

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: NELSON COMMITTEE**

**DATE: 04th February 2019**

**Report Author: Neil Watson**  
**Tel. No: 01282 661706**  
**E-mail: [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)**

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications

## REPORT TO NELSON COMMITTEE 4<sup>th</sup> FEBRUARY 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 was deferred at the January meeting to allow for a site visit.

### **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 08:00 to 18:00 Monday to Friday and 08:00 to 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. The policy 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 (A56) 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 comings and goings of customers. The adjacent houses on Harvey Street face a brick wall and the proposal would 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 to 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 elevations. 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 on Leeds Road.

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 in accordance 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 general 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 Policy 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 Proposed Fencing/Gate Elevations (Drawing Number 12:2:04 – Submitted 12<sup>th</sup> 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:** Those materials are appropriate for the development and site.

4. The premises shall not be open for business 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.

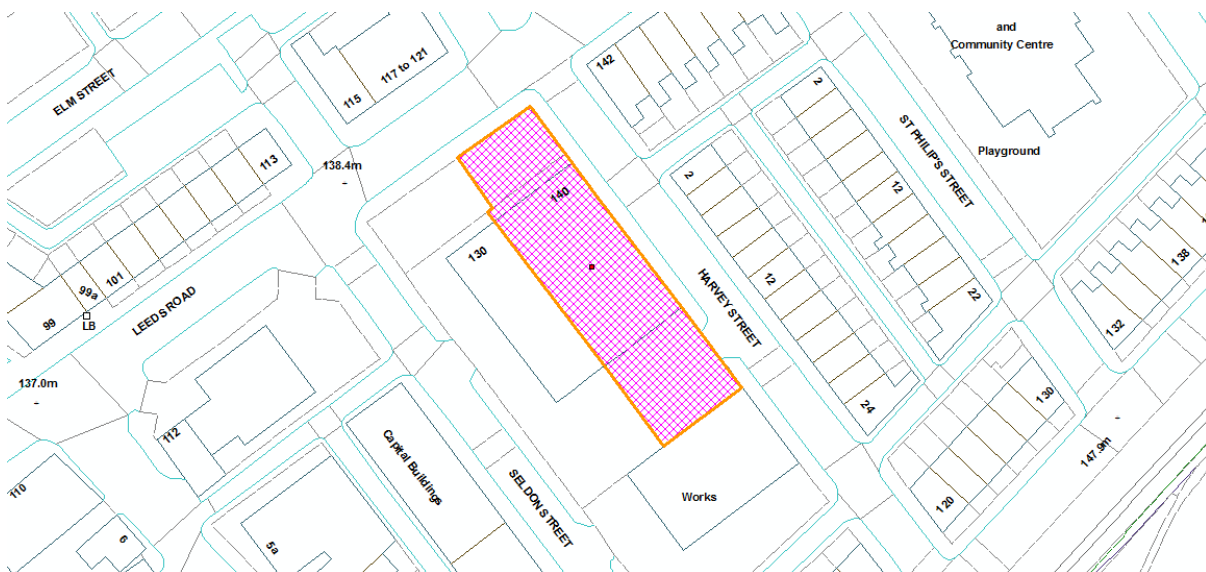
**Reason:** In the interests of residential amenity.

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

**Reason:** In order to ensure a satisfactory form of development in the interests of the visual amenity of the area.

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

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



**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 4<sup>TH</sup> FEBRUARY 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 a Cllr. It was deferred from the January 2019 committee meeting due to a procedural irregularity.

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 8.3 metres, width 4.5 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 8.3 metres, with a 1.8 metre and 1.4 metre separation distance from each side boundary. No.4 Ethersall Road has ground floor rear facing windows in close proximity to the proposed development. When a 45 degree line is drawn from the closest window on No.4 towards the proposed extension, there is a substantial breach, which would result in a significant detrimental impact on light to occupants of the adjacent dwelling.

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

### **Highways**

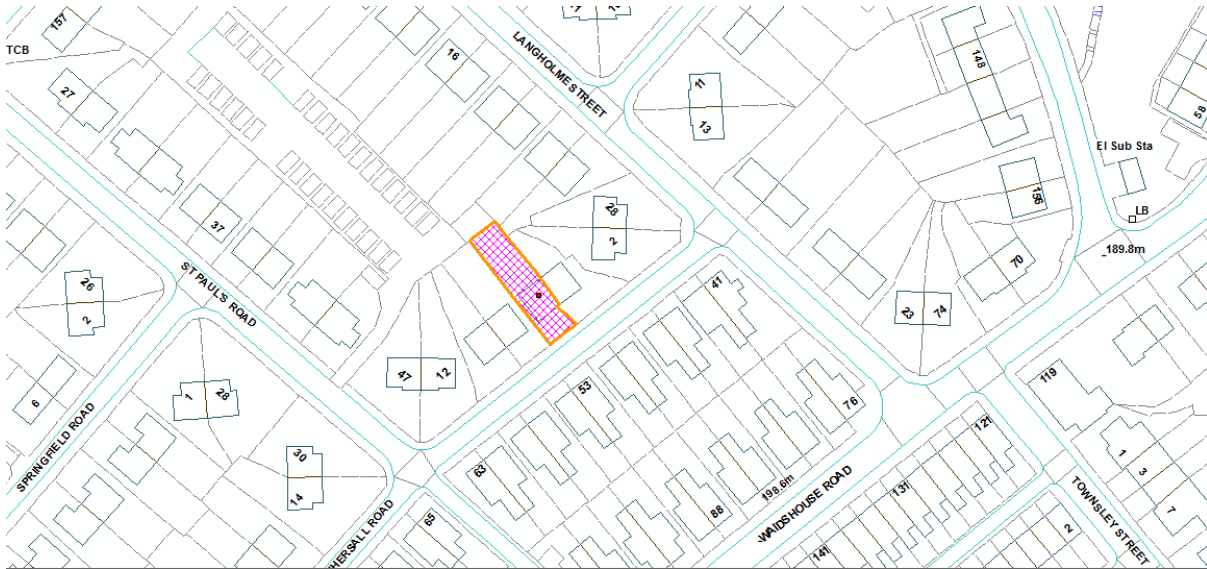
The proposed extension would add an additional bedroom to the property, therefore requiring two on plot parking spaces in accordance with Saved Policy 31.

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;

The proposed development, by virtue of its depth and distance from side boundaries, would result in a significant detrimental loss of light to the adjacent property's 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 4<sup>th</sup> FEBRUARY 2019

**Application Ref:** 18/0773/FUL

**Proposal:** Full: Replace shop front and security shutters to front elevation.

**At:** 14-16 Market Square, Nelson

**On Behalf of:** Mr Kasim Anwar

**Date Registered:** 10 December, 2018

**Expiry Date:** 04 February, 2019

**Case Officer:** Christian Barton

This application has been called to Committee by the Chairman.

### **Site Description and Proposal**

The application seeks to replace the shop front and install security shutters at 14-16 Market Square in Nelson.

The site is a mid-row commercial property of traditional design. It is natural stone built under a slate roof, has a timber shop front at present and a walled yard to the rear. It is surrounded by residential and commercial properties to three sides with Nelson Library to the south.

The site is within Nelson Town Centre and it is an allocated Secondary Shopping Frontage.

### **Relevant Planning History**

13/06/0649P - Full: Use as cafe-takeaway with bed-sit over - Approved with Conditions - November 2006.

### **Consultee Response**

LCC Highways - The Highway Development Support Section does not have any objections regarding the proposed installation of a new shop front and security shutters to the front elevation at the above location.

However, the applicant's attention is drawn to the one hour limited on-street waiting restrictions outside the property which may affect delivery/construction vehicles. They should also note that, in the interest of highway safety, particularly for pedestrians, no building materials associated with the development should be placed or stored on the adopted highway network at the front of the development site.

Nelson Town Council

### **Public Response**

The nearest neighbours have been notified by letter. Concerns have been received from one neighbour regarding the installation of security shutters.

## 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, 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) 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 of development should be in scale and harmony with the wider locality.
- CS Policy SUP4 (Designing Better Public Places) states that proposals should contribute towards the quality of a place along with character of the public realm.

Other policies and guidance's are also relevant:

- The Design Principles Supplementary Planning Document (SPD) applies to new shop fronts and sets out criteria for good design.

2. Design and Amenity

The Design SPD states that the design of new shops fronts should have regard to the appearance of the existing building. The materials and colour schemes of both shop fronts and security shutters must be appropriate to the locality. Solid security shutters are not appropriate for town centre locations.

The proposed design would incorporate existing features such as timber pilasters and a stone plinth. The proposed shop front would be vertically subdivided into four glazing units with the access door sat off-centre. Additional glazing is proposed above the door of the merged shop. The proposed plans show aluminium for the framing material and this material is common to the locality. An appropriate condition should be attached to any grant of permission in order to control the quality, appearance and colour of the shop front.

Concerns have been raised about the proposed security shutters. Three separate security shutters are proposed for the door and windows. They would retract within a shutter box concealed behind the existing fascia sign. A slotted design is proposed and this style of security shutter is common to the row. As stated above, an appropriate condition would control the quality, appearance and colour of the security shutters.

Subject to appropriate conditions, the development would be acceptable in terms of the design and impacts on visual amenity in accordance with Policy SUP4 and the Design SPD. Owing to the nature of the development there would be no issues created for the living environments, privacy or aural amenity of the immediate neighbours in alignment with Policy ENV2.

### 3. Highways

LCC Highways have stated that the storage of construction materials on the highway would not be acceptable. An informative can be added to any grant of permission advising the Applicant.

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 would raise no adverse highway safety concerns regarding the local road network.

### 4. Summary

The application seeks to install a replacement shop front and security shutters to the front of the premises. The scheme would have no effects on the living environments, privacy or aural amenity of the immediate neighbours. Subject to conditions, the development would also be appropriate in terms of the design and the local road network.

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

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. Subject to conditions, the proposal is acceptable in terms of design and materials and would not unduly adversely impact on amenity. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Shutter Elevation (Drawing Number AB055) and Proposed Front Elevation (Drawing Number AB055 – Submitted 10<sup>th</sup> December 2018).

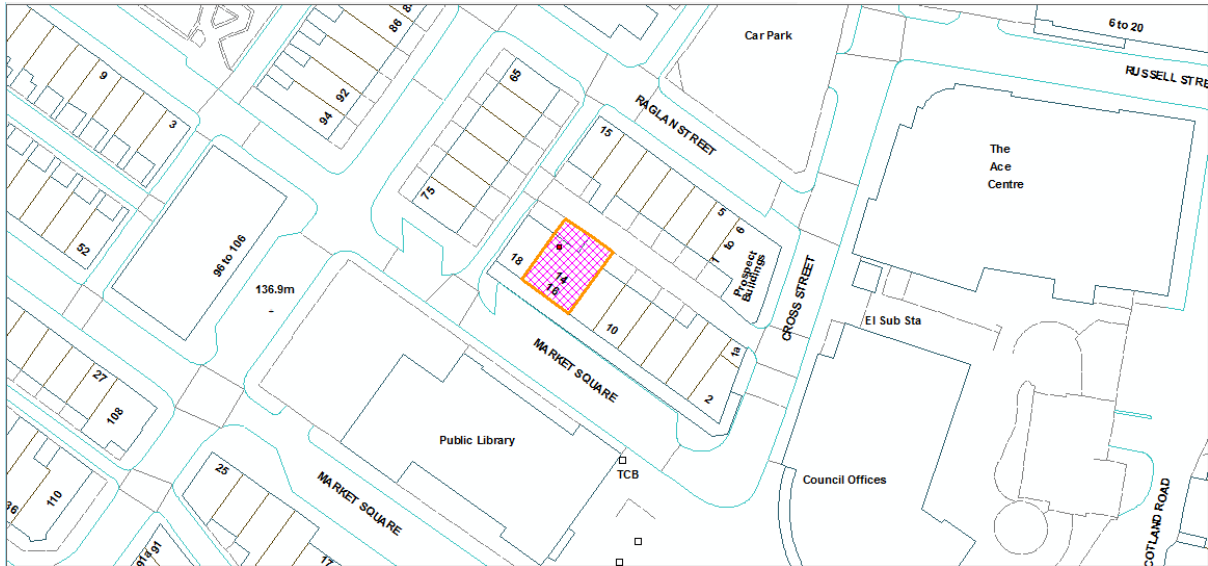
**Reason:** For the avoidance of doubt and in the interests of proper planning.

3. Prior to their installation, representative samples showing the colour, style and finish of both the shop front and security shutters to be installed as part of the development hereby approved, shall have been first submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved designs and materials.

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

Informative

In the interest of highway safety, particularly for pedestrians, no building materials associated with the development should be placed or stored on the adopted highway network at the front of the development site at any point during the construction phase.



**Application Ref:** 18/0773/FUL

**Proposal:** Full: Replace shop front and security shutters to front elevation.

**At:** 14-16 Market Square, Nelson

**On Behalf of:** Mr Kasim Anwar



## REPORT TO NELSON COMMITTEE 4<sup>th</sup> FEBRUARY 2019

**Application Ref:** 18/0791/FUL

**Proposal:** Full: Change of use from a car park to a used car sales business (Sui Generis), erection of 2.4m perimeter fencing and siting of sales cabin.

**At:** Garden Street Car Park, Nelson

**On Behalf of:** Mr Sajjad Shah

**Date Registered:** 14 November, 2018

**Expiry Date:** 09 January, 2019

**Case Officer:** Christian Barton

This application has been called to Committee by the Chairman.

### **Site Description and Proposal**

The proposal seeks to change the use of Garden Street Car Park in Nelson from a public car park to car sales. The siting of a sales cabin and erection perimeter fencing and external lighting is also proposed.

The site is located on the junction of Garden Street and Water Street. It is bounded by commercial premises to three sides with housing to the south.

The site is within the settlement boundary of Nelson and it has no special designations in the Pendle Local Plan. It is a former Protected Car Park. The land was agreed to be disposed of by the Council in May 2017.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

LCC Highways - We have concerns regarding the loss of long-term off-road parking provision in general in this area. Planning permission (ref number 17/0438) for the use of an adjacent building as a car licence testing centre was granted where the proximity of available public off-road parking had been taken into consideration.

There is on-road No Waiting at any Time parking restrictions around the car park boundaries on both Garden Street and Water Street, meaning that the limited amount of unrestricted parking in the immediate area is at a premium. We consider that an unrestricted view of the sales area from the buildings opposite could not necessarily be retained as it may be obstructed by vehicles within the garage/MOT station forecourt.

Whilst the applicant has indicated that the car sales area would be run from the garage premises opposite we have to consider the future use of the site should it become a premises opposite we



have to consider the future use of the site should it become a stand-alone business. As such there is currently no provision for staff facilities, staff or customer parking within the site.

The proposed number of sales pitches is over-intensive for the site, and none of the facilities above could be provided on site with the level of pitches proposed. At this stage we recommend that the number of sales pitches is reduced and a sales office/staff facility are provided, together with at least one staff parking space and two customer parking spaces. The layout should allow vehicles to enter and leave the site in forward gear. The applicant should provide an amended site layout plan taking these comments into account.

(Update provided) The amended layout plan has addressed concerns regarding the operation of the car sales business from the above site. We recommend that a condition is applied which would restrict the number of sales pitches to 19, as shown on the plan, to enable customers and staff to enter and leave the car park in forward gear. We also recommend that the staff and customer parking is clearly signed and retained as such to enable the efficient use of the parking spaces.

Conditions advised relating to the layout of the development, the number of car sales lots and external lighting.

PBC Environmental Health - There is no accurate information regarding the distribution or glare of the lighting. If diagram 1 is accurate, it appears that the lights will not cause nuisance.

Lancashire Constabulary

Nelson Town Council

## **Public Response**

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

- Loss of public car parking facilities;
- Increased demand for on-street parking;
- Poor condition of the car park and historic storage of derelict cars.

## **Officer Comments**

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

The Pendle Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the provisions of 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 Pendle 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 the surroundings.

- CS Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the road network. Where residual cumulative impacts cannot be mitigated, permission should be refused.
- 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.  
Other policies and guidance's are also relevant:
- Saved Policy 31 (Parking) of the Replacement Local Plan defines acceptable standards of parking for all new developments.

## 2. Design and 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.

The site is within an urbanised area that has a highly varied street scene. Black mesh perimeter fencing is proposed to all sides at a height of 2.5m. Five column lights are proposed for the east and west boundaries. The sales cabin would have green elevations and a flat roof. There would be no design concerns created from these aspects and the development is acceptable in terms of visual amenity.

The nearest houses are found to the south on Garden Street, at circa 15m. The additional activity generated by the proposed use would be commensurate and compatible with the former use along with the uses of surrounding commercial premises. The site is afforded ample parking for customers in the form of two spaces. This provision would minimise residential disruption from highway based activity.

Concerns have been raised about the condition of the car park however it is likely the development would lead to an alternate use for the land that would reduce the level of antisocial behaviour around the site.

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 residential amenity of the immediate neighbours in accordance with Policy ENV2.

## 3. 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.

Initial concerns were raised from LCC Highways regarding a lack of any off-street parking for staff and customers. The initial proposal also did not include any staff facilities and concerns were raised regarding the dependency of the proposed business on the adjacent garage, which is also under the ownership of the Applicant. The submitted plans show three off-street parking spaces and a sales cabin.

An appropriate condition should be attached to any grant of permission to ensure the parking areas for both staff and customers remain unobstructed from the sale of cars in order to maintain parking. The revised layout would enable cars to leave in a forward gear. An appropriate

condition should also be attached to any grant of permission that would limit the number of cars being sold from the site to 19 in order to ensure adequate manoeuvrability.

Five column lights are proposed to illuminate the site. PBC Environmental Health has raised concerns regarding the level of technical information submitted for the lights. They have suggested they are unlikely to cause any detrimental concerns. However in order to ensure highway safety, an appropriate condition should be attached to any grant of permission requesting further technical information for the external lights prior to them being installed.

The existing access is appropriate for the proposed use in terms of visibility splays and general road safety. LCC Highways have raised no principle objections to the amended layout of 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 Saved Policy 31 and Policy ENV4.

#### 4. Summary

The application seeks to change the use of the site from a public car park to a car sales place with supporting facilities. The development would have no detrimental effects on the residential amenity of the immediate neighbours. Subject to appropriate conditions, it would also be acceptable in terms of the design and impacts the local road network.

The development is therefore acceptable for the site and complies with Policies ENV2, ENV4 and SDP2 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030), Saved Policy 31 of the Replacement Local Plan.

#### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The 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 8245 – 05A – Amendment Submitted 14<sup>th</sup> December 2018), Proposed Site Plan (Drawing Number 8245 – 06A – Amendment Submitted 14<sup>th</sup> December 2018), Proposed Fencing Plan (Drawing Number 8245 – 07A – Amendment Submitted 14<sup>th</sup> December 2018), Proposed Lighting

Plan (Drawing Number 8245 – 08A – Amendment Submitted 14<sup>th</sup> December 2018) and Proposed Sales Cabin (Drawing Number 8245 – 09A - Submitted 14<sup>th</sup> 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:** Those materials are appropriate for the development and site.

4. Before the site is used for the sale of cars, the entire site shall be laid out in strict accordance with the approved plan 'Proposed Site Plan (Drawing Number 8245 – 06A – Amendment Submitted 14<sup>th</sup> December 2018)' and the manoeuvring areas and customer/staff parking spaces shall at all times remain free from obstruction and available for the manoeuvring of vehicles and customer/staff parking thereafter.

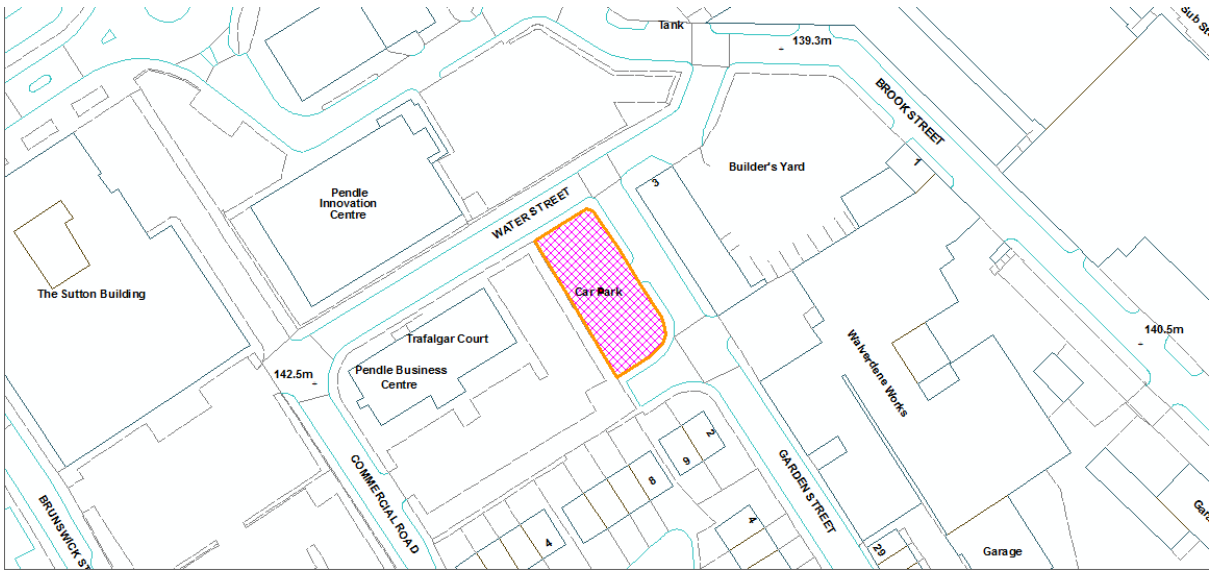
**Reason:** To allow for the effective use of the parking areas.

5. The number car sales plots operated from the site shall be limited to 19 plots and the number of plots shall not be increased at any time without the prior written permission of the Local Planning Authority.

**Reason:** To ensure adequate manoeuvrability within and around the site in the interests of highway safety.

6. Prior to their installation, full details of the external lighting to be installed as part of the development hereby approved shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the positioning, distribution of glare, direction, heights and luminance of the lighting. The lighting shall be installed in strict accordance with the approved details and shall be maintained as such in perpetuity.

**Reason:** In order to prevent the glaring of motorists in the interests of highway safety.



**Application Ref: 18/0791/FUL**

**Proposal:** Full: Change of use from a car park to a used car sales business (Sui Generis), erection of 2.4m perimeter fencing and siting of sales cabin.

**At:** Garden Street Car Park, Nelson

**On Behalf of:** Mr Sajjad Shah

## REPORT TO NELSON COMMITTEE ON 4<sup>TH</sup> FEBRUARY 2019

**Application Ref:** 18/0820/FUL

**Proposal:** Full: Change of use of dwelling house (Use Class C3) to children's nursery (Use Class D1) and extension of dropped kerb and parking area.

**At:** 33 Romney Street, Nelson

**On behalf of:** Smarty Pants Exclusive Child Care

**Date Registered:** 15.11.2018

**Expiry Date:** 05.02.2019

**Case Officer:** Charlotte Pinch

### **Site Description and Proposal**

This application is to be decided at committee as it was called in by a Councillor.

The application site is currently an empty terraced dwellinghouse, directly adjoining an existing children's nursery, Use Class D1. The site is located within a residential area, off Romney Street, with on plot parking to the front of the site.

The proposal is for the change of use of the dwelling, to become part of the adjoining children's nursery, Use Class D1. The proposal also includes the extension of the existing dropped kerb, to provide additional parking to the front of the property. No external alterations are proposed to the dwelling itself.

### **Relevant Planning History**

13/01/0597P

Change of use to children's nursery.

Approved with Conditions. 2001.

13/02/0186P

Vary condition 05 of planning permission 13/01/0597P and condition 3 of planning permission 13/97/0655P.

Approved with Conditions. 2002.

13/07/0012P

Full: To modify condition 4 Application number 13/01/0597P "Use as children's Nursery" to increase no' of children catered for from 25 to 40.

Approved with Conditions. 2007.

### **Consultee Response**

#### **LCC Highways**

Having considered the information submitted for the above application, together with observations on site on 6 December (10.15am) and 11 December 2018 (8:20am) the Highway Development Support Section does not have any objections regarding the proposed development at the above location.

## Cadent Gas Ltd.

No objections.

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 SUP1 (Community Facilities) sets out the general approach to the provision of community services and facilities.

#### Replacement Pendle Local Plan

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

### **Principle of Development**

The application site is located within the settlement boundary of Nelson, within a predominantly residential area.

Policy SUP1 sets out the general approach to the provision of community services and facilities. It states that new community facilities will be directed to settlements where there is an identified local need. Within settlements new facilities should be located in town centres, or accessibility corridors, or alongside transport hubs, or existing community facilities. The co-location of services will aim to be facilitated by the Council.

The proposal would result in an additional new nursery facility, as an extension of an existing established nursery. The proposed site would be within a settlement, adjacent to an existing community facility. Although not within a town centre, the nursery is in an accessible location for a high density of residential properties.

As a result, no objections are raised with regard to the principle of development.

## **Design**

This proposal is for a change of use to an existing building, no external alterations are proposed to the building. The proposed extension of the dropped kerb and parking area to the front of No.33 would not appear out of keeping in the street scene. As a result, it would not have a detrimental impact on the appearance of the area.

## **Residential Amenity**

The site is located within a predominantly residential area, however it directly adjoins two terraced properties which are currently being used as a children's nursery. The adjacent properties of 35-37 Romney Street have been lawfully used as a nursery for in excess of 10 years.

A previous permission for the adjacent nursery in 2007 allowed for an increase in numbers of children up to 40. This proposal, due to the extension to the premises, would result in an increase to 55. This premises is proposed to only accommodate babies under 2.5 years old. Taking into account the long standing presence of the nursery in this location and no such complaints or objections from neighbouring residents regarding the use, this proposal would not result in a significant detrimental impact on the neighbouring occupiers. A condition will be applied to this permission to ensure the number of children does not exceed 55 at any one time.

The opening times of the premises can be controlled by condition, which as proposed are 07:30 to 17:45 Monday to Friday. These are acceptable opening times for the nature of the business, in this location.

## **Highways**

No objections have been raised in relation to highway safety or anticipated congestion in a residential area.

Policy 31 requires day nurseries, of Use Class D1 to provide a maximum of 1.5 parking spaces per 2 members of staff, plus drop off areas either inside or outside the curtilage. Combined with the existing nursery provision, the development would total 13 members of staff.

The proposed development includes the extension of the existing dropped kerb to accommodate a further three parking spaces to the front of the dwelling. This would result in a total of 10 parking spaces available on plot, which would comply with the requirements of Policy 31. In addition, the site is located on a corner plot, which benefits from unrestricted on street parking, which could be utilised for drop offs where required.

## **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 would accord with Local Planning Policy and would be



compliant with the guidance set out in the Framework. 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.

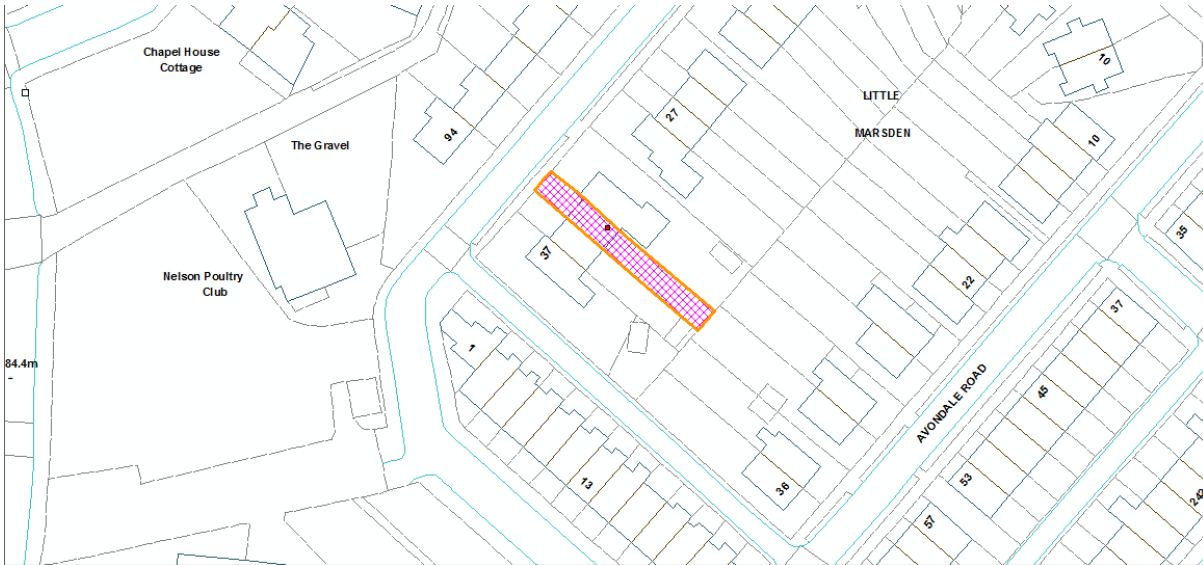
### **RECOMMENDATION: Approve**

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: Location Plan Drwg No. R.S33/2, Proposed Site Plan Drwg No. R.S33/4 and R.S33/1.  
  
**Reason:** For the avoidance of doubt and in the interests of proper planning.
3. The Nursery (Use Class D1) hereby permitted shall only be conducted between the hours of 07:30 and 18:00 on Monday to Friday.  
  
**Reason:** In order to safeguard the amenity of the area.
4. The car parking spaces and access shall be laid out, in accordance with the approved plans, and surfaced in a bound material, before first occupation of the premises hereby permitted. Thereafter, they shall be permanently retained for parking of vehicles.  
  
**Reason:** To allow for the effective use of the car parking areas and ensure materials are not transferred onto the highway, causing a hazard for vehicles.
5. The number of children using the nursery 33-37 Romney Street at any one time shall not exceed 55.  
  
**Reason:** In order to prevent over use of the site in the interests of residential amenity and highway safety.

### **INFORMATIVE**

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/roads/vehicle-crossings.aspx>



**Application Ref:** 18/0820/FUL

**Proposal:** Full: Change of use of dwelling house (Use Class C3) to children's nursery (Use Class D1) and extension of dropped kerb and parking area.

**At:** 33 Romney Street, Nelson

**On behalf of:** Smarty Pants Exclusive Child Care

## REPORT TO NELSON COMMITTEE 4<sup>th</sup> FEBRUARY 2019

**Application Ref:** 18/0864/FUL

**Proposal:** Full: Erection of 2m timber perimeter fencing.

**At:** Land to the southeast of 9 Newport Street, Nelson

**On Behalf of:** Mr S. Sadiq

**Date Registered:** 04 December 2018

**Expiry Date:** 29 January, 2019

**Case Officer:** Christian Barton

This application has been called to Committee by the Chairman.

### **Site Description and Proposal**

The proposal seeks to erect 2m timber perimeter fencing on the north and south boundaries of land to the southeast of 9 Newport Street in Nelson.

The site is a triangular area of tarmacked land that formerly contained two terraced houses. It is surrounded by terraced housing to all sides. It is currently used for car parking and is bound by orange mesh fencing and road barriers.

The site is within the settlement boundary of Nelson and has no specific designations in the Pendle Local Plan.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

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

Nelson Town Council

### **Public Response**

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

- Effects on the highway safety of the area;
- General lack of desire for the development to occur.

## Officer Comments

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

The Pendle Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the provisions of 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 design. It states that siting and design should be in scale, context and harmony with the wider context of the site.

Other policies and guidance's are also relevant:

- The Design Principles Supplementary Planning Document (SPD) applies to all developments that effect residential areas and it sets out the criteria required for good design.

2. Design and Amenity

Policy ENV2 states that all new developments are required to meet high standards of design. The Design SPD reiterates this regarding fencing in stating that new boundary treatments in publicly viewable areas should visually harmonise with the existing setting of the locality.

The fencing proposed would be built from feather edged timber panels. It would be stained in dark brown. A vehicle gate of the same material is proposed for the east corner. Plywood fencing was initially proposed for the south boundary. Although the site is discreet, the use of plywood fencing would not be appropriate for a residential area given its lack of durability. The amended plans show feather edged timber fencing throughout. The development would therefore be acceptable in overall design terms in accordance with the Design SPD.

The development would have no effects on the living environments of the nearest neighbours owing to ample separation. Concerns have been raised about disruption from the parking of vehicles. The scheme would not increase the parking capacity of the site. It would have no further effects on the aural amenity of the immediate neighbours when the current use is considered.

The scheme would enable the land owner to enclose the land for private parking whilst also preventing criminal activity in the process. This would be of benefit to the amenities of the nearest residential neighbours and the scheme complies with Policy ENV2.

3. Highways

Concerns have been raised about highway safety. The access proposed would face a terraced back street. It would not create any issues for the overall safety of the local road network. The roads that surround the site are all constrained terraced streets. The fencing proposed would not detrimentally affect the visibility of local traffic given nature of the surrounding roads.

LCC Highways have raised no 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.

#### 4. Summary

The application seeks to enclose the site with 2m timber fencing along with a vehicle gate. The development would have no detrimental effects on the living environments or aural amenity of the immediate neighbours. It is also acceptable in terms of the design and the local road network.

The development is therefore acceptable for the site and complies with Policy ENV2 of the Pendle 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 proposed development would be acceptable in terms of use, impact on amenity, design and materials and highway safety, therefore complying with relevant policies of the Pendle Core Strategy 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.

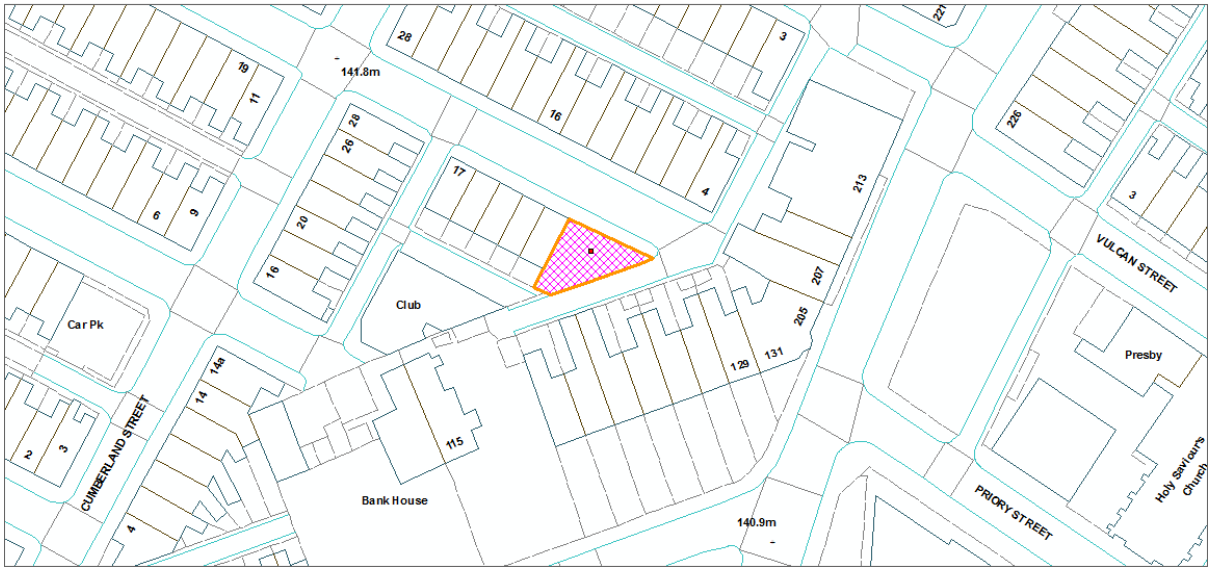
**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans: Proposed Site Plan and Elevation (Drawing Number 01 - Revision A – Submitted 21<sup>st</sup> 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:** Those materials are appropriate for the development and site.



**Application Ref: 18/0864/FUL**

**Proposal:** Full: Erection of 2m timber perimeter fencing.

**At:** Land to the southeast of 9 Newport Street, Nelson

**On Behalf of:** Mr S. Sadiq

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 18th January 2019**