

REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	NELSON COMMITTEE
DATE:	6 November 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE 6th NOVEMBER, 2017

Application Ref: 17/0307/HHO

Proposal: Full: Erection of two storey extension to rear with part single storey (resubmission).

At: 106 Regent Street, Nelson

On Behalf of: Mr T J Carter

Date Registered: 21 June, 2017

Expiry Date: 16 August, 2017

Case Officer: Kathryn Hughes

This application was deferred from the September meeting to allow a site visit with the owners to take place. The site visit has been taken place and reference to a similar extension at 114 has been taken into account. Any proposed changes to the submitted scheme will be reported to the meeting.

Site Description and Proposal

The application site is a semi-detached dwellinghouse located within the settlement boundary of Nelson.

The proposal is to erect a part two storey and part single storey extension to the rear elevation.

The proposed rear extension would measure 6m x 5.35 m x 6.1m to ridge (4.4m to eaves) for the two storey element and 3.3m x 5.35m x 3.7m to ridge (2.1m to eaves) for the single storey element finished in brick and render with slate roof.

Planning History

16/0810/HHO – Full: Erection of part two storey, part single storey rear extension – Refused.

13/14/0176N – Permitted Development Notification (Proposed Large Home Extension): Erection of single storey extension to rear (Length 6m, eaves height 2.55m, overall height 2.8m) – Notification Accept, Permitted Development.

13/13/0315P – Erection of a two storey & single storey extension to the rear of dwellinghouse – Withdrawn.

Consultee Response

LCC Highways – No objections.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

The main issues to consider in this application are policy, design, amenity and highway safety.

Policy

Policy ENV2 of the Local Plan Part 1 encourages a high standard of design in new developments, using materials appropriate to the setting.

The Design Principles SPD also contains more specific advice on householder extensions, which will be discussed in more detail below.

Design & Amenity

The SPD states that two storey rear extensions should not breach the 45 degree rule and be set in from the party boundary by a minimum of 1m

The development here seeks to erect a two storey element projecting 3.3m, before stepping down to a single storey for a further 2.7m, creating an addition 6m in total from the original rear wall of the house. It would be set in from the shared boundary by 0.75m, the extension by virtue of its projection would breach the 45 degree rule by some distance. The neighbour has two ground floor windows and one first floor window to the rear. The latter is located centrally within the upper floor and would be unaffected. However the ground floor windows are in close proximity to the development, which would appear overbearing and dominant from these openings, by virtue of its scale and massing.

The previous refusal stated that the applicant would need to reduce the projection of the two storey element by around half to avoid any adverse impacts on these windows. Whilst the first floor projection has been reduced by 0.7m this would still adversely impact on the nearest ground floor window.

It is acknowledged that no neighbour objections have been received and that a 6m long single storey extension has previously been deemed permitted under the increased GPDO allowances for householders. However, the permission for a larger home

extension has now expired. This does not outweigh the harm that would be caused by the first floor element and the 6m long ground extension sited within 1m of the boundary.

The previous application is supported by a statement which states that the extension is required to address the particular needs and requirements of the occupant. Whilst these personal issues are noted, the impacts of the development here are not marginal, as such they can be afforded little weight in the decision making process.

A similar extension was approved at 114 Regent Street in November, 2010, however this extension was slightly smaller in length at ground floor and this was recommended for refusal based on its siting, bulk, mass and its overbearing nature would harm the amenity of the adjoining property. Members approved this scheme and it was not referred to Development Management at that time.

Therefore as submitted the proposal fails to comply with adopted guidance within the SPD and Policy ENV2.

Highways

The proposal does not impact on the current level of off-street parking provision at the site in an area where on-street parking is prevalent. LCC Highway Engineers raise no concerns in relation to the proposal.

Summary

The proposed development, by virtue of its scale and massing would have an unacceptable impact on the amenity of neighbours, thereby failing to comply with Policy ENV2 of the Local Plan Part 1 and guidance within the Design Principles SPD.

RECOMMENDATION: Refuse

For the following reason;

1. The proposed development, by virtue of its scale and massing, would have an adverse impact on the amenities of the adjoining property, owing to its proximity to adjacent windows. The application thereby fails to accord with Policy ENV2 of the Local Plan and guidance within the Design Principles SPD.



Application Ref: 17/0307/HHO

Proposal: Full: Erection of two storey extension to rear with part single storey (resubmission).

At: 106 Regent Street, Nelson

On Behalf of: Mr T J Carter

REPORT TO NELSON COMMITTEE 6TH NOVEMBER 2017

Application Ref: 17/0361/HHO
Proposal: Full: Erection of a part single, part two storey rear extension.
At: 42 Thursby Road, Nelson
On behalf of: Mr Raza Mohammad
Date Registered: 23.08.2017
Expiry Date: 18.10.2017 (EOT – 10.11.2017)
Case Officer: Charlotte Pinch

Site Description and Proposal

The application site is a two storey semi-detached dwellinghouse located at No.42 Thursby Road, Nelson. The site is surrounded by residential properties of a similar scale and mass.

The proposed development is for the erection of a part single and part two storey rear extension. It would have a width of 4.4 metres, total height of 6.1 metres, depth at ground floor of 4.8 metres and depth at first floor of 3.3 metres. It would comprise of a lounge at ground floor level and fourth bedroom at first floor level.

It would be constructed of slate roof tiles and brick with dashed render to match the existing dwellinghouse.

The existing conservatory would be demolished at part of this proposal.

Relevant Planning History

None.

Consultee Response

LCC Highways

From the plans submitted no provision has been made for any off road parking. According to Pendle Borough Council's parking standards a 4 bedroomed house such as this would be expected to have 3 car parking spaces. However, a similar extension to another dwelling in the vicinity has been approved with 2 off road parking spaces.

A plan showing 2 off road parking spaces, of a suitable size (5.5m x 2.4m each) and surfaced with a bound porous material would be expected prior to any approval given. The dimensions may need to be altered, if this additional surfacing is to include the

pedestrian access to the property. Similarly, the acceptance that a new vehicle crossing will be required at the applicant's expense.

Public Response

None received.

Officer Comments

The main issues to consider in assessing this application are impact on amenity, design, materials and parking provision.

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework must be given full weight in the decision making process. Other material considerations may then be set against the Local Plan policies so far as they are relevant.

Policy

The Design Principles SPD also contains specific advice on householder extensions, which will be discussed in more detail below.

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 of the Pendle Local Plan Part 1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

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

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

Visual Amenity

The two storey rear extension would have a pitched gable end roof and finished in external materials that would match the house and are acceptable. The first floor element of the proposal is set back from the ground floor extension, therefore giving a subservient appearance that is in keeping with the scale of the semi-detached property.

There are no objections to the demolition of the existing conservatory and as such the proposal complies with Policies ENV1, ENV2 and the Design Principles SPD.

Residential Amenity

The SPD states that two storey rear extensions should not breach the 45 degree rule and the first floor element should be set in at least 1 metre from the boundary. Equally, single storey rear extensions of greater depth than 4 metres, will normally only be permitted if it does not breach the 45 degree rule.

This development seeks to erect a two storey element projecting 3.3 metres, before stepping down to a single storey for a further 1.5 metres, creating an addition of 4.8 metres in total from the original rear wall of the house. It would be set in from the shared boundary by 1.1 metres, however the ground floor element of the extension would breach the 45 degree rule considerably.

Both neighbours at No.40 and 44 Thursby Road have first and ground floor rear facing windows within close proximity of the proposed development. The first floor windows on both properties are located centrally within the upper floor and therefore unaffected. However, both sets of ground floor windows are in close proximity to the development, which would breach the 45 degree rule and appear overbearing and dominant from these openings, by virtue of its scale and massing.

It is acknowledged that no neighbour objections had been received and a similar extension has been implemented at No.38 Thursby Road. However, this extension did not have an extended ground floor element and the whole extension was less than 4 metres depth, in accordance with the SPD guidelines.

Therefore, as submitted the proposal fails to comply with adopted guidance within the SPD and Policy ENV2.

Highways

The proposed extension would add an additional bedroom to the property, creating a four bedroom dwellinghouse. Saved Policy 31 expects three on plot spaces to be provided for this size property.

Given the property currently has no on plot parking and a similar scheme was approved in 2012 at No.38 Thursby Road, the provision of two on plot parking spaces would be considered acceptable.

RECOMMENDATION: Refuse

For the following reason;

1. The proposed development, by virtue of its scale and distance from the side boundary, would have an adverse impact on the amenities of the adjoining property, owing to its proximity to adjacent windows. The application thereby fails to accord with Policy ENV2 of the Local Plan and guidance within the Design Principles SPD.



Application Ref: 17/0361/HHO

Proposal: Full: Erection of a part single, part two storey rear extension.

At: 42 Thursby Road, Nelson

On behalf of: Mr Raza Mohammad

REPORT TO NELSON COMMITTEE 6TH NOVEMBER 2017

Application Ref: 17/0365/HHO

Proposal: Full: Erection of two storey extension to rear

At: 6 Sycamore Avenue, Nelson

On Behalf of: Mr Wahid Riaz

Date Registered: 11 August, 2017

Expiry Date: 04 October, 2017

Case Officer: Christian Barton

Site Description and Proposal

The application site is a detached, two storey dwellinghouse located within the east of the settlement boundary of Nelson. The property sits on Sycamore Avenue, a small residential cul-de-sac with properties of similar styles and frontages. The dwellinghouse is surrounded by residential properties to three sides with allotment gardens found to the west. The artificial stone property under a concrete tiled roof has garden areas to the front and rear along with a driveway to the front for two vehicles.

The proposal seeks to erect a two storey extension to the rear (east) of the property to allow for internal reconfigurations. Extended floor space for the kitchen and lounge areas at ground floor level is proposed along with extensions to the two rear bedrooms. The development would have a footprint of 8.2m x 4m with heights of 4.6m to the eaves and a total height of 7.1m. The materials proposed would match those of the existing building.

Planning History

No relevant planning history.

Consultee Response

LCC Highways - Having considered the information submitted for the above planning application, and visited site on 25 August 2017, I have the following comments to make. The applicant proposes to increase the size of the dwelling but retain the same number of bedrooms as existing. There would, therefore, be no change in the number of off-road parking spaces required.

Due to the site's location within a residential estate, and close to a primary school on

Trent Road, I would ask that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times. Taking the above into consideration, I would have no objection to this planning application.

Nelson Town Council – No comments received.

Public Response

- Concerns about the two storey extension having unreasonable effects on the light amenity of neighbouring properties.
- Points raised about a single storey extension having less impacts on neighbouring properties.
- Concerns about the extension having impacts on neighbouring gardens and effecting neighbours enjoyment.
- Concerns about the development effecting neighbouring property prices.
- Concerns about the development, if allowed would encourage further, unsuitable developments of a similar nature.
- Concerns about loss of privacy.

Officer Comments

The main considerations for this application are any potential impacts on the amenity of neighbouring properties along with the choice of materials, the design of the build and any potential impacts on the highway and highway safety.

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

- ENV2 sets out general design principles, historic environment and climate change.
- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.
- The Design Principles Supplementary Planning Document (SPD) applies to extension and sets out the aspects required for good design.

1. Impacts on Amenity

The properties that could be affected by the development are 4 and 8 Sycamore Avenue and 1 Willow Drive.

1 Willow Drive is found to the east of the site, the rear elevation of the extension would be 12m from number 1. No unreasonable impacts on the amenity of number 1 would result from the development as the windows would not directly overlook the property. 8 Sycamore Avenue is found to the south of the application site and is 2m from the side

(south) elevation of the proposed extension. No additional windows are proposed for the south elevation of the property. The development does breach a 45 degree line measured from the centre of the rear windows of number 8 and there would be no detrimental impact due to loss of light that could justify a refusal.

4 Sycamore Avenue is adjacent to the north of the site, 2m from the house. Three additional openings are proposed at ground floor level. These would not have any detrimental impact on the privacy of the occupants of number 4 due to a 1.8m panelled fence on the shared boundary. The fence would prevent any overlooking but needs to be retained in perpetuity as without it there would be loss of privacy. There are patio doors in rear elevation of number 4 immediately adjacent to the boundary. Number 4 lies offset behind the rear wall of the existing house on the application site by 1m. The proposal is to add a two storey extension 4m in length to the rear. The extension would not comply with the guidance in the adopted Design Principles SPD and would breach a 45 degree line measured from the centre of the patio doors. The development would have a severely detrimental impact on the living conditions of the occupiers of number 4 and is unacceptable.

2. Design and Materials

The design of the extension is subservient to the original structure in terms of massing and roof height. Materials to match the existing dwellinghouse are proposed, these are acceptable.

3. Off-Street Parking and Highway Safety

No increase to the number of bedrooms within the property is proposed from the development only extensions to the floor space of existing bedrooms. The property has sufficient parking for a four bedroom property and as such the application complies with Policy 31. No unreasonable impacts on the highway and highway safety would result from the development given the nature of the proposal.

4. Summary

The proposal seeks to erect a two storey extension to the rear (east) of the property to allow for additional floorspace. The development is acceptable in terms of the impact on the amenity of some of the neighbouring properties, 8 Sycamore Avenue and 1 Willow Drive. The choice of materials, off-street parking provisions and impacts on highway safety are also acceptable, the scheme therefore complies with Policy 31.

Unreasonable impacts on the amenity of 4 Sycamore Avenue would result from the extension however; the development would have an overbearing and unacceptable impact on the living conditions of number 4. As such the application 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.

RECOMMENDATION: Refuse

1. The design and massing of the extension would severely impact on the residential amenity of the neighbour to the north, 4 Sycamore Avenue. The rear extension would result in overbearing and unacceptable impacts on the living conditions of number 4. The scheme as proposed is therefore unacceptable in this location and 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.



Application Ref: 17/0365/HHO

Proposal: Full: Erection of two storey extension to rear

At: 6 Sycamore Avenue, Nelson

On Behalf of: Mr Wahid Riaz

REPORT TO NELSON COMMITTEE ON 06 NOVEMBER 2017

Application Ref: 17/0463/FUL

Proposal: Full: Change of use from open space to car park (For 18 Cars and 5LGVs) with access off Branch Street (retrospective).

At: LAND AT BRANCH STREET NELSON BB9 9HE

On behalf of: Mr M Arif

Date Registered: 04/08/2017

Expiry Date: 29/09/2017

Case Officer: Alex Cameron

Site Description and Proposal

This application is brought to Committee as three objections have been received.

The site comprises a triangular section of grassed land just off Barkerhouse Road. It is designated as Open Space in the Replacement Pendle Local Plan and as Amenity Greenspace in the Open Space Audit (OSA).

Planning permission was granted in 2015 for a similar car park for 20 cars and 5 large goods vehicles on the land, however, the car park was not formed in full accordance with the approved plans with the east side of the parking area extending beyond the boundary of the application site.

The proposed development is a retrospective application for the car park with parking for 18 cars and 5 large goods vehicles.

Relevant Planning History

13/15/0321P - Full: Change of use from open space to car park with access off Branch Street. Approved.

Consultee Response

LCC Highways; The Highways Development Support section noted that this site already has planning consent for use as a car park for 20 cars and 5 light goods vehicles (LGVs), approved under planning permission reference 15/0321.

When consulted at the time, the Highways Development Support section was of the opinion that the proposed car park would have a detrimental impact on highway safety in the immediate vicinity of the site. From observations whilst on site for the new

application we continue to have concerns about the impact the development could have on the surrounding highway network.

At the time of the site visit, vehicles were parked for almost the full length of Branch Street outside the houses, with vehicles parked on both sides, beyond the garage colony. If vehicles were parked on both sides at the bottom of Branch Street vehicles using the car park, especially LGVs, may not be able to safely enter/leave the car park. The road leading from Branch Street to Barkerhouse Road - Bacon Street - is privately maintained. The applicant has not indicated how they would prevent vehicles using Bacon Street to access the car park from Barkerhouse Road, or vice versa. Sightlines to the East of the junction of Bacon Street with Barkerhouse Road are very limited. Therefore we are of the opinion that any increase in vehicle movements at the junction of Bacon Street with Barkerhouse Road would have a detrimental impact on highway safety in the immediate vicinity of the site, at this junction.

The applicant has also not indicated days/hours when the car park would be in use. In the Justification Statement for the previous application they indicated that the car park was for use by business premises on nearby Lonsdale Street. We recommend, therefore, a condition limiting opening times in the interests of residential amenity for both residents of Branch Street and those using the garage colony at the top of Branch Street.

Network Rail

Lancashire Constabulary

Nelson Town Council

Public Response

Nearest neighbours notified; thirty one responses received at time of writing, commenting on;

- Vegetation was cleared from the site in breach of the conditions on the previous permission
- The application must be refused until a full investigation is carried out regarding the non-compliance with the conditions of the previous application
- Highway safety issues to road users and pedestrians
- Traffic problems near the railway crossing
- The LGVs could be broken into
- The land should be a green space for community benefit

Officer Comments

The main issues to consider in this case are the loss of existing open space and impacts on highway safety.

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.

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.

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

National Planning Policy Framework

Paragraph 32 of the National Planning Policy Framework states that decision making should take in to account whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that limit the impacts of the development.

Open Space

Policy 33 is unequivocal in its approach to the loss of open space. The first assessment to undertake is whether the proposal constitutes a loss of poor quality amenity open space (green space) in an area with surplus provision.

The Open Space Audit advises that this particular site scored 18 out of a possible 49 in terms of its quality, leaving it within the lower quartile and as a high priority for enhancement. In the wider context, Southfield as a ward has a deficit of such areas as does Nelson as a whole.

However, in granting the previous planning permission the Council took the decision that this open space could be lost. Taking into account that previous decision of the Council, the development, and resulting loss of the open space, is acceptable.

Visual amenity

The development is acceptable in terms of visual amenity in accordance with policy ENV2.

Highways

LCC Highway Engineers have assessed that proposal and raised objections. Concerns relate to vehicular movements associated with the car park and the likelihood that vehicles would use Bacon Street as the most direct route to Barkerhouse Road. They have also raised concerns relating to residential amenity impacts and suggested a condition restricting hours of operation.

In granting the previous planning permission the Council took the decision that the proposed car park was acceptable in terms of highway safety. This proposal raises no additional highway implications and therefore, taking into account that previous decision of the Council, the development is acceptable in highway terms. No condition was placed on the previous permission restricting hours of operation and it would not be reasonable or necessary to attach such a condition to this permission.

Residential amenity

The development would result in an increase in vehicular movements around Branch Street and Barkerhouse Road, however accounting for the commercial nature of the surrounding area, direct impacts on the amenities of existing residents would be negligible. The development is acceptable in terms of residential amenity in accordance with policy ENV2.

Trees and ecology

The site has been cleared of vegetation and, taking this into account, the proposal raised no ecology issues.

Concerns have been raised about the clearance of trees and vegetation from the site. If not protected by TPO trees and vegetation can be removed without the need for permission.

Other Matters

Concerns have been raised in relation to breach of the conditions of the previous application. The development has not been carried out in accordance with that permission and therefore the permission has not been lawfully implemented. If granted this permission would replace that and so the compliance with conditions has no influence on this application.

Summary

Taking into account the previous decision of the Council to grant permission for a car park on this land the proposed development is acceptable.

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: Location Plan, RAD/1261/17/2.

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

3. The use of the development hereby approved shall not be commenced unless and until plans and particulars showing a scheme of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed in their entirety prior to the first use of the car park hereby approved and shall thereafter be retained.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

4. There shall be no external lighting of the development hereby permitted unless with the prior written consent of the Local Planning Authority as to the type, size, location, intensity and direction of the lighting. Any lighting provided shall at all times be so provided in strict accordance with the approved details.

Reason: In order to prevent light pollution to protect the amenity of the environment.

5. The use of the development hereby permitted shall not be commenced unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
 - a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;

- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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



Application Ref: 17/0463/FUL

Proposal: Full: Change of use from open space to car park (For 18 Cars and 5LGVs) with access off Branch Street (retrospective).

At: LAND AT BRANCH STREET NELSON BB9 9HE

On behalf of: Mr M Arif

REPORT TO NELSON COMMITTEE ON 06 NOVEMBER 2017

Application Ref: 17/0534/REM

Proposal: Reserved Matters: Major: Erection of 39 dwellinghouses (Appearance, Landscaping, Layout and Scale).

At: Land at the junction of Bath Street Bracewell Street, Nelson

On Behalf of: Calico Homes Ltd. / Hobstone Homes Ltd

Date Registered: 15 September, 2017

Expiry Date: 15 December, 2017

Case Officer: Christian Barton

Site Description and Proposal

The application site is a 0.98 hectare plot located in the south-east of the settlement boundary of Nelson. The land lies to the south-east end of Bracewell Street and is surrounded by residential properties to three sides with open countryside found to the south-east. Modern residential housing is found to the north with older housing stock to the south and west. The former James Nelson Sports Club development site lies adjacent to the south-east.

The proposal seeks to erect 39 two storey houses along with associated works in the form of highways construction, landscaping and the erection of boundary treatments. Access for the site will be gained from Priory Chase and this has been approved at the outline application stage. The houses are to be a mix of both two (20) and three (19) bedroom properties that are to be constructed from reconstituted stone masonry and grey concrete roof tiles.

Planning History

13/04/0859P - Major: Outline: Residential development (2.82ha) – Refused – January 2005.

13/07/0853P - Erect Nursing Home - 0.78 hect. - (Outline) – Approved with Conditions – February 2008

13/08/0337P - Erect 96 place nursing g home split level (6500sq.m floorspace) – Approved with Conditions - September 2009.

13/11/0448P - Full: Major: Extension of Time: Extend time limit for implementation of Planning Permission (13/08/0337P) to erect 96 place nursing home split level (6500m² floorspace) – Approved with Conditions – November 2011.

13/15/0404P - Outline: Major: Residential development (0.98ha) of up to 39 dwelling houses - Access only (from Priory Chase) – Approved with Conditions – December 2015.

Consultee Response

LCC Highways - Having considered the information submitted for the above application the Highway Development Support section has the following comments to make.

Internal road layout

The proposed carriageway widths are too narrow and should be increased to 5.5m wide. To enable this increase in width the footways should be reduced to not less than 1.8m wide, which is the minimum acceptable width. The proposed turning heads should also be built to Lancashire County Council's Residential Road Design Standard. The ones proposed are currently too small. These should be a minimum of the carriageway width plus 9.4m, that is, 5.5m + 9.4m = 14.9m. The developer should prove by swept path analysis that a twin axle refuse vehicle can safely negotiate the first bend in the estate road without overrunning the footway.

Sewers

We would need confirmation from United Utilities that they will adopt the proposed surface water sewers on site, otherwise Lancashire County Council will not adopt the estate road. If the estate roads are to be privately maintained then we would want confirmation that their future maintenance will be the responsibility of a private management company.

Pedestrian/cycle link

Whilst the developer has indicated in their 'Design and Access Statement' that 'the site is well linked by footpaths to the surrounding area, local schools and parks' there is currently only one way in and out of the site. Therefore the developer should provide a 3m wide shared pedestrian/cycle link to adoptable standards between the development and Bracewell Street to increase the permeability of the site with the surrounding highway network, in accordance with 'Manual for Streets'. In particular this would provide an improved pedestrian/cycle route to Walverden Primary School, recreation facilities located off Southfield Street and the surrounding Public Rights of Way network. The indicative layout provided at outline planning application stage showed a pedestrian/cycle route as described above.

Parking

All properties to be provided with two adequately sized off-road parking spaces to discourage vehicles being parked on the carriageway, especially on the bends and near the turning heads, and in accordance with Pendle Borough Council's parking standards.

This will require an amendment to the plan as currently there is an under provision. To aid visibility when entering/leaving the parking spaces there should be no boundary structures or vegetation allowed between plots.

General

To improve the sustainability credentials of the site each dwelling should have an electric vehicle charging point, and be provided with covered, secure storage for two cycles, in accordance with Pendle Borough Council's parking standards. The batter on the north-west elevation of Plot 19 adjacent to the footway should be no worse than 1:2.

Construction Traffic

Given the site's location within a residential estate and on the routes serving two schools prior to the start of any works the developer should provide a Construction Method Statement. Likewise, we would ask that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

PBC Environment Officer (Trees) - I'm ok with this. I would like to see a maintenance plan for the wildflower meadows. I would prefer it if the seed as a MG5 mix. The company they suggest in their landscape plan sell it. Their product code is RE1. I would also like to see a planting list for the trees.

Lead Local Flood Authority - The LLFA has **no objection** to the proposed development subject to the requirements of Condition 9, 10, 11, 12, 13 and 14 of Outline Planning Permission 13/15/0404P being satisfied in full.

Sustainable Drainage Systems:

Paragraph 103 of the National Planning Policy Framework (NPPF) and Written Statement on Sustainable Drainage Systems (HCWS161) requires that surface water arising from a developed site should, as far as it is practical, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account. The Lead Local Flood Authority encourages that site surface water drainage is designed in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems and Planning Practice Guidance, including restricting developed discharge of surface water to greenfield runoff rates making suitable allowances for climate change and urban creep, managing surface water as close to the surface as possible and prioritising infiltration as a means of surface water disposal where possible.

Regardless of the site's status as greenfield or brownfield land, the Lead Local Flood Authority encourages that surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standard 2 and Standard 3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems. Sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and

quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open space.

The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs. Prior to designing site surface water drainage for the site, a full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means. For example, should the applicant intend to use a soakaway, they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The LLFA also strongly encourages that the developer should take into account designing drainage systems for exceedance working with the natural topography for the site. Should exceedance routes be used, the applicant must provide a site layout plan with these displayed, in line with Standard 9 of DEFRA's Technical Standards for SuDS. Flow balancing SuDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the pre-development greenfield runoff rate. Flow balancing should seek to achieve water quality treatment as part of a treatment train and amenity benefits as well as managing flood risk.

It should be noted that some SuDS features, for example rainwater harvesting and permeable paving used on driveways, must not be included as part of the hydrological calculations for the development proposal. This is because occupants may change or remove these features in the future - this could have the potential to increase surface water runoff which was previously unallocated for in the design of the sustainable drainage system. Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations of a development proposal, the local planning authority is advised to consider the removal of permitted development rights for permeable paving.

Other comments

Should the applicant intend to install any sustainable drainage systems or ordinary watercourses under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of these systems with the local highway authority. For the avoidance of doubt, the LLFA does not comment on the suitability for future highway adoption under Section 38 of the Highways Act 1980. This is for the Local Highway Authority to comment on.

Material changes

If there is any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. The

LLFA also wishes to be formally consulted on all subsequent drainage strategies for this proposed development.

PBC Environmental Health - I've reviewed the both the Phase 2 site report (ref – 10-584-R2) and the remediation strategy report (ref – 11-907-R1) undertaken by E3P for the new residential development At Priory Chase/Fletcher Street, Nelson as requested. I would like to confirm that both the Phase 2 and the Remediation Strategy Reports are satisfactory, well documented and concise. From the site investigations no contaminants of concern to human health were identified and I am confident that the site poses no unacceptable risks to the future residential users of the site with regards to chemical contaminants. The gas monitoring results from the testing undertaken on the site established the requirement for CS2 gas protection measures to be installed in accordance with the methodology described within the current BS8485 & CIRIA C665 gas protection guidance.

Also if any soils are imported for the gardens/landscaped area's then this will need to be chemically sampled at the agreed ration as stated within the remediation strategy to demonstrate it is suitable for use at this development which will include house with gardens. I would also agree with the recommendation of a watching brief just in case any unidentified contamination is found to ensure that it is dealt with in a manner not to pose any risks to the future users of the site. However we will require a validation report for the agreed gas protection measures with documented evidence that any imported topsoil is free from contamination and suitable for use at the site before we can consider an actual discharge of the contaminated land condition applied to this planning application.

Lancashire Constabulary - No comments received.

United Utilities - No comments received.

Nelson Town Council - No comments received.

Public Response

Concerns have been received from a single neighbour regarding the loss open countryside, the environmental impacts the development will have on local flora and fauna and also regarding increased traffic flows along Priory Chase with the potential implications on highway safety.

Officer Comments

The main issues to be considered with this application are any potential impacts on residential amenity, the design and layout, the choice of materials, provisions of off-street parking, any potential impacts on highway safety, landscaping, drainage and land contamination.

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

- CS Policy ENV1 - Protecting and Enhancing Our Natural and Historic Environments
- CS Policy ENV2 – Achieving Quality in Design and Conservation
- CS Policy ENV5 – Pollution and Unstable Land
- CS Policy ENV7 – Water Management
- CS Policy LIV5 – Designing Better Places to Live
- CS Policy SDP3 – Housing Distribution.

The relevant saved Replacement Pendle Local Plan (2001 – 2016) policies are:

- Policy 4D – Natural Heritage – Wildlife Corridors, Species Protection and Biodiversity.
- Policy 14 – Trees, Woodlands and Hedgerows
- Policy 16 – Landscaping in New Development
- Policy 31 – Parking.

The Design Principles Supplementary Planning Document (SPD) is also relevant.

5. Impacts on Residential Amenity

The properties that could be affected by the development are found to the north, north-east and north-west of the application site and include 50 and 75 - 91 Priory Chase, 63 - 67 Bath Street and 61 Bracewell Street. The residential properties found to the south-west of the application site are adequately distanced from the development to prevent any unreasonable impacts on residential amenity.

75 - 83 Priory Chase are found to the north-east of the application site and are 21m from the rear (north-east) elevations of Plots 5-10. This distance is sufficient to prevent any unacceptable loss of amenity for those properties; this complies with the guidance in the Design Principles SPD. 85 - 91 Priory Chase are also found to the north-east of the application site, Plot 1 has a blank gable facing those existing houses separated by 13.4m. The side (north-east) elevation of the dwelling of Plot 39 is 6.5m from 50 Priory Chase, this also to be a blank gable with this design feature preventing any unreasonable impacts on the privacy of number 50. This is acceptable and complies with the guidance of the Design Principles SPD.

63 - 67 Bath Street are found to the north-west of the site, with the nearest of these, number 67 being 25m from the rear (north) elevation of the dwelling of Plot 36. This distance is adequate to prevent any losses of privacy. 61 Bracewell Street is found to the north of the site and is distanced 16m from the rear (north) elevation of the dwelling of Plot 35. This distancing along with the boundary treatments proposed for the north perimeter of the site will negate any undue losses of amenity for number 61 complying with the guidance of the Design Principles SPD.

6. Design, Materials and Layout

The design of the housing development is to be cul-de-sac style layout with 39 dwellings proposed. Two housing types are proposed with both terraced and semi-detached, two and three bedroom dwellings to be constructed. This part of Nelson is characterised by new housing development with modern dwellings found in abundance to the north-east. The materials to be used for the build are to be reconstituted stone masonry, smooth grey roofing tiles and white uPVC doors and windows; these are acceptable for an 'affordable' housing scheme along with in relation to the location.

From wider public vantage points the dwellings would be seen in a cluster set against the backdrop of modern dwellings to the north-east with older, Victorian buildings to the south and west. The design and materials proposed would not be of unreasonable visual detriment to the character of the surrounding area. The design of the scheme is acceptable in this location and complies with Policy ENV2, LIV5 and the Design Principles SPD.

7. Landscaping

The plans provided show that the perimeter boundary treatments are to comprise of a 1.8m panelled fence with a small stretch of a 2.1m fence found on the north boundary. The fencing within the development is to comprise of a mixture of both 1.8m and 1.5m panelled fencing with the occasional 1.8m gate. A site section has been submitted by the developer showing the relationship between the development and 61 Bracewell Street, no unreasonable levels of overlook would result from the development for the properties to the north. Each plot is to have garden areas to the front and rear with flag paving to surround the dwellings and the driveways finished with black Bitmac. Some of the existing trees are to be retained with supplementary planting proposed for both the gardens and amenity areas.

Ornamental trees are proposed for the front gardens of the property along with the access from Priory Chase. The undeveloped amenity areas are to be seeded with a wildflower mix, the variety WF1 has been suggested. Suggestions of an alternate, more area specific wildflower mix have been made by the PBC Environment consultee however and this has been raised with the developer. The landscape plans proposed are acceptable in relation to the nature of the development and as such comply with Policies ENV1, ENV2, LIV4, 4D, 14 and 16.

8. Off-Street Parking and Highway Safety

The submitted plans detail two off-street parking spaces for the three bedroom properties and single spaces for the two bedroom properties. A residential development of 39 houses would require 58.5 spaces as specified in the Parking Standards of Policy 31, 58 spaces are provided from the scheme. The development is therefore acceptable in relation to off-street parking and complies with Policy 31.

Amended plans have been received showing revised road widths of 5.5m with footpath widths of 1.8m, these widths are of the required standard to be adopted by LCC Highways. Confirmation of the sewers being adopted by United Utilities is yet to be received, LCC Highways have stated this would need to be confirmed to enable the highways to be adopted. Access for the development is to be gained from Priory Chase, although concerns have been highlighted regarding localised loss of highway safety, these effects would be acceptable.

9. Drainage and Other Issues

Comments on the application are yet to be received from United Utilities regarding the proposed development and the drainage plans submitted.

The Lead Local Flood Authority has no objections to the proposal with the garden areas allocated to each plot along with the two amenity areas mitigating surface water runoff rates. Use of specific Sustainable Urban Drainage Systems (SuDS) has not been detailed by the developer with limitations in the use of the systems being attributed to the steep relief of the land. The Soakaways Tests that were conducted on site concluded that a poor soakage potential was shown, this is attributed to the clay rich top and subsoils of the site.

The results of the Phase 2 Site Report and the Remediation Strategy Report have been confirmed by Environmental Health to be satisfactory. Land contamination and stability is acceptable for a residential development of the proposed scale; as such the development complies with Policies ENV5 and ENV7.

10. Summary

The application proposes the construction of 39 dwellings consisting of both two and three bedroomed properties. The development is acceptable in relation to the effects on residential amenity along with the design, layout, the choice of materials and landscape plan being suitable for the location.

Off-street parking provisions for the development are acceptable for an affordable housing scheme with no unreasonable impacts on highway safety resulting from the proposal. Comments are yet to be received from United Utilities regarding drainage however, the flood risk; ground contamination and land stability of the site are acceptable for a residential development.

The scheme proposed is therefore acceptable in this location and complies with Policies ENV1, ENV2, ENV5, ENV7, LIV5 and SDP3 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030), Policies 4D, 14, 16 and 31 of the Replacement Pendle Local Plan (2001 – 2016) and the Design Principles SPD.

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 is acceptable in terms of design and materials and would not unduly adversely impact on amenity. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of the planning permission 13/15/0404P and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by planning permission.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan (Drawing No: 100)
 - Landscape Layout (Drawing No: 101)
 - Site Clearance Plan (Drawing No: 104)
 - Proposed Site Plan (Drawing No: 105)
 - Presentation Site Plan (Drawing No: 106)
 - Section Plot 36 to 61 Bracewell Street (Drawing No: 111)
 - Boundary Details (Drawing No: 112)
 - 2B4P House, 65m² (Drawing No: 115)
 - 2B4P House Elevations (Drawing No: 116)
 - 3B5P House Plans, 78m² (Drawing No: 120)
 - 3B5P House Elevations (Drawing No: 121)
 - Highway Setting Out – Sheet 1 (Drawing No: PRI-AJP-XX-00-DR-C-1500)
 - Highway Setting Out – Sheet 2 (Drawing No: PRI-AJP-XX-00-DR-C-1501)
 - Manhole Schedules (Drawing No: PRI-AJP-XX-00-DR-C-1010)
 - Drainage Layout (Drawing No: PRI-AJP-XX-00-DR-C-1000)
 - Site Location Plan (Drawing No: PRI-AJP-XX-00-DR-C-1200)
 - Drainage Catchment Areas (Drawing No: PRI-AJP-XX-00-DR-C-1230)
 - External Works Layout (Drawing No: PRI-AJP-XX-00-DR-C-1180)
 - Standard Masonry Retaining Wall Details (Drawing No: PRI-AJP-XX-00-DR-C-1420)
 - Highway Longsections (Drawing No: PRI-AJP-XX-00-DR-C-1510)
 - Highway Details (Drawing No: PRI-AJP-XX-00-DR-C-1530).

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

3. The development hereby permitted shall not be commenced unless and until details and samples of the types and colour of all facing materials have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. The approved landscaping scheme as shown on drawing number 101 shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

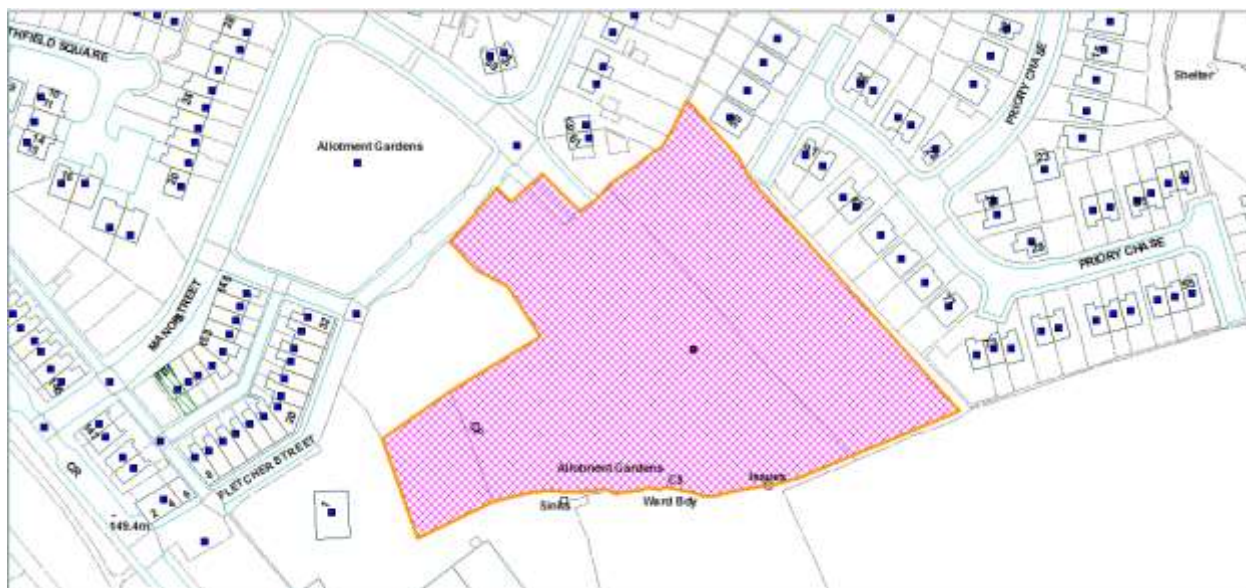
Reason: To ensure the site is suitably landscaped

5. No development shall commence on site until a Construction Plan has been submitted to and approved in writing by the Local Planning Authority. All construction activities shall then be carried out on site in strict accordance to the approved plan.

Reason: In the interests of residential amenity.

6. No inhabitation of the houses hereby approved shall take place until a fence 2.1m in height had been provided and maintained along the north-west perimeter of the site, to the rear of Plots 34-39.

Reason: In the interests of residential amenity.



Application Ref: 17/0534/REM

Proposal: Reserved Matters: Major: Erection of 39 dwellinghouses (Appearance, Landscaping, Layout and Scale).

At: Land at the junction of Bath Street Bracewell Street, Nelson

On Behalf of: Calico Homes Ltd. / Hobstone Homes Ltd

REPORT TO NELSON COMMITTEE 6th NOVEMBER, 2017

Application Ref: 17/0559/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 2m high fence to all boundaries (re-submission).

At: The Innovation Centre, Brunswick Street, Nelson

On behalf of: Fountains of Knowledge

Date Registered: 26 September 2017

Expiry Date: 21 November 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

17/0253/FUL – Full: Change of use from offices (B1) to school (D1), erection of two enclosed staircases to sides and windows and door on rear elevation (re-submission) – Withdrawn.

Consultee Response

LCC Highways – As previously stated there is no objection to the proposal subject to a Travel Plan being conditioned.

1. No development shall commence until an Interim Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Interim Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

The Interim Travel Plan when developed would need to include the following as a minimum:

- Commitment and timescale for the appointment of a Travel Plan Coordinator (suggest at least 3 month prior to first occupation).
- A commitment and timescale to undertake travel surveys (recommend within 3 months of occupation)
- A commitment and timescale for the development of a Full Travel Plan (recommend within 3 months of 1st travel survey)
- Details of cycling, pedestrian and public transport links to and within the site
- Details of the provision of cycle parking for any properties where suitable storage is not available
- List of any proposed measures to be introduced particularly any to be implemented prior to the development of the Full Travel Plan
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.

The Full Travel Plan when developed would need to include the following as a minimum:

- Contact details of a named Travel Plan Co-ordinator
- Results from travel survey
- Details of cycling, pedestrian and/or public transport links to and through the site
- Details of the provision of cycle parking for any properties where suitable storage is not available.
- Objectives
- SMART Targets for non-car modes of travel, taking into account the baseline data from the survey

- Action plan of measures to be introduced, and appropriate funding
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years

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 staffed 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 door sets 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 door sets 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 for parking standards.

National Planning Policy Framework para 22 states that planning policies should avoid the long-term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

Principle of the use

The site is within a 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 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 that 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.

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 employment, however, this does not address the fundamental policy issues the use would raise. Some evidence has been submitted which supports the shortage of secondary and primary school places in the Borough. However, the information is limited to numbers on roll and no date is provided as to when this data was collected and if still up-to-date. There is no support from LCC as the Education Body to confirm that the existing schools and other establishments cannot provide for this need.

The requirement for pre-school and out of hours homework clubs has not been addressed.

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 states that in the Protected Employment Areas only employment generating development proposals falling within Use Classes B1, B2 and B8 will be permitted, with some exceptions for public open space, shops and leisure facilities to serve the immediate needs of the area and reduce the need to travel. This proposal does not meet this criteria, and therefore does not accord with this adopted policy.

In my opinion the use and benefits proposed do not outweigh the protection of this site. The fact that the premises are still in occupation and have had 60% occupancy up until 2017 does not accord with the policy requirement to show obsolescence in terms of being vacant for four years whilst being actively marketed. This is enforced by the NPPF at para 22 which requires land allocations to be regularly reviewed and policy WRK2 which is in accordance with the policy requirement of the NPPF is quite specific on this point as it seeks to bring forward 68 hectares (gross) of land for B1, B2 and B8 over the plan period for the Borough this target is informed by an up-to-date Employment Land Review and annual monitoring. The agent has failed to provide any alternative evidence that this site is no longer required and would not be in the future if sufficiently marketed.

The loss of a modern office development in an edge of centre location easily accessible by sustainable modes of transport. Its loss would lead to a possible requirement to identify additional employment land elsewhere in the Borough.

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.

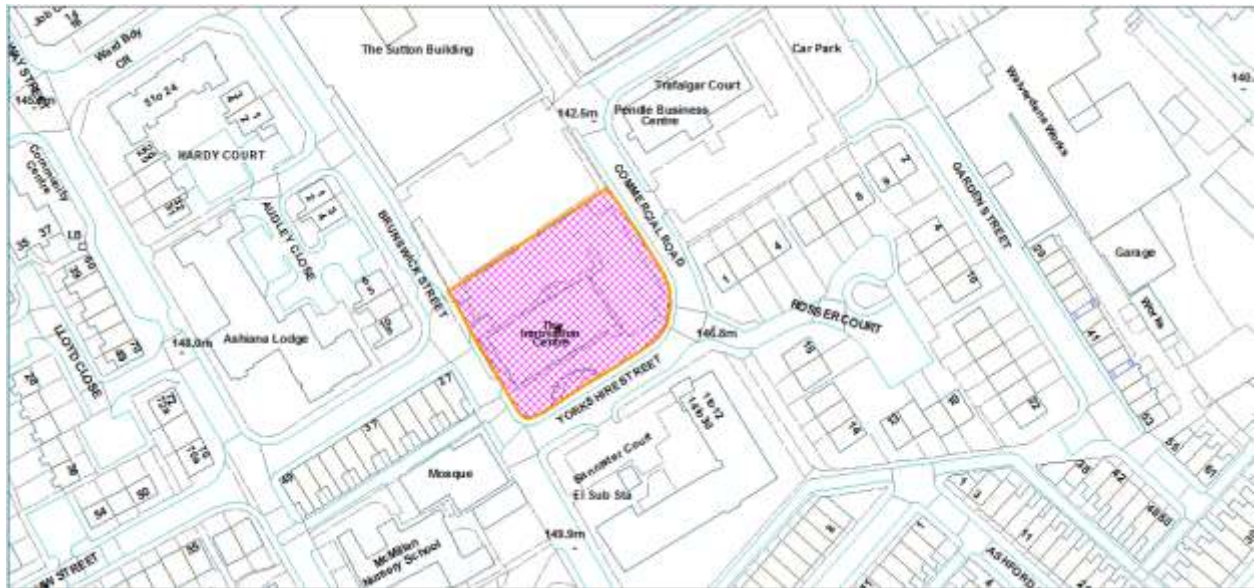
Summary

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.



Application Ref: 17/0559/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 2m high fence to all boundaries (re-submission).

At: The Innovation Centre, Brunswick Street, Nelson

On behalf of: Fountains of Knowledge

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 25th October 2017