

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 05th August 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE ON 01 JULY 2019

Application Ref: 19/0236/HHO
Proposal: Full: Erection of roof dormers to front and rear.
At: 28 Camden Street, Nelson
On behalf of: Mr Taswar Anjum
Date Registered: 25/04/2019
Expiry Date: 20/06/2019
Case Officer: Alex Cameron

This application has been brought before Committee at the request of Councillor Sakib. The approval of the application was delegated by Committee in July subject to the receipt of acceptable amended plans showing a pitched roof front dormer and natural slate cladding. The application has been brought back to Committee as the applicant wishes the application to be determined with the proposed flat roof of the front dormer.

Site Description and Proposal

The application site is an end terrace house located within the settlement of Nelson surrounded by similar properties. The existing house is finished in stone with a natural slate roof and upvc windows and doors.

The proposed development is the erection of dormer windows to the front and rear. The proposed dormer are flat roofed box dormers, the dormers would be set off the sides of the roof by 500mm, the highest and lowest points would be approximately level with the ridge and eaves of the roof respectively and they would be clad in concrete tiles with felt roofs and upvc windows.

Relevant Planning History

18/0238/HHO - Full: Erection of two storey extension to rear. Approved.

Consultee Response

LCC Highways – No objection.

Nelson Town Council

Public Response

Nearest neighbours notified – No response.

Officer Comments

Policy

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. This policy is linked to the guidance set out in the Design Principles SPD.

The Design Principles SPD states that flat roofed dormers will not be acceptable on front elevations or any elevation clearly visible from a public vantage point.

Exceptions to this can be made in cases of a modern bungalow, where such dormers are a feature of the locality.

The Design Principles SPD also states that the roof is an important element of a building's design and unsympathetic extensions can have a negative impact.

Policy 31 'Parking' which is a saved policy of the Replacement Pendle Local Plan requires adequate car parking to be provided for the development.

Design

The flat roofed design of the proposed front dormer is contrary to the guidance of the Design Principles SPD and would be unacceptably harmful to the appearance of this traditional terraced house on a prominent corner plot and, as such, it would result in unacceptable harm to the visual amenity of the area.

Although there are two other approved flat roofed front dormers on Camden Street, at Nos. 11 and 31, this does not result in such dormers being characteristic of the locality.

Subject to the use of materials matching those of the existing house, the rear dormer could be erected under permitted development rights. Taking that fall-back position into account, the rear dormer would be acceptable subject to a condition required acceptable slate cladding.

Such a condition could also require acceptable slate cladding of the front dormer, however, this would not address the unacceptable visual impact of the flat roofed design of the front dormer.

The proposed flat roofed front dormer would cause unacceptable harm to the character and visual amenity of the area contrary to policy ENV2 and the guidance of the Design Principles SPD.

Amenity

Whilst the window to window separation distances between the proposed dormers and facing habitable rooms in adjacent houses would be less than 21m such spacing distances are characteristic of the terraced streets in this area and the dormers would not result in any unacceptable reduction in privacy over existing facing windows.

The proposed dormer windows are acceptable in terms of residential amenity in accordance with Policy ENV2.

Highways

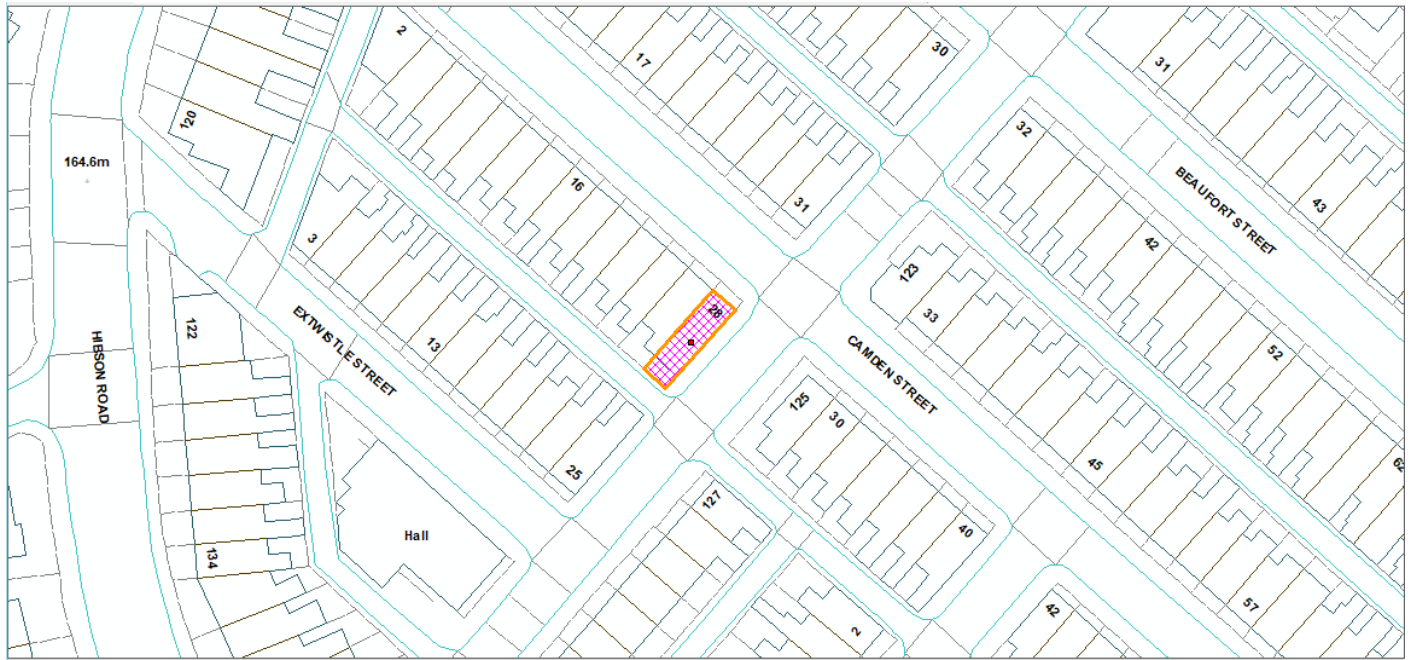
Taking into account that houses in the locality do not generally have off-street car parking provision, no car parking provision is necessary. The proposed development is acceptable in terms of highway safety.

RECOMMENDATION: Refuse

Subject to the following conditions:

1. The proposed front dormer would be an unsympathetic, unacceptable addition to this traditional terraced dwelling and would result in unacceptable harm to the character and

visual amenity of the area contrary to policy ENV2 and the guidance of the Design Principles SPD.



Application Ref: 19/0236/HHO

Proposal: Full: Erection of roof dormers to front and rear.

At: 28 Camden Street, Nelson

On behalf of: Mr Taswar Anjum

REPORT TO NELSON COMMITTEE ON 05 AUGUST 2019

Application Ref: 19/0292/FUL

Proposal: Full: Change of use of a ground floor taxi office (SG) to a Hot Food Takeaway (Use Class A5) and erection of an external flue to rear (retrospective) and bin store to land at rear.

At: 113 Leeds Road, Nelson

On behalf of: Mr Raja Asim Hussain

Date Registered: 09/05/2019

Expiry Date: 04/07/2019

Case Officer: Alex Cameron

This application has been brought before Committee as objections have been received from more than two separate addresses.

Site Description and Proposal

The application site the ground floor of an end of terrace property, the property has most recently used for retail a ground floor and taxi booking office at first floor, it appears to have been in such use since at least 2014. Prior to this the ground floor was used as a taxi base and prior to permission being granted for a taxi booking office in 1999 for a temporary period of two years, extended for a further two years in 2001, the building was a retail unit.

The proposed development is the change of use of the ground floor of the premises to a hot food takeaway, retrospective installation of an extraction flue to the rear and erection of a timber bin store on land to the rear.

Relevant Planning History

13/99/0164P – Attach to gable and use as private hire base for two vehicles. Approved.

13/00/0251P - Retain aerial and use as private hire base for two vehicles. Approved.

Consultee Response

LCC Highways - There are other businesses within the immediate vicinity with no off-road customer parking provision. Whilst there is some committed development for the construction of residential properties on Beech Street, adequate, unrestricted parking would be retained. Therefore the Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

PBC Environmental Health – The information re odour and noise abatement is inadequate. As the flue is low, they will need to improve the spec of the system to ensure that no nuisance is caused to neighbouring properties and the surrounding area. Please could you add the standard condition regarding submitting the relevant details.

Lancashire Constabulary - In relation to the above planning application, food stuffs and cash can be attractive and lucrative commodities for criminals.; therefore, to reduce crime and anti-social behaviour, Lancashire Constabulary would advocate the following security measures be

incorporated into the proposed development, before planning consent is granted: Security windows and doors, prevention of access to flat roofs, CCTV, security lighting, alarm system, security shutters, perimeter fencing, counter height, till emptying procedure, anti-graffiti coatings.

Nelson Town Council

Public Response

Press and site notices posted and nearest neighbours notified – Responses received objecting on the following grounds:

- There are enough takeaways on Leeds Road already.
- Concerns that the flue that has been erected is not high enough to adequately disperse cooking odours.
- Odours from waste food being stored to the rear.
- Concerns relating to customers parking on the car park, which is for residents only.
- Car parking and highway safety issues.
- Concerns regarding opening hours.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

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 ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy WRK4 (Retailing and Town Centres) states that main town centre uses should follow the following sequential approach:

- 1: Town and local shopping centres
- 2: Edge of centre locations
- 3: Out-of-centre sites which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre

Proposals for hot-food takeaways in close proximity to establishments that are primarily attended by children and young people will be resisted.

Replacement Pendle Local Plan (RPLP)

Policy 25 states that new retail and service development should be located within a defined town centre as the first order of priority. The supporting text states that where existing commercial uses exist outside of a town centre they can be replaced by some other commercial use of the same scale.

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Principle of the Development

The site is located outside of a town centre, Policy 25 of the RPLP allows existing commercial uses outside of town centres to be replaced by other commercial uses of the same scale.

The lawful use of the building is a taxi office, although a condition limited that use to a period of two years in 2001 it appears that the taxi use has operated in breach of that condition for over 10 years and therefore the condition is unenforceable. The 2001 planning permission did not specify that it related to the ground floor only, and at some point between 2009 and 2014 the ground floor began to be used for unauthorised retail use, with the upper floor being retained for the taxi office use.

With a condition to control its hours of operation, the proposed use of the building would not be of a greater scale of impact than the building use over the past 10 years. Taking this into account, the proposed hot food takeaway is acceptable in accordance with Policy 25.

The site is not located within unacceptably close proximity of establishments that are primarily attended by children and young people in accordance with policy WRK4.

Visual Amenity

The flue is located to the rear existing through the flat roof of the rear extension. Whilst the flue is relatively prominent from the rear of Beech Street, its low height minimises its visual impact. Taking this into account the flue is acceptable in terms of visual amenity. With a condition to control its finish, the proposed timber bin store would not result in any unacceptable impact upon visual amenity of the area.

The proposed development is acceptable in terms of visual amenity in accordance with policy ENV2.

Amenity

The proposed flue discharges at a low height, below the top of the adjacent upper floor windows. Environmental Health have advised that with a condition to require that details of adequate noise and odour abatement are submitted and installed cooking odours can be adequately dispersed without unacceptable impacts upon the residential amenity of occupants of adjacent dwellings.

The proposed bin store would be a sufficient distance from adjacent dwelling to ensure that it does not unacceptably impact upon residential amenity.

The applicant has proposed that they are seeking operating hours of 11am-9pm weekdays and 12pm to 6pm Saturdays. The 9pm closing time would ensure that there are no unacceptable impacts of adjacent residential properties from the operation of the takeaway. It is not necessary to further restrict weekend opening or morning opening beyond 9am.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and ENV5.

Highways

There is adequate off-street car parking provision to serve both the takeaway and the existing first floor taxi base. The proposed development is therefore acceptable in highway terms in accordance with policy ENV4.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity and highway safety. The development is therefore compliant 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

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: U37-P01A, U37-P03A.

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

3. Prior to the erection of the bin store hereby approved details of the external materials, including colour and finish, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the use of appropriate materials in order to protect the visual amenity of the area.

4. The operation of the extraction flue hereby approved shall not commence unless and until a scheme for the extraction, treatment and dispersal of fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

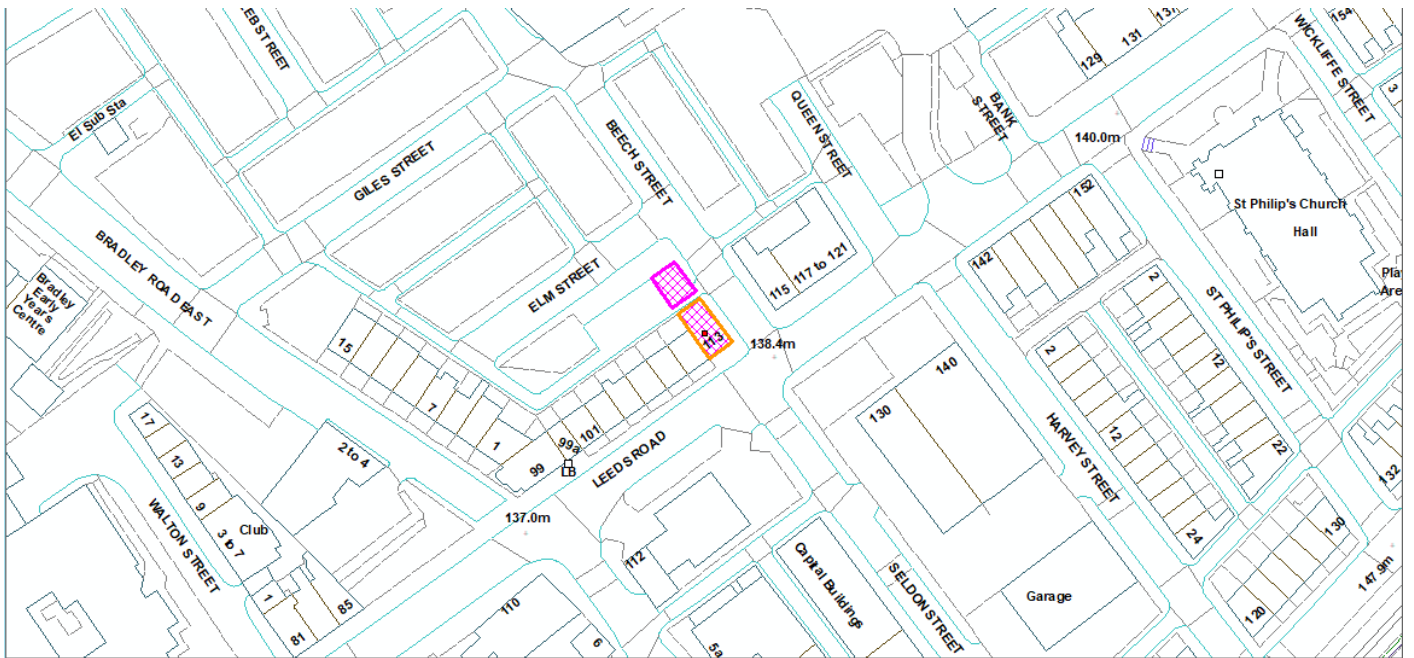
- a. the provision of odour filters (which shall incorporate grease and carbon filters)
- b. details of the sound insulation of odour control equipment

The approved scheme shall be implemented prior to commencement of the operation of the extraction system and the extraction system shall thereafter be operated and maintained in accordance with the agreed details and the manufacturers specifications and be retained for so long as the use continues.

Reason: In order to ensure the adequate treatment and dispersal of fumes and odours and attenuation of noise in the interests of residential amenity.

5. The hot food takeaway hereby approved shall not be open to customers outside of the hours of 9am to 9pm.

Reason: To ensure that night-time and early morning noise and disturbance does not unacceptably impact upon the residential amenity of the occupiers of adjacent dwellings.



Application Ref: 19/0292/FUL

Proposal: Full: Change of use of a ground floor taxi office (SG) to a Hot Food Takeaway (Use Class A5) and erection of an external flue to rear (retrospective) and bin store to land at rear.

At: 113 Leeds Road, Nelson

On behalf of: Mr Raja Asim Hussain

REPORT TO NELSON COMMITTEE 5TH AUGUST 2019

Application Ref: 19/0343/VAR

Proposal: Full: Variation of Conditions: Vary Condition 2 (Plans), Condition 5 (Parking Layout) and Removal of Condition 4 (Trade Sales Only) of Planning Permission 18/0348/FUL.

At: Darwil House, Bradley Hall Road, Nelson

On behalf of: Mrs R Ahmed

Date Registered: 9 May 2019

Expiry Date: 4 July 2019

Case Officer: Kathryn Hughes

This application has been brought before Committee at the request of Cllr Sakib.

Site Description and Proposal

The site was a vacant warehouse located off Bradley Hall Road in Nelson. The site was vacant for some time and is located in a mixed residential/commercial area with existing commercial uses nearby.

The site is outside of the Town Centre boundary not allocated for any specific use in the Pendle Local Plan or the Bradley Area Action Plan.

The site was approved as a builder's merchants for trade customers with associated car parking last year. Some additional doors and ramps for access were also approved as well as vehicular access for loading and unloading. Conditions were attached relating to outside storage, customer parking, deliveries and noise mitigation.

It was proposed that all deliveries would take place via Eagle Street whilst customers would access and egress the site via an existing access from Bradley Hall Road.

This application seeks to vary conditions 2 and 5 in terms of layout and parking and remove condition 4 which restricts the site to trade only. This would allow general sales to the public. A Retail Impact Assessment has been submitted in support of this application.

Relevant Planning History

18/0623/ADV – Advert Consent: Erection of one illuminated sign board – Approved.

18/0348/FUL Full: Change of Use of Warehouse (use Class B8) to Builders Merchants (trade only) and external alterations to form additional doorways - Approved.

18/0585/CND Approval of Details Reserved by Condition: Discharge of Conditions 3, 8 & 10 of Planning Permission 18/0348/FUL – Discharged.

Consultee Response

LCC Highways – Having considered the information submitted, together with site observations on 12 June 2019, the Highways Development Support Section makes the following comments. This application seeks to vary previously approved plans, parking layout, additional outside storage areas and the removal of sales to trade only. From the documents submitted we do not consider that the applicant has justified the variations and removal requested. The application, as submitted, raises a number of concerns. If these cannot be resolved satisfactorily we would raise an objection on highway safety grounds.

We note from the company's website that the business is already advertised as being open to the public.

Site access

In our response to planning application 13/18/0348/FUL dated 14 June 2018 we recommended that deliveries and access/exit for large customer vehicles should be off Bradley Hall Road only, and that access/exit for general customers should be via Eagle Street only, which would require the re-location of the customer parking bays to the opposite side of the site. These concerns have not been addressed and are still relevant for the current application.

The site is currently not operating as approved under the above Planning Permission, nor as proposed. A delivery vehicle was observed exiting from the site onto Bradley Hall Road and not through the site onto Eagle Street. There was also an information sign for delivery drivers adjacent to the site gates on Eagle Street; delivery vehicles should not be accessing the site off Eagle Street.

In addition, there appears to have already been some issues with conflict between vehicles parked on Bradley Hall Street and Eagle Street and HGVs associated with the business as three signs have been fixed to external walls (two along Bradley Hall Road and one on Eagle Street) warning drivers not to park their cars there.

Parking provision

We raised concerns regarding the lack of on-site parking provision for an A1 use. We requested that the applicant demonstrated what level of parking the business would require, including the provision of a proper parking assessment. As the business has been trading for several months the applicant should have information available regarding the level of parking required for the approved use, and should provide further information for the use now applied for. At the time of the visit a large delivery vehicle was also seen obstructing access to the customer parking bays outside the front of the building, which is contrary to Condition 5 of Planning Permission 13/18/0348/FUL.

Adequate customer parking should be provided within the site and there should be no over-spill onto the surrounding highway network, where there is existing demand for on-street parking from neighbouring properties.

General

A large amount of grab bags and a vehicle, all bearing the company's name, were noted stored in the adjacent site on part of the former Vulcan Mill site, and therefore not within the approved curtilage.

We noted that the proposed additional external display/storage areas are already in place.

Given the above concerns, the applicant should provide additional information demonstrating adequate on-site parking provision for the proposed use, and that appropriate and safe access to/from the site can be provided for all users, including delivery vehicles. Until such details have been provided satisfactorily we would object to this application on highway safety grounds.

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

The main issues relate to the restricted use of the site, site layout and parking, impact on amenity and highway issues.

Policy

The following Pendle Local Plan Part 1: Core Strategy policies apply:

The relevant policies are:

ENV2 sets out design principles and climate change.

WRK1 seeks to support development to strengthen the local economy and supports regeneration in the area.

WRK4 relates to retailing and town centre uses. In the first instance retail development should be directed to Town and Local Shopping Centres identified in SDP5.

Sites should be identified that are suitable, available and viable in order of priority:

1. Town and local shopping centres, where the development is appropriate to the role and function of the centre;
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre;
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

The following saved Pendle Replacement Pendle Local Plan policies apply:

Policy 27 permits retail development on edge of centre allocated retail sites at Clayton Street, Nelson. There are two out of centre retail sites allocated at Asda, Colne and Junction 12, Brierfield.

Policy 31 sets out the requirement parking standards.

Principle of the use

Retail uses aimed at the general public should be located within the Town Centre. Larger trade only DIY stores such as the one approved here can be appropriate in former warehouse uses provided that they do not cause nuisance for nearby residential uses and that they are restricted to trade only uses. This proposal seeks to remove condition 4 (Trade Sales only) which would result in an open retail use on this site outside of the town centre.

Impact on Town Centre

Any out of town retail provision can have a negative impact on the town centre in terms of vitality and viability of the town centre.

This application seeks to remove condition 4 which would result in an unrestricted retail unit of 1,511 sq.m. outside of Nelson Town Centre.

The Retail Capacity Study (2012) sets out the requirements for both convenience and comparison goods within the borough. This site proposes a retail unit of 1,522 sq.m. for comparison goods (bulky DIY items). An update in the Authority Monitoring Report states that there is a need for comparison goods up to 3,290sq.m. to 2023 and 8,246 to 2033. Therefore there is a requirement for comparison goods, however, this is a Borough wide forecast.

The submitted Retail Assessment statement states that “it is not considered practical to offer heavy bulky goods predominately aimed at the builder/trader’s market from a town centre location” this is agreed hence why the building supplies was approved at this warehouse location where goods can be stored in warehouses and outside where practicable.

Policy WRK4 seeks to make a positive contribution to Town Centres by safeguarding the retail function of the centre, improving the vitality and viability of the centre, enhancing access to the centre by sustainable modes of transport and encouraging multi-purpose trips.

The re-occupation of vacant floorspace or the re-development of existing sites within a Town Centre will be prioritised for all forms of retail development.

Based on the criteria set in WRK4 this site would fall outside of edge of centre at 450m from the town centre boundary making this site an out of centre location.

There are other sites available for development within the town centre which have not been considered as part of the sequential assessment including the former bus station site (3,200 sq.m.). There are also sites closer to the town centre which have not been considered including Training 2000 (2,988 sq.m.) 45m away from the Town Centre boundary, Reedyford Mill site (3,252 sq.m.) 165m away from the Town Centre boundary which are sequentially preferable as they fall within edge of centre (less than 300m) priority 2.

Whilst Training 2000 (The Sutton Building) is sited on a protected employment site this building has been vacant for some time and the principal of non B1 on this site has been established by the approval of a school and driving test centre elsewhere on the allocation.

There is also an edge of centre retail allocation at Clayton Street (1,428 sq.m.) in Nelson (saved policy 27) which has not been considered and two out of centre retail allocations at Junction 12, Brierfield and Asda, Colne both 5,000 sq.m. which need to be taken into account.

The removal of condition 4 would result in an open retail unit of 1,511 sq.m. this is clearly unacceptable and would result in harm to the vitality and viability of Nelson Town Centre which currently has vacant A1 retail units.

It is clear therefore this proposal fails to address sequentially preferable sites to the one proposed here which are within or close to the town centre and therefore fall within priorities 1 and 2 of the sequential test as required by Policy WRK4 and therefore this scheme fails to accord with the

policy as an out of centre and would result in an adverse impact on the vitality and viability of Nelson Town Centre.

Impact on Amenity

The site is an existing commercial premises outside of the town centre immediately adjacent to residential properties. The proposal would result in increased activity at the site including comings and goings from trade and members of the public as well as deliveries. There is provision within the site for loading and unloading and therefore this is unlikely to be carried out on the highway especially with the type of building materials which will be sold from the site. However, the removal of the trade only restriction would result in more members of the public using the site and requirement for parking would need to meet the standards for A1 retail rather than

The external alterations are limited and would not adversely impact on amenity.

The hours of operation would remain as 7am to 6pm Monday to Friday and 9am to 5pm Saturday and Sunday and this is controlled by condition.

The variation to the outside storage in itself would be acceptable, however, as the on-site parking provision has not been established it is not clear if this can all be accommodated within the site and therefore this fails to accord with policy.

Parking and Highway Issues

The scheme proposes inadequate on-site parking for an A1 retail use as a site of 1,500 sq.m. would require provision for vehicles which would affect the proposed outside storage areas and

The applicant has failed to demonstrate what level of parking the business would require, including the provision of a proper parking assessment contrary to policy 31 of the Replacement Pendle Local Plan.

The variation of condition 5 would result in delivery vehicles obstructing access to the customer parking bays outside the front of the building and this is not acceptable.

Therefore this proposal would fail to accord with policy 31.

Summary

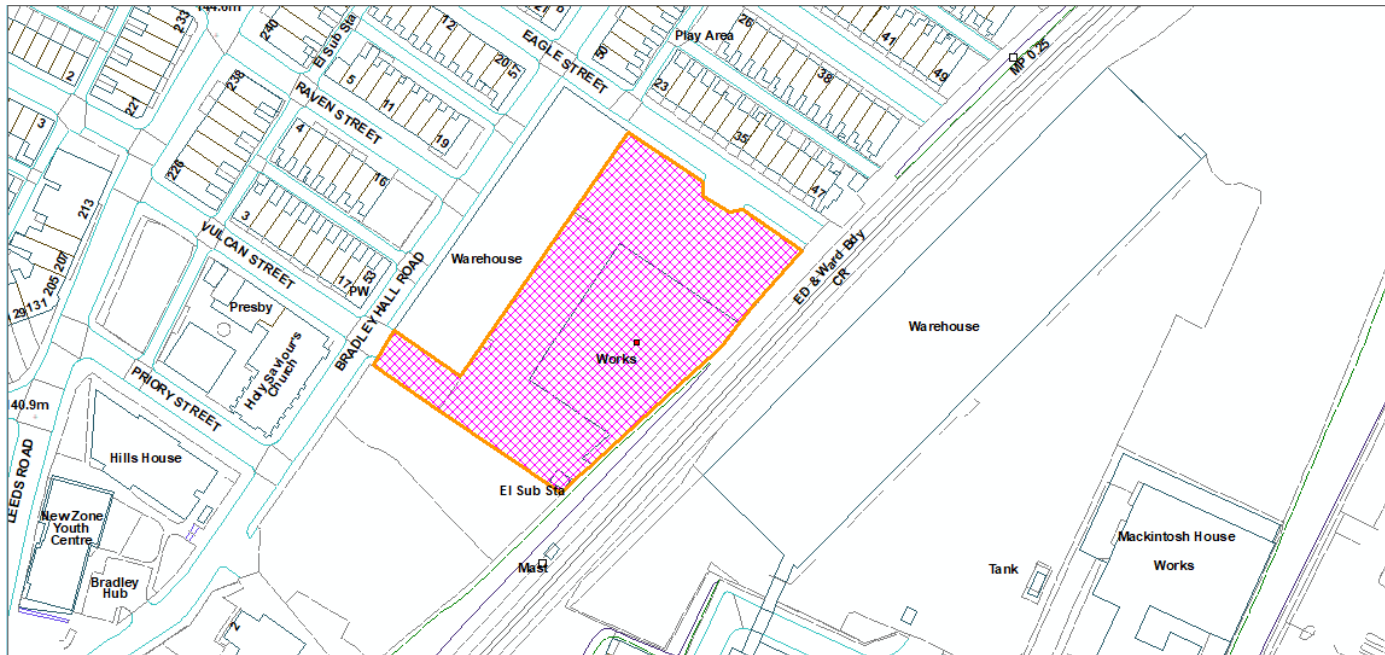
The site is located outside of Nelson Town Centre and therefore to remove condition 4 which limits the use as trade only DIY warehouse would result in an unrestricted A1 retail use of 1,500 sq.m. which would not accord with policies WRK4, SDP5 and saved Replacement Local Plan policy 25. Approval would result in a significant departure from policy.

The site is adjacent to residential properties and would fail to provide sufficient off street parking for a A1 retail use and therefore fails to accord with saved policy 31 of the Replacement Pendle Local Plan.

The variation to the outside storage in itself would be acceptable, however, as the on-site parking provision has not been established it is not clear if this can be accommodated within the site without conflicting with the parking requirements and therefore this is not acceptable.

RECOMMENDATION: Refused

1. The site falls outside of Nelson Town Centre therefore the removal of condition 4 which limits the use as trade only DIY warehouse would result in an unrestricted A1 retail use outside the town centre of 1,500 sq.m. which would not accord with policies WRK4 and SDP5 of the Pendle Local Plan Part 1: Core Strategy and saved Replacement Pendle Local Plan policy 25.
2. The site is adjacent to residential properties and would fail to provide sufficient off street parking for A1 use of 1,500 sq.m. the proposal has failed to demonstrate that the increased parking requirement can be satisfactorily achieved within the site without impacting on the proposed outside storage areas and therefore fails to accord with saved policy 31 of the Replacement Pendle Local Plan.



Application Ref: 19/0343/VAR

Proposal: Full: Variation of Conditions: Vary Condition 2 (Plans), Condition 5 (Parking Layout) and Removal of Condition 4 (Trade Sales Only) of Planning Permission 18/0348/FUL.

At: Darwil House, Bradley Hall Road, Nelson

On behalf of: Mrs R Ahmed

REPORT TO NELSON COMMITTEE 5TH AUGUST 2019

Application Ref: 19/0524/HHO

Proposal: Full: Erection of single storey rear extension and dormers to front and rear roofslopes.

At: 131 Fir Street, Nelson

On Behalf of: Mr Abdul Ghani

Date Registered: 10 July, 2019

Expiry Date: 04 September, 2019

Case Officer: Christian Barton

This application has been called into Committee by the Chairman.

Site Description and Proposal

The site is a mid-terrace house located in the settlement boundary. It is surrounded by similar housing to all sides. The house has natural stone elevations, a slate roof, white uPVC windows and a walled yard to the rear.

The proposed development is a single-storey rear extension and roof dormers to the front and rear. The extension would have a depth of 3.5m, a width of 2.3m and a dual-pitched roof 3.5m in height. It would have rendered elevations and a concrete tiled roof. Both dormers would have identical designs. They would have widths and depths of 3.8m, flat roofs 2m in height and would be clad with concrete tiles. uPVC windows are proposed throughout.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways – The above application proposes to increase the number of bedrooms from two to four. There is no off-road parking associated with this terraced property, nor properties within the immediate vicinity. On-street parking in this area of Nelson and the surrounding roads is at a premium. Therefore any increased demand for on-road parking is difficult to absorb without causing additional loss of amenity for existing residents. Consequently the Highway Development Support Section objects to this application on highway capacity grounds.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter and no responses have thus far been received. The deadline for neighbour consultations is 7th August 2019. Any comments received prior to the committee meeting will be submitted as part of an update report.

Officer Comments

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

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 the siting and design of development should be in scale, context and harmony with the wider locality.

Other policies and guidance's are also relevant:

- The Design Principles Supplementary Planning Document (SPD) applies to domestic developments and sets out the aspects required for good design;
- Saved Replacement Local Plan Policy 31 (Parking) sets out appropriate parking standards for developments.

The principle policy relating to this development is Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene. Saved Policy 31 is relevant given the proposed addition of bedrooms.

2. Design and Visual Amenity

The Design Principles SPD states that the style, design and scale of domestic extensions should respect the existing character of the location. The extension and rear dormer would not occupy prominent positions in the street scene. The Design Principles SPD requires dormers to be clad with materials that match the roof coverings of the house. Concrete tiles are proposed here. However, this could be controlled through condition. Subject to that condition, the extension and rear dormer would have no unacceptable impacts on the visual amenity of the location.

In relation to front dormers, the Design Principles SPD states that those developments 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, as outlined in Paragraph 5.17 of the Design Principles SPD. There are no front dormers on the row, or any as part of the surrounding terraced rows. They are not a current feature of terraced houses in the locality on that basis. Moreover, the proposed dimensions of the front dormer exceed those defined in the Design Principles SPD in relation to the amount of set back from the eaves line and sides of the roof.

The front dormer proposed 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 façades. The front dormer would be of detriment to the visual amenity of the location with the proposed dimensions exasperating those impacts and the proposal would therefore fail to align with Policy ENV2 and the guidance of the Design Principles SPD.

3. Residential Amenity

The proposed rear extension would have no overbearing impacts on the adjoining neighbours given its modest depth. The proposed kitchen window would face tall yard walls on the north boundary. Bedroom windows are proposed to the front and rear within the dormers. However, the

house has existing main habitable room windows in those elevations. The proposal would therefore have no unacceptable impacts on domestic privacy and would be acceptable in relation to residential amenity.

4. Highways

Saved Policy 31 requires all developments to be served with adequate parking. LCC Highways have objected on parking grounds. However, domestic parking in the area is almost exclusively provided by on-street provisions. The proposal would therefore have no unacceptable impacts on the road network.

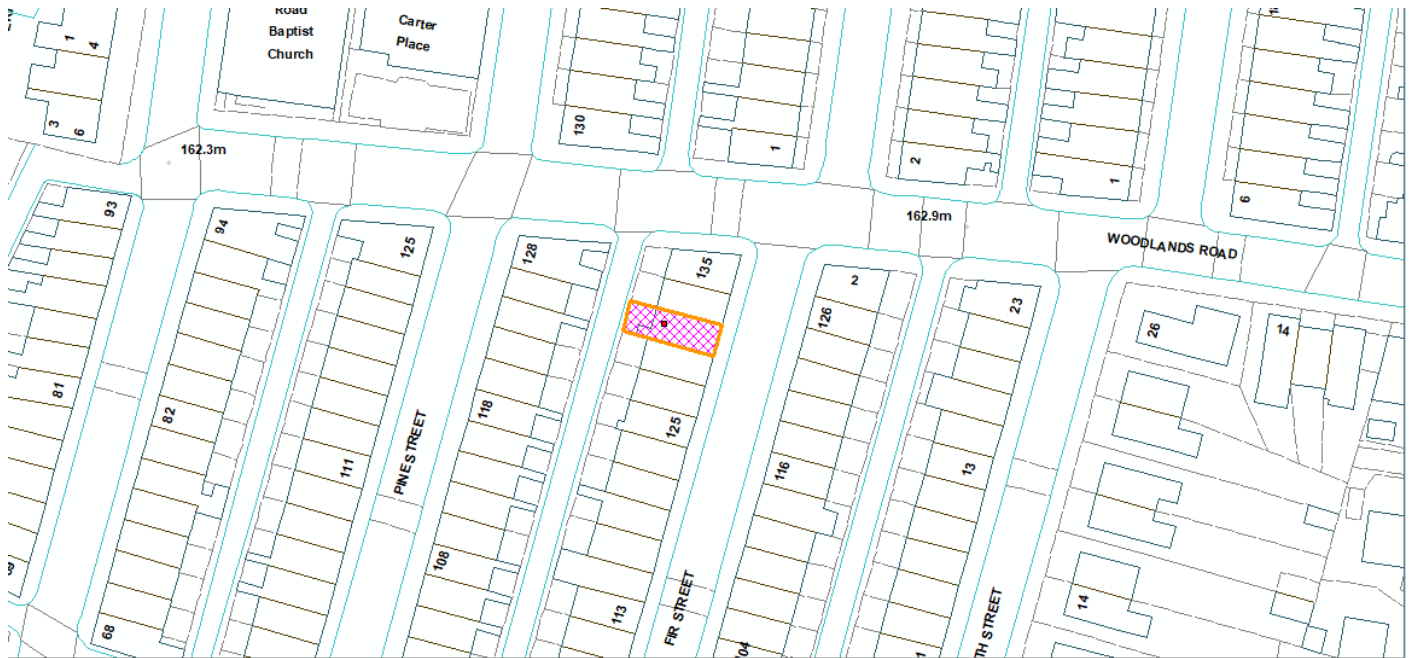
5. Summary

The proposal seeks to erect a single-storey rear extension and roof dormers to the front and rear. The development would have no detrimental impacts on residential amenity or the road network. However, front dormers are not existing features of terraced houses in the locality. The proposal is therefore unacceptable in relation to impacts on visual amenity and fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030) and the guidance of the Design Principles Supplementary Planning Document.

RECOMMENDATION: Refuse

For the following reason:

1. The siting of the proposed 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 location and the proposal therefore fails to accord with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) and the guidance of the Design Principles Supplementary Planning Document.



Application Ref: 19/0524/HHO

Proposal: Full: Erection of single storey rear extension and dormers to front and rear roofslopes.

At: 131 Fir Street, Nelson

On Behalf of: Mr Abdul Ghani

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 19th July 2019