

REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	NELSON COMMITTEE
DATE:	7th January 2019

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 7th JANUARY, 2019.

Application Ref: 18/0611/FUL

Proposal: Full: Change of use from a Dwelling (Use Class C3) to a Physiotherapists and Wellbeing Clinic (Use Class D1).

At: 47 Queensgate, Nelson

On Behalf of: Mr M. Mirza

Date Registered: 06 September, 2018

Expiry Date: 01 November, 2018

Case Officer: Christian Barton

This application was deferred from the December meeting to allow the Applicant to submit further information as part of the sequential test. Further information has been submitted.

Site Description and Proposal

The application seeks to change the lawful use of 47 Queensgate in Nelson from a dwelling to a physiotherapists and wellbeing clinic. Alterations to the driveway are also proposed to create parking spaces.

The site is single-storey house that is surrounded by houses to all sides. It sits 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 is an objection to the proposal based upon insufficient off-street parking for the proposed use. The existing 3 bedroom dwelling was originally designed with 2 'in line' driveway spaces and a garage. The driveway is adjacent to the neighbouring property driveway and there is no boundary treatment. At some point thereafter a low wall with a handrail has been constructed on the driveway which restricts the width of the driveway to an extent that there is no usable driveway space.

Therefore currently there is no off-street parking at the property. If the applicant removes the low wall, which is built upon the driveway, this will provide 2 driveway spaces however this will still be insufficient to accommodate the proposed use. The proposed use would require 4 car parking spaces per consulting room. There are

clearly 2 consulting rooms shown on the layout plan however there is a relaxation room and separate sauna/stream rooms which could be included.

The application form states that there is 1FT and 1PT employee at the business and that the opening hours are unknown. There are no details of how the business will operate or how many customers may be generated however there is no scope to create additional parking and the parking of vehicles on street is likely to result in pavement parking which is not conducive to pedestrian safety.

(Update provided) The amended plan now shows 3 in-line parking spaces on the driveway. This will require the removal of the low wall/handrail as stated on initial response. This is likely to provide off-street parking spaces for the staff at the business. The customers will be required to park on Queensgate itself which is likely to result in a highway safety concern.

The number of customers could exceed the amount of available on-street parking capacity and result in the parking of vehicles close to the road junction and obstructing the footways. It is recommended that this application be refused on highway safety grounds due to insufficient off-street parking provision in accordance with the parking standards.

If you are minded to approve this application please include a condition requiring the low wall and stepped access to be removed and the driveway made good in tarmac prior to the first trading of the business.

You might also consider it appropriate to state a condition which restricts the number of clients at the premises at any one time due to the insufficient parking provision and the likely impact upon highway safety and neighbour amenity. I would recommend no more than 2 clients on the premises at any one time.

Lancashire Constabulary - No comments received.

Nelson Town Council - No comments received.

Public Response

The nearest neighbours have been notified by letter. Comments have been received objecting to the application on the following grounds;

- The area has no commercial premises;
- Increased parking demands;
- No off-street parking is available to the property.

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 principle of development, impacts residential amenity and the local highway network.

1. The National Planning Policy Framework (the NPPF)

- Paragraph 86 states that Local Planning Authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

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

- CS Policy ENV2 that sets out general design principles for new developments.
- CS Policy WRK5 relating to new development proposals for tourism, leisure and cultural developments.

Other policies and guidance's are also relevant:

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

1. Principle of the Development

Concerns have been raised about a lack of existing commercial uses along Queensgate. The use proposed is D1 however the proposed business would rely heavily on the supporting leisure facilities. New leisure developments are supported by Policy WRK5 where they would promote sustainable travel and ensure residential amenity is safeguarded.

Within Nelson such proposals are required to comply with a sequential approach that prioritises sites located alongside existing and complimentary uses. Nelson Town Centre would be the preferred location for the development proposed. Leisure uses are defined as main town centre uses within Annex 2 of the NPPF.

The Applicant has submitted further details as part of a revised sequential approach and a number of suitable properties are listed. A number of properties are excluded as they are not single-storey however it is likely that some of these would have lifts. The effects from noise can be mitigated from sound insulation and some of the properties excluded on that basis are still viable options. The operations of the business could be modified to accommodate more/less floor space. A number of premises excluded based on floor space are also viable options.

The additional information submitted still fails to adequately demonstrate that there are no sequentially preferable sites available for the proposed development. The development would fail to ensure the vitality and viability of Nelson Town Centre is

safeguarded and therefore does not comply with Policy WRK5 and Paragraph 86 of the NPPF.

2. Residential Amenity

Policy ENV2 states that all new developments are required to meet high standards of design. Any detrimental impacts on the aural amenity of neighbours would be ultimately attributed to inferior standards of design that poorly relate to the surrounding land uses of the site.

Policy WRK5 reiterates this in stating that new leisure developments will only be supported where they would not result in significant detrimental effects on local residential amenity. The site lies within an exclusively residential area and there are no lawful commercial uses along Queensgate at present.

Informal details regarding opening hours and the nature of operations have been submitted. Whilst the hours of operation and types of use can be controlled by appropriate conditions, the D1 use proposed would not be appropriate for an exclusively residential area.

The proposal would result in additional comings and goings from customers to a level that would not be commensurate or compatible with the existing C3 use. In addition the site has inadequate off-street parking for the development proposed and some customers would therefore park on the highway causing further disruption for neighbours.

As part of the additional information submitted the Applicant has suggested that the professional nature of the business would mitigate any detrimental effects on neighbours. It has been suggested that a physiotherapist has been operated ancillary to the house for some time without issue. No evidence of this activity has been provided and the proposed development would clearly create a marked increase in the intensity of use.

Due to the sites location and the close proximity of housing, along with inadequate off-street parking, the development proposed would result in severely detrimental impacts on the aural amenity of the immediate neighbours thus contravening Policies ENV2 and WRK5.

3. Highways

Concerns have been raised about parking. Saved Policy 31 requires all new developments to have adequate off-street parking. As defined in the Parking Standards of Saved Policy 31, new health developments with a floor space of circa 82 square meters should have four off-street parking spaces per consulting room.

The use proposed would have two consulting rooms along with additional leisure facilities. LCC Highways have objected to the scheme on parking grounds stating the site would require at least eight parking spaces based on the development proposed.

As part of the additional information submitted the Applicant has suggested that up to four customers would be on site at any given time, along with staff. The site does not have sufficient parking for this level of use. The Applicant has suggested that car sharing will be encouraged however the Local Planning Authority would have no control over this.

Provision of six off-street parking spaces is suggested however no amended Site Plan has been received. The Applicant has acknowledged that the town centre would not be able to accommodate the required level parking and this is also the case for 47 Queensgate.

The plans submitted show three off-street parking spaces. These would be provided by the driveway following alterations. The number of spaces proposed is conclusively insufficient for this D1 use. The development would result in an increase in on-street parking to a level that would compromise the safety of the local highway network thus failing to accord with Saved Policy 31.

4. Summary

The application seeks to change the lawful use of the site from a house to a physiotherapists and wellbeing clinic. The development is proposed for a location that is not defined as a priority area for a D1 use within the Pendle Local Plan.

The site is surrounded by residential properties and has insufficient off-street parking for the development proposed. The development would result in impacts from noise, comings and goings and vehicle movements to a level that would be of detriment to the aural amenity of the immediate neighbours along with the safety of the local road network.

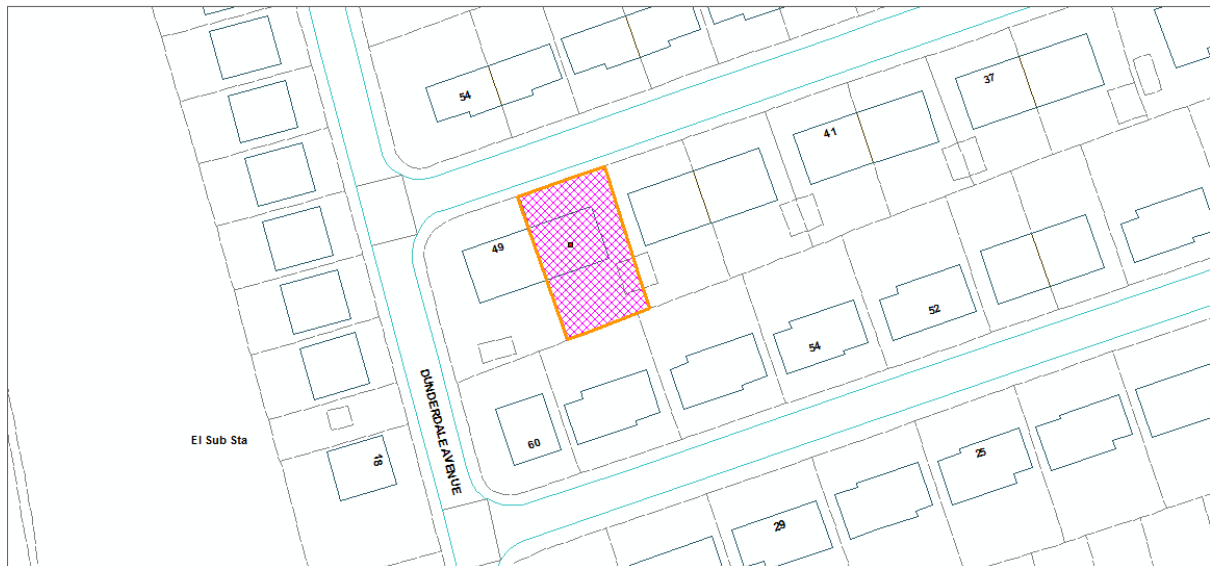
The development therefore fails to comply with Policies ENV2 and SDP5 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030), Saved Policy 31 of the Replacement Pendle Local Plan and Paragraph 86 of the National Planning Policy Framework.

RECOMMENDATION: Refuse

For the following reasons:

1. The supporting information submitted fails to demonstrate that there are no sequentially preferable sites available for the proposed development. The development would fail to ensure the vitality and viability of Nelson Town Centre is safeguarded and therefore does not comply with Policy WRK5 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030) and Paragraph 86 of the National Planning Policy Framework.
2. The proposed D1 use is not suitable in this location outside the town centre and the development would result in detrimental impacts on residential amenity due to comings and goings and additional vehicle movements contrary Policies WRK5 and ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030).

3. The development would not provide sufficient off-street parking for the proposed D1 use which would lead to an unacceptable increase in on-street parking in a residential area contrary to Saved Policy 31 of the Replacement Pendle Local Plan.



Application Ref: 18/0611/FUL

Proposal: Full: Change of use from a Dwelling (Use Class C3) to a Physiotherapists and Wellbeing Clinic (Use Class D1).

At: 47 Queensgate, Nelson

On Behalf of: Mr M. Mirza

REPORT TO NELSON COMMITTEE ON 7th JANUARY, 2019.

Application Ref: 18/0660/FUL

Proposal: Full: Erection of block of two 2 bed flats with balcony to first floor.

At: Land Adj Number 8 Rakes House Road, Nelson.

On behalf of: Mr Mohammed Ansar

Date Registered: 24 September 2018

Expiry Date: 19 November 2018

Case Officer: Kathryn Hughes

This application was deferred at the last meeting to allow amendments to be submitted.

No amendments have been submitted to date. Any received will be reported to the meeting.

Site Description and Proposal

The application site is a former piece of open land within the settlement boundary for Nelson.

The proposal is to erect a block of two flats on this land which is still owned by Pendle Borough Council and used to accommodate a toilet block.

The site has terraced residential house to the north with bungalows to the north west. To the east is sited a social centre with car park to the rear and a car sales garage lies to the west. There is also a bus shelter immediately adjacent to the site.

The site is in the main lawned with trees and shrubs present and small amount of tarmac,

The proposed block of flats would be 9m x 10m x 7.6m high (5m to eaves) plus balcony and terrace to Algar Street elevation both units were proposed to be two bedrooms, however, amended plans have changed this to one bedroom and a dining room.

The terrace/balcony would measure 2.7m in width and 9m in length.

The flats would be constructed in block render with stone cills and dark grey plain concrete tiles for the roof and upvc windows and doors and timber fence.

Relevant Planning History

None.

Consultee Response

LCC Highways – This application seeks 2 x 2 bedroom flats with no off-street parking provision. This is a concern considering that the parking standards would require a maximum of 4 spaces to be provided. There is no evidence presented with the application documents to demonstrate that there is spare capacity on-street during the evening period.

The site is within close walking distance to the mainline bus services on Leeds Road and the location of the Farmfoods food convenience shop/store which would support the reduction in off-street parking provision.

The site appears unable to be re-designed to provide off-street parking provision due its small size, together with the location of the build out and bus stop on the Rakes House Road elevation, the proximity to the junction of Algar Street and the limited width on the back street.

Due to the site constraints, it appears that the solution would be a reduction in the number of bedrooms. It would be more likely that a single bungalow would support a no car or low car ownership occupant which would place little demand on the on-street parking arrangements.

United Utilities – In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the applicant to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above. In line with these comments, we recommend the following condition is attached to any approval notice.

Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

Nelson Town Council – No comments received.

Public Response

Nearest neighbours notified by letter. One response received objecting on the following grounds:

- The view I have will be lost;
- The adjacent properties are bungalows;
- The flats will look out of place;
- The development should be ground floor flats and not first floor and not with a 1st floor balcony erected.

Officer Comments

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

1. Policy

The relevant policies for this proposal are:

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 Design Principles Supplementary Planning Document is also relevant to this proposal.

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. Whilst Section 12 of the National Planning Policy Framework seeks to achieve well designed places and in particular para 130 states that permission should be refused for development of poor design.

2. 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 residential units within the settlement boundary and therefore the principle of housing on this site is accepted subject to the detailed criteria considered below.

3. Impact on Residential Amenity

The Design Principles SPD specifies a minimum distance of 21m between new and existing main room windows.

The single storey rear elevations of the properties on Lee Road are 5m from the side elevation of the proposed flats, with the main two storey element 10m in distance with two windows in this gable elevation serving kitchens this is not acceptable. Although obscure glazing could be used for these windows as kitchen windows you would expect these windows to be opening and have some aspect in the interests of amenity and good design.

The rear elevation is 4.5m from the gable of No. 8 Rakeshouse Road. The other neighbouring properties are commercial in nature and are single storey units.

The rear elevation of the proposed flats would back onto the gable of no. 8 at a distance of just 4.5m two bathrooms windows are indicated on the plans which would serve bathrooms. These can be obscured glazed and therefore loss of privacy would not be an issue.

Some of the windows would serve habitable rooms and therefore would fall below the separation distances suggested to protect amenity and achieve good design.

With regards to the proposed terrace and balcony to Algar Street this would look over the existing car park but would also have side on views from the first floor balcony over the rear yard and habitable windows of no. 21 Lee Road. This would result in a loss of privacy and would require a condition to erect a 1.8m high screen on the north west end to any grant of permission.

There are no other balconies nearby and a balcony of the size would lend itself to outside living space and would be introducing a perception of being overlooked to nearby properties and residents in the area to the detriment of amenity.

4. Design and Materials

The block of flats would be two stories with an overall height of 7.6m and would seem out of character in this area of traditional two storey terraced properties and modern bungalows.

The scale and orientation of the proposed flats is out of keeping with the adjacent bungalows and the balcony at first floor would introduce an incongruous and

uncharacteristic structure which is not in keeping with the locality adjacent to a public highway and would be highly visible in the street scene.

Whilst this block would only house two units the style and design are poor and do not relate well to the surrounding area in terms of scale and design.

Materials proposed are block and render and concrete roof tiles with upvc windows and doors which although uninspiring would reflect the more modern bungalows adjacent.

Para 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

The submitted scheme fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030), the Design Principles Supplementary Planning Document and Section 12 of the National Planning Policy Framework.

5. Highways Issues

The existing bungalows all have garages and driveways to provide off-street parking as well as a parking bay to the front. The other side of Rakehouse Road is more commercial and has parking restrictions imposed by virtue of double yellow lines. There is evidence of demand for on-street parking in the area.

It is acknowledged that there is a bus stop adjacent to the site and that some retail provision is location nearby

The site appears unable to be re-designed to provide off-street parking provision due its small size, together with the location of the build out and bus stop on the Rakes House Road elevation, the proximity to the junction of Algar Street and the limited width on the back street.

Due to the site constraints, it appears that the solution would be a reduction in the number of bedrooms. It would be more likely that a single bungalow would support a no car or low car ownership occupant which would place little demand on the on-street parking arrangements.

The units were proposed to have two bedrooms with amended plans being submitted changing one of the bedrooms to a Dining Room clearly the potential for the units to be used as two bedrooms still exists and Policy 31 specifying a need for 2 parking spaces for each 2 bed unit and one parking space for a single bed unit. In either case the proposal provides none.

Whilst the lack of parking provision is a concern the site is in a sustainable location and regular bus services run nearby which can be readily accessed into Colne, Nelson and beyond.

6. Drainage

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

7. Landscaping

The submitted layout plan does not indicate any replacement planting which would screen and soften the proposed development and therefore an appropriate landscaping condition would need to be attached to any grant of permission.

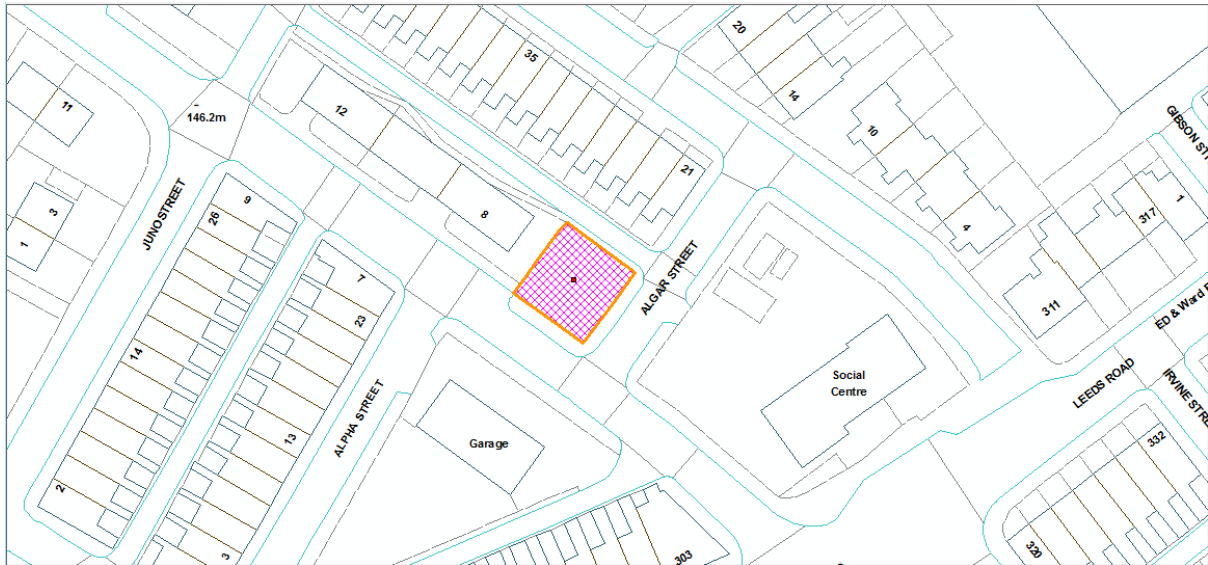
8. Summary

The proposal would provide for two residential units in this sustainable location. However, the scheme as submitted fails to take into consideration appropriate distances between existing properties and would appear incongruous and out of character particularly in regards to the proposed front balcony sited adjacent to the highway together with the lack of off-street car parking provision this scheme therefore fails to accord with policies ENV1, ENV2 of the Local Plan Part 1: Core Strategy.

RECOMMENDATION: Refuse

For the following reason:

1. The proposed development would result in inappropriately positioned residential units and first floor balcony in close proximity to the existing dwellinghouses in particular No.'s 17 - 21 Lee Road and No. 8 Rakeshouse Road 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.
2. The proposed block of flats would represent poor design in terms of its siting, scale and massing. The first floor balcony would be out of keeping with the area and would introduce an incongruous feature in this prominent location and streetscene. The proposed scheme therefore fails to demonstrate good design contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011-2030), the Design Principles Supplementary Planning Document and Section 12 of the National Planning Policy Framework.



Application Ref: 18/0660/FUL

Proposal: Full: Erection of block of two 2 bed flats with balcony to first floor.

At: Land Adj Number 8 Rakes House Road, Nelson.

On behalf of: Mr Mohammed Ansar

REPORT TO NELSON COMMITTEE ON 7th JANUARY, 2019.

Application Ref: 18/0699/FUL

Proposal: Full: Change of use from Retail (Use Class A1) to motor vehicles repairs and MOT facility (Use Class B2) with external alterations.

At: 140 Leeds Road, Nelson

On Behalf of: Mr Peter Lord

Date Registered: 12 November, 2018

Expiry Date: 07 January, 2019

Case Officer: Christian Barton

The application has been called to committee by a Councillor. It has also received more than 3 objections.

Site Description and Proposal

The proposal seeks to change the lawful use of 140 Leeds Road in Nelson from a shop to a motor garage and MOT test centre. External alterations are also proposed to replace windows and an existing rear security shutter with new shutters.

The site has a historic retail use with the most recent use being a carpet shop. The building is red brick built and it has grey metal cladding and large signage to the front. It is surrounded by commercial properties to three sides with terraced housing to the east. Existing parking is located to the front and rear.

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

Relevant Planning History

13/04/0437P - Full: Formation of frontage car park - Approved with Conditions - October 2004.

Consultee Response

LCC Highways - The above proposal raises no highway concerns and the Highway Development Support Section would therefore raise no objection to the proposal on highway safety grounds. In our opinion the applicant has provided adequate off-road parking provision for this type and size of development.

PBC Environmental Health - The nearest noise sensitive premises (Harvey Street) are facing a masonry wall so there should be little impact on these residents from

noise within the premises. The hours of work should not exceed 0800 to 1800 Monday to Friday and 0800 – 13.00 Saturday.

(Update) No Sunday work is recommended.

Lancashire Constabulary - No comments received.

Nelson Town Council - No comments received.

Public Response

The nearest neighbours have been notified by letter. Comments have been received objecting to the application on the following grounds;

- Effects on traffic;
- Increased noise;
- Existing problems from the storage/parking of cars on the highway;
- Increased emissions, fire risk and theft.

Officer Comments

The main considerations for this application are the principle of development, residential amenity, design and the local road network.

The Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the National Planning Policy Framework and are up to date must be given full weight when planning applications are considered. Other relevant material considerations are then set against the Policies of the Local Plan and contribute to the decision making process.

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

- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.
- CS Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.
- CS Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.
- CS Policy SDP2 (Spatial Development Principles) states that Key Service Centres will provide the focus for future growth in the borough and accommodate the majority of new development.

- CS Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2 and that most employment development should be allocated within the M65 Corridor.
- CS Policy WRK2 (Employment Land Supply) states that the Council will ensure that 68 hectares of land is brought forward for employment uses over the plan period. The majority of employment proposals, particularly those requiring good transport links, should be located in the M65 Corridor.

Other policies and guidance's are also relevant:

- Policy 31 (Parking) of the Saved Replacement Local Plan defines acceptable standards of parking for new developments.
- The adopted Design Principles Supplementary Planning Document (SPD) applies to commercial frontages and sets out the aspects required for good design.

2. Principle of the Development

Policy SDP2 identifies Nelson as a Key Service Centre within the M65 Corridor. SDP2 states that such locations will provide the focus for future growth in Pendle and that they should accommodate the majority of new development. Policies SDP4 and WRK2 reiterate this in stating that the majority of new employment development should be located within the M65 Corridor.

WRK2 aims to direct new employment development to locations that are accessible by a variety of means of transport. The site sits on a busy main road where public transport links are readily available. WRK2 aims to develop the role of Nelson as the core location for employment and encourages efficient reuse of buildings in order to prevent the use of greenfield sites.

Taking all of the above into account, there are no objections to the principle of development and the scheme complies with Policies SPD2, SPD4 and WRK2.

3. Impact on Amenity

Policy ENV2 states that all new developments are required to meet high standards of design. Any detrimental impacts on the aural amenity of neighbours would be ultimately attributed to inferior standards of design that poorly relate to the surrounding land uses of the site.

Concerns have been raised regarding the potential impacts from noise along with the coming and going of customers. The adjacent houses on Harvey Street face a brick wall and the proposal does not alter this relationship. The existing doors to the front and rear face commercial buildings alone. The majority of noise generated internally would be channelled away from housing towards those buildings.

Some of the adjacent houses on Harvey Street face the rear car park. A condition is attached that would prevent works being carried out in this area in order to safeguard

the aural amenity of the immediate neighbours. The condition would also maintain off-street parking and minimise residential disruption from on-street parking.

The site has a historic retail use. The additional activity generated by customers would be commensurate and compatible with the former use along with the uses of surrounding commercial premises. The site is afforded ample parking to the front and rear and this provision would minimise residential disruption from highway based activity.

The proposed hours of operation include Monday – Friday, 8:00 – 18:00 and Saturday and Sunday, 8:00 – 13:00. These hours are in excess of those advised by PBC Environmental Health. A condition is attached therefore that would prevent the business lawfully opening on a Sunday.

PBC Environmental Health has raised no principle objections to the development and I concur with their findings. Owing to the relationship with adjacent housing along with the provision of ample off-street parking, and subject to conditions, the development would have no detrimental impacts on the aural amenity of the immediate neighbours in accordance with Policies ENV2 and WRK2.

4. Design

Guidance relating to security shutters is found within the Design SPD and the document has regard to the visual effects of shutters. The SPD states that all shutters should have a factory coated colour.

The site sits on Leeds Road that has a highly varied street scene. Grey solid shutters are proposed for both the front and rear. The Design SPD discourages the installation of solid security shutters however the document has regard for the need to secure high value items, such as cars and tools.

When the need for security is combined with the highly varied setting of the locality, the solid shutters proposed would be acceptable in design terms. A condition is attached in order to control the quality and appearance of the shutters given the prominent position of the site.

2m high green mesh fencing and a gate is proposed for the rear. This would enclose the rear parking area and it would not create any design concerns. Subject to conditions, the development would be acceptable in design terms and accords with Policy ENV2 and the Design SPD.

5. Highways

Concerns have been raised about parking. Saved Policy 31 requires all new developments to have adequate off-street parking. Policy ENV4 has regard for the safety of the local road network along with the cumulative effects of new development.

As defined in the Car Parking Standards of Saved Policy 31, the parking requirements for a B2 development with a floor Space of 435 square meters would

be 10 parking spaces. There are 10 existing car parking spaces within the site including disabled bays. This level of parking aligns with Saved Policy 31. Concerns have been raised about issues with nearby car garages and the storage of cars on the highway however only the operations of the development proposed can be considered here. Both the front and rear of the site would be accessed via existing access points and these are acceptable in terms of visibility splays and road safety.

LCC Highways have raised no principle objections to the development and I concur with their findings. It would not generate numbers of vehicular movements beyond the capacity of the site and the development therefore raises no adverse highway safety concerns in accordance with ENV4.

6. Pollution and Wider Issues Raised

Concerns have been raised about the effects of pollution and emissions. Policy ENV5 aims to minimise emissions along with public exposure. There would be no emissions generated from a car garage to a level that would warrant concern and the development therefore complies with ENV5. Concerns have been raised about the effects of increased crime and fire risk. The development would not create any unforeseen issues of this nature. Factors relating to Fire Regulations are resolved following planning approval.

7. Summary

The application seeks to change the use of the site from retail to a car garage and MOT test centre. The development would have no detrimental effects on the aural amenity of the immediate neighbours. It is also acceptable in terms of the principle of development, design, the local road network and the wider issues raised.

The development is therefore acceptable for the site and complies with Policies ENV2, ENV4, ENV5, SDP2, SDP4 and WRK2 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030), Saved Policy 31 of the Replacement Local Plan and the adopted 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 proposed development is acceptable in terms of use, impact on amenity, design and materials and highway safety, therefore complying with relevant policies of the Pendle Local Plan and the Replacement Pendle Local 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 strict accordance with the following approved plans: Proposed Site Plan (Drawing Number 12:2:04), Proposed Floor Plan (Drawing Number 12:2:01), Proposed Side Elevation (Drawing Number 12:2:02), Proposed Front and Rear Elevations (Drawing Number 12:2:03) and Fencing/Gate Elevations (Drawing Number 12:2:04 – Submitted 12th December 2018).

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

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

Reason: These materials are appropriate for the development and site.

4. The premises shall not be open for staff and no business activities shall take place within the site outside the hours of 8:00am to 6:00pm Monday – Friday and 8:00am to 1:00pm on Saturdays.

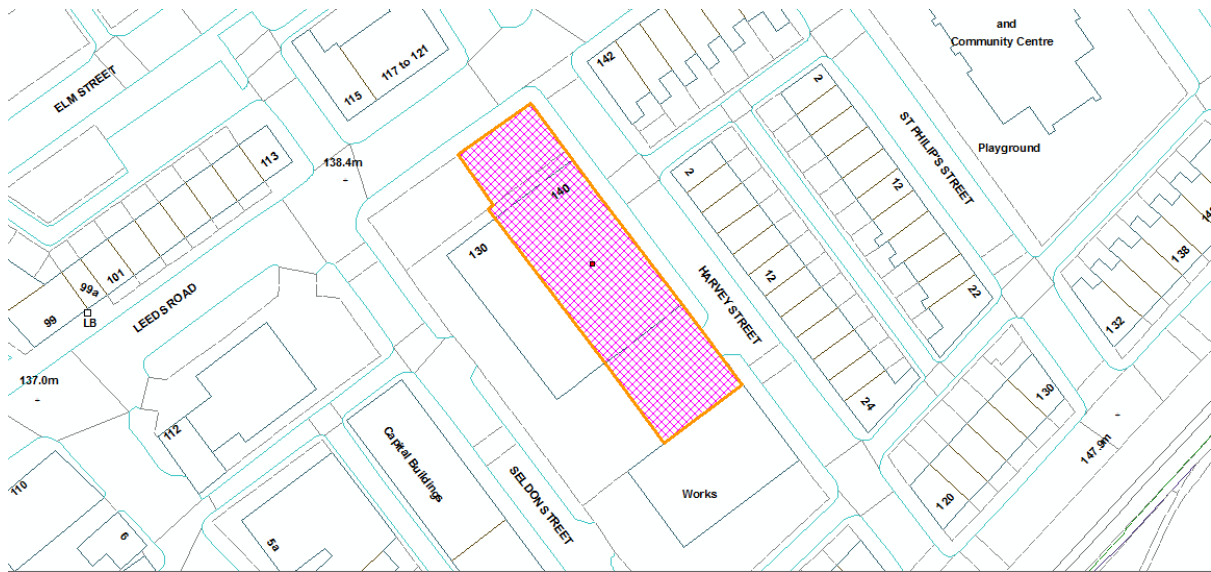
Reason: In the interests of residential amenity.

5. Prior to their installation, the exact colour of the security shutters to be installed as part of the development hereby approved shall have first been agreed in writing by the Local Planning Authority. The security shutters must have a factory coated colour and the development must thereafter proceed in strict accordance with the approved details.

Reason: In order to ensure a satisfactory form of development owing to the prominent position of the site.

6. There shall be no activities concerning the repairing of cars or MOT inspections carried out within the rear car park of site at any point.

Reason: In the interests of residential amenity and in order to ensure adequate off-street parking.



Application Ref: 18/0699/FUL

Proposal: Full: Change of use from Retail (Use Class A1) to motor vehicles repairs and MOT facility (Use Class B2) with external alterations.

At: 140 Leeds Road, Nelson

On Behalf of: Mr Peter Lord

REPORT TO NELSON COMMITTEE ON 7TH JANUARY 2019

Application Ref: 18/0731/HHO
Proposal: Full: Erection of a single storey rear extension.
At: 6 Ethersall Road, Nelson
On behalf of: Mr Asif Butt
Date Registered: 22.10.2018
Expiry Date: 17.12.2018
Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as it was called in by Cllr Sakib.

The application site is a two storey semi-detached dwellinghouse, surrounded by residential properties of a similar scale and mass.

The proposed development is for the erection of a single storey rear extension, of depth 9.3 metres, width 4.3 metres and height 3.6 metres. It would comprise of an accessible bedroom and wet room. It would be constructed of render with concrete roof tiles and wood grain UPVC.

Relevant Planning History

None.

Consultee Response

LCC Highways

Having considered the information submitted for the above application, together with observations on site on 2 November 2018, the Highway Development Support Section raises no objection to the proposed development, but makes the following comments.

The proposed development would increase the number of bedrooms and there should be a corresponding increase in off-road parking provision. However, as there is no room to provide a further off-road parking space, we recommend that the existing vehicle crossing is extended across the full property frontage, which would enable two vehicles to enter/leave the site independently. This would also require the re-location of the highway gully and extension of the existing hardstanding surfacing.

Due to the site's location within a residential estate we recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

Cadent Gas

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Public Response

None received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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.

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

Visual Amenity

The single storey rear extension would not be visible from the front elevation of the dwelling or any public vantage points. The dual pitched roof and external materials consisting of render and concrete roof tiles, would be in keeping with the main dwellinghouse. As such no objections are raised to the design and appearance of the proposal.

Residential Amenity

The Design Principles SPD states that a single storey rear extension located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling.

The SPD further advises that a single storey extension of greater depth will normally only be permitted if it does not breach the 45 degree rule where this would not cause detriment to the character of the area.

The proposed single storey rear extension has a total depth of 9.3 metres, with a 1.8 metre and 1.4 metre separation distance from each side boundary. Both neighbouring dwellings at No.4 and No.8 Ethersall Road have ground floor rear facing windows in close proximity to the proposed development. When a 45 degree line is drawn from the windows on both properties towards the proposed extension, there is a substantial breach, which would result in a significant detrimental impact on light to occupants of the adjacent dwellings.

Therefore, as submitted the proposal fails to comply with adopted guidance within the SPD and Policy ENV2.

Highways

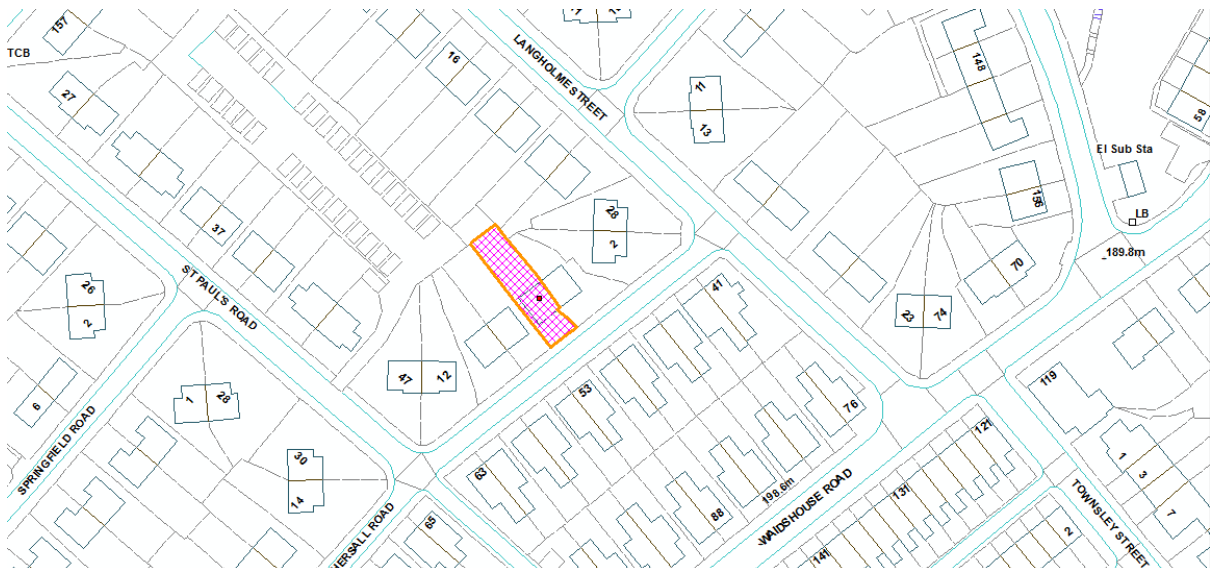
The proposed extension would add an additional bedroom to the property, therefore requiring two on plot parking spaces in accordance with Saved Policy 31.

The property currently has one driveway parking space to the front of the dwelling, therefore the existing vehicle crossing would need to be extended across the width of the dwelling, to provide a second parking space adjacent to the existing driveway. A parking plan can be secured by condition.

RECOMMENDATION: Refuse

For the following reason;

1. The proposed development, by virtue of its depth and distance from side boundaries, would result in a significant detrimental loss of light to adjacent properties ground floor rear facing windows and therefore an adverse impact on the amenities of neighbouring occupiers. The application thereby fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and guidance within the Design Principles SPD.



Application Ref: 18/0731/HHO

Proposal: Full: Erection of a single storey rear extension.

At: 6 Ethersall Road, Nelson

On behalf of: Mr Asif Butt

REPORT TO NELSON COMMITTEE ON 7TH JANUARY 2019

Application Ref: 18/0830/HHO

Proposal: Full: Erection of dormer to front roofslope (Resubmission).

At: 98 Brunswick Street, Nelson

On Behalf of: Mr Mohammed Nazir

Date Registered: 25 November, 2018

Expiry Date: 20 January, 2019

Case Officer: Christian Barton

This application has been called to committee by a Councillor.

Site Description and Proposal

This application seeks to erect a roof dormer to the front of 98 Brunswick Street in Nelson. The submission is identical to application 18/0574/HHO that was recently refused due to poor design.

The site is a two-storey, mid-terrace house of traditional design. It is natural stone built, has slate roofing tiles, a brown uPVC fenestration and a walled yard to the rear. It is surrounded by houses to three sides with parkland to the east.

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

Relevant Planning History

18/0574/HHO - Full: Erection of dormer to front roof slope - Refused - October 2018.

Consultee Response

LCC Highways - We note that the property is within acceptable walking distances of bus stops on Brunswick Street and Railway Street, which may provide an alternative means of transport other than the private car. Therefore we raise **no objection** to the application 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 (Achieving Quality in Design and Conservation) 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.
- Policy 31 (Parking) of the Saved Replacement Local Plan relates to parking standards for all new developments.

The policy background of the scheme is principally contained with Policy ENV2 of the Pendle Local Plan requiring good design in relation to neighbours. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene. Policy 31 is also relevant given the proposed addition of bedrooms.

2. Residential Amenity

The Design SPD states that roof dormers should be sited to avoid detrimental impacts on domestic privacy. Minimum distances of 21m must be maintained between existing and proposed directly facing primary windows. The massing the roof dormer would not affect the living environments of the immediate neighbours in any way.

The scheme would add a second-floor bedroom window to northeast elevation. No houses would be found within 21m of this window and the development would have no effects on domestic privacy. The presence of the roof dormer therefore raises no detrimental impacts with regard to the living environments and privacy of the immediate neighbours.

3. 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 that match the existing roof coverings of the house, be set down from the main ridge height by 0.2m and set in 0.5m from the sides. The front elevation should be set back 1m from the eaves.

The dormer proposed would have a pitched roof height of 2.1m and a width of 3.4m. It would be set off both sides of the roof by 0.5m and set down 0.15m from the main ridge height. The front elevation would be set back 0.8m from the eaves line. The roof would be lined with felt and an uPVC window is proposed. No facing materials have been suggested in the information provided however natural slate would be the preferred option.

The Design SPD states that front dormers will not be acceptable unless they are an existing feature of other similar houses in the locality. In general, at least 25% of the properties on a terraced row must have front dormers in order for them to be classed as an existing feature. There are no front dormers on the row, or any as part of the surrounding rows along Brunswick Street. They are not a current feature of the locality on that basis.

The erection of a front dormer here would be unsympathetic in relation to the age and style of the house. The development would be at odds with the unbroken lines of the terraces roof along with the simple Victorian front façade of the house. The development would ultimately be of detriment to the visual amenity of the locality and would fail to align with Policy ENV2 and the Design SPD.

4. Highways

The development would add bedrooms to the house increasing parking requirements. The house does not have any off-street parking and no parking can be provided given the traditional layout. The development therefore complies with Policy 31. The house has good accessibility to public transport links with the nearest bus stop being found within 70m.

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 the development therefore raises no detrimental concerns regarding the local road network.

5. Summary

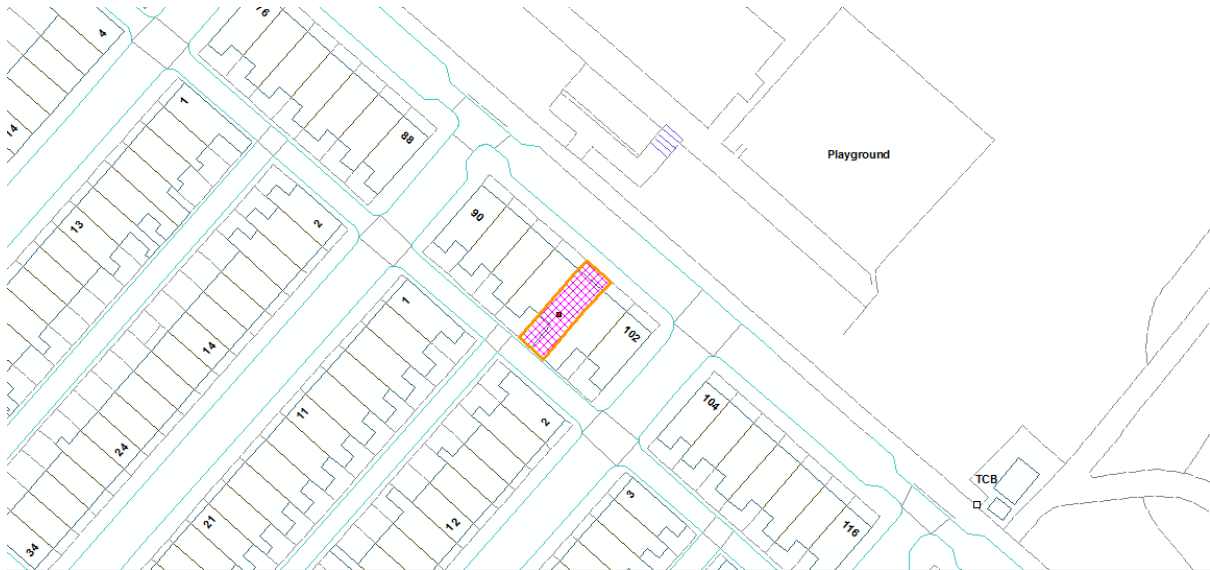
The proposal seeks to erect a roof dormer to the front of the house. The development would have no detrimental effects on the privacy or living environments of the immediate neighbours or the local road network. The dormer is proposed for an area where front dormers are not an existing feature of terraced houses however.

The siting of a front dormer here would be of detriment to the character and appearance of the Victorian property along with the wider street scene. The development is therefore unacceptable for the site and fails to accord 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

For the following reason:

1. The siting of a dormer on the front roof slope of the property would be of detriment to the Victorian façade of the house along with the character and appearance 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: 18/0830/HHO

Proposal: Full: Erection of dormer to front roofslope (Resubmission).

At: 98 Brunswick Street, Nelson

On Behalf of: Mr Mohammed Nazir

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 17th December 2018