

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 5 February 2018

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE ON 5th FEBRUARY, 2018

Application Ref: 17/0712/FUL

Proposal: Full: Major: Erection of storage and distribution unit (Use Class B8) 1,240 sq.m.

At: Site of former Parkfield Mills, Railway Street, Nelson.

On behalf of: Nationwide Marquee Hire Ltd

Date Registered: 24 November 2017

Expiry Date: 23 February 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is the vacant former Parkfield Mill located with the settlement boundary of Nelson in a mainly residential area.

The site is bounded by residential properties to the north and south, allotments and residential units to the east and the remainder of the vacant site to the west.

The site is not designated as any specific use in the Local Plan and lies outside of the town centre boundary.

The proposal is to erect a unit of 1,240sq.m. for storage and distribution use.

There is a steep difference in levels between the site and adjacent land users including Railway Street to the south therefore the access is proposed off Cloverhill Road to the east.

It is proposed that the development would create employment for 15 Full Time Equivalent posts.

Relevant Planning History

17/0412/FUL - Full: Major: Erection of storage and distribution unit (Use Class B8) 1,640 sq.m. – Withdrawn.

13/07/0740P – Reserved Matters: Erect 25 houses and 24 apartments – Approved.

13/04/0630P – Outline: Major: Residential development (1.4ha) – Approved

13/04/0367P – Outline: Major: Residential development (1.4ha) – Withdrawn

Consultee Response

Lead Local Flood Authority (LLFA) Position

The Lead Local Flood Authority has **no objection** to the proposed development subject to appropriate conditions . The LLFA have also offered advice on the hierarchy of effluent disposal.

Environment Agency – This development could potentially be impacted by contaminated land. The previous use of the site as an industrial cotton mill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed site is located upon Secondary aquifer B.

In light of the above a planning condition requiring the submission of a remediation strategy in line with para 121 of the NPPF should be attached to any grant of permission.

LCC Highways – Having considered the information submitted I'd make the following initial comments and my response, at this stage, would be an objection on highway safety grounds.

Whilst this re-submitted application has increased the internal yard area the swept path analysis provided shows that vehicles would use an internal bay as part of the manoeuvring area. However the plans showing the swept path and the proposed floor layout do not match and could, therefore, lead to vehicles being unable to manoeuvre safely within the internal yard area. The applicant has also indicated an area to be reserved for lorry parking within the main building. Given our concerns regarding the ability of HGVs to manoeuvre safely within the yard we recommend that this internal parking area is removed and instead the main building is reduced by the corresponding length . This should also protect the manoeuvring area in the future.

Having considered the information submitted, including the amended site plan reference NAT/01 Dwg 02B, for the above application the Highway Development Support Section does not have any objections regarding the proposed erection of a storage and distribution unit (Use Class B8) at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site subject to the following comments being noted, and conditions and notes being applied to any formal planning approval granted.

Site access from Clover Hill Road

Works to create/improve the site access on Clover Hill Road would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, provision of radius kerbs, tactile paved dropped

pedestrian crossings, and the re-location of the highway gully on Clover Hill Road due to the intensification of use.

The developer appears to have indicated that surface water drainage from the site would be connected into the existing highway drain on Clover Hill Road. Any formal planning approval granted does not give consent to make any connection to Lancashire County Council's highway drainage system. The developer should, therefore, provide other means to drain the site.

The developer should be advised that the section of the site access from the near edge of the carriageway on Clover Hill Road to the back edge of the adopted footway, wholly within the adopted highway network, should not be surfaced in permeable material.

The developer should also note that, whilst the internal footway and carriageway from Clover Hill Road would remain private and would not be adopted by Lancashire County Council, should they wish these to be considered for future adoption they should be constructed to adoptable standard. Before proceeding with any works the developer should contact the Development Support Section (Area East) by email on lhscustomerservice@lancashire.gov.uk, for information and guidance, quoting the relevant planning application reference number.

Internal parking layout

To allow the effective use of the proposed disabled parking bay, and to avoid any occupant having to cross the service yard, this should be re-located to outside the main office entrance, with appropriate yellow line markings. Guidance for the design and layout of disabled parking bays states that an additional width of at least 1200mm along each side should be provided. However as the bay would be adjacent to the footway outside the office entrance this could be utilised on that side instead. As such, the proposed layout for the disabled parking bay does not comply with current guidance and requires amendment.

General site access

Given the development site's location within a residential estate, and close to a number of bus routes on Railway Street and Brunswick Street, 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. Therefore no deliveries should be made before 9.00 am and after 3.00pm.

The developer should also provide a construction method statement.

Subject to the receipt of satisfactory amendments to the internal parking layout, as requested, we would ask that the conditions relating to construction site access, construction method statement, deliveries, vehicles to enter and leave in forward gear and car parking are attached to any grant of planning permission.

Amended scheme – the revised scheme addresses the points raised and is acceptable.

United Utilities

PBC Environmental Health – concerned over potential noise impact from vehicles and loading/unloading. Requested more details regarding noise assessment and barrier.
Nelson Town Council

Public Response

Site and press notices posted and nearest neighbours notified by letter. No response received to date.

Officer Comments

The main issues are impact on amenity including potential noise issues, design and materials and highway issues.

Policy

The relevant policies are:

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

WRK1 seeks to strengthen the local economy and encourage expansion and growth within the area especially regeneration in the M65 corridor.

WRK2 states Key Service Centres will be the main focus for new employment initiatives in Pendle and seek to develop the role of Nelson as the core location for employment and facilitate mixed use development in Nelson and Colne town centres and where appropriate Brownfield sites.

Policy 31 'Parking' requires new development to provide sufficient off street car parking.

Impact on Amenity

Whilst the site is not allocated for employment use its last use was for engineering over eleven years ago. The site is previously development albeit in a mainly residential area therefore subject to potential impacts being acceptable this use would not be unacceptable here.

There are substantial changes in levels from the adjacent highway on Railway Street and the site with has an existing access from Cloverhill Road. The existing c2m high stone wall running along Railway Street and Cloverhill Road would screen the site from

properties on Railway Street and Hunslett Street as well as the recently construction houses at the bottom of Waidshouse Road/Railway Street.

Whilst the development would be clearly visible from the rear windows and back yards of 253 – 271 Railway Street the differences in levels will mean the view would be restricted to the upper first floor and roof.

The properties on Brunswick Street and Cloverhill House would be limited to the upper floor and roof separated by the access and proposed planting scheme. Views from the rear of properties on Hunslett Street would also be limited.

Ground floor and first floor office windows are restricted to the western elevation facing inwards on the site and vehicular access doors are proposed on the western and northern elevations again inwards to the site and away from residential properties.

Proposed hours of operation are 5am til 9pm Monday to Friday and 6am til 9pm Saturday and Sundays and Bank Holidays.

This is an intensive use of the site which has residential properties along the northern and southern boundaries as well as some properties to the eastern edge separated by Cloverhill Road as well as properties on Hawarden Street over 80m away to the west. A noise assessment has been submitted and comments from Environmental Health raise concerns over the proposed boundary fence and noise from loading and unloading metal bars. Restrictions on hours are proposed if appropriate mitigation measures can not be achieved. The agent has been requested to address to these issues.

This is a key issue for the scheme and needs to be fully resolved before and grant of planning permission could be issued. The recommendation of approval is predicated on there being an acceptable solution to the noise concerns. If they cannot be overcome then the recommendation would be one of refusal.

Design and Materials

Materials proposed are stone boundary walls and fencing, aluminium doors, profile sheet cladding to roof, permeable tarmac for vehicle access, stone and profile sheet cladding to walls and aluminium windows.

The design is that of a standard industrial unit and is similar to others to the area.

The site well screened by an existing stone wall and therefore this proposal is acceptable in terms of design and materials.

The proposed development would accord with Policy ENV2.

Highway Issues

The access into the site would be from an existing vehicular access off Cloverhill Road. Whilst not ideal there is no other easy access into the site due to the differences in levels and high stone wall to the majority of the boundary.

Amended layout plans have been submitted which reduce the overall size of the building and allow for the manoeuvring of the vehicles within the site. Subject to minor changes in the parking layout and appropriate conditions the proposed unit would not unduly impact on highway safety in the area.

LCC Highways have removed their objection the scheme subject to appropriate conditions.

Policy 31 parking sets out the maximum required parking for B8 uses over 500 sq.m. is 1:210-1:235 which equates to 5 -6 spaces.

A total of 9 car parking spaces including 1 disability space, 2 cycle spaces, 1 LGV space and 1 motorcycle space are proposed within the site which is acceptable.

Subject to the parking be laid out as per the plan then the site has adequate parking provision and accords with policy 31.

Flooding and Drainage Issues

Evidence has been provided to explain why higher priority discharge points for the runoff destination of surface water were not reasonably practicable in line with Planning Practice Guidance. The latest submission still intends for surface water to be discharged via the same discharge method (i.e. a combined sewer), however, evidence has been provided to demonstrate why higher priority discharge options cannot be employed. The LLFA has reviewed this evidence and now considers the proposed runoff destination to be acceptable subject to the agreement of the statutory undertaker.

Appropriate conditions to control the proposed drainage system will be attached to any grant of planning permission in order to ensure that an acceptable drainage scheme is provided for the site.

Summary

The proposal would bring a vacant site back into use and the use as storage and distribution would be acceptable and would accord with policy subject to appropriate conditions to mitigate any potential noise nuisance.

There may also be additional conditions needed to address the noise concerns which will be given to Committee once the issue has been resolved.

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 development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

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

NAT/01/Dwg 00a, NAT/01 Dwg 01a, NAT/01/Dwg 02B, NAT/01/Dwg 03a & NAT/01/Dwg 04B.

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

3. Prior to the commencement of development samples of the external materials to be used on the proposed building shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. The use hereby approved shall not commence unless and until the parking space indicated on NAT/01 Dwg 02B have been fully laid out, surfaced and made available for use. The layout shall thereafter be retained at all times whilst the use is operative.

Reason: In order to allow for the effective use of the parking areas.

5. There shall be no external lighting on site without the prior written consent of the Local Planning Authority as to its type, intensity and location. Any lighting thereafter installed shall comply strictly with the details agreed in writing by the Local Planning Authority.

Reason: In order to prevent light pollution to nearby residents in the interests of amenity.

6. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the post development surface water run-off will not exceed the existing surface water runoff for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) A plan showing flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed development

7. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

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

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, reduce the flood risk to the development as a result of inadequate maintenance and identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

8. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- 1. A preliminary risk assessment which has identified:
 - a) all previous uses;
 - b) potential contaminants associated with those uses;
 - c) a conceptual model of the site indicating sources, pathways and receptors;
and
 - d) potentially unacceptable risks arising from contamination at the site.
 - 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 4. A verification plan providing details of the data that will be

collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution and prevent deterioration of a water quality element to a lower status class in Walverden Water.

- 9** No operations shall take place within the site outside the hours of 7.30am and 8.00pm Monday to Fridays 9am to 6pm Saturdays, Sundays and Bank Holidays.

Reason: In the interests of aural and residential amenity.

- 10** No part of the development hereby approved shall commence until a scheme for 2m high close boarded timber fencing to the boundary of the site has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order that the proposed operations do not result in unacceptable noise levels in the interest of aural and residential amenity.

- 11** No part of the development hereby approved shall commence until a scheme for the construction of the site access and the timing of its provision has been submitted to, and approved in writing by, the Local Planning Authority. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, provision of radius kerbs, tactile paved dropped pedestrian crossings, and the re-location of the highway gully on Clover Hill Road.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

- 12** No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities
- vi) Routing of delivery vehicles to/from site.

Reason: In the interest of highway safety.

- 13** The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: To prevent vehicles having to reverse to and from the highway potentially causing a hazard to other road users.

- 14** The car parking spaces shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas laid/marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

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

Notes

1. The grant of planning permission will require the applicant to enter into an appropriate Section 278 Legal Agreement, with Lancashire County Council as Highway Authority prior to the start of any development. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.
2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.



Application Ref: 17/0712/FUL

Proposal: Full: Major: Erection of storage and distribution unit (Use Class B8) 1,240 sq.m.

At: Site of former Parkfield Mills, Railway Street, Nelson.

On behalf of: Nationwide Marquee Hire Ltd

REPORT TO NELSON COMMITTEE 5th February, 2018

Application Ref: 17/0713/HHO

Proposal: Full: Erection of two storey extension to the front, rear and side (North), alterations to the roof and erection of balcony on the front elevation (Re-submission).

At: 251 Hibson Road, Nelson

On Behalf of: Mr Mubashar Sarwar

Date Registered: 27 November, 2017

Expiry Date: 22 January, 2018

Case Officer: Christian Barton

Site Description and Proposal

The application site is a detached, two storey property located within the south-west of the settlement boundary of Nelson, on the boundary of the Edge End Conservation Area. The property sits on Hibson Road, a predominantly residential road lined with properties of varied styles and frontages. The house is surrounded by residential properties to all sides and has garden areas to the rear. The white rendered finished property under a concrete tiled roof has white uPVC doors and windows along with a driveway to the front for four vehicles.

The proposal involves the erection extensions to the front, rear and side (north) of the house to provide additional living areas. A part single, part double storey extension is proposed for the rear of the property projecting 3.9m from the rear elevation of the house. The existing garage is to be converted into living areas with a first floor extension proposed above providing a fourth bedroom with en-suite facilities. A two storey extension is also proposed for the front of the property inclusive of a balcony at first floor level. Alterations to the roof of the house are proposed to allow for the works with the extensions having a total height of 7.4m.

Planning History

17/0516/HHO - Full: Erection of two storey extension to the front, rear and side (north), alterations to the roof and erection of balcony on front elevation – Refused – November 2017.

Consultee Response

LCC Highways – This application is a resubmission of application 17/0516/HHO and the changes to the submission do not affect any highway aspects. As this is the case I

would submit the same comments as were put forward by my colleague in October for the previous application.

The Highway Development Support Section does not have any objections regarding the above development at this location. We are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site, subject to the following comments being noted, and condition applied to any formal planning approval granted.

Based on the car parking recommendations in the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards' we are of the opinion that the applicant has provided adequate off-road parking provision for this type and size of development. Due to the site's location on Hibson Road, which is a secondary distributor road, and close to St Paul's C of E Primary School and Marsden Heights Community College on Edge End Lane, 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 Trees/Landscaping - The trees to the rear of this property are covered by TPO/NO16/2001. In addition to this the rear boundary of the property is the boundary for Edge End Conservation Area as a result all the trees are protected.

The plans make a small reference to additional hard standing within the garden area. I think with this being so close to the trees we need to stipulate that this is a porous surface and if it is within the RPA no dig. During the works all RPA's must be protected to BS 5837:2012 Standards and no works carried out to the trees without our approval.

Nelson Town Council – No comments received.

Public Response

Concerns have been received from a single neighbour regarding;

- Loss of light from the scheme.

Officer Comments

The main considerations for this application are any potential impacts on residential amenity, the design, off-street parking and highway safety and impacts on nearby protected trees.

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.

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

Other policies and guidance's are also relevant:

- 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 249 and 253 Hibson Road and 3-11 Lane Ends. The other neighbouring properties are far enough away to not be effected.

3-11 Lane Ends are found to the front (east) of the site and the nearest of these, number 7-9, is 20.5m from the front elevation of the extension. This distance is sufficient to prevent any overshadowing impacts for the properties to the east. The adopted Design Principles SPD states that directly facing windows serving main habitable rooms should have minimum separation of 21m. Although the proposed distance is slightly less than 21m, the new windows would not make the relationship worse than what it is now.

249 Hibson Road is found to the north of the site, 0.8m from the side elevation of the house. No windows are found on the side (south) elevation of number 249; as such the development would have no impacts on the privacy of this household. The Agent has submitted an amended plan removing the first floor aspect of the rear extension adjacent to the shared boundary with number 249. Patio doors are located on the rear elevation of number 249 adjacent to the shared boundary of the site. The amended design fails to comply with the adopted Design Principles SPD with breaches to a 45 degree line measured from the centre of the patio doors seen. The extension projects 3.9m from the rear elevation of the house with the rear elevation of number 249 being set back 1m from that of number 251, thus the extension would in effect result in a forward projection of 4.9m. The relationship between the two would mean that the new extension would be detrimental to the living conditions of the occupants of number 249 and is unacceptable.

253 Hibson Road is found to the south of the site, 4m from the house. No additional first floor openings are proposed for the south elevation of the property with an additional longue window proposed at ground floor level. A 1.8m close boarded fence is currently found on the shared boundary of the two properties. The fence prevents privacy losses at ground floor level but the fence needs to be retained in perpetuity as without it there would be loss of privacy. The rear elevation of number 253 has a ground floor window adjacent to the site serving a main habitable area. The two storey aspect of the rear

extension breaches a 45 degree line measured from the centre of this window and fails to comply with the adopted Design Principles SPD. The development would be of detriment to the living conditions of the occupants of this particular neighbouring property and is unacceptable.

2. Design and Materials

The designs of the extensions are subservient to the original structure in terms of massing and roof height. Adequate amenity space within the rear garden of the property would be left available for the storage of bins, seating etc. Materials to complement the existing dwellinghouse are proposed, these are acceptable.

3. Off-Street Parking and Highway Safety

No change to the number of bedrooms within the property is proposed from the scheme. The driveway to the front of the property can accommodate four vehicles with this level of off-street parking being suitable for the number of bedrooms within the house. No further impacts on the highway safety of the local area would result from the scheme.

4. Protected Tress

A number of protected broad leaved trees have been allocated to the west of the site as part of the Tree Preservation Order TPO/NO16/2001 Edge End Farm. PBC Trees/Landscaping has suggested that a condition be applied in relation to hand digging the footings for the new hard standing to the rear of the property. Although this aspect is referenced on the plans the application does not cover any works in the rear garden of the property. As such this aspect of the build cannot be controlled with use of planning conditions.

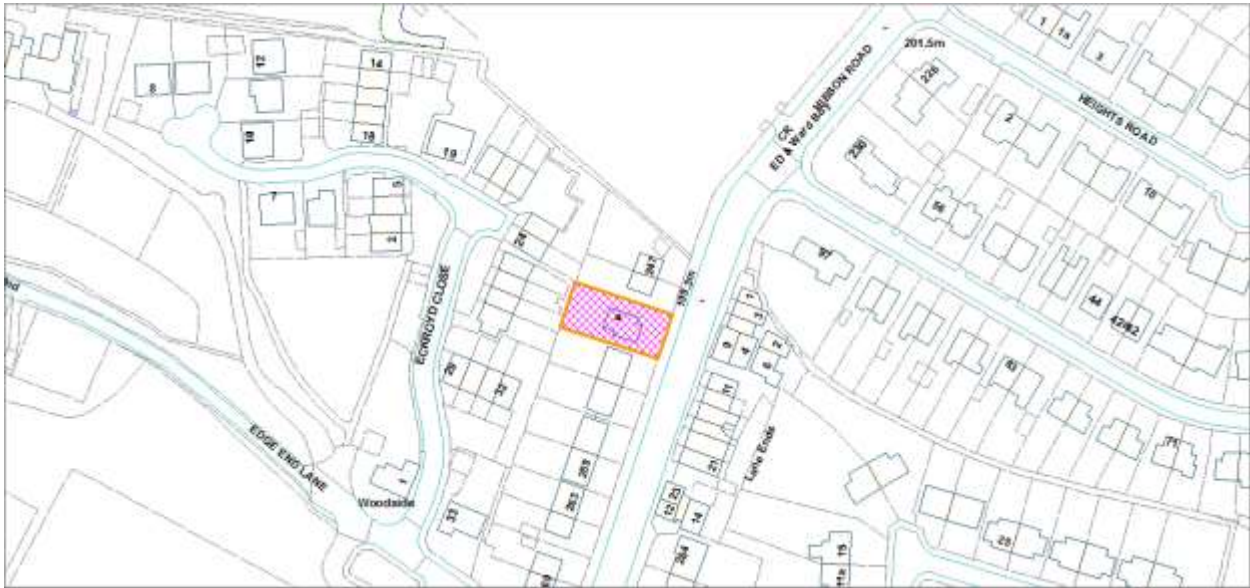
5. Summary

The proposal involves the erection of a two storey extension to the front of the house, a first floor extension to the side (north) elevation and a part single, part double storey extension to the rear. The proposal is acceptable in relation to the impacts on the amenity of some neighbouring properties. The scheme is also suitable in relation to off-street parking provisions and protected trees and therefore complies with Policy ENV1 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) and Policy 31 of the Saved Replacement Local Plan.

The proposal is however unsuitable in relation to the effects on the living conditions of the occupants of 249 and 253 Hibson Road. The scheme 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.

RECOMMENDATION: Refuse

1. The design and massing of the extension would severely impact on the residential amenity and living conditions of the immediate neighbours at 249 and 253 Hibson Road. The rear extension would result in overbearing and unacceptable impacts on the living conditions of the occupants of these properties. 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: 17/0713/HHO

Proposal: Full: Erection of two storey extension to the front, rear and side (North), alterations to the roof and erection of balcony on the front elevation (Re-submission).

At: 251 Hibson Road, Nelson

On Behalf of: Mr Mubashar Sarwar

REPORT TO NELSON COMMITTEE 5th February, 2018

Application Ref: 17/0737/FUL

Proposal: Full: Change of use of Office (Use Class B1) to residential (Use Class C3).

At: 31 Carr Road, Nelson

On Behalf of: Evergreen Investments UK Ltd.

Date Registered: 13 December, 2017

Expiry Date: 07 February, 2018

Case Officer: Christian Barton

Site Description and Proposal

The application site is a two storey, mid-terrace property located within the centre of the settlement boundary of Nelson and the Whitefield Conservation Area. The property sits on Carr Road (B6249), an arterial route accessing the town centre lined with properties are varied styles and uses. The site is surrounded by both residential and commercial properties to all sides, has yard areas to the front and rear and is of a traditional design.

The proposal seeks to change the lawful use of the building from an Office (Use Class B1) to a four bedroomed residential property (Use Class C3).

Planning History

13/11/0125P - Full: Change of use on ground floor from offices (A2 use class) to private tuition rooms (D1 use class) – Approved with Conditions – May 2011.

Consultee Response

LCC Highways - We have noted that a number of neighbouring properties have been approved under change of use from offices to dwellings with no associated parking provided. Whilst there is a high demand for the surrounding on-street, unrestricted parking provision, given the development site's central location close to amenities and the public transport network, we consider that a reduction in parking standards could be applied.

Furthermore the change of use class from office to residential is likely to lead to a reduction in the volume of traffic/number of vehicle movements. Therefore the proposed change of use is unlikely to have a significant impact on to the adjacent highway network.

Nelson Town Council – No comments received.

Public Response

No response received.

Officer Comments

The main considerations for this application are any potential impacts on residential amenity, off-street parking and highway safety and impacts on the Whitefield Conservation Area.

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

- CS Policy SDP2 identifies the settlement hierarchy in terms of the location of new development. Colne is identified as a Key Service Centre, being one of the areas in which future growth will be focussed.
- CS Policy SDP3 seeks to direct new housing to the most sustainable places. The largest percentage will be located in the M65 corridor, which includes Nelson.
- CS Policy LIV1 supports new residential development which accords with other policies within the Core Strategy, particularly when located on non-allocated sites within a settlement boundary where they are sustainable.
- CS Policy ENV2 relates to the achievement of good design in new developments. Policy LIV5 echoes these requirements but with specific relevance to housing.

Other policies and guidance's are also relevant:

- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.

6. Principle of Housing

The site is located within the settlement boundary and is a short distance from Nelson town centre where services, facilities and public transport provision are all readily available. The scheme would also utilise an existing building.

In light of these characteristics the site is sustainable and would comply with the aims of the aforementioned housing policies.

7. Design

The existing building comprises of two stories with a walled yard to the rear and a forecourt to the front. The building is of a traditional construction with natural stone walls and a slate roof. The conversion would take place within the existing fabric of the building, this is acceptable.

8. Impacts on Amenity

The proposed development raises no adverse issues for existing neighbours nor would it create any concerns in relation to the amenities of future occupants of the site. The property is afforded a proportionate amount of curtilage with ample space for bin storage, seating etc., this is acceptable.

9. Highway Safety

The site is located within the centre of the settlement boundary with a high demand for on-street parking. High accessibility to public transport links are provided from the location of the site with the scheme likely leading to a reduction in the volume of traffic/number of vehicle movements associated with the building. With this in mind the scheme is suitable in relation to the local effects on highway safety.

10. Whitefield Conservation Area

No major external alterations are proposed for the property as part of this application with new double glazing alone proposed for some of the windows of the building. The windows of the building currently have white uPVC frames with no further detrimental impacts on the setting of the conservation area resulting from the proposal.

11. Summary

The proposal seeks to change of lawful use of the building from its current use as an Office (Use Class B1) to a four bedroomed residential property (Use Class C3). The scheme is suitable in relation to the principles of housing, the design, impacts on amenity, highway safety and the Whitefield Conservation Area.

The proposal is therefore suitable for the premises and complies with Policies SDP2, SDP3, LIV1, LIV5 and ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) and Policy 31 of the Saved Replacement Local Plan.

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. 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 plan: 31 Carr Road, Nelson – Proposed Change of Use to Dwelling (Rev A).

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



Application Ref: 17/0737/FUL

Proposal: Full: Change of use of Office (Use Class B1) to residential (Use Class C3).

At: 31 Carr Road, Nelson

On Behalf of: Evergreen Investments UK Ltd.

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 26th January 2018