

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES
MANAGER

TO: NELSON COMMITTEE

DATE: 5th NOVEMBER, 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 NOVEMBER 2018

Application Ref: 18/0351/HHO

Proposal: Full: Erection of roof dormers on front and rear roofslopes.

At: 201 Barkerhouse Road, Nelson

On Behalf of: Mr Munir Hussain

Date Registered: 16 May, 2018

Expiry Date: 11 July, 2018

Case Officer: Christian Barton

The application has been called into committee by the Chairman. It was initially referred to Nelson Committee on 6th August 2018. A ruling to delegate authority to grant consent, in consultation with the Chairman, subject to receipt of satisfactory amended plans with regard to design and materials was agreed. No satisfactory plans have been received so the application has been referred back to Committee.

Site Description and Proposal

This application seeks to erect roof dormers on both the front and rear roofslopes of 201 Barkerhouse Road in Nelson.

The dwelling is a mid-row property of traditional design. It has natural stone elevations under a slate roof with a white uPVC fenestration. It is surrounded by houses to all sides and has a walled yard to the rear. The scheme would provide an additional bedroom.

The site is within the settlement boundary of Nelson and has no special designations as part of the Pendle Local Plan.

Relevant Planning History

No relevant planning history.

Consultee Response

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

Nelson Town Council - No comments received.

Public Response

The nearest neighbours have been notified by letter and no response has been received.

Officer Comments

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

The main considerations for this application are the design and materials, effects on residential amenity and highways.

1. 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.

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

The policy background of the scheme is principally contained with Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene.

2. Design and Materials

The Design SPD states that roof dormers should be designed to ensure they are in keeping with the appearance of the dwelling. Their design should respect the balance of the property and they should not appear overly dominant as part of the roofslope. They should be faced with materials which match the existing roof coverings of the house. Front dormers are generally unacceptable where they are not a feature of similar houses in the locality.

Both dormers would have heights of 1.8m and widths of 4m. Given the slope of the row of houses, the roofs would sit flush with the ridge at the side of number 199 and drop 0.2m below the ridge adjacent to number 203. They would sit off centre within the roofslope separated by 1m from number 199 and 0.5m from number 203. The front elevations would be set in from the front/rear elevations of the house by 0.8m.

The massing and dimensions therefore accord, by majority with the guidance of the Design SPD. Amended Elevation Plans have been received however no details regarding the proposed facing materials are shown. The submitted details state both dormers would be faced with grey uPVC cladding as part of a natural slate roof. There are also no front dormers present on the row (numbers 193 – 203) with the Design SPD stating that front dormers are only acceptable where at least 25% of the row has them already.

The proposal would introduce modern flat roofed dormers to the front and rear of the house. The use of grey uPVC cladding would be unsympathetic in relation to the age and style of the house. The material would be at odds with the natural slate roof of the terraced row. The development proposed would therefore be inappropriate in relation to the Victorian façade of the property and the street scene thus failing to comply with Policy ENV2 and the Design SPD.

3. Residential Amenity

The Design SPD states that roof dormers should be sited to avoid adverse overlook of neighbouring properties. The massing of the dormers would not affect the living environments of the immediate neighbours. The scheme would add two bedroom windows facing north and south towards properties on Marsden Hall Road and Barkerhouse Road.

View from the rear dormer would extend across the rear gardens of 2 and 4 Marsden Hall Road. The neighbouring properties to the south, 238 and 240 Barkerhouse Road would be separated by 20m from the front dormer. Both the front and rear elevations of the site currently have primary openings at first floor level serving bedrooms.

The addition of a further bedroom window on each elevation would therefore have negligible further effects on domestic privacy. The presence of the dormers therefore raises no adverse impacts with regard to residential amenity.

4. Highways

The scheme would increase the parking requirements of the site however it has no off-street parking traditionally. The development therefore complies with Policy 31.

LCC Highways have raised no principle objections to the development and I concur with their findings. It would not generate significant numbers of vehicular movements and it therefore raises no adverse highway safety concerns regarding the local highway network.

5. Summary

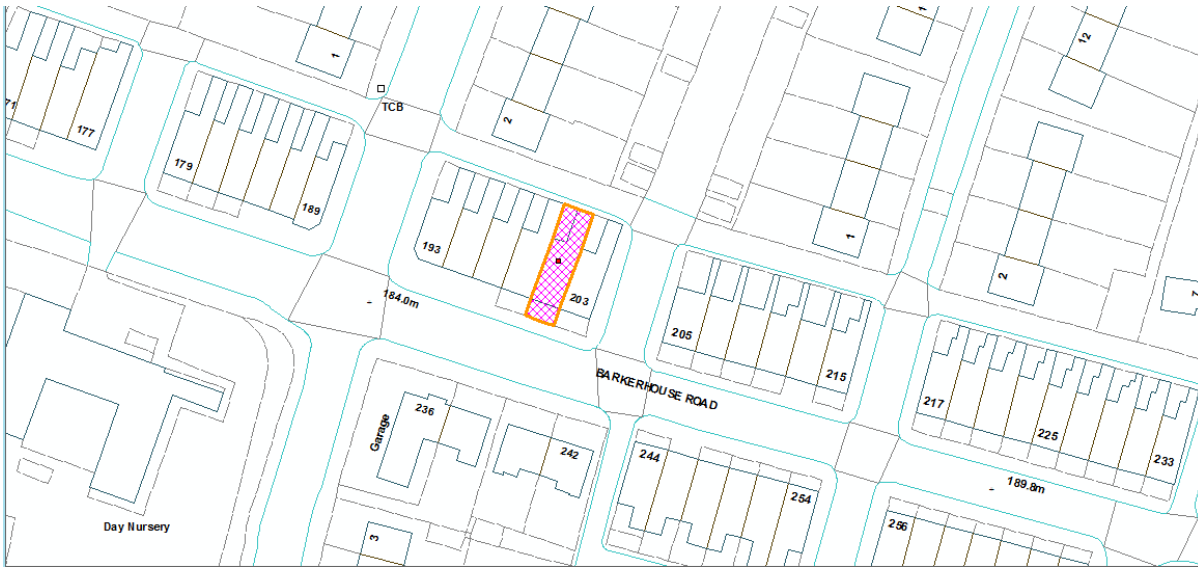
The proposal seeks to erect roof dormers on the front and rear roofslopes of the house. They would have no detrimental effects on the privacy or living environments of the immediate neighbours. The dormers are to be faced with grey uPVC cladding as part of a natural slate roof however. Front dormers are also not an existing feature of terraced housing in the area.

The facing materials proposed for the development are unsuitable in relation to the character and appearance of the Victorian property along with the wider street scene. The design of both dormers and siting of a front dormer is therefore unacceptable for the site and the development 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

On the following grounds:

1. The installation of modern dormers faced with grey uPVC cladding and the siting of a front dormer would be of detriment to Victorian façade of the house along with the character of the wider area. The proposal is therefore unacceptable for the site 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: 18/0351/HHO

Proposal: Full: Erection of roof dormers on front and rear roofslopes.

At: 201 Barkerhouse Road, Nelson

On Behalf of: Mr Munir Hussain

REPORT TO NELSON COMMITTEE ON 5TH NOVEMBER 2018

Application Ref: 18/0487/HHO

Proposal: Full: Retention of front canopy (Part-Retrospective)

At: 133 Regent Street, Nelson

On Behalf of: Ramunas Gaigalas

Date Registered: 23 August, 2018

Expiry Date: 18 October, 2018

Case Officer: Christian Barton

The application has been called to committee by the Chairman.

Site Description and Proposal

The application seeks retrospective approval for an unauthorised canopy erected to the front of 133 Regent Street in Nelson.

The site sits on a main route lined with houses of varied frontages. The dwelling is a two-storey, semi-detached property. It is surrounded by houses to three sides with sports fields to the northwest. It has pebbledashed elevations, slate roofing tiles and an anthracite grey uPVC front fenestration.

The site is within the settlement boundary of Nelson and has no special designations as part of the Pendle Local Plan.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways - There are no highway concerns and therefore I will not raise any objections on highway grounds.

Nelson Town Council - No comments received.

Public Response

The nearest neighbours have been notified by letter and no comments have been received.

Officer Comments

The main considerations for this application are the design, any impacts on residential amenity and effects on the local highway network.

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

1. 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.

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.

The policy background of the scheme is principally contained with Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene.

2. Design and Amenity

The Design SPD states that installations to the front of houses should be designed in a way that retains the character of residential areas. The canopy has a width of 1.5m, a length of 2.6m and a flat roofed height of 2.5m. It has a metal framed construction with the roof supported by two columns.

The front of the property is bounded by a brick wall circa 1m in height. The canopy is therefore clearly visible to the public. Although uniformed in terms of their original massing and height, the houses along this part of Regent Street have been subject to a range of alterations with use of different materials.

When finished the canopy would be faced with grey uPVC cladding complimenting the recent fenestration alterations. The quality and appearance of the cladding can be controlled with use of an appropriate condition. The Applicant has submitted an indicative photo showing how the canopy would appear when finished.

It would have a modern design but when the varied street scene of Regent Street is considered, it would have no detrimental impacts on the overall character of the area. In terms of massing the projection would be similar to a porch built at 137 Regent Street. The scheme is therefore suitable in relation to the design along with the wider effects on visual amenity.

When finished the light structure would have no detrimental impacts on the living environments or privacy of neighbours. The proposed development is therefore acceptable in terms of residential amenity and complies with Policy ENV2 and the Design SPD.

3. Highways

The development is set within the front garden and is sufficiently set off the highway boundary to prevent any visibility issues for motorists. LCC Highways have raised no objections to the development and I concur with their findings. It would not generate significant numbers of vehicular movements and the development therefore raises no adverse highway safety concerns.

4. Summary

The proposal seeks retrospective approval for a front canopy. The development would have no detrimental impacts on the privacy or living environments of the immediate neighbours. It is also suitable in relation to the design and effects on the character of the area. It would have no detrimental impacts on the local highway network.

The development is therefore acceptable for the site and complies with Policy ENV2 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 subject to appropriate conditions. 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.

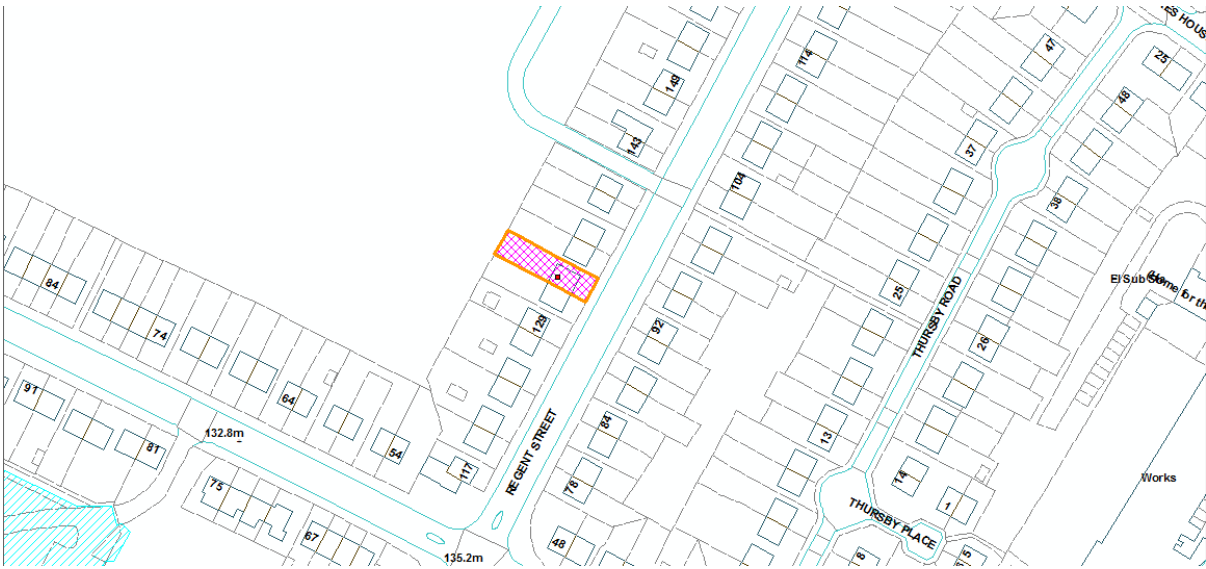
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Side Elevation (Drawing Number 1) and Proposed Front Elevation (Drawing Number 2).

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

3. No further development shall commence on site unless and until, samples of the cladding to be used for the columns and roof of the canopy hereby approved have been submitted to and approved in writing the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details and materials.

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



Application Ref: 18/0487/HHO

Proposal: Full: Retention of front canopy (Part-Retrospective)

At: 133 Regent Street, Nelson

On Behalf of: Ramunas Gaigalas

REPORT TO NELSON COMMITTEE ON 5TH NOVEMBER 2018

Application Ref: 18/0495/FUL

Proposal: Full: Change of use of Retail Warehouse (Use Class A1) to Community Facility (Use Class D1/D2).

At: Nelson Furniture Warehouse, Cooper Street, Nelson.

On behalf of: Community Lighthouse Foundation (Charity No. 1174466).

Date Registered: 14.08.2018

Expiry Date: 09.10.2018

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is brought to Committee as it was called in by a Councillor.

The application site is a two storey A1 Retail Warehouse, located adjacent to dense residential development, 135 metres from the town centre boundary.

The application is for the change of use of the entire building to a community facility for the local community, comprising of coffee mornings, youth and adult exercise classes and local community meditation sessions, which would fall within use class D2 (Assembly and Leisure). In addition, children's after school classes are proposed, which would fall within use class D1 (None Residential Institutions). No external changes are proposed to the building.

Relevant Planning History

13/15/0542P

Full: Conversion and partial demolition of existing building to create 5 dwellings with associated external alterations.

Approved with Conditions. 2015.

Consultee Response

LCC Highways

The Highway Development Support Section has concerns regarding the volume of traffic the proposed community activities would likely generate, particularly evenings, weekends and Bank Holidays, when demand for the surrounding on-street parking would be high from local residents. Given these concerns, together with the absence of detailed information, we raise an objection to this application on highway safety grounds.

The site was visited on 29 August 2018 at 11.40am when we noted a high level of on-street parking on both sides, and along the length, of Cooper Street. There were also vehicles partially parked on both footways along the eastern end of Cooper Street.

The development site is surrounded by rows of terraced housing where there is generally no associated off-road parking provision. Therefore there is an existing high demand for on-street parking.

The proposed uses as a whole are likely to generate more traffic than that previously generated by the building's former use as a furniture warehouse, particularly if rooms are hired out.

The Design and Access Statement refers to the proposed facility being used primarily by the surrounding community, and we have assumed that a percentage of users would walk there.

However, the highway safety record on the surrounding highway network is poor with a number of collisions recorded on Fleet Street over the last five years which have resulted in slight personal injuries; some of those injured being pedestrians under 16 years old. Also of concern are the two collisions recorded on the pedestrian crossing on Scotland Road near the junction with Cooper Street, both to pedestrians, and one of which resulted in serious injury. Other collisions resulting in a slight injury to pedestrians under 16 years old are also recorded on Scotland Road in the general area.

Included in the activities proposed are after-school classes. As children attending these classes are likely to be unaccompanied, the high demand for on-street parking and vehicles partly parked on the footways, which can obstruct visibility for both pedestrians and drivers, are not conducive to pedestrian safety.

Recommendations in Parking Standards for a D2 Use Class with medium accessibility are that a maximum of 23 parking spaces should be provided. There is no provision for this site to construct any off-road parking.

The Design and Access Statement states that there are several car parks within a short walking distance. Whilst there are some car parks within acceptable walking distances, demand for these is generally high, particularly at weekends, due to their proximity to the town centre, and spare capacity cannot be guaranteed.

Given the concerns outlined above the Highway Development Support Section objects to this application on highway safety grounds.

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

WRK5 (Tourism, Leisure and Culture) New development aimed at attracting people into our towns will be expected to comply with a sequential approach, which prioritises sites and premises that are located alongside an existing, or complementary, use.

ENV4 (Promoting Sustainable Travel) Requires new development to have regard to the potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

SUP1 (Community Facilities) New facilities will be directed to settlements where there is an identified local need, and should be located within town centres, accessibility corridors or near transport hubs.

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Paragraph 109 of the National Planning Policy Framework (NPPF) states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Bradley Area Action Plan DPD 2011-2021.

Principle of Development

Policy SUP1 deals with the provision of community services and facilities, particularly where there is an identified local need or deficiency in provision. New facilities should be located within town centres, accessibility corridors or alongside transport hubs or existing community facilities.

Furthermore, Policy WRK5 highlights that for new development aimed at tourism, leisure and culture within the M65 Corridor and West Craven Towns should be located alongside an existing or complementary use and; within a town centre, adjacent to a transport hub, in a high accessibility corridor or alongside the Leeds and Liverpool Canal.

New arts, culture and leisure facilities, particularly those which enhance the existing offers in Nelson, will be supported, in line with Policies WRK4 and WRK5.

The proposed community facility would provide additional community and leisure opportunities for local people within the Nelson area, for which there is not an abundance of such facilities. The site, although adjacent to terraced residential properties, is on the immediate edge of Nelson Town Centre. It is within walking distance of bus stops, the town's main train station and other services.

As a result, the proposed use is acceptable in accordance with Policies WRK5 and SUP1.

Design

The application does not include any external alterations and therefore raises no design issues.

Impact on Amenity

The site is located amongst a large amount of dense terraced residential properties, directly adjacent to all elevations. No additional windows or external alterations are proposed on the building, therefore not causing a detrimental loss of privacy to neighbouring occupiers.

The Community Centre is proposed to be open between 09:00 and 20:00 on weekdays, 09:00 and 20:00 on Saturdays and between 11:30 and 17:00 on Sundays and Bank Holidays.

It is acknowledged that there are residential properties within close proximity of the site, however the proposed use would not be expected to regularly use loud amplified music or undertake particularly noisy activities during early morning or late evening. A condition will be applied to ensure that these hours are adhered to, in the interests of residential amenity.

Highways

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy ENV4 states that proposals for new development should have regard to the potential impacts they may cause to the highways network, particularly in terms of safety and the potential to restrict free flowing traffic, causing congestion.

Where an adverse impact is identified, applicants should ensure adequate cost effective mitigation measures can be put in place. Where the residual cumulative impacts of the development are severe, planning permission should be refused.

The site currently benefits from an A1 use, as a furniture retail warehouse, which would have a fairly low intensity and sporadic use, mainly during daytime hours. The change of use to D1 and D2 proposes opening during daytime, evenings and weekends, to provide coffee mornings, fitness classes, meditation and children's after school classes to people from within the local community.

This will result in a significantly intensified use over the existing situation, with potentially large numbers of people arriving and leaving the premises at specific times, as well as overlapping pick up and drop off for the proposed children's after school classes. There is a view in the future to include further D1 uses, such as language classes and a Crèche, which would further exacerbate anticipated parking problems within the area.

An objection has been raised by LCC Highways due to concerns regarding the volume of traffic the proposed community activities would likely generate, particularly during evenings and weekends, when demand for surrounding on-street parking would be high from residents.

The application proposes no off street parking, or drop off facilities, relying solely on existing limited on street parking which serves a high density of terraced residential properties within the immediate area. Cooper Street has no parking restrictions in force and therefore residents park on both sides of the carriageway, leaving just a small passageway for vehicles to pass. The site is not designated as within Nelson Town Centre, therefore all public transport links and public car parks are a reasonable length walk from the site.

The nearest public car parks located on Every Street, to the south west and adjacent to the A682, to the south are in excess of 240 metres from the site. It is unlikely that people visiting the site would use these car parks over closer on street parking, especially for drop off and pick up purposes. It has been highlighted by the applicant that the majority of users will live within close proximity of the site and therefore are expected to walk to the centre, however there are no proposed restrictions or catchment on who the community facility will accept and the LPA has no way of controlling how people travel to the facility.

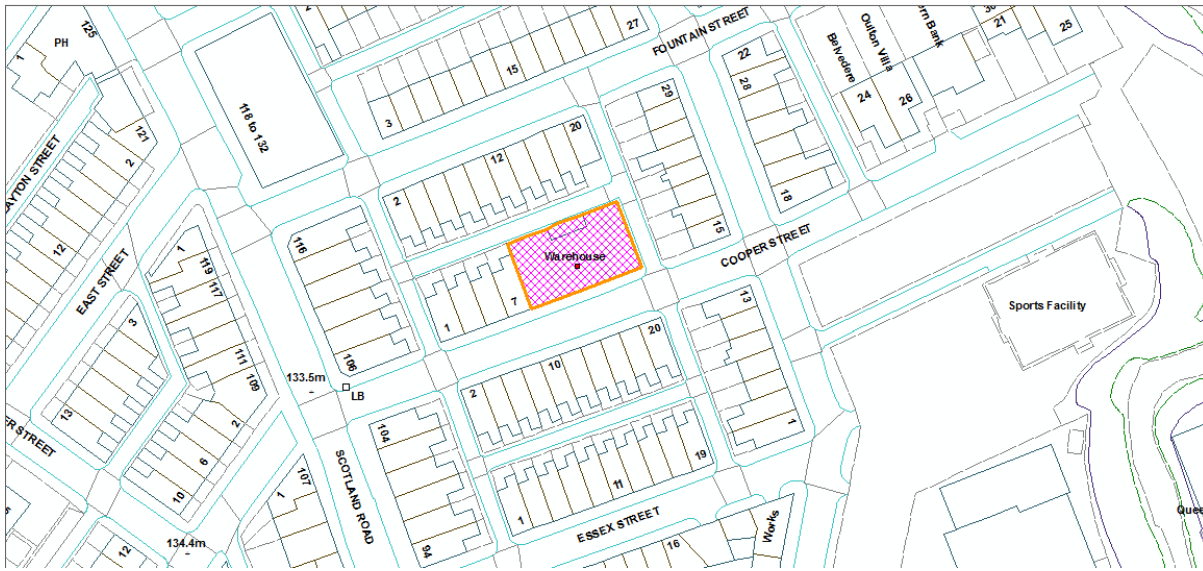
The applicant has highlighted that in 2015 permission was granted for the conversion of the building into 5 dwellings, with no on plot parking proposed. However, a C3 use is not as intensive as D1 or D2, with a limited number of vehicle movements during the day and a smaller number of people requiring access to the site at any one time.

No travel plans or highway assessments, including mitigation measures have been included as part of this application. Furthermore, the proposed use would not lend itself to an appointment based system for singular clients, nor is there any space on plot to allocate as a drop off point, which could be controlled by condition.

As a result, this proposal for D1 and D2 use, in this location, is likely to result in traffic congestion, restrict free flowing traffic along Cooper Street and cause highway safety issues from parked vehicles in an area with existing limited on street parking. This development would result in significant impacts on the highway network, for which no mitigation measures have been presented, therefore it does not comply with Policy ENV4 and Saved Policy 31.

RECOMMENDATION: Refuse

1. The proposed use would result in an increased demand for parking vehicles and due to the lack of off street parking, would increase parking congestion in surrounding streets to the detriment of free flow of traffic and visibility for drivers. As such the development would be detrimental to highway safety, contrary to Policy ENV4 of the Local Plan Part 1, Saved Policy 31 of the Replacement Pendle Local Plan and Paragraph 109 of the National Planning Policy Framework.



Application Ref: 18/0495/FUL

Proposal: Full: Change of use of Retail Warehouse (Use Class A1) to Community Facility (Use Class D1/D2).

At: Nelson Furniture Warehouse, Cooper Street, Nelson.

On behalf of: Community Lighthouse Foundation (Charity No. 1174466).

REPORT TO NELSON COMMITTEE 5th NOVEMBER, 2018

Application Ref: 18/0506/FUL

Proposal: Full: Change of use of residential property (C3) to residential (Use Class C3) and taxi use for one taxi (Sui Generis).

At: 35 Priory Chase, Nelson

On behalf of: Mr Mohammed Ghafoor

Date Registered: 10 August 2018

Expiry Date: 5 October 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a residential property located in a residential area within the settlement boundary of Nelson.

The proposal is to run a private hire business from the residential property for one vehicle.

Relevant Planning History

None.

Consultee Response

LCC Highways – Having considered the information submitted for the above application, together with observations on site at 7.10am on 29 August 2018, the Highway Development Support Section has the following comments to make.

Planning approval (ref 13/07/0231) to erect a two storey side extension at this property was granted in May 2007, Condition 2 of which stated that parking for not less than two cars should be provided within the curtilage and these should be retained. This was to ensure that a satisfactory level of off-street parking was provided to prevent on-road parking to the detriment of highway safety.

Whilst three off-road parking spaces are proposed, and an extended hardstanding has already been constructed, we noted during the site visit that there were two private hire vehicles parked within the curtilage. Therefore we recommend that suitable conditions are applied to any formal planning approval limiting the number of private hire vehicles operating for this address to one vehicle only, together with an off-road parking space being available for the private hire vehicle 24 hours a day/7 days a week, so that the private hire business does not impact on the property's, nor the surrounding, parking provision.

The existing vehicle crossing also needs extending in order to provide a properly constructed vehicular access to all the off-road parking provision.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

The main issues are compliance with policy, impact on amenity and highway issues.

1. Policy

The relevant Local Plan policies are:

WRK4 seeks to set out the requirements for town centres and retail and other appropriate town centre uses.

Saved Replacement Pendle Local Plan policies 25 'Location of service and Retail Development and 31 'Parking' also apply.

This proposal is for the operation of a single vehicle for pre-booked business use, this is not a use that would typically attract custom from within the town centre. Taking this and the small scale of the proposal into account, the proposal would not have a detrimental impact on the viability of the town centre and would therefore be acceptable in terms of policy requirements.

2. Impact on Amenity

The proposal seeks to operate only one private hire vehicle from the site for the purposes of providing an executive business service; movements are therefore likely to be fairly infrequent and would not be significantly different to those expected to and from a typical dwelling house and would therefore be acceptable in terms of residential amenity.

The proposal is a change of use only and therefore raises no visual amenity issues and would not have a detrimental impact on the character and appearance of the area.

3. Highway Issues

There would be no undue impact on highway safety

There is an acceptable parking location for the vehicle which can be controlled by an appropriate condition.

Summary

The proposal to operate a private hire vehicle from the property is acceptable in terms of Local Plan policy, amenity and 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 and would not impact on amenity or raise highway safety issues subject to appropriate conditions. 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:

1:1250 plan, 1:100 existing plan & 1:100 parking plan.

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

3. This permission shall be for the operation of one car only to be used as corporate business use only and not for any other type of private hire work. No other private hire vehicles shall operate from this premises. Within 14 days of the commencement of this use the operator shall notify the Local Planning Authority in writing of the registration number of the vehicle to operate from the premises and any subsequent change to the vehicle to be operated.

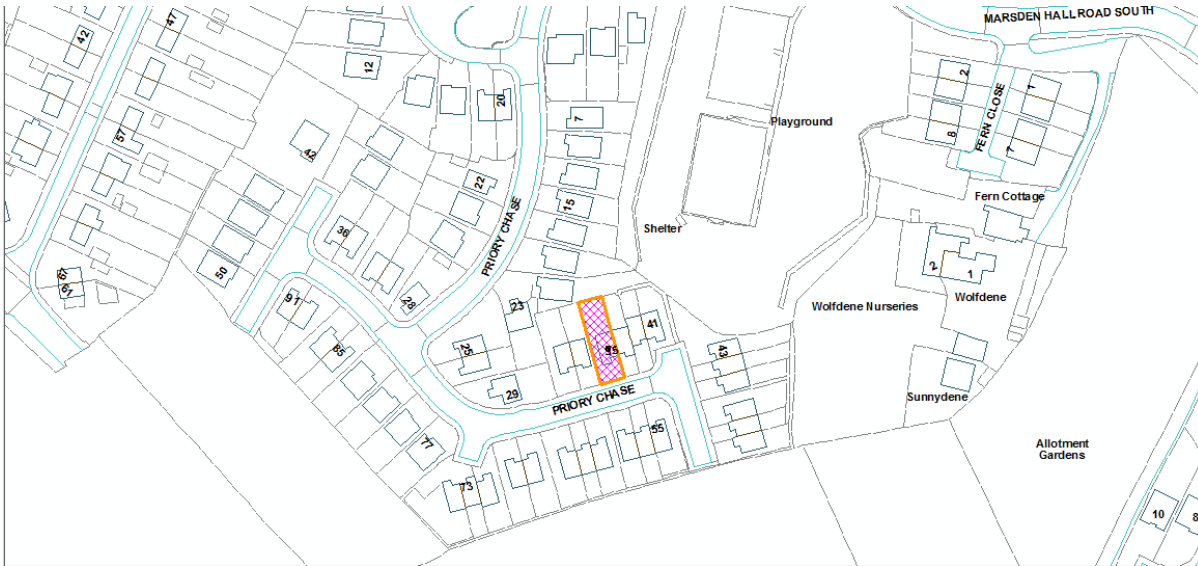
Reason: In order to control the nature and intensity of the activity at this site within a residential area in the interest of amenity.

4. The parking space marked minibus on plan Parking Plan – 1:100 to the front of the site shall not at any time be used for any purpose which would preclude its use for the parking of a motor vehicle in relation to the taxi business for the period that use takes place at these premises..

Reason: In order to ensure that there is sufficient parking for the taxi vehicle within the site in the interests of highway safety.

Note

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 (Vehicle crossings over footways and verges) Lancashire County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works. Therefore, before any works can start, the applicant must complete the online quotation form found on Lancashire County Council's website using the A-Z search facility for vehicular crossings at <http://www.lancashire.gov.uk/roads-parking-and-travel/>



Application Ref: 18/0506/FUL
Proposal: Full: Change of use of residential property (C3) to residential (Use Class C3) and taxi use for one taxi (Sui Generis).
At: 35 Priory Chase, Nelson
On behalf of: Mr Mohammed Ghafoor

REPORT TO NELSON COMMITTEE 5th NOVEMBER 2018

Application Ref: 18/0591/FUL

Proposal: Full: Erection of two-storey and single storey extensions to residential care home (Use Class C2) (Floor Area 607 sq.m.)

At: Hulton Care Nursing Home Halifax Road Nelson

On behalf of: Diamond Care Homes

Date Registered: 7 September 2018

Expiry Date: 2 November 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The site is the Hulton Care Home which is located in the settlement boundary for Nelson.

Hulton Care Home is within the settlement boundary of Nelson in a residential area.

Nelson is a Key Service Centre which forms the focus for growth for Pendle.

This proposal seeks to erect two and single storey extensions in order to create an additional 18 bedrooms.

Relevant Planning History

13/16/0031P – Major: Erect 'L' Shape building to form residential care home (Use Class C2) for elderly care facility with access from Hulton Drive – Withdrawn.

13/93/0475P – Amended Scheme for 30 bed nursing home – Approved with conditions.

13/93/0233P – Erect 30 bed nursing home – Approved with conditions.

Consultee Response

LCC Highways – The Highway Development Support Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and condition being applied to any formal planning approval granted.

In our opinion the applicant has provided adequate on-site parking for the size and type of development proposed, and in line with Pendle Borough Council's Parking Standards. However, the applicant has not included any disabled parking bays. We therefore recommend that parking space 12 is changed to a disabled parking bay. Guidance laid out in the Department for Transport's document 'Inclusive Mobility' for the design and layout of disabled parking bays states that an additional width of at least 1200mm along each side should be provided. There should also be a 1200mm wide safety zone at the vehicle access end to provide boot access or for use of a rear hoist.

We also recommend that signage and/or road markings is applied to the turning heads to keep these clear at all times, to maintain access for refuse vehicles and emergency vehicles in particular.

If the local planning authority is minded to approve this application we recommend that an appropriate condition is attached requiring the car park to be surfaced or paved and the car parking spaces and manoeuvring areas marked out.

The Coal Authority – **Fundamental Concern** I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically historic recorded and likely unrecorded underground coal mine workings at shallow depth.

The Coal Authority **objects** to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

It is a requirement of the National Planning Policy Framework, paragraphs 178-179 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guidance in section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment.

The Coal Authority Recommendation to the LPA

In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application.

Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore **objects** to this proposal.

If the applicant ultimately fails to demonstrate to the LPA that the application site is safe and stable to accommodate the proposed development then the LPA may refuse planning permission, in accordance with the National Planning Policy Framework, paragraphs 178-179.

The Coal Authority would be very pleased to receive for further consultation and comment any subsequent Coal Mining Risk Assessment Report which is submitted in support of this planning application.

UPDATE

The Coal Authority Response: **Material Consideration**

The Coal Authority previously commented on this planning application in a letter to the LPA dated 26 September 2018.

The planning application is now supported by a Coal Mining Risk Assessment, dated October 2018 and prepared by Michael D Joyce Associates LLP. This report has been informed by an appropriate range of sources of information.

Having reviewed the available coal mining and geological information the Coal Mining Risk Assessment concludes that there is a potential risk posed by past coal mining activity. The report therefore recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. The Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The intrusive site investigations should be designed by a competent person and should ensure that they are adequate to properly assess the ground conditions on the site in order to establish the exact situation in respect of coal mining legacy and the potential risks posed to the development by past coal mining activity. The nature and extent of the intrusive site investigations should be agreed with the Permitting Section of the Coal Authority as part of the permissions process. The findings of the intrusive site investigations should inform any remedial measures which may be required.

The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

In the event that the site investigations confirm the need for remedial works to treat the areas of shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past coal mining activity;
- * The submission of a report of findings arising from the intrusive site investigations, including details of any remedial works necessary for approval; and
- * Implementation of those remedial works.

The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of a condition or conditions to secure the above.**

Cadent Gas – Due to the present of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

PBC Environmental Health – contamination condition recommended.

Nelson Town Council

Public Response

Nearest neighbours notified by letter.

One letter received on a neutral basis stating the following comments:

- I personally have no objection to this development and having lived in the area long before the care home was built felt that it has been of great benefit and continue to be not just from a caring point of view but also an employment point of view and aesthetic point of view with well cared for green area;
- Hulton Care was built on waste ground which was used over the years as a dumping ground for rubbish etc.;
- Traffic has never been a problem in the past and I cannot see it being a problem in the future with more local residents receiving car and attention in an establishment that has been classed as 'Good' in the latest Care Quality Commission audit;
- Much better a nursing home than a collection tot dozens of box like structures termed 'houses'. People who object to this should look at the other side of Halifax Rd where an access road into the local fields is planned and the possibility of hundreds of houses being built in the future will lead to a nightmarish situation on Halifax Rd.

Three responses received objecting on the following grounds:

- I have concerns regarding the parking provision in the proposed plans. Already the parking provision is inadequate so any extension to the property should include increased parking space;
- Loss of light or overshadowing;
- Loss of sunlight and daylight;
- Overlooking/loss of privacy;
- Visual amenity;
- Noise and disturbance resulting from use;
- Light pollution;
- Building will be over powering and obtrusive;
- Alterations to micro-climate;
- Possible traffic generation;
- Possible loss of trees;
- Layout and density of building;
- Design, appearance and materials;
- Landscaping,
- Local, strategic, regional and national planning policies which may be affected;
- Government circulars, orders and statutory instruments on preservation of the local area;
- Nature conservation;
- solar panels if erected;
- the proposed development is over-bearing, out of scale, out of character in terms of its appearance compared with existing development in the vicinity;
- the perceived loss of property value and loss of view would be inevitable;
- the Council will no doubt benefit from this application in terms of revenue but I do not agree that this proposal will benefit any residential home in the surrounds of the care home. This is merely for the benefit of a business to expand and financially benefit from a more healthier return without any other concern;
- we hope we get better protection from you than we did when the home was built in the first place, some 25 years ago. Broadness Drive is a narrow cul-de-sac, and we had to endure builders vehicles and trucks blocking our road for week after week. Then they were allowed to build a concrete monstrosity of a wall around themselves, and the view from our front doors are grim to say the least;

- we cannot find out how close to our back garden, or how tall the proposed building will be, and we have concerns about being overlooked;
- we would ask that there be no access to the site from Broadness Drive, and that no more concrete walls be built around the place, in fact it would be good if you could make them build an attractive barrier to replace the concrete that currently exists, while they are building the surround to the new part.

Policy Issues

Policy

As with all planning applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the area is the adopted replacement Pendle Local Plan ("the Local Plan") and the adopted Core Strategy ("Local Plan Part 1"). National planning policy is now contained in a single document - the National Planning Policy Framework ("the Framework"). Guidance on its implementation is contained in the online National Planning Practice Guidance.

The Local Plan

The Local Plan Part 1: Core Strategy has several relevant policies:

Policy ENV2 encourages good design which should be informed by the history and development of a place and supports contemporary design where this enhance the character and quality of the environment.

Policy LIV3 sets out the housing need for different groups in the Borough. This includes supported accommodation for older residents which has a growing aging population.

Policy SUP2 supports the provision of new or improved facilities for health, leisure and social care.

The following saved Replacement Pendle Local Plan policies are also relevant here:

Policy 31 sets the maximum amount of parking required for specific use classes.

The National Planning Policy Framework is the single composite national policy on planning matters in England.

The Framework sets out that the purpose of planning is to contribute to achieving sustainable development. This comprises of three dimensions: social, environmental and economic. The Framework continues to place Local Plans at the heart of decision making. It sets out 12 core principles, one of which is to encourage the effective use of land by re-using land that has been previously developed. Another core principle is to conserve heritage assets in a manner appropriate to their significance.

Good design is seen as an important element in the built environment. Paragraph 130 states that planning permission should be refused for development of poor design.

Officer Comments

Impact on Amenity

The proposed two storey extension would be located to the north west to the rear of residential properties at No.'s 22 and 9 Waidshouse Close. The two storey element would accommodate 12 additional bedroom units. The 3m projection houses the staircase with the main accommodation block being sited 14.5m and 20m respectively from the rear elevations of the above properties as this side of the extension accommodates a corridor this is acceptable subject to obscure glazing all this aspect at first floor level. The ground floor element will be screened by existing fencing.

The proposed single storey extension would be located to the south east of the site to the rear of properties at No. 3 Broadness Drive. The single storey element would accommodate six additional bedroom units as well as an additional lounge area. There are two elements to this – the lounge extension which is sited on the front south elevation and the accommodation extension which is sited to the gable south east elevation both of these single storey elements would not unduly impact on amenity.

The site is within Nelson which is a Key Service Centre. The proposed additional 12 rooms would be acceptable in policy terms subject to details of design and materials.

The existing bin store would be relocated with sufficient turning provision on site to accommodate the refuse van.

The existing concrete panel fence at the Broadness Drive turning head would be replaced with open mesh fencing which is more appropriate in this residential location.

Design and Materials

The proposed design is an improvement on the existing building with the introduction of more design features. This scheme has a more vertical emphasis with use of a different palette of materials on the front elevation creating more visual interest.

Materials are proposed of red/brown brick and grey roof tiles and brown upvc windows and doors to match the existing building which are acceptable and accords with policy.

Drainage and Coal Mining

An appropriate drainage condition can be attached to any grant of planning permission requiring the submission of a full drainage scheme.

The objection from The Coal Mining Authority has been withdrawn on the basis of an acceptable assessment being submitted and subject to a condition requiring an intrusive site investigation and submission of any proposed remedial works and implementation of any required remedial works. Therefore subject to appropriate conditions this proposal is acceptable and accords with policy.

Highways

There would be sufficient off-street parking provision on the site to accord with saved Replacement Pendle Local Plan policy 31 which sets out the required parking provision for the different use classes. For care homes this equates to one space for every 5 residents in order to ensure that sufficient staff and visitor parking would be provided on site.

Ten visitor spaces and two staff spaces are proposed which is acceptable. One of those spaces should be disability compliant and additional lining to prevent inappropriate parking on the turning head would also be appropriate here. The agent has been requested to amend the plans to reflect these changes.

The layout plan shows adequate manoeuvring areas for the vehicles on site in order that they can be moved around the site without using the public highway.

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 proposed development is acceptable in terms of design and materials, impact on amenity therefore complying with policies of the Pendle Local Plan Core Strategy. 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 works hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans:

1026 A 000 Location Plan, 1026 A 001 Existing site plan, 9700/001 0 Topographical Survey, 1026 A 006 Proposed site plan, 1026 A 002 Existing basement floor plan, 1026 A 003 Existing ground floor plan, 1026 A 004 Existing first floor plan, 1026 A 005 Existing elevations, 1026 A 007 Proposed ground floor plan, 1026 A 006 Proposed first floor plan, 1026 A 008 Proposed elevations.

Reason: For the avoidance of doubt

3. The windows in the first floor rear (south) elevation 5 of the two storey extension shall at all time be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. The windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To avoid any potential loss of privacy to the occupants of the nearby residential properties.

4. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and in order to prevent contamination of the controlled waters.

5. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence unless and until a scheme for the disposal of foul and surface water for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing foul or combined sewerage systems. Any surface water draining to the public surface water sewer must be restricted to a maximum pass forward flow of 5l/s. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run off and to reduce the risk of flooding

6. Prior to the commencement of development samples of all materials to be used on the external elevations including window, doors, surfacing and rainwater goods shall be submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.

Reason: In the interest of the visual amenity of the area.

7. The windows and doors shall be set back from the external face of the walls by at least 75mm in depth.

Reason: In the interest of the visual appearance of the development.

8. The car parking areas 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 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.

9. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

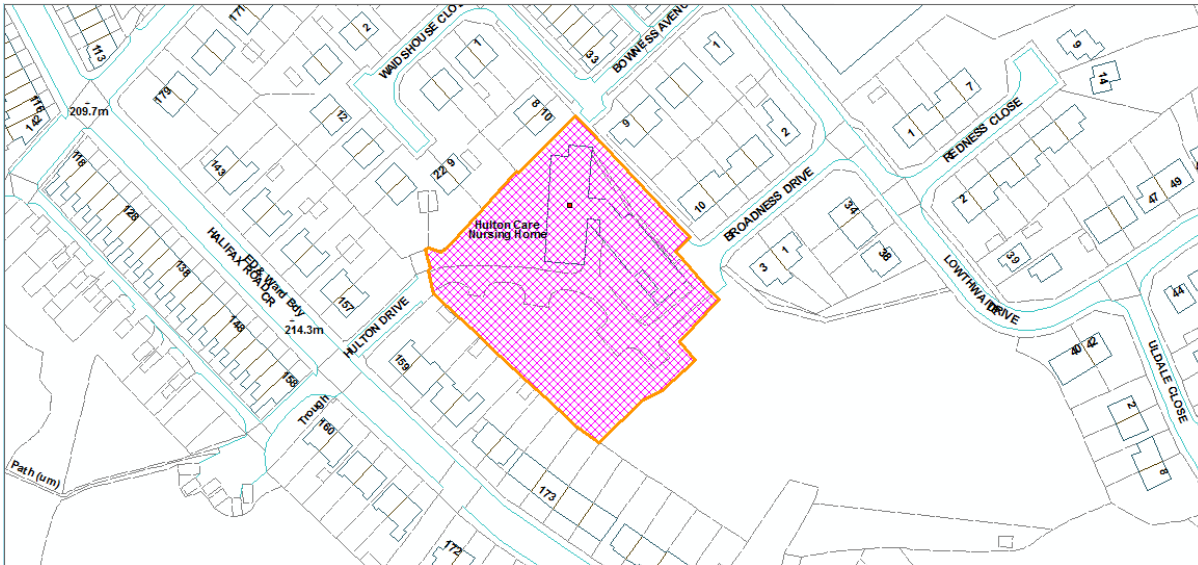
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details of wheel-washing facilities including location
- n) Location and details of site compounds
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phases.

10. No development shall commence on site unless and until an assessment of the ground conditions and risks from previous coal mining activities has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include full details of any remedial measures necessary to ameliorate any ground stability issues found as a result of the assessment. The mitigation measures proposed shall be implemented thereafter in accordance with a phasing of remedial work which shall form part of the assessment.

Reason: In order to further assess and mitigate the potential risks on the site arising from coal mining and ensure the stability of the land for future development.



Application Ref: 18/0591/FUL

Proposal: Full: Erection of two-storey and single storey extensions to residential care home (Use Class C2) (Floor Area 607 sq.m.)

At: Hulton Care Nursing Home Halifax Road Nelson

On behalf of: Diamond Care Homes

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 17th October 2018