

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

TO: NELSON COMMITTEE

DATE: 04 March 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE 4th MARCH 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 referred to Committee following the receipt of amended plans.

Site Description and Proposal

This application seeks to erect a roof dormer to the front of 98 Brunswick Street in Nelson. The submission is very similar 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 specific designations within 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. Owing to the above, the development would have no detrimental effects on the residential amenity of the immediate neighbours.

3. Design

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 amended plans submitted on 19th February 2019 show a reduced width of only 25mm either side. Furthermore the pitched roof has been replaced with a flat roof. The amended plans fail to demonstrate a material change in the design when compared to those submitted initially.

The dormer proposed would have a flat roof height of 2.1m and a width of 3.4m. It would be set off both sides of the roof by 0.525m 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.

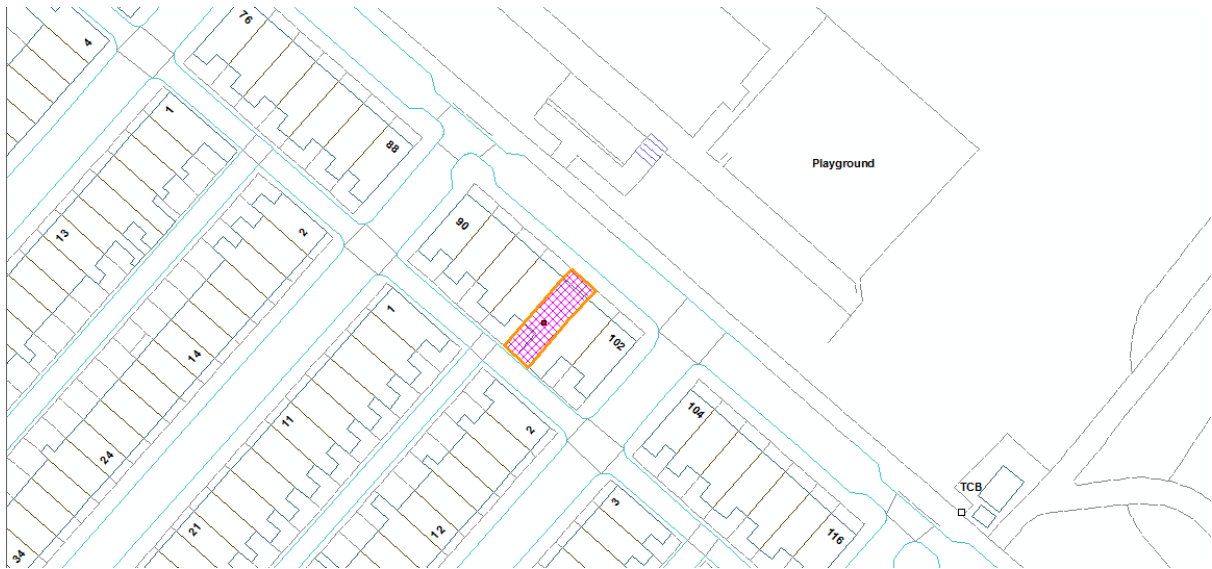
The siting of a front dormer here would be of detriment to the character and appearance of the Victorian property along with the wider street scene. The amended plans submitted fail to demonstrate a material change in the design when compared to those initially submitted.

The development is therefore still 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

REPORT TO NELSON COMMITTEE 4th MARCH 2019

Application Ref: 19/0017/OUT

Proposal: Outline: Erection of 5 detached dwellings (Access only) (Reg. 4)

At: Land to the South East of Bamford Street, Nelson

On Behalf of: Pendle Borough Council

Date Registered: 22 February, 2019

Expiry Date: 08 March, 2019

Case Officer: Christian Barton

This application has been brought before the Committee as Pendle Borough Council are the Applicants.

Site Description and Proposal

The application site is grassed plot of land within a residential area of Nelson. It is surrounded by housing to three sides with allotment gardens to the south.

This is an outline application with access only for 5 dwellings on the site. The indicative plans show five driveways, three onto Tweed Street and two onto Marsden Hall Road. It is an almost identical submission to application 13/15/0541P which was approved in January, 2016.

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

Relevant Planning History

13/15/0541P - Outline: Erection of 5 detached dwellings (Access only) (Reg. 4) - Approved with Conditions - January 2016.

Consultee Response

LCC Highways - The Highway Development Support Section does not have any objections in principle regarding the proposed outline application for the erection of five detached dwellings (Access only) at the above location. The formation of the new vehicle accesses from Tweed Street and Marsden Hall Road South to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council.

A section of Byway Open to All Traffic (BOAT) 77 passes through the south west section of the development site. We have noted Pendle Borough Council's Countryside Access Officer's comments of 28 January 2019, including those regarding BOAT 77 being extinguished or diverted by the appropriate legislation. We support these and the note recommended for inclusion in any planning permission granted.

Conditions have been advised requesting the submission of a scheme for the construction of the site access, a Construction Method Statement (CMS), limiting construction deliveries during school opening hours a need to apply bound surfacing materials to the proposed driveways.

PBC PRow Officer - The proposed area of land crosses the Byway Open to All Traffic (BOAT) 77. The land cannot be fenced off and used as private garden space. Applications can be made to extinguish or divert the BOAT. The grant of planning permission does not include the right to obstruct a public right of way.

United Utilities - No objection to the proposed development provided that the following conditions are attached to any approval: Foul and surface waters should be drained on separate systems using a sustainable surface water drainage scheme.

It is the Applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. A suitable drainage condition should be attached to any grant of planning permission.

Lancashire Constabulary

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;

- Loss of open space/countryside;
- Lack of need for further housing;
- Concerns regarding access arrangements;
- Disruption during the construction phase;
- Lack of parking locally for the development;
- Overshadowing and loss of light.

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 NPPF 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 Paragraphs 7 to 211 of the NPPF, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

The main considerations for this application are the principle of development and road safety.

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

- CS Policy SDP1 (Presumption in Favour of Sustainable Development) states that planning applications will be determined with use a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- CS Policy SDP2 (Spatial Development Principles) prioritises new development within settlement boundaries. Nelson is defined as a Key Service Centre and such areas should

provide the focus for future growth in Pendle and accommodate the majority of new development.

- CS Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to ensure a 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.
- CS Policy ENV2 (Achieving Quality in Design and Conservation) 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 the wider locality.
- CS Policy LIV1 (Housing Provision and Delivery) sets out the Councils requirement to deliver new housing.
- CS Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Other policies and guidance's are also relevant:

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

2. Principle of the development

The site falls within the settlement boundary of Nelson and has no other land use designations. It is within walking distance of public transport and access to essential services and therefore is in a sustainable location.

The NPPF encourages the development of previously developed land but does not set a sequential test for applications. Therefore although the land is green field, there is no policy position that would require any brownfield land to come forward ahead of this site.

The principle of residential development of the site is acceptable in accordance with the NPPF and Policies SDP1 and SDP2.

3. Design and Visual Amenity

This application is for access only and details of design would be assessed at the reserved matters stage. The site is within an existing residential area and, subject to acceptable design and materials, it is clear that 5 dwellings could be accommodated on the site without harm to the visual amenity of the area in accordance with Policy ENV2.

4. Residential Amenity

The indicative layout plan submitted demonstrates that five dwellings could be accommodated on the site without unacceptable harm to the amenity of adjacent properties in accordance with Policy ENV2. The layout would be fully assessed at the reserved matters stage should consent be granted in outline.

5. Highways

Full details of layout and parking provision would be assessed with layout at the reserved matters stage should consent be granted in outline. However, the indicative plans demonstrate that the site can be suitably and safely accessed and that an acceptable level of parking could be accommodated within the site.

LCC Highways have recommended conditions relating to a Construction Method Statement and limiting construction deliveries within school opening hours. The use of such conditions is not necessary for an outline application. Conditions should be attached to any grant of outline permission to ensure a scheme of offsite highway improvement works is submitted and the driveways are surfaced in bound porous materials.

Comments have been raised regarding the BOAT designation to the southwest of the site. A revised location plan has been submitted which excludes this element. Therefore the scheme would not impact on the BOAT. LCC Highways have raised no principle objections to the development and I concur with their findings. It would not generate numbers of traffic movements beyond the capacity of the site.

6. Drainage

United Utilities have requested that foul and surface waters to be drained by separate systems. Foul waters should drain into the public sewer with surface waters drained with use of a Sustainable Drainage System. A condition should be attached to any grant of outline permission to ensure adequate drainage is provided for the development in accordance with the Non-Statutory Technical Standards.

7. Ecology

The site has no features which may provide habitat for protected species and the development accords with Policy ENV1.

8. Other Issues

Concerns have been raised about disruption during the construction phase. The construction of 5 dwellings is unlikely to cause any unforeseen disruption and therefore a Construction Method Statement condition is not considered necessary for this development.

Concerns relating to loss of open space, overshadowing and access and parking are addressed in the relevant sections above.

9. Summary

The proposal seeks to gain outline permission for the erection of 5 houses with access only. The development is acceptable in principle and accords with the relevant policies of the Pendle Local Plan. It is also acceptable in terms of amenity and the local road network.

The development therefore complies with Policies SPD1, SDP2, ENV1, ENV2, LIV1 and LIV5 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030) and 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. Subject to appropriate conditions the proposal is acceptable in terms of the access and principle of development and therefore complies with the development plan. There is a

positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing Number A15-05/02 - Amended - Submitted 11th February 2019) and Proposed Site Plan (Drawing Number A15-05/01 - Amended - Submitted 11th February 2019).

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

4. Foul and surface water shall be drained on separate systems. The development shall not commence unless and until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall thereafter only be completed, maintained and managed in accordance with the approved details.

Reason: To control surface water flow disposal and prevent flooding.

5. No part of the development hereby approved shall commence until a scheme for the construction of the site accesses and the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

6. Before any access is used for vehicular purposes, the whole area of driveway/hardstanding extending from the highway boundary shall be appropriately paved in bound porous material.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway.

Informatives

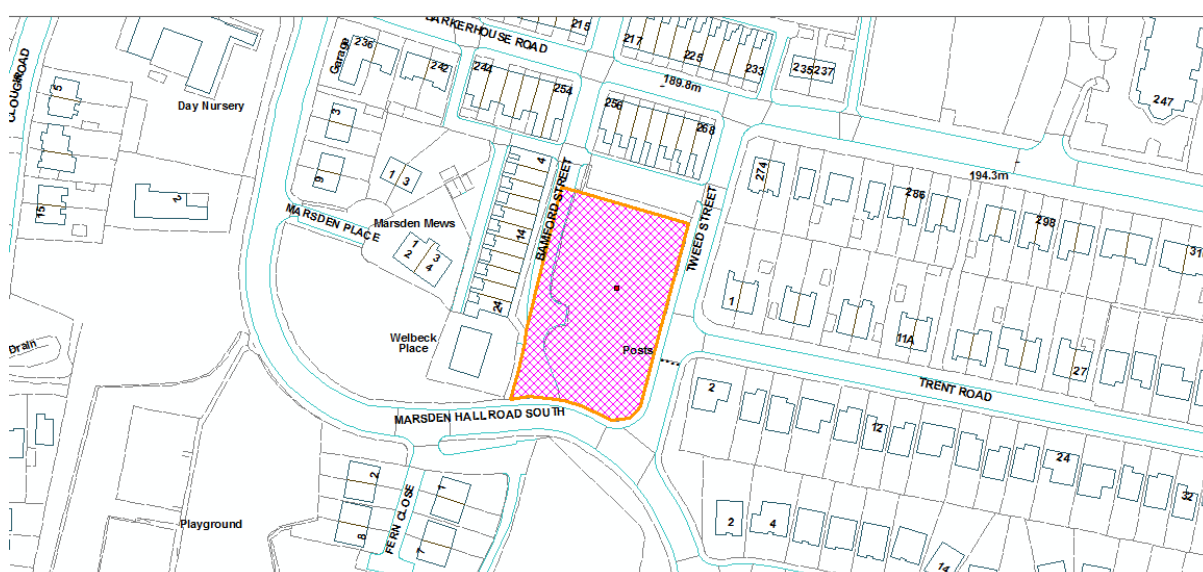
1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

The construction of the accesses to an appropriate standard;

- Re-location of any highway gullies;
- Re-location of street lighting column 7;
- The making of a Traffic Regulation Order for the prohibition of vehicle access on the section of Tweed Street between its junction with Trent Road and Marsden Hall Road South;
- The provision of an appropriately designed and constructed ramped, pedestrian link from Bamford Street to Marsden Hall Road South.

The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on highways@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.



Application Ref: 19/0017/OUT

Proposal: Outline: Erection of 5 detached dwellings (Access only) (Reg. 4)

At: Land to the South East of Bamford Street, Nelson

On Behalf of: Pendle Borough Council

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 20th February 2019