



REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	NELSON COMMITTEE
DATE:	9 May 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 09 MAY 2018

Application Ref: 18/0047/HHO
Proposal: Full: Erection of a first floor extension to the rear.
At: 51 LOWTHWAITE DRIVE NELSON BB9 0SU
On behalf of: Mrs S Ansar
Date Registered: 17/02/2018
Expiry Date: 14/03/2018
Case Officer: Alex Cameron

Site Description and Proposal

This application was deferred from the previous Nelson Committee meeting.

The application site is a semi-detached dormer bungalow style house located within the settlement of Nelson surrounded by similar properties. The land the house is sited on slopes steeply down from front to rear and the rear boundary of the garden abuts the side boundary of 11 The Warings, Kelswick Drive. The materials of the existing house are brick walls, timber clad dormers, concrete tile roof and upvc fenestration.

The proposed development is first floor extension to the rear. This would be built over an existing two storey split level extension to the side and rear, this application would add a second storey onto the rear extension of the existing extension.

Relevant Planning History

13/15/0466P - Full: Demolition of garage and erection of two storey extension to side, single storey extension to rear and creation of parking space to front. Approved.

16/0446/HHO - Full: Demolition of garage and erection of a split level 2 storey extension to the side and 2 storey extension to the rear (resubmission) (part retrospective). Approved.

16/0626/HHO - Full: Demolition of garage and erection of a split level 2 storey extension to the side and 3 storey extension to the rear. Refused.

Consultee Response

LCC Highways

Nelson Town Council

Public Response

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

- Loss of privacy.
- The building is an eyesore.
- The proposed development is the same scale as the previously refused application.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy states that all new development will be required to meet high standards of design, this is expanded upon in relation to domestic extensions by the Design Principles SPD.

National Planning Policy Framework

Paragraph 64 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Design

In determining the previous application it was concluded that the flat roofed design of the large and prominent rear extension would represent poor design contrary to paragraph 64 of the National Planning Policy Framework and policy ENV2.

In this application the flat roof has been replaced with a pitched roof. This pitched roof is in keeping with the existing building and surrounding area. Although the proposed development would result in a large extension which would be visible from parts of Lowthwaite Drive and Kelswick Drive, its scale and prominence alone would not be such that it would result in an unacceptable impact upon the character and visual amenity of the area. The proposed development is acceptable in terms of visual amenity in accordance with policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.

Amenity

The proposed bedroom window in the rear elevation would overlook the rear garden of 11 The Warings, Kelswick Drive separated by just 5m. This would result in an unacceptable loss of privacy of that garden. This could not be resolved with an obscure glazing condition, as with the ground floor and basement windows, because it would

leave the bedroom with no outlook, which would not be an acceptable living environment for its occupants. In addition, this could not be resolved by relocating the window to a side elevation because this would unacceptably impact upon the privacy of the gardens of the dwellings to each side.

The first floor bedroom window proposed in the side of the extension would face the roof of the detached garage of the adjacent house which would obscure direct views to habitable windows in the side of No. 49b and be at a sufficient angle from private areas to the rear to ensure that it would not unacceptably impact upon the privacy of those areas.

The height and position of the patio door in the side of the rear extension and the level of the proposed decking is the same as that approved in the previous application. The privacy impact of the decking and patio was assessed in determining the previous application and found to be acceptable.

The extension would be 5m from the side and rear boundaries, this is sufficient to ensure that it would not result in an unacceptable loss of light or overbearing impact of the adjacent properties.

The proposed development would result in an unacceptable loss of privacy to the resident of 11 The Warings, Kelswick Drive contrary to policy ENV2 and the guidance of the Design Principles SPD.

Highways

An acceptable level of off-street car parking provision is proposed and adequate drainage of the proposed parking area could be ensured with a condition. Therefore, the development is acceptable in terms of highway safety.

RECOMMENDATION: Refuse

Subject to the following conditions:

1. The proposed rear extension would result in an unacceptable impact upon the privacy of the rear garden of 11 The Warings, Kelswick Drive to the detriment of the residential amenity of occupants of that property contrary to policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy, the guidance of the adopted Design Principles SPD.



Application Ref: 18/0047/HHO

Proposal: Full: Erection of a first floor extension to the rear.

At: 51 LOWTHWAITE DRIVE NELSON BB9 0SU

On behalf of: Mrs S Ansar

REPORT TO NELSON COMMITTEE 9th MAY, 2018

Application Ref: 18/0074/FUL

Proposal: Full: Change of use of ground floor from retail (A1) to Laundrette (SG).

At: 6 Rhoda Street Nelson

On behalf of: Mr S Mahmood

Date Registered: 5 February 2018

Expiry Date: 2 April 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is an end terrace building that has been used as a retail shop and is currently vacant located outside of Nelson Town Centre.

The proposal is to change the use of the ground floor of the building from retail (A1) to Laundrette (Sui Generis).

No external alterations are proposed.

Relevant Planning History

13/05/0865P - Full: Install security shutters to widened front shop window and door, erect steel staircase to rear yard up to first floor access to store - Refused 23/12/2005.

13/06/0087P - Full: Install security shutters to widen shop window and door (re-submission) - Approved 29/03/2006.

13/12/0356P - Full: Change of use from a shop (A1) to a dwelling house (C3) and external alterations – Approved 8th October, 2012.

The above application was linked to an application for retail use at No's. 1-3 Rhoda Street:

13/12/0468P – Change of use from residential (C3) to retail (A1) on the ground floor, create 1 no. first floor flat, new shopfront, shutters and new door (Re-submission) – Approved 4th December, 2012.

Consultee Response

LCC Highways – The proposal raises no highway concerns and therefore no objection on highway safety grounds.

Nelson Town Council

Public Response

Nearest neighbours notified by letter. Three responses received objecting to the proposal on the following grounds:

- Concerns about parking and traffic issues;
- People who stand and drink alcohol outside the shop will use the laundrette as a drinking place and doss house;
- The surrounding area is not kept clean and free from rubbish;
- Difficult to gain access to driveways due to amount of delivery vans and wagons and customer parking now another shop would increase the amount of parking traffic;
- The two shops would be off-set crossroad junction in a residential area causing difficulties for pedestrians and children; and
- People hang around the shop, drinking, littering and urinating.

Officer Comments

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

Policy

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

Policy ENV2 requires all new development to have a high standard of design.

The following saved Pendle Replacement Pendle Local Plan policies apply:

Policy 31 sets out the requirement parking standards.

Principle of the use

WRK4 sets out the sequential approach for retail and main town centre uses. The proposed use as a Laundrette is not classed as a main town centre use in the National Planning Policy Framework glossary and is hence not subject to the sequential test. The site is located outside of Nelson Town Centre and has, until recently, been used as a shop and although it is now vacant.

Impact on Amenity

There are mainly residential units within this area as well as commercial shop unit across the road at No. 1 Rhoda Street.

The proposed use is likely to generate activity from customers but this would be no greater than a retail use. It is not a use that would generate late night or anti-social behaviour and it would not be detrimental to amenity.

Parking and Highway Issues

There is no off-street parking associated with the premises. However, the site is likely to serve local residents who are likely to walk to the facility. It would not have a parking requirement that would be in excess of its lawful use.

This proposal would not raise any undue parking issues and as deliveries would not be undertaken as a common occurrence this accords with policy 31.

Summary

Taking into account the existing use the proposed use would be acceptable in terms of policy, impact on amenity and would not adversely impact on highway safety.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal is acceptable in terms of policy, impact on amenity and highway safety and 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:

1:1250 Location Plan, E1 & P1.

Reason: For the avoidance of doubt and in the interests of prope



Application Ref: 18/0074/FUL

Proposal: Full: Change of use of ground floor from retail (A1) to Laundrette (SG).

At: 6 Rhoda Street Nelson

On behalf of: Mr S Mahmood

Date Registered: 5 February 2018

REPORT TO NELSON COMMITTEE 9th MAY 2018

Application Ref: 17/0337/ADV
Proposal: Advert Consent: Retain one illuminated fascia sign.
At: 68 – 70 Manchester Road, Nelson
On behalf of: Mr M Naeem
Date Registered: 21 June 2017
Expiry Date: 16 August 2017
Case Officer: Kathryn Hughes

This application was deferred from the meeting in March 2018 in order to allow for amended plans to be submitted.

Previously the application was brought back to Committee to consider the issue of whether or not enforcement action should be taken against the advertisements. Committee have already resolved to refuse permission for them in the meeting in October 2017.

Site Description and Proposal

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

This application seeks consent for the illuminated fascia sign on the front elevation which is internally illuminated by static LED's.

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

The projecting sign currently erected measures 0.93m x 0.93m sited 2.6m above the ground. It is Perspex with red and blue background and white lettering and a chicken logo illuminated by LED's. This sign no longer forms part of this application for advertisement consent and is unauthorised.

Relevant Planning History

16/0540/FUL: Full: Change of use of No. 68 from retail (A1) to hot food takeaway (A5) and insertion of new shopfronts and security shutters to both units – Approved.

16/0721/ADV – Advert Consent: Erection of 2 illuminated fascia signs and 1 illuminated

projecting sign (retrospective) – Refused 1st March, 2017.

Consultee Response

LCC Highways - The Highway Development Control Section does not have any objections in principle. We are of the opinion that the proposed development should have a negligible impact on highway safety in the immediate vicinity of the site, subject to the following condition being applied to any formal approval:

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

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

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

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

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

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

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

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

Amenity

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

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

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

The sign is over-large as it extends beyond the original timber fascia's and is garish in terms of design and colours.

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

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

The size, colours and design of the signs are not appropriate in this location and would detract from the Conservation Area and therefore fail to accord with saved policy 13 of the Replacement Pendle Local Plan, Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Conservation Area Design and Development Guidance SPD.

Highway safety

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

Summary

The signage adversely affects the amenity of the conservation area and are not acceptable in terms of design. The signage therefore fails accords with saved policy 13 of the Replacement Pendle Local Plan, Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Conservation Area Design and Development Guidance SPD.

Enforcement action should be taken in order to effect the timely removal of the unauthorised signage.

RECOMMENDATION: Refuse

1. The fascia sign which has been erected adversely affects the amenity of the conservation area and is not acceptable in terms of size, colour and design. The signage therefore fails accords with saved policy 13 of the Replacement Pendle Local Plan, Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Conservation Area Design and Development Guidance SPD.

The advertisements are harmful to the conservation area and approval of them would run contrary to prevailing planning policy. It is further recommended that enforcement action be taken to require their removal.



Application Ref: 17/0337/ADV

Proposal: Advert Consent: Retain one illuminated fascia sign.

At: 68 – 70 Manchester Road, Nelson

On behalf of: Mr M Naeem

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 23rd May 2018