



**REPORT FROM:** PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER

**TO:** NELSON COMMITTEE

**DATE:** 2nd September 2019

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications

## REPORT TO NELSON COMMITTEE 2<sup>ND</sup> SEPTEMBER 2019

**Application Ref:** 19/0194/FUL

**Proposal:** Full: Erection of a single-storey commercial unit for use as a car repair garage and MOT centre (Use Class B2).

**At:** J F Business Centre, Whitefield Mill, St Marys Street, Nelson

**On Behalf of:** Mr Aslam

**Date Registered:** 18 April, 2019

**Expiry Date:** 13 August, 2019

**Case Officer:** Christian Barton

This application has been called to committee by the Chair.

### **Site Description and Proposal**

The application site is within the settlement boundary and the Whitefield Conservation Area. It is situated within the forecourt of a large mill complex and is enclosed by tall walls to the southwest. It is surrounded by commercial units to two sides with terraced housing to the southeast and southwest.

The proposed development is a single-storey commercial unit to be used as a car garage and MOT test centre. The proposed building would have a footprint of circa 220 square meters and a dual-pitched roof 7.5m in height. It would have brick and metal sheet elevations under a metal sheet roof. Two roller shutter doors are proposed facing St Marys Street.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

PBC Environmental Health – Details of a noise assessment of the proposed development to BS 4142: 2014, carried out by a suitably qualified person shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The development shall not be carried out otherwise than in complete and full accordance with the specifications, recommendations and noise attenuation measures contained within the approved assignment/ report.

PBC Conservation – Whitefield Mill was a large cotton weaving mill built on the Canal banks in the late 1880s. The Craven St frontage has been altered, with the part demolition of a 3-storey warehouse block which formerly stood on the current open yard area. Part of the ground floor wall of this demolished warehouse remains fronting onto St Marys St, which has a number of blocked doors and windows. The yard currently presents an untidy and rundown appearance to this part of the Whitefield CA, and with this application comes an opportunity to improve this aspect.

I have no objection to the proposed building in principle, however it is important that appropriate materials are used. The existing stone boundary wall to St Mary's St. should be retained and repaired as necessary, in matching stone. The form of the existing blocked openings should be retained, with one possibly being utilised for the new personnel door and window. Where openings

are to be removed, the stone jambs, sills and lintels should be re-used. Roller shutter doors should be in a matching dark colour with the boxes recessed.

A dark grey matt finish would be most appropriate for the roofing sheet, to echo the roofs of the surrounding terraces. The remaining elevations within the yard area will not be particularly prominent from outside the site, and would be acceptable in either matching stone or a red brick to match that used in the mill walls.

LCC Highways - The Highways Development Support Section is minded to object to this application as submitted on highway safety grounds.

Site Access – The development site is located within a residential area of terraced properties, where there is no provision for off-road parking. Consequently on-street parking is at a premium and demand is high for the limited on-street parking available. Access to the MOT centre/car repair garage is proposed to be from St Mary's Street. This would lead to the loss of existing on-street parking provision.

The Highway Development Support Section considers that the loss of any parking provision in the area would be detrimental to highway safety and residential amenity. There are also potential issues with access to the MOT/repair bays when vehicles are parked opposite, outside the residential properties on St Mary's Street. As the applicant owns the site, the Highway Development Support Section recommends that access to the MOT centre/repair garage should be provided from within the site to protect the on-street parking provision on St Mary's Street. A revised layout plan should be provided.

Parking provision – The internal parking spaces should be designated for customers to the MOT centre/repair garage only. The Highway Development Support Section considers that six parking spaces should be provided for both employees and customers to the MOT centre/repair garage. The Design and Access Statement states that the proposed parking spaces would be provided inside the site compound. The parking bays should be clearly indicated on a revised layout plan.

General – The proposed hours of operation indicated on the application form are 0900 - 1700 Monday – Saturday, and not open Sundays or Bank Holidays. However the hours of operation outlined in the Design and Access Statement are 0830 - 1730 Monday to Saturday and 1000 - 1600 on Sundays. The applicant should confirm the days and hours of operation. Dependent on the confirmation of the operating hours the Highway Development Support Section recommends that these are controlled by condition, and exclude Sunday opening, in the interest of highway safety and residential amenity. Subject to the satisfactory receipt of the further information requested, the following condition should be applied to any formal planning approval granted.

A condition to ensure adequate parking is provided should be attached to any approval.

(update) The revised plans now show adequate parking for the proposed development within the site and within the red edge. However, we still maintain our objection to this development on highway safety grounds for the reasons outlined in our response dated 10 May 2019.

United Utilities – It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Conditions should be attached to any approval requiring the submission of a surface water drainage scheme and to ensure foul and surface waters are drained on separate systems.

Canal and River Trust – The Trust has no comment to make on the proposal.

National Grid (Cadent)

## **Public Response**

The nearest neighbours have been notified by letter and comments have been received objecting on the following grounds;

- Existing issues with abandoned cars;
- Increased traffic;
- Proposed layout;
- Increased noise pollution;
- Lack of gates of forecourt entrance;
- Anti-social behaviour;
- Existing issues with on-street parking;
- Increased pollution;
- 24 hour use of existing building.

## **Officer Comments**

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 ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect and enhance natural and historic environments and sets out specific requirements that aim to ensure development proposals do not detrimentally effect such environments;
- 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;
- 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 ENV 5 (Pollution and Unstable Land) aims to ensure that air, water, noise, odour and light pollution are minimised, both during and after construction;
- 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. Nelson is defined as a Key Service Centre within the M65 Corridor;
- CS Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2 with most employment development being 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. Major employment proposals, particularly those requiring good transport links, should be located along the M65 Corridor.

Other policies and guidance's are also relevant:

- The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) gives guidance on suitable developments within Conservation Areas;
- Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards for new developments.

National Planning Policy Framework

- Paragraph 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe';
- Paragraph 110 (c) states that 'within this context, applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards';
- Paragraph 130 states that Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents...';
- Paragraph 193 states that: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance';
- Paragraph 196 states that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

**2. Principle of Development**

The site is located within the settlement boundary of Nelson. The development is proposed as part of an existing industrial complex and is therefore acceptable in principle in accordance with Policies SDP2, SDP4 and WRK2.

**3. Design and the Conservation Area**

Policy ENV2 states that all new developments are required to meet high standards of design. Regarding historic locations, those requirements are reiterated by the Conservation Area SPD that provides specific guidance on commercial units. It states that such developments should blend well with and enhance their surroundings from the use of contemporary design solutions.

The proposed unit would have a modern industrial appearance. It would be faced with bricks and blue metal cladding with a blue metal sheet roof. The side and rear elevations would be predominantly screened from public view by existing tall walls. However, the front elevation would

occupy a prominent position in the street scene of St Marys Street. PBC Conservation have raised concerns regarding the proposed materials and I concur with their findings.

The design of the proposed unit would be overly modern in the traditional street scene that is proliferated by natural stone buildings with grey slate roofs. It would represent poor design and it would fail to take opportunities to improve the character and quality of the area. The development would lead to a less than substantial harm to the setting of the conservation area. However, that harm would not be outweighed by the minor public benefits provided. The proposal therefore fails to comply with Policies ENV1 and ENV2, the guidance of the Conservation Area SPD and Paragraph 196 of the NPPF.

#### **4. Residential Amenity**

The proposed development would have no overbearing impacts on neighbours given ample separation. Conflicting information has been submitted regarding opening hours. However, this could be controlled through condition where appropriate. Concerns have been raised from neighbours regarding the impacts of increased noise and vehicular activity.

Two roller shutter doors are proposed to the front 11m from housing. Given the nature of the proposed use those doors would likely be open throughout the working day. PBC Environmental Health have requested a noise assessment condition to be added to any approval. However, such an assessment is required prior to determination so that the potential impacts on the aural amenity of neighbours can be established. This requirement has been made clear to the Applicant however a noise assessment complete with measures of mitigation has not been forthcoming.

The site has been previously used for storage. It was locked and appeared unused at the time of the site visit. The comings and goings associated with the proposed use would far exceed the current activity at the site. When the impacts of comings and goings are combined with the noise generated internally from the proposed use, the proposal would fail to ensure that noise pollution is minimised and the aural amenity of the immediate neighbours is safeguarded. The proposal therefore fails to comply with Policies ENV2 and ENV5.

#### **5. Highways**

An adequate level of parking is proposed to service the development in compliance with Saved Policy 31. Concerns have been raised about highway safety along with on-street parking constraints. Those concerns were mirrored by the comments of LCC Highways and I concur with their findings. There was a high demand for on-street parking at the time of the site visit. The proposal would lead to the loss of on-street parking along St Mays Street that would exasperate existing parking issues.

Moreover, the constrained nature of St Marys Street would create difficulties with access and egress in times of high levels of on-street parking. The limited footprint of the proposed building would prevent vehicles from entering/leaving the site in a forward gear. The proposal would ultimately fail to minimise conflict with other road users when parking impacts are coupled with access constraints. It would lead to an unacceptable impact on highway safety and therefore fails to comply with Policy ENV4 and Paragraphs 109 and 110 of the NPPF.

#### **6. Wider Considerations**

A number of considerations have been raised regarding the activities of the existing building. However, those concerns do not relate directly to this proposal.

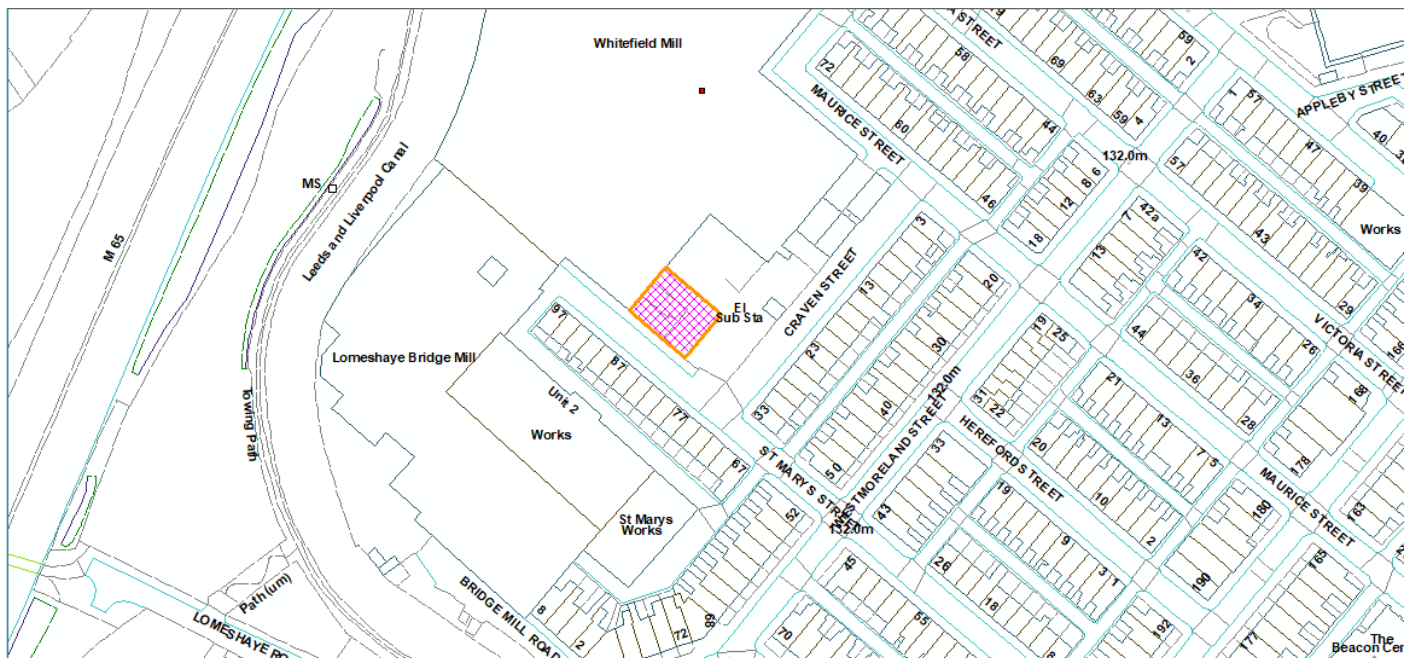
## **7. Summary**

The application seeks to erect single storey commercial unit to be used as a car garage and MOT Test Centre. The proposal would represent poor design when related to the conservation area, it would fail to safeguard against noise pollution for adjacent residential occupants and would have severely detrimental impacts on the safety of the road network thus failing to comply with Policies ENV1, ENV2, ENV4, ENV5, the guidance of the Conservation Area SPD and Paragraphs 109, 110, 130 and 196 of the NPPF.

### **RECOMMENDATION: Refuse**

For the following reasons;

1. The proposed commercial unit would represent poor design and would result in harm to the character and appearance of the Whitefield Conservation Area. Whilst the harm to the significance of the conservation area would be less than substantial, the public benefits provided would not outweigh that harm and thus the development is contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030), the guidance of the Conservation Area Design and Development Guidance Supplementary Planning Document and Paragraphs 130 and 196 of the National Planning Policy Framework;
2. The Applicant has failed to demonstrate that the noise impacts of the proposed B2 Use could be mitigated against and the proposal would therefore result in a detrimental impact on the aural amenity of adjacent residential occupants thus failing to accord with Policies ENV2 and ENV5 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030);
3. The proposed development would result in the loss of on-street parking provisions in an area of high demand and the access constraints would fail to minimise conflict with other road users therefore the proposal would lead to an unacceptable impact on highway safety and does not comply with Policy ENV4 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030) and Paragraphs 109 and 110 of the National Planning Policy Framework.



**Application Ref: 19/0194/FUL**

**Proposal:** Full: Erection of a single-storey commercial unit for use as a car repair garage and MOT centre (Use Class B2).

**At:** J F Business Centre, Whitefield Mill, St Marys Street, Nelson

**On Behalf of:** Mr Aslam



## **REPORT TO NELSON COMMITTEE 2<sup>ND</sup> SEPTEMBER 2019**

**Application Ref: 19/0284/FUL**

**Proposal:** Full: Erection of store to side of building (Use Class A1) (68 Sq.m) (Part-Retrospective).

**At:** 60 Leeds Road, Nelson

**On Behalf of:** Mr Toqir Hussain

**Date Registered:** 01 July, 2019

**Expiry Date:** 26 August, 2019

**Case Officer:** Christian Barton

This application has been called to Committee by the Chair.

### **Site Description and Proposal**

The application site is a builders merchants located within the settlement boundary. It is surrounded by a car park to the southeast, a swimming centre to the west and a health centre to the north. Commercial buildings adjoin the site to the northeast. The building has natural stone and rendered elevations and a slate roof. A storage yard is located to the rear that is occupied entirely with building products.

The proposed development seeks to retain and finish a single-storey lean-to extension built off the gable. The proposed extension is currently used for the storage of building materials. It has a width of 5.3m and a depth of 15.2m and a mono-pitched roof 4m in height. Grey aluminium profile cladding and roofing sheets are proposed to finish the building with a security shutter proposed to the front.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

LCC Highways – The Highway Development Support Section would raise no objection to the proposal on highway safety grounds. We noted that the proposed store is already substantially built.

Lancashire Constabulary

Nelson Town Council

### **Public Response**

The nearest neighbours have been notified by letter without response.

### **Officer Comments**

The main considerations for this application are the design, residential amenity, highways and flooding.

## **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;
- CS Policy ENV7 (Water Management) states that proposals within a designated flood zone should seek to eliminate or reduce the potential for flooding to occur, by demonstrating that further investigation of the extent of risk, and the feasibility of options for prevention or mitigation, have been considered;
- CS Policy SUP 4 sets out general principles to achieve well designed, high quality public buildings and spaces. Applications should have regard to the general design requirements set out in Policy ENV2.

### Other guidance's are also relevant:

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

### National Planning Policy Framework (NPPF)

- Paragraph 130 states that: ' Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development...';

## **2. Design**

Policy ENV2 requires developments to deliver the best possible standards of design. In relation to buildings in the public realm, Policy SUP4 reiterates those requirements and aims to ensure the materials used are in keeping with the established character of the area. The site is a former public house building and its façade contains a number of architectural features. The extension occupies a prominent position in the street scene and has been built adjacent to one of the main gateways accessing the town centre.

When viewed in the context of the façade the extension appears proportionate in terms of massing and roof height. However, the proposed finishing materials are of a stark contrast to the existing appearance of the building. The aluminium materials proposed would relate poorly to the elevations and slate roof and they would detract from the architectural features of the façade. The proposed security shutter facing the highway would exasperate those impacts and extension would function in virtually the same way if installed to the rear.

The proposal therefore represents poor design and it would fail to take opportunities to improve the character and quality of the area thus contravening Policies ENV2 and SUP4 and Paragraph 130 of the NPPF.

## **3. Residential Amenity**

Once finished the proposal would have no impacts on residential amenity.

#### **4. Highways**

Saved Policy 31 requires development proposals to be served with adequate parking. Together with the extension the commercial floor space of the building is stated to be 222 square meters. The Parking Standards of that policy require 1 space per 20 square meters of floor space for such buildings. Those are maximum requirements however.

No planning permission was required for the A1 use that is currently operational. As such the site has an unrestricted A1 use with no dedicated areas for parking or deliveries. The submission states that site has 7 parking spaces however that is not correct. At the time of the site visit a number of vehicles were parked to the front on the pavement causing an obstruction. Moreover, deliveries were being conducted from Oakland Street via the narrow street to the rear with use of a non-roadworthy vehicle.

If committee are minded to approve this application strict conditions should be placed on the site requiring the creation of dedicated parking and delivery areas. The proposal would have no detrimental impacts on the road network subject to the above being adequately provided and maintained.

#### **5. Flooding**

Policy ENV7 requires development proposals within a designated flood zone to eliminate or reduce the potential for flooding. The proposal would provide covered storage for building materials. It would not increase the vulnerability of the main building to flooding. Any comments received from the Environment Agency will be added as part of a committee update report.

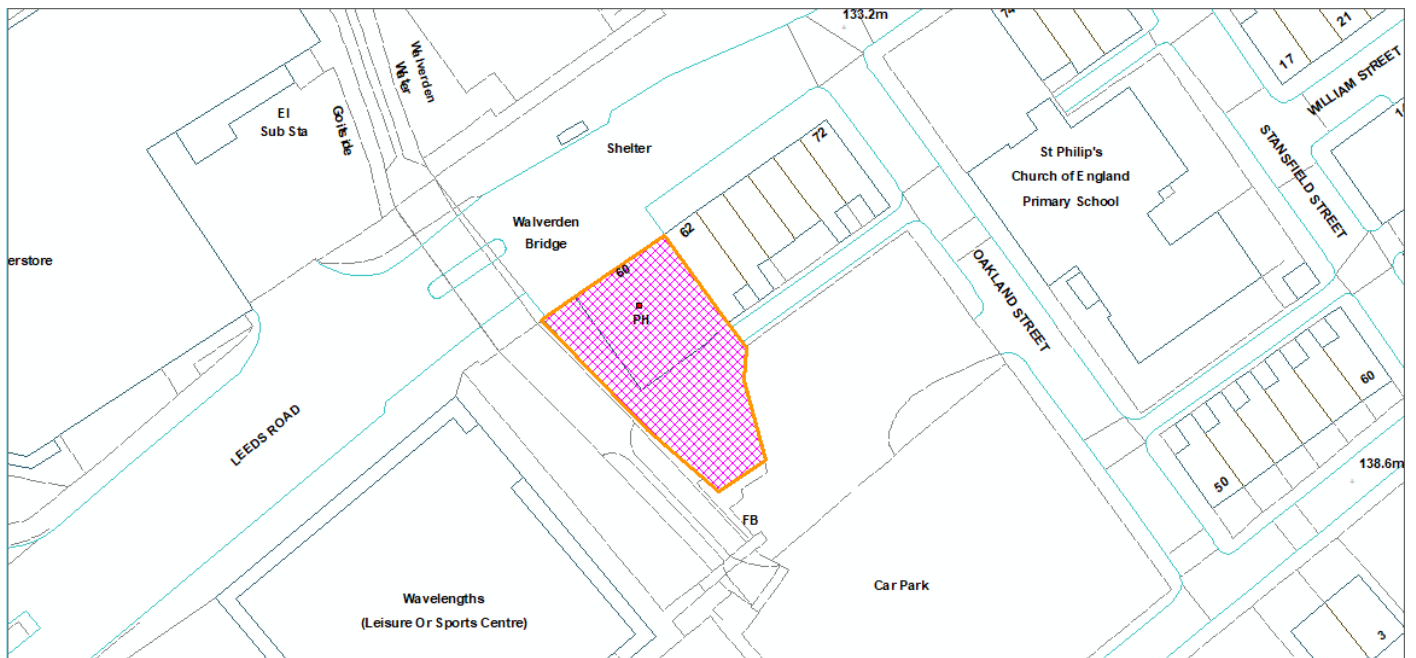
#### **6. Summary**

The proposal seeks to retain and finish a commercial extension. The proposal is acceptable in terms of residential amenity. However the materials proposed to finish the walls and roof of the development would be visually discordant with the existing building. The development is therefore not acceptable in design terms and fails to comply with Policies ENV2 and SUP4 and Paragraph 130 of the NPPF.

#### **RECOMMENDATION: Refuse**

For the following reason;

1. The materials proposed for the walls and roof of the development would be visually discordant when viewed in the context of the existing building and the proposal would fail to take opportunities to improve the character and quality of the area thus contravening Policies ENV2 and SUP4 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) and Paragraph 130 of the National Planning Policy Framework.



**Application Ref: 19/0284/FUL**

**Proposal:** Full: Erection of store to side of building (Use Class A1) (68 Sq.m) (Part-Retrospective).

**At:** 60 Leeds Road, Nelson

**On Behalf of:** Mr Toqir Hussain

## REPORT TO NELSON COMMITTEE 2<sup>ND</sup> SEPTEMBER 2019

**Application Ref:** 19/0393/FUL

**Proposal:** Full: Erection of two-storey extension to south elevation of religious building (Floor Space: 335 SQMs).

**At:** Masjid Nimra, Bankhouse Road, Nelson

**On Behalf of:** The Mosque Committee

**Date Registered:** 28 May, 2019

**Expiry Date:** 06 August, 2019

**Case Officer:** Christian Barton

This application has been called to committee by the Chair.

### **Site Description and Proposal**

The application site is a religious building located within the settlement boundary. It is surrounded by houses to three sides with a playground to the south. The building has red brick elevations, a slate roof and white uPVC windows. A car park surrounds the building to two sides that is enclosed with palisade fencing.

The proposed development is a split level extension to the south elevation. It would provide a floor space of 335 square meters providing areas for amenities and worship. It would project a maximum of 15.6m from the south elevation with a maximum width of 28.6m. The single-storey element would have a flat roof with terrace 3.2m in height. The two-storey element would have a flat roof 6.6m in height with a dome and minaret projecting above it. The extension would have off-white rendered elevations with artificial stone detailing. Grey aluminium and white uPVC windows are also proposed.

### **Relevant Planning History**

13/11/0284P – Full: Change of use of building from offices (use class B1) to a mosque and religious school (Use Class D1) – Approved with Conditions – July 2011.

### **Consultee Response**

LCC Highways – This application seeks to demolish some buildings and to provide an extension which increases the floor area by 335sqm and provides a total of 927sqm. The parking standards would require 34 car parking spaces for this extension based upon a ratio of 1:10 for a D1 use.

However it would be reasonable to apply a similar ratio to that previously approved of 1:35 square meters which equates to 25 car parking spaces overall for a total 927sqm floor area. 14 car parking spaces would be available following the construction of the extension which is a reduction of 8 and an overall shortfall of 11 spaces.

The surrounding streets are heavily parked upon throughout the majority of the day and therefore cannot provide any overspill parking for the worshippers or parents. There are a number of collisions in the vicinity of the site including child pedestrian injuries which is a cause of concern. Due to the shortfall in off-street parking and the heavily parked surrounding streets in the area there is an objection to the proposal on highway safety grounds.

Nelson Town Council

### **Public Response**

The nearest neighbours have been notified by letter and comments have been received objecting on the following grounds;

- Parking shortages;
- Privacy impacts.

### **Officer Comments**

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.

#### **8. 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 the siting and design of development should be in scale, context and harmony with the wider locality;
- 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 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. Nelson is defined as a Key Service Centre within the M65 Corridor;
- CS Policy SUP1 (Community Facilities) sets out the general approach to the provision of community services and facilities. Proposals that enhance the existing offers in Nelson will be supported.
- CS Policy SUP 4 sets out general principles to achieve well designed, high quality public buildings and spaces. Applications should have regard to the general design requirements set out in Policy ENV2.

#### **Other policies and guidance's are also relevant:**

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

## National Planning Policy Framework

- Paragraphs 109 states that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’;
- Paragraph 110 (c) states that ‘within this context, applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards’;

### **9. Principle of Development**

The site is located within the settlement boundary of Nelson. The development is proposed as part of an existing community facility and is therefore acceptable in principle in accordance with Policies SDP2 and SUP1.

### **10. Design and Visual Amenity**

Policy ENV2 states that all new developments are required to meet high standards of design. In relation to buildings in the public realm, Policy SUP4 reiterates those requirements and aims to ensure the materials used are in keeping with the established character of the area.

The site occupies a prominent position in the street scene of Bankhouse Road with open areas immediately to the south. The materials proposed would be acceptable for the development and site. Their quality can be controlled through condition where necessary. The ornate detailing proposed for the elevations would form an attractive feature within the street scene and the proposal would be acceptable in design terms in accordance with Policies ENV2 and SUP4.

### **11. Residential Amenity**

The two-storey element would be built in excess of 12m from the main habitable room windows in the properties to the east on Leeds Road. The single-storey element would have the same depth as the current outrigger and the proposal would have no overbearing impacts on, or cause any unacceptable losses of light for the adjacent residential occupants.

Concerns have been raised about losses of privacy. The proposal requires the installation of windows adjacent to the houses on Leeds Road. However, the distances involved are characteristic of other properties in the area and the proposal would have no unacceptable impacts on the privacy of the immediate neighbours. The yards to the west would not be overlooked by the terrace as screening is proposed as part of that feature. Installation of the screening could be controlled through condition where necessary.

Subject to the above, the proposal would have no unacceptable impacts on domestic privacy and would therefore be acceptable in terms of residential amenity in compliance with Policy ENV2.

### **12. Highways**

Saved Policy 31 requires development proposals to be served with adequate parking. Together with the extension the floor space of the building is stated to be 927 square meters. The Parking Standards of that policy require 1 space per 15 square meters of floor space for such buildings in accessible locations. This would equate to a requirement of 61 spaces. Those are maximum requirements and some level of flexibility can be applied for locations that are well served with public transport links. However, it is clear that parking within the site is severely under provisioned for the proposed development.



At the time of the site visit there was a high demand for parking with the car park full and a number of cars illegally parked on double yellow lines. LCC Highways have objected on parking grounds and I concur with their findings. The proposal would ultimately fail to minimise conflict with other road users given significant parking shortfalls. It would lead to an unacceptable impact on highway safety and therefore does not comply with Policy ENV4 and Paragraphs 109 and 110 of the NPPF.

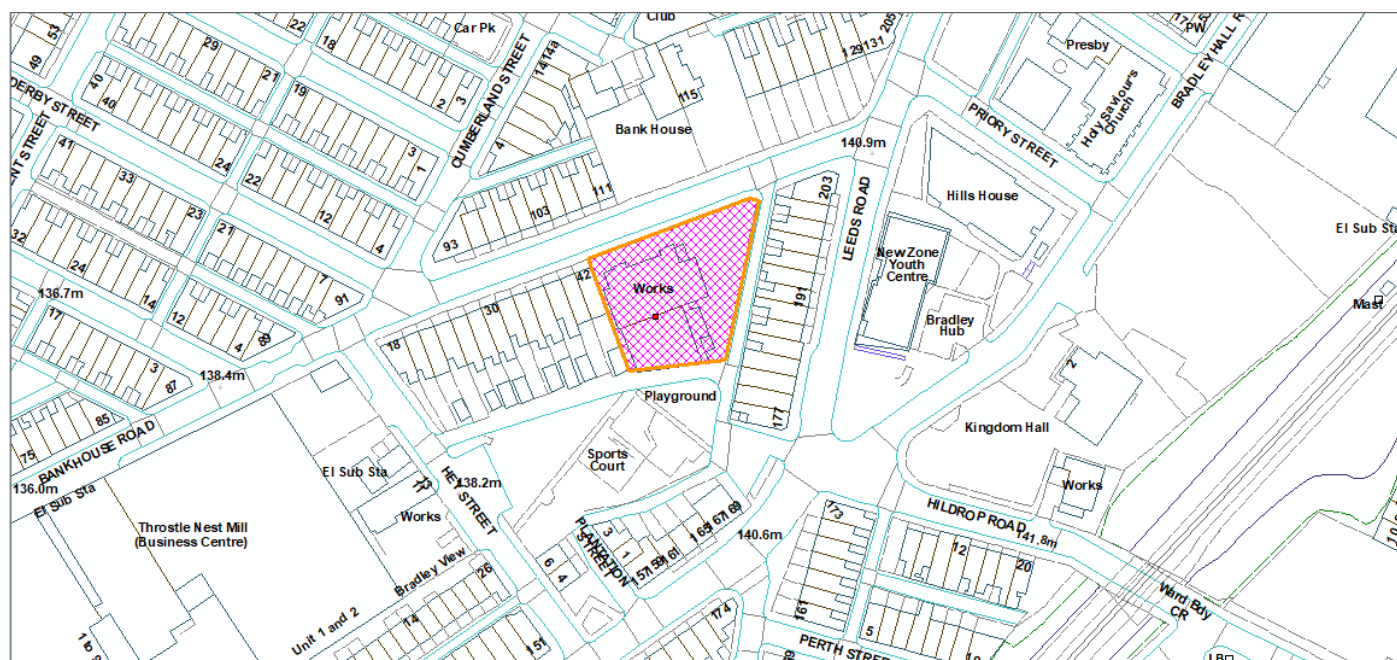
### 13. Summary

The application seeks to erect a split level extension to a religious building with associated works. The proposal is acceptable in terms of the principle of development, design and residential amenity. However, the site has severely under provisioned parking for the size and nature of the development proposed. The proposal would therefore be detrimental in relation to road safety and would fail to comply with Policy ENV4 and Paragraphs 109 and 110 of the NPPF.

### RECOMMENDATION: Refuse

For the following reason;

1. The site has severely under provisioned parking to service the proposed development and the proposal would lead to conflict with other road users and an unacceptable impact on highway safety thus failing to comply with Policy ENV4 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030), Saved Policy 31 of the Replacement Local Plan and Paragraphs 109 and 110 of the National Planning Policy Framework.



**Application Ref:** 19/0393/FUL

**Proposal:** Full: Erection of two-storey extension to south elevation of religious building (Floor Space: 335 SQMs).

**At:** Masjid Nimra, Bankhouse Road, Nelson

**On Behalf of:** The Mosque Committee



## REPORT TO NELSON COMMITTEE ON 02 SEPTEMBER 2019

**Application Ref:** 19/0432/FUL

**Proposal:** Full: Retention of installed double doors to front elevation with minor remedial works (Retrospective).

**At:** 115 Manchester Road, Nelson

**On behalf of:** Mr Mubashir Arif

**Date Registered:** 16/07/2019

**Expiry Date:** 10/09/2019

**Case Officer:** Alex Cameron

This application has been brought before Committee at the request of Councillor Henderson.

### **Site Description and Proposal**

The application site is a retail premises with planning permission for retail and café/restaurant use located within the Whitefield Conservation Area. To the front across Manchester Road is the Grade 2 Listed St. Mary's Church, to the south side is an attached dwelling, to the north side is a lane with the garden of a dwelling opposite, to the rear is the back lane and rear of dwellings on Hope Street.

An unauthorised roller shutter was fitted in place of painted timber doors in the front elevation. An Enforcement Notice was served requiring its removal and reinstatement of timber doors replicating the previously existing doors.

The roller shutter has been removed, however, the timber doors that have been installed do not replicate the previously existing doors.

This is a retrospective application for the retention of the installed timber doors with minor remedial works. The proposed remedial works involve altering the design of the lights above the doors to full height glazing and painting.

### **Relevant Planning History**

13/01/0638P - alterations to frontage - Approved 13/85/0793P - change of use from warehouse to fireplace showroom – Approved

13/12/0168P - Certificate of Lawfulness (Existing Use) Use as general retail (A1) - Approved

13/15/0282P - Change of use from retail (A1) to shop (A1) and hot food takeaway (A5) at ground floor and 2 x 3 bed flats at first floor including external alterations - Refused

13/15/0519P - Sub-division of existing retail (A1) unit at ground floor to create retail unit and hot food takeaway (A5) with alterations to shop front, installation of flue and creation of 2 flats at first floor level – Approved

16/0396/FUL - Sub-division of existing retail (A1) unit at ground floor to create retail unit and café/restaurant (A3) with alterations to shop front, installation of flue to rear roof slope – Refused and Appeal Allowed.

18/0021/FUL - Full: Installation of security shutters in the front elevation (part retrospective), fire exit door and flue to side elevation, replacement of a door with a window and insertion of vents in the rear elevation – Refused.

### **Consultee Response**

LCC Highways – No objection.

Nelson Town Council

### **Public Response**

Press and site notices posted and nearest neighbours notified, the publicity period ends 10<sup>th</sup> September – No response.

### **Officer Comments**

#### **Policy**

The site is located within the Whitefield Road Conservation Area, and so there is a duty under section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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.

The Conservation Area Design and Development Guidance SPD offers additional guidance in support of these policies.

In relation to uPVC windows the SPD states that uPVC windows cannot replicate the proportions, detailing and pleasing aesthetic qualities of timber windows and will not normally be appropriate in Conservation Areas.

In relation to the replacement of doors it states that a new door should as far as possible be an exact match of the original, or otherwise appropriate to the age and style of the building. It also states that doors play an important part in defining the age and character of buildings and are important to the character and appearance of conservation areas.

#### **National Planning Policy Framework**

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

## **Design and Conservation Area Impact**

The building is, other than the alterations to the main doorway, a well preserved retail premises located opposite St. Mary's Church and contributes to the significance of the Conservation Area with its attractive timber detailing.

The framework of the timber doors that have been installed is of poor quality with large gaps and rough timber finish. The proposal to paint the existing doors would not resolve the unacceptable appearance.

It is unlikely that this could be resolved in situ, a completely new framework would need to be constructed and installed, the application has not been made on that basis, it is for retention of the existing doors with only minor remedial works and painting.

The remedial works propose for the lights above the doors to be simplified, however, the line of the lights does not match up with those of the windows either side, as the previous doors did. This adversely impacts upon the symmetry and appearance of the frontage of the building.

The unauthorised doors harm the appearance of the building, which contributes to the character and appearance of the Conservation Area in a prominent and significant part of the conservation area adjacent to St. Mary's Church, and thus harms the significance of the Conservation Area. The proposal for minor remedial and painting would not resolve the harm caused.

The harm to the significance of the Conservation Area is/would be less than substantial but is not outweighed by any public benefits. The proposal is therefore contrary to policies ENV1 and ENV2 and the guidance set out in the Conservation Area Design and Development Guidance SPD.

The submitted plans show a front elevation showing what is purported to be the approved plans of planning permission 16/0396/FUL for the change of use of the building to a restaurant and installation of a new shopfront. The elevation shows aluminium glazed double doors. This is not representative of the approved plan of that application and timber was proposed in that application. The approved plans of that application showed limited details of the shopfront and the Inspector specifically conditioned that a detailed design be submitted and approved prior to any alterations taking place.

### **Amenity**

The proposed doors do not raise any unacceptable residential amenity impacts.

### **Highways**

The proposed doors do not result in unacceptable highway safety or parking issues.

### **Summary**

The proposal would result in unacceptable harm to the character and appearance, and thus the significance, of the Whitefield Conservation Area contrary to policies ENV1 and ENV2 and the guidance set out in the Conservation Area Design and Development Guidance SPD. It is therefore recommended that the refusal of the application is delegated to the Planning, Economic Development and Regulatory Services Manager to allow for the expiry of the publicity period.

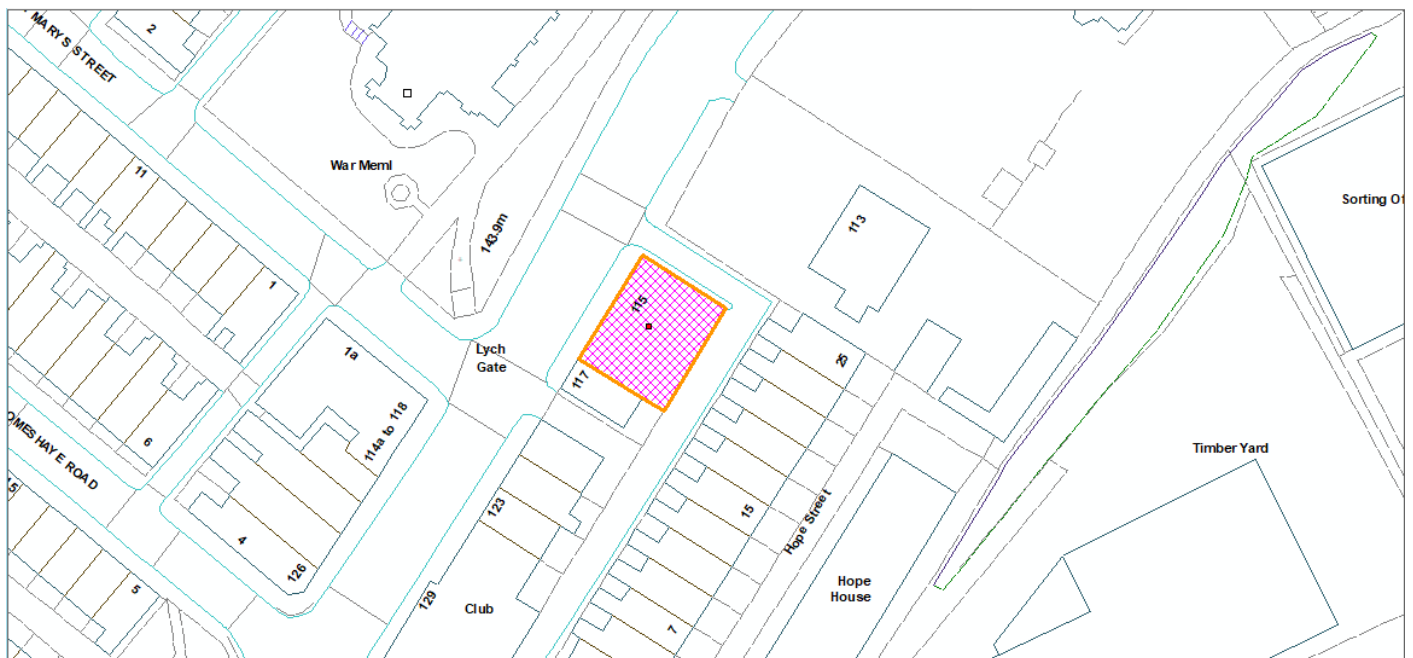
### **RECOMMENDATION: Delegate Refusal**

1. The proposed design and finish of the doors would result in unacceptable harm to the character and appearance of the Whitefield Conservation Area. Whilst the harm to the

significance of the Conservation areas would be less than substantial public benefits would not outweigh that harm and thus the development is contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy, paragraph 193 and 196 of the National Planning policy Framework.

### **Enforcement Recommendation:**

1. An Enforcement Notice was served in August 2018 requiring that, following removal of the unauthorised roller shutter doors, timber doors replicating the design and finish of the previously existing doors be installed. This has not been complied with and the deadline for compliance has passed. It is recommended that prosecution proceedings are commenced for failure to comply with the Enforcement Notice.



**Application Ref:** 19/0432/FUL

**Proposal:** Full: Retention of installed double doors to front elevation with minor remedial works (Retrospective).

**At:** 115 Manchester Road, Nelson

**On behalf of:** Mr Mubashir Arif

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NW/MP**

**Date: 19th August 2019**