollution;
- Policy WRK2 states that outside the built up area new employment development should be of an appropriate scale, character and design;
- Parking overflow will impact on Southfield Lane and have a severe impact on highway safety in the immediate surrounding area and restrict the turning circle for the commercial vehicles using the quarry entrance/exit.

Officer Comments

The main issues are impact on the Listed Building and Conservation Area, impact on amenity, design and materials and highway issues.

1. Policy

The relevant Local Plan Core Strategy policies are:

ENV1 covers protection and enhancement of the natural and historic environment including biodiversity, ecology, trees, landscapes, open space and green infrastructure and historic environment.

ENV2 sets out general design principles, historic environment and climate change.

Also relevant is saved Replacement Pendle Local Plan policy:

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

Development in the Open Countryside Supplement Planning Guidance is also relevant here as this document encourages suitable proposals to diversify the rural economy and that the countryside can be an appropriate location for animal-based uses such as kennels.

Conservation Area Design and Development Guidance requires new development to seek to preserve or enhance the character of the conservation area and take into consideration the context of the conservation area and the building within it.

2. Impact on Listed Building and 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 within the Southfield Conservation Area and within the curtilage of Catlow Hall Farm a Grade II Listed Building.

The Old Barn (1 Catlow Court) is not listed in its own right but is a curtilage building of the listed farmhouse.

The location of the cattery is relatively well screened and although visible in views from public footpaths it is not overly prominent and the addition of two relatively small scale buildings within the curtilage of this property would not be so detrimental as to adversely impact on the conservation area subject appropriate design and materials being proposed.

There is no objection in principle to the siting of the proposed cattery building, which would be located away from the listed building, adjacent to and screened by a tall boundary wall, and therefore unlikely to be seen from the main approach to the front of the building. The setting of the listed building would therefore be preserved.

The Conservation Area Design and Development Guidance Supplementary Planning Document para 4.63 suggests simple building forms and good quality natural materials for ancillary/garden buildings.

The applicant has been requested to re-consider the proposed materials as natural timber would be a more appropriate here.

Subject to appropriate materials the proposed building would not have a detrimental impact on the conservation area or the Listed Building and therefore accords with policy ENV1.

3. Impact on Amenity

There is an established cluster of buildings including the applicants dwelling and other residential units in this area. The proposed cattery buildings would relate to these and a simple timber framed structure would be acceptable in terms of impact on the open countryside.

Supplementary Planning Guidance: Development in the Open Countryside recognises that activities such as dog kennels normally require new buildings and extensive fenced areas and that such uses can be appropriate in the countryside provided that the landscape character of the area is protected.

The use of the buildings as a cattery would not adversely impact on the open countryside and accords with the advice given in Development in the Open Countryside: Supplementary Planning Guidance which allows for kennels and other such animal uses. This is not a town centre or urban use and such businesses are appropriate in rural locations and have been approved previously.

With regards to noise and disturbance appropriate conditions could be attached to mitigate this as well as waste and odour control. The actual running of the cattery would be controlled by an appropriate licence from Environmental Health and they will monitor the use of the site in this respect.

The nearest residential property is 5.2m away, however, this is at the other side of a high retaining wall and would not be immediately visible. It is acknowledged that there will be an increase in comings and goings and that this will impact noise and disturbance; however, this would not be so significant as to lead to an unacceptable impact on the neighbouring properties.

Therefore there is unlikely to be any undue loss of amenity for neighbouring properties and the use would accord with policy ENV2.

4. Design and Materials

The proposed buildings are proposed to be dark grey upvc, however, as this would not be appropriate in this setting in a conservation area and within the curtilage of a listed building the applicant has suggested an alternative. The outer structure would be timber and the internal pens would be upvc which is acceptable and will assist in integrating these structures in the immediate surroundings.

Whilst it has been suggested that stone would be more appropriate it is my view that a more lightweight, simple timber framed structure would be appropriate here and would mean that the structure can be easily removed if the business use of the cattery is no longer operated from this premises.

This would ensure that there would not be permanent stone structures on the site if the business ceases.

Therefore subject to these changes this proposal is acceptable in terms of design and materials and accords with ENV1 and ENV2.

5. Highway Issues

There are no highway objections to proposal.

The applicant has indicated that there is parking for 4 vehicles within the site which is acceptable and meets the requirements of policy 31.

Summary

Subject to the applicant agreeing more acceptable materials for the proposed buildings then the scheme would not unduly impact on the listed building, conservation area and amenity, there are no highway concerns and subject to appropriate conditions then this use and buildings would be acceptable in this location.

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 proposal for two buildings for use as a cattery for up to 30 cats is acceptable subject to appropriate conditions. The development 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:

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

3. Prior to the commencement of the use details of the noise insulation measures for the cattery and details of ventilation and cooling measures shall have been submitted to and have been agreed in writing by the Local Planning Authority. All agreed measures shall thereafter be carried out in accordance with the approved implementation timetable and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to prevent noise nuisance.

4. Prior to the commencement of the use details of a waste management plan shall have been submitted to and have been agreed in writing by the Local Planning Authority. All agreed measures shall thereafter be carried out in accordance with the approved implementation timetable and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to prevent odour and pollution nuisance.

5. The number of cats to be accommodated within the cattery buildings at any one time is limited to a maximum of thirty.

Reason: To ensure that the development is small scale and would not result in amenity issues.

6. The proposed development shall not be brought into use unless and until the four car parking spaces and turning areas have been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning area shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to provide sufficient off street parking for the development in the interests of highway safety

LIST OF BACKGROUND PAPERS

Planning Applications

NW/CB

Date: 27th July 2017