

REPORT FROM:	PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER
TO:	POLICY AND RESOURCES COMMITTEE
DATE:	19th SEPTEMBER, 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO POLICY AND RESOURCES COMMITTEE 19th 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 referred to Policy and Resources Committee as Nelson Committee were minded to approve the application. The proposal would be a significant departure from Policy ENV7 of the Local Plan Part 1: Core Strategy (2011 – 2030) as the development would obstruct flood flows and may compromise the function of the flood wall therefore increasing the risk of off-site flooding.

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.

Environment Agency – We object to this application as it involves building within 8 metres of a main river and flood wall. We would not grant a flood risk activity permit

for this application and request that the applicant removes the structure that has already been erected on this site.

Reasons

- The proposed development would restrict essential maintenance and emergency access to the watercourse and defences. The permanent retention of a continuous unobstructed area is an essential requirement for future maintenance and/ or improvement works;
- The proposed development would obstruct flood flows, thereby increasing the risk of flooding to the area;
- The proposed development may adversely affect the construction and stability of the flood wall which could compromise its function. The proposal could therefore increase the risk of flooding.

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 of the building 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 Polices 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 the site has 7 parking spaces though 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. Objections have been received from the Environment Agency on various grounds. The proposal would obstruct flood flows in times of heavy rainfall. Its construction may compromise the function and structural integrity of the flood wall it is built on which would increase the possibility of the flood wall collapsing. Therefore, the proposal would increase the risk of off-site flooding and on that basis fails to comply with Policy ENV7.

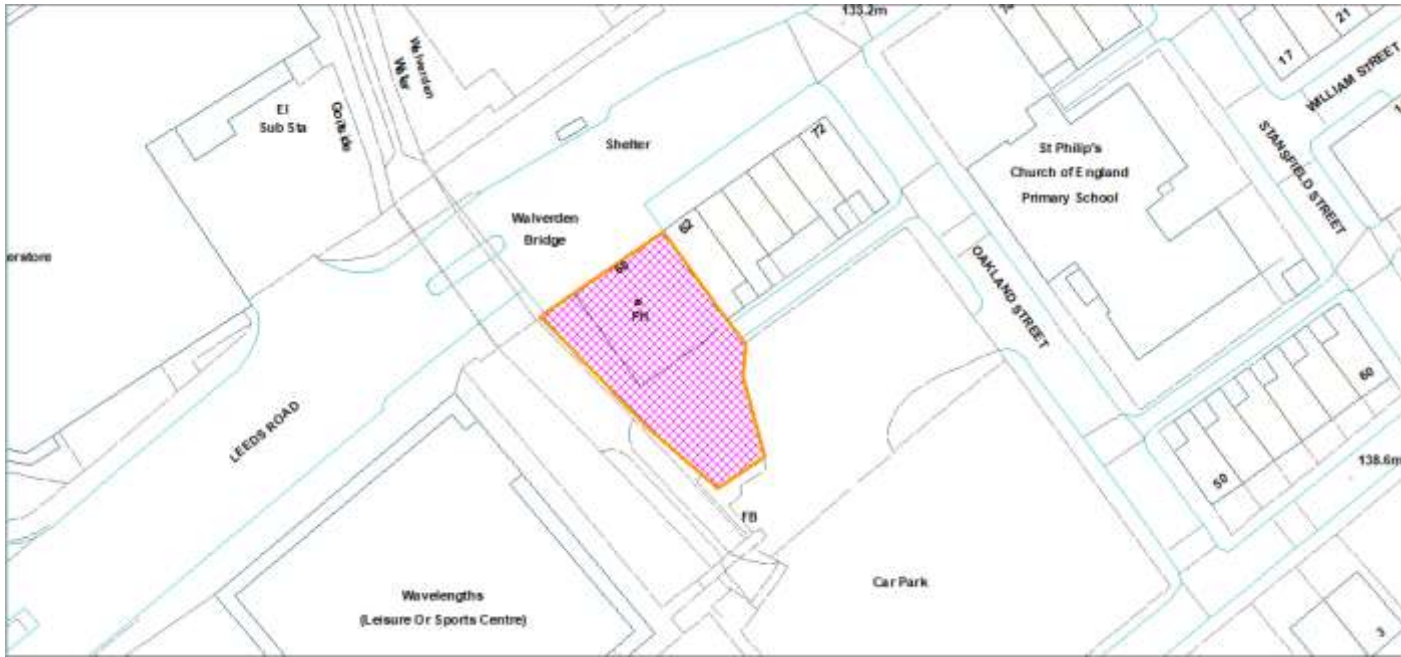
6. Summary

The application 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. Moreover, the extension would obstruct flood flows and would comprise the function of the flood wall thus increasing the risk of off-site flooding. The development is therefore not acceptable in terms of design and flooding impacts and fails to comply with Policies ENV2, ENV7, SUP4 and Paragraph 130 of the NPPF.

RECOMMENDATION: Refuse

For the following reasons;

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.
2. The proposed development would obstruct flood flows and its construction would increase the risk of the structural integrity of the flood wall being comprised thus increasing the risk of flooding. The proposal therefore fails to comply with Policy ENV7 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030).



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