

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 2 July 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 2nd JULY, 2018

Application Ref: 18/0009/OUT
Proposal: Outline: Residential development for two dwellinghouses (Access and Layout only).
At: Garage Site to the South West of Dercliffe Rest Home, Juno Street, Nelson.
On behalf of: Mrs Rizwan Chaudrhi
Date Registered: 19 April 2018
Expiry Date: 14 June 2018
Case Officer: Kathryn Hughes

This application has been called in at the request of the Chair.

Site Description and Proposal

The application site is a former garage site located on land within the settlement boundary for Nelson.

The proposal is to demolish the remaining derelict garages on the site and erect two dwellinghouses with access from Juno Street.

The details of the proposed houses including landscaping, scale and appearance would be reserved for a later stage with only access and layout being applied for here.

There is also a separate full application for two dwellinghouses on this site elsewhere on this agenda which raises similar issues to this. Both applications being approved would result in a total of four dwellinghouses on this site.

The site is long and narrow with one access and egress point onto Juno Street. This makes the siting of the four proposed detached dwelling important in terms of impact on existing dwellinghouses and each other.

Relevant Planning History

18/0029/FUL – Full: Erection of two detached dwellinghouses with access off Juno Street – Pending.

Consultee Response

LCC Highways – is of the opinion that the proposed access is substandard and objects to this application on highway safety grounds for the following reasons.

There is only one access point to the site from Juno Street, which would be used for both vehicular and pedestrian access. The access is barely 3m wide which we consider to be too narrow for a joint

vehicular/pedestrian access. It is bounded by high boundaries from neighbouring properties at Dercliffe Rest Home and 1 Juno Street.

Appropriate visibility splays could, therefore, not be provided and vehicles or pedestrians entering or leaving the site would not have a clear view of other highway users and would therefore pose a hazard.

Whilst the site was historically used as a garage site it has not been in use as such recently. Consequently the proposed development would present an intensification of use of the access point to the detriment of highway capacity and safety. Therefore the proposed development does not accord with paragraph 32 of NPPF in that safe and suitable access to the site cannot be achieved for all people.

Furthermore the access is not suitable for use by HGVs and other vehicles likely to be used during site clearance and construction works. These would have a negative impact on the highway network in the immediate area.

There is very limited off-road parking available on Juno Street.

Taking the above into account we are of the opinion that the development as proposed would have a detrimental effect on highway safety and capacity within the area.

There is, potentially, an alternative access to the site available. It may be possible to provide access to the site off Belle Vue Close once this has become an adopted public highway. The construction of this alternative access would depend on suitable site levels being achieved

United Utilities – We recommend that the scheme is implemented in accordance with the surface water drainage hierarchy outlined in the NPPF and NPPG. And drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

An appropriate drainage condition should be attached to any grant of permission.

PBC Environment Officer – This is a site that has space issues in the first instance.

From a landscaping point of view I would like to more detail on what is proposed as "Evergreen Boundary Bushes". I would not like to see Leylandii being put in which could grow to an unacceptable height.

The other issue is the lack of trees. The site is surrounded by housing that has trees as an integral part of the design. The new development adjacent to the property at Belle Vue Close also has integral trees. More trees should be provided.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

The main issues for consideration are the principle of housing, impact on residential amenity, layout, highway issues and drainage.

- Policy

The relevant policies for this proposal are:

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).

Policy SDP2 lists Nelson as a Key Service Centre within the M65 corridor – these provide the focus for future growth in the borough and accommodate the majority of new development.

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should also be provided within the site.

The following Replacement Pendle Local Plan policies are also relevant:

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

In national terms the National Planning Policy Framework (NPPF) provides guidance on housing requirements, design and sustainable development and landscape protection.

- Housing Requirements

The National Planning Policy Framework requires housing applications to be considered in the context of presumption in favour of sustainable development and deliver a wide range of high quality homes and create sustainable, inclusive and mixed communities.

This proposal seeks to erect two dwellinghouses within the settlement boundary and therefore the principle of housing on this site is accepted subject to the detailed criteria considered below.

- Impact on Residential Amenity

The relationship of the proposed properties to the existing houses on Thursby Road and each other is a concern. There is only 15m between the rear of plot 3 and the rear of properties on Thursby Road which is not acceptable. Thursby Road is also at a lower level and any windows to the rear would result in overlooking. This could be controlled by an appropriate condition. Between Plot 3 and Plot 2 there would be approximately 8m gable to gable which again would not be acceptable with windows to habitable rooms. Plot 3 to Plot 4 again has a distance of 8m gable to front elevation. This could result in this plot only being able to have windows to the front elevation as Plot 2 has windows and a rear balcony to the gable. Without knowing the proposed layout of Plot 3 any restrictive conditions are likely to result in dwelling with extremely limited fenestration to three sides which is not acceptable in terms of amenity or good design.

In terms of plot 4 this would have a distance of approximately 10m rear to gable (No. 5 Thursby Place) and 10m gable to rear (No.'s 18 & 20 Thursby Road) and 8m front to gable (Plot 3). Again windows in the rear, gable and front would be likely to result in overlooking.

Policy ENV2 seeks to achieve quality in design with high standards of design and obtain the best design solution and materials for the setting.

The Design Principles SPD specifies a minimum distance of 21m between new and existing main room windows. Some of the windows in Plots 3 and 4 would need to serve habitable rooms and therefore would fall well below the 21 metre separation distance to the detriment of amenity and good design and result in overlooking and loss of privacy for existing and proposed dwellinghouses contrary to policy ENV 2 Pendle Local Plan Part 1: Core Strategy and the Design Principles SPD.

- Layout

Details of layout have been submitted and therefore this element can be assessed. Plots 3 and 4 would be sited very close to each other as detailed and above and this would result in some overlooking and possible privacy issues dependant on the fenestration details which would not be acceptable for both proposed and adjacent dwellinghouses.

The layout of plot 4 does not allow for any parking provision within the curtilage with the proposed parking sited some 27m away at the entrance to the site. It is unlikely that this parking provision will be utilised due to the distances involved and this could result in parking close to Plot 3 which could impact on their amenity due to the limited boundary treatments proposed. This would need to be controlled by an appropriate condition to any grant of approval.

- Highways Issues

The site has an existing use as a garage site for the storage of vehicles. The existing access is extremely narrow at less than 2m wide and only allows for one way vehicular movement.

Concerns have been raised relating to the narrow width of the existing access road, reduced visibility splays from the merging point with Juno Street and the unsuitability of the access road for HGVs during the construction phase.

Although the access point is narrow a turning place is proposed which would allow larger vehicles to turn within the site as well as a passing place to allow vehicles to wait for oncoming vehicles. Given the small scale residential nature of the proposal and the likelihood that vehicles will be travelling at reduced speeds into the site the reduced visibility would be acceptable. However, given the narrowness of the width of the access the transportation of plant and machinery as well as materials could be an issue and the agent has been requested to address this issue.

The houses are proposed to have four bedrooms with Policy 31 specifying a need for 3 parking spaces for each house in this instance. Both Houses 1 and 2 are afforded four parking spaces both within their curtilage and as part of a communal parking area. The Agent has been advised to install tandem parking for both properties; this approach would allocate all parking within the respective curtilages and remove the need for a shared parking area.

Given the narrowness of the access and the remoteness of plots 3 & 4 from the access into the site (45m and 55m respectively) concerns have been raised regarding bin collection. The Agent has been requested to clarify the bin storage arrangements.

Plot 3 has three parking spaces indicated adjacent to the house within the curtilage for a four bedroom plus property this would be acceptable.

Plot 4 has three parking spaces indicated at the entrance to the site over 27m away. This is not acceptable and would lead to parking along the estate road. The agent has been requested to amend this.

The parking provision as set out is not acceptable and would lead to indiscriminate parking within the site which could adversely affect adjacent properties. An appropriate condition to address this issue would need to be attached to any grant of permission.

- Drainage

A condition would need to be attached to any grant of permission requiring details of drainage proposals to be submitted.

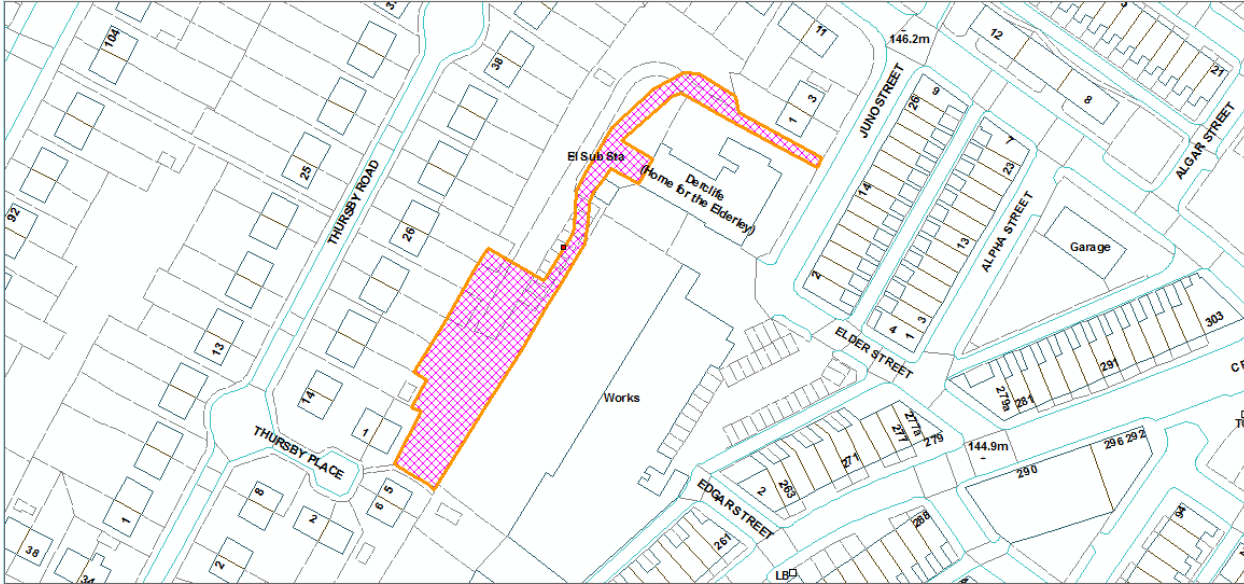
Summary

The proposal would provide for two residential units in this sustainable location. However, the scheme as submitted fails to take into consideration appropriate privacy distances between existing properties. This scheme therefore fails to accord with policy ENV2 of the Local Plan Part 1: Core Strategy and the Design Principles Supplementary Planning Document.

RECOMMENDATION: Refuse

For the following reason:

1. The proposed development would result in inappropriately positioned dwellinghouses in close proximity to each other and the existing dwellinghouses in particular No.'s 18 & 30 Thursby Road and no. 5 Thursby Place which would result in overlooking and loss of privacy for these residents and therefore the submitted scheme fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030) and the Design Principles Supplementary Planning Document.



Application Ref: 18/0009/OUT

Proposal: Outline: Residential development for two dwellinghouses (Access and Layout only).

At: Garage Site to the South West of Dercliffe Rest Home, Juno Street, Nelson.

On behalf of: Mrs Rizwan Chaudrhi

REPORT TO NELSON COMMITTEE 2 JULY 2018

Application Ref: 18/0209/FUL

Proposal: Full: Erection of two detached dwellinghouses with access off Juno Street.

At: Garage Site to the southwest of Dercliffe Rest Home, Juno Street, Nelson

On Behalf of: Mr Rizwan Chaudhri

Date Registered: 23 April, 2018

Expiry Date: 18 June, 2018

Case Officer: Christian Barton

Referral to Committee: Call-in by Chair

Site Description and Proposal

The application site is a former garage site located within Nelson. The site is surrounded by residential properties to all sides with a residential care home also immediately adjacent to the east.

The proposal seeks to demolish the remaining derelict garages and erect two detached dwellinghouses with vehicle access from Juno Street. They are to be large, two-storey houses of quite different designs.

Plot 1 is to have an L-shaped footprint with a length and width of 20.7m and a dual-pitched roof totalling 7.2m in height. The dwelling would have a glass frontage with single storey outriggers on the south and east corners. It is proposed to have four bedrooms along with living areas on the ground floor. It is proposed to have rendered elevations, red terracotta roofing tiles and brown uPVC and aluminium opening frames.

Plot 2 is to have an irregular footprint with a maximum length of 21m and a width of 11.9m. It would have a dual-pitched roof with a total height of 7.3m. Balconies and large panoramic windows are proposed for all elevations. The house is proposed to have four bedrooms along with living areas on the ground floor. It is proposed to have render and stone clad elevations, grey concrete roofing tiles and grey uPVC and aluminium opening frames.

There is also a separate outline application for two dwellinghouses on this site elsewhere on this agenda which raises similar issues to this. Both applications being approved would result in a total of four dwellinghouses on this site.

Relevant Planning History

18/0009/OUT - Outline: Residential development for two dwelling houses (Access, Layout and Landscaping only) - Pending.

Consultee Response

LCC Highways – Is of the opinion that the proposed access is substandard and objects to this application on highway safety grounds for the following reasons.

There is only one access point to the site from Juno Street, which would be used for both vehicular and pedestrian access. The access is barely 3m wide which we consider to be too narrow for a joint vehicular/pedestrian access. It is bounded by high boundaries from neighbouring properties at Dercliffe Rest Home and 1 Juno Street.

Appropriate visibility splays could, therefore, not be provided and vehicles or pedestrians entering or leaving the site would not have a clear view of other highway users and would therefore pose a hazard.

Whilst the site was historically used as a garage site it has not been in use as such recently. Consequently the proposed development would present an intensification of use of the access point to the detriment of highway capacity and safety. Therefore the proposed development does not accord with paragraph 32 of NPPF in that safe and suitable access to the site cannot be achieved for all people.

Furthermore the access is not suitable for use by HGVs and other vehicles likely to be used during site clearance and construction works. These would have a negative impact on the highway network in the immediate area.

There is very limited off-road parking is available on Juno Street.

Taking the above comments into account we are of the opinion that the development as proposed would have a detrimental effect on highway safety and capacity within the area.

There is potentially an alternative access to the site available. It may be possible to provide access to the site off Belle Vue Close once this has become an adopted public highway.

United Utilities – Comments forwarded relating to a possible need for 'build over' agreement, a need to drain foul and surface waters as part of separate systems, suitable discharge rates from the brownfield site, a need for sewage infrastructure to be of the required standard, a need for the Applicant to inform UU regarding water obtainment and a need for the Applicant to locate any sewage infrastructure on site before commencing works.

National Grid – An appropriate drainage condition should be attached to any grant of permission.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter without response.

Officer Comments

The main considerations for this application are the principle of the development, impacts on residential amenity, design and materials and highway safety issues.

1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:
 - CS Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (NPPF).
 - CS Policy SDP2 sets out the roles each settlement category will play in future growth. Nelson is a key service centre which will provide a focus for future growth in the borough and accommodate the majority of the new development.
 - CS Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.
 - CS Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.
 - CS Policy ENV4 that aims to promote sustainable travel along with reducing the impacts of development on existing highway networks.
 - CS Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.
 - CS Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made for all new housing developments.

The following Replacement Pendle Local Plan policies and guidance are also relevant:

- Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.
- The Design Principles Supplementary Planning Document (SPD) applies to extension and sets out the aspects required for good design.

In national terms the National Planning Policy Framework (NPPF) provides guidance on housing requirements, design, sustainable development and landscape protection.

- Paragraph 32 - All developments that generate significant amounts of movement should ensure that a safe and suitable access to the site can be achieved for all people.
- Paragraph 64 - 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.

2. Principle of the Development

The application site is within the settlement boundary of Nelson, taking into account its proximity of services and facilities it is not an isolated site. The location of the proposed dwellings is therefore acceptable in principle and in accordance with Policies SPD2 and LIV5.

3. Impacts on Amenity

The proposed dwellings are two-storey but are much larger in scale than those that would surround them. Plots 1 and 2 sit 24m apart with garden areas and a turning circle between which is acceptable.

The adjacent properties that surround are two-storey, semi-detached dwellings with the relief of the land falling from Juno Street in the east to Thursby Road in the west. The properties on Thursby Road are positioned on ground level approximately 1.5m lower than that of the application site. The houses would have main habitable windows on all elevations with Plot 2 having balconies on both side elevations.

The Design Principles SPD specifies a minimum distance of 21m between new and existing main room windows. Some of the windows that would serve main habitable rooms and balconies would fall below the 21 metre separation distance for both Plots 1 and 2 and the existing properties on Thursby Road and Rakeshouse Road.

Plot 1 is separated 19m from the dwellings on Juno Street and 12m from those on Rakeshouse Road. Plot 2 is separated 15m from the dwellings on Belle Vue Close and 17.5m from those on Thursby Road. Given the changes in land levels, the privacy of the occupants on Juno Street and Belle Vue Close would not be adversely affected by the proposal.

The main windows on the northeast elevation of Plot 1 would directly overlook main habitable windows in the rear elevations of adjacent properties on Rakeshouse Road (numbers 15 - 19) and would be detrimental to the occupants' privacy. The main windows on the northwest elevation would also adversely affect the occupants in relation to adjacent gardens on Thursby Road (numbers 42 - 48) in terms of overlook.

The main windows on the northwest elevation of Plot 2 would also be inimical to the privacy of neighbours and adjacent garden areas on Thursby Road (numbers 30 - 36). The balconies proposed as part of Plot 2 would adversely impact the relationship considerably with outlook extending across the rear gardens of at least 6 properties on Thursby Road (numbers 28-38). Given the dominance and visibility of the proposed habitable windows and balconies, the above separation distances would not be acceptable and the scheme would result in detrimental impacts on neighbouring properties in terms of overlooking and privacy.

The development would have detrimental impact on the living conditions and privacy of the adjacent occupants on Rakeshouse Road (numbers 15 – 19) and Thursby Road (numbers 28 – 38 and 42 – 48). The scheme is therefore unacceptable for the site and fails to comply with Policy ENV2 and the adopted Design Principles SPD.

4. Design and Materials

Paragraphs 47 through to 68 of the NPPF contain guidance on providing a wide variety of homes and requiring good design. Policy ENV2 reiterates these points and is relevant in the determination of this application.

Policy ENV2 requires all new developments to meet high standards of design, using the best design solutions and using materials appropriate to the setting. Paragraph 64 of the NPPF states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

The proposed dwellings would be of a similar height however they would have a much greater footprint than the surrounding dwellings, be on higher ground and be more dominant in terms of massing. The designs are modern with an abundance of glazing. They would have rectangular windows of varying sizes throughout with three prominent balcony features as part of Plot 2 facing in all directions.

There are no other examples of similarly designed properties within the locality. The houses are proposed to be built from modern materials. Both of the houses are profoundly different to each other in terms of design and materials along with the existing built form of the area.

Whilst there is scope for modern houses in the area, these need to tie in with each other in terms of design and materials. The proposal is therefore unacceptable for the location with unsuitable design features such as balconies and varied materials resulting in the scheme being out of context with, and failing to improve the character of the area. The scheme fails to achieve good design standards, and utilise materials that are common to the locality therefore failing to comply with Policy ENV2, the adopted Design Principles SPD and Para 64 of the National Planning Policy Framework.

5. Highways

Concerns have been raised from LCC Highways relating to the narrow width of the access road, reduced visibility splays from the merging point with Juno Street, the unsuitability of the access road for HGVs during the construction phase and bin storage/collection procedures. The access arrangements are assessed in relation to the existing use of the site.

Policy ENV4 states that schemes should have regard for the potential impacts on the highway safety of the local area and that planning permission should be refused whereby the residual impacts of the development are severe. The scheme is inclusive of traffic mitigation measures such as waiting bays and a large turning circle.

The lawful use of the land is a garage site that currently houses a number of garages along with stored vehicles. The proposed development would not lead to an undue intensification of the use of the access in terms of traffic movements when the current use is considered. The access proposed for the scheme is therefore suitable for the development and would comply with Policy ENV4 and Para 32 of the NPPF.

The houses would have four bedrooms with Policy 31 specifying a need for 3 parking spaces for each house in this instance. Both Plots 1 and 2 have four parking spaces however some of these spaces are outside of the curtilage and as part of a separate communal parking area. A condition would need to be attached to any grant of permission requiring details of the parking arrangements to be submitted.

6. Trees and Landscaping

In order to allow for the works a number of trees are proposed to be removed varying in maturity. The trees to be removed are not covered by any designations and replacements are proposed as part of garden areas and boundary treatments. Whilst the development would ultimately have negligible impacts on the landscape quality of the area, sufficient details of appropriate landscaping have not been provided and therefore an appropriate condition should be attached to any grant of permission.

7. Drainage

A condition would need to be attached to any grant of permission requiring details to be submitted.

8. Summary

The proposal involves the erection of two detached dwellings along with associated works and the development is acceptable in principle.

The development however would result in unacceptable relationships with the adjacent properties on Rakeshouse Road and Thursby Road. The siting, scale and window orientation of Plots 1 and 2 and the presence of balconies on Plot 2 would result in unacceptable impacts on the living conditions and privacy of the occupants of adjacent properties.

The development is also unacceptable in relation to its design with the two proposed houses failing to relate to each other in terms of appearance and materials.

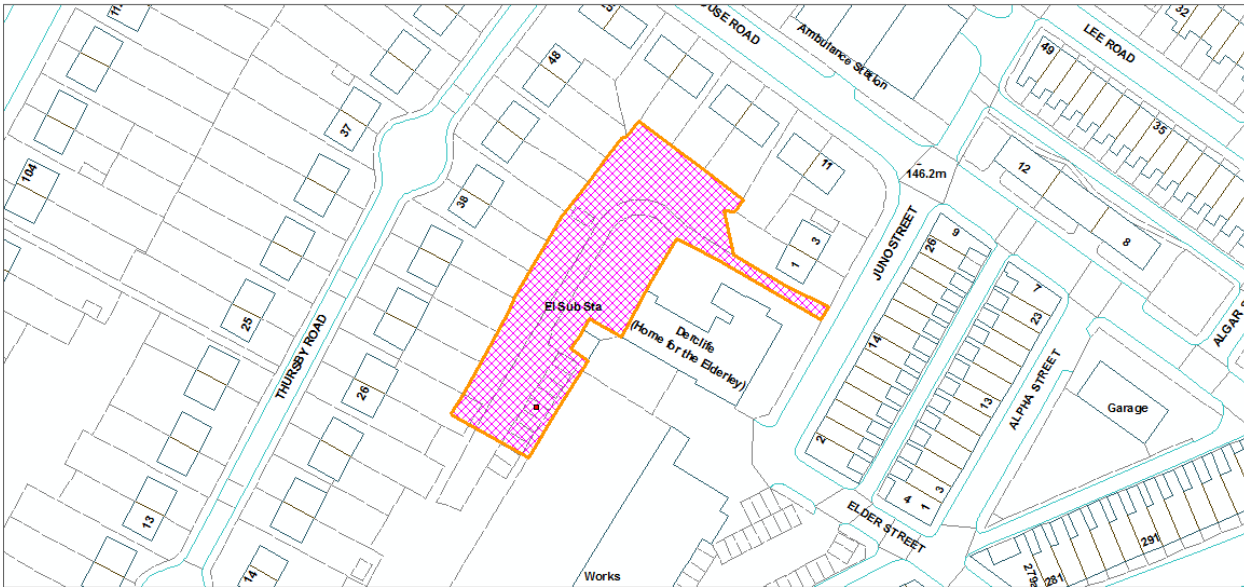
The proposal is therefore unacceptable in terms of privacy, design and materials and fails to comply with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030), the adopted Design Principles Supplementary Planning Document and Paragraph 64 of the National Planning Policy Framework.

RECOMMENDATION: Refuse

1. The proposed development would result in inappropriately positioned dwellinghouses in close proximity to existing dwellinghouses on Rakeshouse Road (numbers 15 – 19) and Thursby Road (numbers 28 – 38 and 42 – 48) which would result in overlooking and loss of privacy for

these residents and therefore the proposal as such fails to accord with Policy ENV2 of the adopted Pendle Borough Council Core Strategy Local Plan Part 1 (2011 – 2030) and the adopted Design Principles Supplementary Planning Document

2. The development, by virtue of the proposed design and materials, would result in inappropriate development that fails to relate to each other and existing nearby dwellinghouses and these result in a poor design. Therefore the development does not accord with Policy ENV2 of the adopted Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030), the adopted Design Principles Supplementary Planning Document and Paragraph 64 of the National Planning Policy Framework.



Application Ref: 18/0209/FUL

Proposal: Full: Erection of two detached dwellinghouses with access off Juno Street.

At: Garage Site to the southwest of Dercliffe Rest Home, Juno Street, Nelson

On Behalf of: Mr Rizwan Chaudhri

REPORT TO NELSON COMMITTEE 2 July 2018

Application Ref: 18/0320/FUL

Proposal: Full: Retention of a canopy to yard area (Retrospective).

At: 52 Norfolk Street, Nelson

On Behalf of: Mr Mohammad Aslam

Date Registered: 09 May, 2018

Expiry Date: 04 July, 2018

Case Officer: Christian Barton

Site Description and Proposal

The application site is a car garage bounded by a high perimeter wall. The property sits on Norfolk Street, a road lined with buildings of varied styles and uses. The car garage is surrounded by residential properties to three sides with another car garage found to the west.

This application is made in retrospect and seeks to retain a canopy erected in the forecourt of the garage. The canopy has been constructed from metal girders with a ply wood roof. It has a height of 4.2m and covers an area of 5 square meters.

Relevant Planning History

13/92/0652P – Extend workshop at – Approved with Conditions – February 1992.

Consultee Response

LCC Highways – The above proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway grounds.

Canal and River Trust – No comment to make.

Lancashire Constabulary – No comments received.

Nelson Town Council – No comments received.

Public Response

Concerns have been received from neighbours relating to;

- The garage operating outside of the approved working hours

- Noise and disruption from current operations
- Dangerous manoeuvring of vehicles leaving the site
- The fact the structure is already in place
- Over development within the site
- Unsuitable design.

Officer Comments

The main considerations for this application are any potential impacts on residential amenity, the design and highway safety.

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

- CS Policy ENV2 sets out general design principles, historic environment and climate change.
- CS Policy SUP4 sets out general principles that ensure effective designing of public places.

Other policies and guidance's are also relevant:

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

1. Residential and Visual Amenity

The main issues here are impacts on domestic privacy, visual and aural amenity. The development is separated from the nearest residential neighbours, 93-97 Carr Road by 14m, these are terraced houses. The canopy has been erected in an area of previously open yard that is surrounded by a 3m perimeter wall and has an open front.

The perimeter wall screens all activity associated with the canopy and as such no impacts on residential privacy arise from the scheme. The flat roof of the canopy alone can be seen from public vantage points set against a modern, metal clad building. It would have no effects on the visual amenity of the area based on this.

It sits outside of the main garage building and houses a mechanical ramp. There is potential for the ramp to change the noise levels associated with the garage however the business is currently permitted to operate within the forecourt. Furthermore when the distances to the nearest residential properties are considered, there is no greater effect on the aural amenity of neighbours attributed to the canopy.

Concerns have been raised from neighbours relating to the garage operating outside of its approved working hours and associated disruption. The canopy supports the existing operations of the garage and does not directly relate to later working hours. A previous application at the site limited the working hours of the garage through use of a condition however any breach of conditions relating to previous applications will be investigated separately.

2. Design and Materials

Concerns have been raised from neighbours relating to poor design along with overdevelopment within the site. The modern, grey metal clad building is set within terraced housing along with some commercial buildings; these set the main setting for the site.

The top circa 0.5m of the canopy can be seen above the surrounding wall. The extension is a light structure with a steel frame and a flat roof. It has no design implications nor would it adversely affect the street scene of the area based on this.

3. Highway Safety

Concerns have been raised from neighbours relating to dangerous manoeuvring of vehicles around the site. The canopy is located in a small corner of the site and it does not affect the parking arrangements or internal functioning of the business.

LCC Highways have raised no objection to the scheme and I concur with their findings. The development does not alter the manoeuvring of vehicles entering/leaving the site and as such it would not affect the highway safety of the local area.

4. Summary

The proposal seeks to retain an unauthorised canopy used to house a mechanical car ramp. The scheme would not affect the residential privacy or living environments of neighbouring properties. The design and choice of materials are also suitable when related to the existing setting of the area as are the effects on highway safety.

The development is therefore acceptable for the location and complies with Policies ENV2 and SUP4 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) and the Design Principles Supplementary Planning Document.

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.

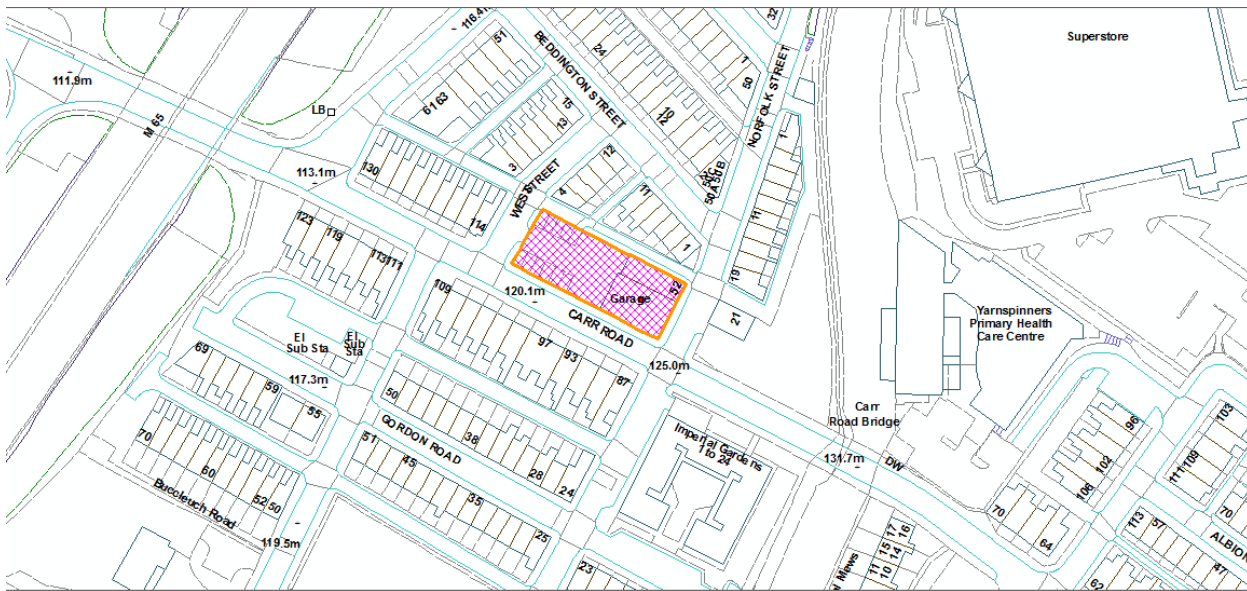
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plan: Proposed Canopy to Yard at Norfolk Street Garage (Drawing Number 1).

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.



Application Ref: 18/0320/FUL

Proposal: Full: Retention of a canopy to yard area (Retrospective).

At: 52 Norfolk Street, Nelson

On Behalf of: Mr Mohammad Aslam

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 20th June 2018