



<b>REPORT FROM:</b>	<b>PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER</b>
<b>TO:</b>	<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>
<b>DATE:</b>	<b>18 DECEMBER 2017</b>

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications

## **REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 18 DECEMBER 2017**

**Application Ref:** 17/0540/FUL

**Proposal:** Full: Retain external timber staircase and roof terrace to rear elevation (Retrospective).

**At:** Tubbs of Colne, 82 Albert Road, Colne

**On Behalf of:** Mr Reece Smith

**Date Registered:** 03 October, 2017

**Expiry Date:** 28 November, 2017

**Case Officer:** Christian Barton

### **Site Description and Proposal**

The application site is an end-of-row two storey commercial building located within the centre of the settlement boundary of Colne and the Albert Road Conservation Area. The property sits on Albert Road (A56), a busy arterial route through the town centre of Colne. The current use of the property is a restaurant (A3) and bar (A4) with residential use above. The site is surrounded by both residential and commercial properties to three sides with a car park found to the west. The natural stone property under a slate roof has a terrace to the front and a yard to the rear.

The application is made in retrospect. The proposal seeks to retain a staircase to the rear of the property used as access for the residential flats on the first floor. The staircase was constructed as means of escape/access for the flats and is inclusive of a roof terrace above a rear outrigger. The staircase has been constructed from a light coloured timber.

### **Planning History**

13/08/0594P - Full: External alterations and convert first floor and part of ground floor to offices - Approved with Conditions – December 2008.

13/14/0040P - Full: Change of use of ground floor from shop (A1) to restaurant (A3) and bar (A4), erect two extensions and external staircases to rear and awnings to front, alter window to door on rear elevation and alterations to wall and patio at front and ramp access. The proposals included the erection of a means of escape that was to be made of metal - Approved with Conditions – March 2014.

### **Consultee Response**

LCC Highways - We do not have any objections regarding this application. The proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Colne Town Council - Object strongly to the inappropriate use of materials, its location and the detrimental effect on the Conservation Area.

PBC Conservation Section - The former Tubbs building is large and prominently located on a corner plot. It makes an important contribution to the character and appearance of the Albert Road CA by reason of its decorative symmetrical frontage, the many small-paned windows, and its side elevation with decorative stone string courses and gable pediment feature. The side elevation is particularly visible in the Albert Road street scene due to the open land adjacent to the west, and therefore the external staircase is very visually prominent. The structure is over-complex in design, and the timber material is incongruous in the setting when seen up against the stone of the side and rear elevations and the yard wall. The structure therefore detracts from the character and appearance of the CA at this point.

The CA Design and Development Guidance SPD notes at paras. 4.59-60 that *external fire escapes or access staircases can often have a detrimental impact on the character or appearance of a building and the surrounding CA. Where external structures are unavoidable they should be located as unobtrusively as possible and away from prominent facades and any key architectural features. Structures should be well designed, taking a simple form, shape and style and using good quality materials.*

Lancashire Constabulary – No comments received.

### **Public Response**

Comments from neighbouring properties have been received regarding:

- The use of the balcony area as an area of amenity
- Noise from the residents of the flats while using the staircase/balcony
- Use of the staircase by Tubbs staff to congregate and smoke
- Unsuitable use of combustible materials for a fire escape
- Use of the staircase by children as a play area
- Inadequacies regarding the staircase fencing to prevent falls
- Loss of privacy from overlook from the staircase/balcony
- Odour/noise from the kitchen extractor fan (possible relocation/obstruction from the works carried out).

### **Officer Comments**

The main considerations for this application are any potential impacts on residential amenity along with the design, impacts on the Albert Road Conservation Area and any potential impacts on highway safety.

The approach to determining applications affecting conservation areas is set out in statute in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990). This requires that in exercising any planning function special attention should be given to the desirability of preserving or enhancing the character and appearance of that area.

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

- CS Policy ENV1 seeks to protect and enhance the natural and historic environment and sets out the requirements for development proposals. The policy requires that developments within conservation areas should ensure that the significance (including the setting) of the heritage asset is not harmed or lost without clear and convincing justification.

- CS Policy ENV2 sets out general design principles, historic environment and climate change. The policy requires developments are to be of the highest possible standard of design. It states that developments should be practical and legible, attractive to look at, and seek to inspire and excite. They should also contribute to a sense of space. Materials used should be appropriate to their setting.
- CS Policy SUP 4 sets out general principles that ensure effective designing of public places. The policy requires that developments should have a regard to the relationship between public buildings and associated public areas to achieve a quality sense of place and local identity.

### National Planning Policy Framework (“the Framework”)

Section 12 sets the national policy framework for considering development affecting the historic environment. Para 128 states that developers should be required to describe the significance of any heritage asset affected by a proposal. The detail should be proportionate to the asset affected.

Para 129 states that LPAs should assess the significance of heritage assets affected including their setting. In reaching decisions on development affecting heritage assets account should be taken of:

- The desirability of sustaining and enhancing the significance of the asset and putting them to a viable use consistent with their conservation
- The desirability of new development making a positive contribution to local character and distinctiveness

Paragraph 134 states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

### Other guidance’s are also relevant:

- 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 Supplementary Planning Document (SPD) gives guidance on developments within Conservation Areas.

#### 1. Impacts on Amenity

The properties that could be affected by the development are 19-25 Brown Street West and 80 and 80A Albert Road. The other neighbouring properties are far enough way to not be effected.

The position of the staircase and roof terrace has resulted in the structure being used as an outdoor amenity space for the residents of the first floor flats; this has produced complaints of nuisance from nearby residents. The development proposed also includes the insertion of a doorway used as access for the flats on the first floor. The use of a roof of a

commercial building for residential purposes constitutes development for which planning permission is needed.

Such activity is also contrary to Condition 5 of the permission 13/14/0040P that limits the use of the rear yard for purposes of that nature. Being at first floor level, the roof terrace provides elevated, direct views in to both the ground floor and first floor windows and amenity spaces of the attached property (80 and 80A Albert Road) and those to the rear, 19-25 Brown Street West. The staircase and roof terrace is of detriment to the privacy of those particular neighbouring properties and as such its use is unacceptable. The use has also caused noise problems to neighbours.

The use of this outside area could be conditioned out were Committee minded to approve the application.

## 2. Design and Materials and Impact on the Conservation Area

As described in the Conservation Officer's comments the building is a large and prominent one in the context of the conservation area. It currently is simple in form with the use of stone and black downpipes. There is a simple symmetry to the building which has strong lines.

The staircase is made of wood. That is light coloured but that could be required to be altered by condition. The development fills one side of the outrigger and is significantly bulky and uses materials that are alien to not only the building but the wider area. It does not attempt in any way to marry in with the design of the rest of the building and is a totally alien and unacceptable feature. The applicant was advised before undertaking the work that a metal simply constructed staircase would be more in keeping with the building but chose to build it ignoring the advice given.

The applicant was asked to submit a statement looking at the historic significance of the building and to justify the design proposed. No statement has been received.

The development harms the conservation area. The Framework splits the considerations of how to deal with development that harms designated heritage assets into those that cause substantial harm or total loss and harm that would be less than substantial. Here the harm would fall into the less than substantial category but the harm would be high in the less than substantial category.

When there would be less than substantial harm the harm should be weighed against the public benefits of the scheme. The public benefits here are that the development has allowed access to residential accommodation so it has allowed some additional housing to come forward. This however could have been as easily achieved by using an acceptable design and in any event would not outweigh the harm that the unacceptable design has on the character and appearance of the designated heritage asset.

## 3. Highway Safety

No impacts on the highway and highway safety would result from the proposal given the nature of the development. LCC Highways Engineers have raised 'no objections' to the proposal in light of this.

## 4. Summary

The proposal seeks to retain an external staircase and roof terrace to the rear elevation. The design and choice of materials are inappropriate in relation to design of the property and the impact they have on the Albert Road Conservation Area. The development therefore fails to comply with Polies ENV1, ENV2 and SUP4 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 Supplementary Planning Document and Paragraph 134 of the National Planning Policy Framework.

**RECOMMENDATION: Refuse**

1. The design and materials used for the development have a detrimental impact on the building and the conservation area. The scheme is visually detrimental to the designated heritage asset and its setting and whilst the harm is less than significant that harm is not outweighed by any public benefits. As such the development fails to accord with Policies ENV1 and SUP4 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) Conservation Area Design and Development Guidance Supplementary Planning Document and Paragraph 134 of the National Planning Policy Framework.



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