



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 08th June 2020

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON AREA COMMITTEE – 08TH JUNE 2020

Application Ref: 19/0885/OUT

Proposal: Outline: Major: Erection of three storey building for 18 no. studio apartments (Use Class C3) with access only and all other matters reserved.

At: the Former Spiritualist Church, Vernon Street, Nelson

On behalf of: Mr Saadat Khan

Date Registered: 20 December, 2019

Expiry Date: 03 April, 2020

Case Officer: Christian Barton

This application has been brought before Committee as a major application.

Site Description and Proposal

The application site is a vacant plot located in the settlement of Nelson. Formerly it housed a large stone building which has recently burned down. It is surrounded by terraced dwellings to two sides with a playground to the southwest and a community centre to the northeast. The site is currently in a rundown condition with dumped building rubble and fly tipped household waste on it.

This is an outline application, for access only, for the erection of a three-storey building for up to 18 one bedroom apartments. Details of layout and scale were initially applied for yet those elements have been removed from the submission. A new access off Vernon Street is proposed to service the development. The initial plans submitted indicating the proposals layout and scale have been treat as indicative throughout this assessment.

Relevant Planning History

No relevant planning history.

Consultee Response

PBC Environmental Health – Conditions should be added to any approval regarding the submission of a Contamination Method Statement, Construction Method Statement and to control working hours, times of construction deliveries, dust emissions and burning on site.

LCC Highways – The Highway Development Support Section raises concerns and therefore objects on highway safety grounds, due to intensification of the site and loss of on-road parking provision. Whilst the Highway Development Support Section objects, if the local planning authority is minded to approve this application then a properly constructed access should be formed and conditions should be added in that regard alongside further conditions which relate to the submission of a Construction Method Statement, a survey process to determine damage to the road network, the provision of parking, cycle storage facilities and electric vehicle charge points.

Lead Local Flood Authority (LLFA) – The LLFA is currently unable to provide you with a substantive response as insufficient information has been submitted with this application. The

comments made relate to the proposed inclusion of layout and scale. Details should be submitted relating to how surface water will be drained, assessment of run-off rates, details of catchment areas and proposed maintenance of all drainage infrastructure.

The LLFA asks to be re-consulted following the submission of the above information. Once consulted, we will then provide you with a substantive response within 21 days, unless otherwise agreed. For clarity, no further processing of this consultation request will take place until the above information has been received in full.

(Update) It is noted that the above application has now been amended to access only, with all other matters reserved to a later stage in the planning process. On that basis, the Lead Local Flood Authority has no objection to the proposed development, subject to the inclusion of planning conditions to finalise surface water drainage arrangements to service the proposed and during the construction phase.

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. A condition should be added to any approval to ensure the development is appropriately drained on separate systems for foul and surface waters.

NHS East Lancashire Hospitals – This proposed development comprises of 18 flats and based on the 2011 Census average household size per dwelling, we have calculated that this development will accommodate a population of 18 residents. This means that this residential development will generate 41 interventions for the Trust based on the average calculation above. The contribution requested is based on this calculation and by that means ensures that the request for the relevant landowner or developer to contribute towards the cost of health care provision is directly related to the development proposals and is fairly and reasonably related in scale and kind. Without the contribution being paid the development would not be acceptable in planning terms because the consequence would be that there would be inadequate healthcare services available to support it and it would adversely impact on the delivery of healthcare for others in the Trust's area. The contribution requested for this proposed development is £10,525.00.

School Planning Team – An education contribution is not required at this stage in regards to this development. If the education contribution assessment identifies the need for a contribution to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's request on its behalf, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed.

Lancashire Fire and Rescue – A number of measures are recommended to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulations application.

Lancashire Constabulary – It is beneficial to address crime and security issues as early as possible in the design process. This allows crime prevention strategies to be more effectively integrated into the overall development. A number of security recommendations have been made which accord with the Secured by Design New Homes 2019 design guide.

Public Response

The nearest neighbours have been notified by letter and a site notice was posted. Public comments have been received objecting on the following grounds;

- The area is an eyesore with dumped rubbish;
- Exacerbation of local parking shortfalls;
- Additional traffic movements will compromise highway safety;
- The development will cause losses of light and privacy impacts;
- Additional school and nursery places cannot be accommodated;
- Healthcare facilities cannot accommodate the development;
- The buildings scale would not fit in with the street scene;
- Land stability would be compromised;
- Drainage problems will be caused;
- Noise from adjacent premises will cause disruption for future occupants;
- Nelson has an abundance of vacant homes.

Officer Comments

The main considerations for this application are the principle of the development, design, residential amenity, highways, drainage and environmental impacts.

The Pendle Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the 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 Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy SDP2 (Spatial Development Principles) states that Key Service Centres, including Nelson, should accommodate the majority of new development and that new development should be located within the settlement boundary unless permitted by an exception outlined in the Local Plan;
- CS Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with the wider locality;
- CS Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused;
- CS Policy ENV5 (Pollution and Unstable Land) states that new development is required to address the risks arising from contaminated land or unstable land, including that arising from mining legacy, through remediation work that makes the site suitable for the proposed end use;

- 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 LIV1 (Housing Provision and Delivery) sets out the Councils requirement to deliver new housing at a rate of 298 dwellings per annum. Proposals for housing within defined settlement boundaries are supported in sustainable locations;
- CS Policy LIV3 (Housing Needs) involves the housing needs of different groups in the community and encourages the provision of a range of residential accommodation in terms of type, tenure and size.
- CS Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Other policies and guidance's are also relevant:

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

National Planning Policy Framework (The Framework)

- Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:
 - c) Approving development proposals that accord with an up-to-date development plan without delay; or
 - d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:
 - I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or
 - II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There is a presumption in favour of sustainable development as set out in Paragraph 11. Applications that conform to the development plan should be approved. Where policies are out-of-date development should be approved unless the policies in the Framework provide a clear reason for refusing (the policies which apply are set out in footnote 6) or any adverse impacts of approving would significantly and demonstrably outweigh the benefits. This is commonly referred to as 'the tilted balance'.

In broad terms a five year supply of housing is calculated by assessing how many units are required per annum, adding or subtracting houses delivered or under delivery, adding in the appropriate buffer for under delivery and then assessing how many houses can be brought forward within 5 years on sites. Pendle currently has a 4.6 years supply of housing land and the tilted balance is therefore applicable to housing schemes.

- Paragraphs 54 – 57 consider viability and contributions from developments. Paragraph 57 states:

“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

2. Principle of the Development

The application site is within the settlement boundary and it is surrounded by residential properties. Services, facilities and regular public transport links are all within walking distance and the development would be within a sustainable location for housing. Empty homes in the area have been raised in public comments. The provision of smaller homes in accessible locations however has a medium priority in the Local Plan highlighting local shortfalls. This proposed residential development is therefore acceptable in principle and accords with Policies SDP2, LIV1 and LIV3.

3. Visual Amenity

Concerns have been raised in relation to the current condition of the site. This application provides a welcomed opportunity to develop it and prevent future waste dumping. The massing of the proposed building and how effectively it would integrate with the surrounding street scene has been raised in public comments.

The indicative plans submitted show the proposed building to have similar proportions when related to the previous building. Those plans sufficiently demonstrate that the site could accommodate a three-storey building of 18 apartments whilst also retaining a certain level of open space. Subject to further design details being agreed at the reserved matters stage, the proposed development would be acceptable in relation to visual amenity thereby complying with Policy ENV2 and LIV5.

4. Residential Amenity

Comments have been made in relation to the potential for noise disruption from the adjacent community centre. However, such uses typically do not generate noise to the extent where aural amenity is compromised. Noise from adjacent land uses has not been raised by PBC Environmental Health and the proposal would be acceptable in that respect.

Losses of light and privacy impacts were cited in public comments. The indicative plans submitted show the site could accommodate a three-storey building without appearing overbearing, or causing any unacceptable losses of light. As highlighted above, the proposed building would be similar in scale to the previous building and its mass would not have an unacceptably imposing impact on the immediate neighbours when the previous relationship is considered.

Subject to an acceptable window arrangement being finalised at the reserved matters stage, the proposed development would have no unacceptable impacts on residential amenity in accordance with Policies ENV2 and ENV5.

5. Highways

The Parking Standards of Saved Policy 31 require 18 off-street parking spaces to service the development. The constrained nature of the site cannot accommodate such level of provision and existing parking will be lost from Vernon Street to accommodate the proposed access. Public comments and objections from LCC Highways have been raised in that regard.

With the provision of basement parking and some outdoor parking the site could accommodate around half of the 18 spaces required. Those are maximum requirements however and the overall impact of additional parking on the safety of the highway network must be considered. The site is within walking distance of regular public transport links and cycle storage can be required through condition at the reserved matters stage to promote sustainable travel. Not all of the surrounding streets are lined with dwellings on both sides and they provide an abundance of parking opportunities.

At the time of the site visit there was a low demand for on-street parking. The scheme would ultimately not contribute to such activity to the extent that it would obstruct the free flow of traffic. For those reasons the immediate highway network could accommodate the schemes parking shortfalls without having a detrimental impact on highway safety. Access into the site would be gained from a residential road restricted to 20 mph. The indicative layout plan confirms the site could accommodate a building of the proposed scale with suitable access arrangements and all technical details regarding the accesses construction can be finalised through condition.

A number of conditions have been recommended by LCC Highways yet not all are relevant at this stage. Degradation of the public roads surface from development cannot be accurately quantified and the provision of parking/manoeuvring areas, electric charge points and covered cycle storage should be covered at the reserved matters stage and related to the proposed layout. With appropriate conditions to control the logistics of the construction phase and any required off-site works of highway improvement, the proposed development would be acceptable in relation to highways matters in compliance with Policy ENV4.

6. Drainage and Flooding

A general requirement for developments to not contribute towards the risk of flooding is outlined in Policy ENV7. For brownfield sites the impacts of new developments are measured against the sites existing performance and if not properly managed this scheme has the potential to increase localised surface water flooding.

On that basis conditions have been recommended by the LLFA to minimise such impacts during the construction phase and following development. With those conditions in place to ensure that appropriate foul and surface water drainage schemes are provided, the proposed development would not contribute towards the risk of surface water flooding and complies with Policy ENV7.

7. Environmental Impact

Terrestrial contamination is a potential problem at this brownfield site. A Preliminary Geoenvironmental Assessment has been submitted which concludes a number of further ground investigation works are required in order to ensure the site can safely accommodate the development. Those conclusions have been affirmed from the comments from PBC Environmental Health so an appropriate condition is recommended in that regard.

Further conditions have also been recommended from PBC Environmental Health though the times of construction materials deliveries cannot be reasonably controlled through condition and the burning of waste is controlled through non-planning legislation. Measures to control working hours and dust have been incorporated within the recommended Construction Method Statement

condition and subject to that condition the proposal raises no unacceptable environmental concerns in accordance with Policy ENV2 and ENV5.

8. Planning Contributions

Contributions have been requested from Lancashire County Council as education Authority and the East Lancashire NHS Trust and concerns have been raised regarding additional strain on community services. In terms of health service contributions there are a number of concerns about the request and justification for those requests. Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through Section 106 agreements for infrastructure affected by a development.

The request for contributions for health care services does in my view fit into a category of infrastructure that could be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations. Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development. Robust evidence is required to support a request for a contribution. The requests are there to deal with a one year contribution to deal with services that need to be provided over a one year period. After that the population growth from the development will be known and can be planned for.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development are directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on services. This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel's opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Requiring a contribution would ultimately impact on the viability and deliverability of the scheme. Committee are therefore recommended not to require a contribution to the NHS as the evidence is not robust enough to confirm that the funding is directly related to the development and is fairly and reasonably related in scale and kind to the development. An education contribution has not been requested at this stage from the School Planning Team and that matter will be resolved at the reserved matters stage.

9. Wider Considerations

A number of recommendations have been made from the emergency services relating to site security and access for emergency vehicles. Those matters are ultimately resolved at the Building Regulations stage and they have no material impact on the assessment of this application. Concerns have been raised regarding land stability. The site falls within a low risk area for vulnerability to historic coal mining and any matters relating to the physical structure of the development would also be addressed at the Building Regulations stage.

10. Five Year Housing Land Supply

Pendle currently does not have a five year supply of housing. As such consideration needs to be given to paragraph 11 of the Framework. This is quoted above but is commonly referred to as the application of the tilted balance. As with all applications the development needs to be assessed against the development plan and then the tilted balance needs to be taken into consideration. The tilted balance indicates that where policies most relevant for the determination of the application are out of date approving the application unless the any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

For this application the development would conform to the development plan and the recommendation is to approve it. The tilted balance would add weight to this as the benefits of housing provision would outweigh the concerns outlined above.

11. Summary

The application seeks outline permission with details of access alone for the erection of a three-storey building providing up to 18 apartments. The proposal is acceptable in principle and in terms of visual amenity, residential amenity, highways and drainage and environmental impacts in compliance with Policies ENV2, ENV4, ENV5, ENV7, LIV1, LIV3 and LIV5.

Reason For Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the development would be acceptable in terms of principle, visual amenity, residential amenity, highways and drainage. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions;

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

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) (England) Order 2015 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. The development hereby permitted shall be carried out in strict accordance with the following approved plan: LU158: P01A, P04A and P06C.

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

4. No development shall commence on site unless and until, a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for foul and surface waters and shall be constructed and completed in accordance with the approved plans before any apartment is occupied.

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

5. No development shall commence on site unless and until, a Contamination Method Statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-

- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority;
- b) Comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Reason: In order to protect the environment and residents from contamination.

6. No development shall commence on site unless and until, a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and it shall provide for but not be exclusively limited to;

- a) The parking of vehicles of site operatives and visitors;
- b) The loading and unloading of plant and materials;
- c) The storage of plant and materials used in constructing the development;
- d) The erection and maintenance of security hoarding;
- e) Wheel washing facilities;

- f) Measures to control the emission of dust and dirt during construction;
- g) A scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) Details of working hours;
- i) Routing of delivery vehicles to/from site.

Reason: In the interest of highway safety and to minimise disruption during the construction phase.

7. No development shall commence on site unless and until, a scheme for the construction of the site access and all required off-site works of highway improvement, has been submitted to, and approved in writing the Local Planning Authority. The works shall be completed in accordance with the approved details before any apartment is occupied.

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

8. No development shall commence on site unless and until, the final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) An appropriate assessment of the existing surface water runoff rates for the 1 in 1 year, 1 in 2 year (Qbar), 1 in 30 year and 1 in 100 year rainfall events. For a previously developed site such as this, the applicant should follow the methodology outlined in section 24.5 of the CIRIA SuDS Manual, 2015;
- b) An appropriate assessment of the existing surface water runoff volumes for the 1 in 100 year, 6 hour rainfall event;
- c) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
- d) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an appropriate allowance for climate change and urban creep. The calculations must also demonstrate that surface water runoff from the development will not exceed the existing pre-development surface water runoff rates and volumes for the corresponding rainfall event;
- e) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
- f) Confirmation of how surface water is to be managed within any non-drained areas of the site, i.e. gardens and public open space;
- g) A final site plan showing overland flow routes and flood water exceedance routes, both on and off site;
- h) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
- i) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

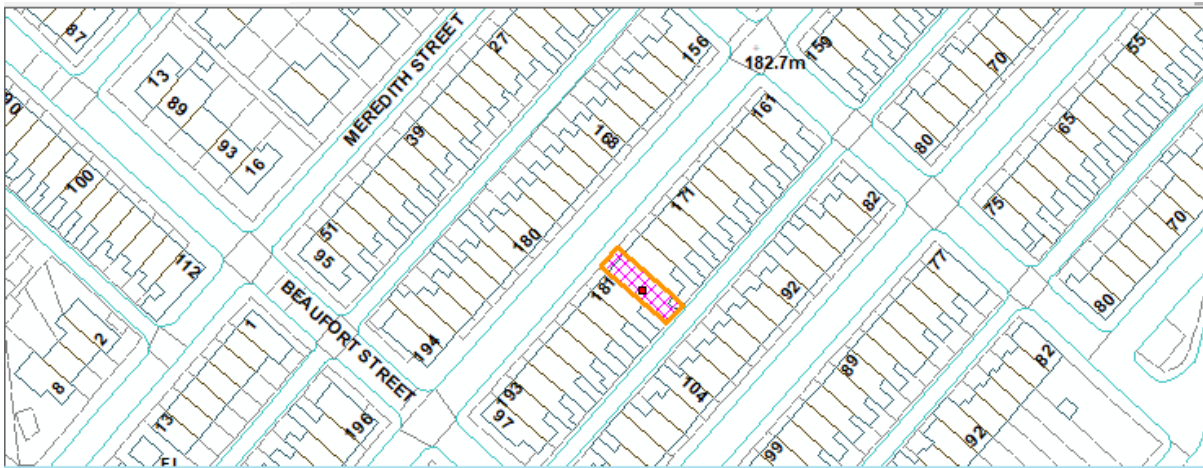
Reason: To ensure that the proposed development can be adequately drained to reduce the risk of flooding and ensure that water quality is not detrimentally effected.

9. No development shall commence on site unless and until, details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Reasons: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to preserve the ecological or geomorphic condition of water bodies.

Informative

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 5.2m, radius kerbs, buff coloured tactile paved dropped pedestrian crossings either side of the access and a H bar road marking across the entrance on Vernon Street. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.



Application Ref: 19/0885/OUT

Proposal: Outline: Major: Erection of three storey building for 18 no. studio apartments (Use Class C3) with access only and all other matters reserved.

At: the Former Spiritualist Church, Vernon Street, Nelson

On behalf of: Mr Saadat Khan

REPORT TO NELSON AREA COMMITTEE ON 8TH JUNE 2020

Application Ref: 20/0006/HHO
Proposal: Full: Erection of a single storey rear extension with roof garden above.
At: 2-4 Rutland Street, Nelson.
On behalf of: Mr Shabaz Munir
Date Registered: 06.01.2020
Expiry Date: 12.06.2020
Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as it has been called in by Councillor Sakib.

The application site is two terraced residential properties, which are being used as one dwellinghouse, located within the settlement boundary of Nelson. The site is surrounded by compact terraced properties of a similar design, scale and mass.

The proposed development is for the erection of a single storey rear extension, with fenced roof garden above. The extension would comprise of a kitchen, utility and W/C.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

The proposed work will not see extra bedrooms created at the property. There will be no change to existing parking arrangements or to the adopted highway.

I have noted that a degree of yard space will be retained. This will allow for the storage of refuse bins, whilst retaining pedestrian access. As a result, the retained yard area should avoid refuse migrating and ultimately being left on the adopted back street.

This development will not have any impact on the existing highway network so there is no highway objection to the application as currently proposed.

Public Response

One letter of objection was received from a neighbouring occupier, their comments are summarised as follows:

- The proposed extension will cover existing light and views from a neighbouring property.
- Light will be blocked to the one window which serves the living room.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

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

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 130 states that permissions 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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Design

Paragraph 130 of the NPPF states that permission should be refused for developments of poor design.

The proposed single storey rear extension element of this proposal would be sited in the rear yard of the property, not readily visible from the frontage on Rutland Street and would have a maximum height of 3m, which would be appropriate within this setting. Moreover, it would have a render finish on the elevations and relatively blank façade.

However, the proposal includes a first-floor roof terrace on top of the flat roof of the single storey rear extension. The extension is sited on a corner plot, on a junction of Rutland Street, with dwellings on three elevations. 1.8m panel fencing is proposed on all four elevations at first floor level, which would create a total height of 4.8m and form the appearance of a two storey extension.

There are no other two storey rear extensions in the adjacent terrace of Rutland Street, therefore the proposed development would result in a dominant and disproportionate addition in such a compact residential setting.

Moreover, the use of panel fencing at first floor level would be extremely prominent, is not a material that is common in the street scene or appropriate for this proposed use and would form a low quality and obtrusive design feature.

Therefore, on design grounds the proposed development is contrary to Policies ENV1, ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD states that a single storey rear extension located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling. A single storey extension of greater depth will normally only be permitted if it does not breach the 45 degree rule where this would not cause detriment to the character of an area.

The proposed single storey rear extension has a total depth of 5.3m, although it is set in from the north western side elevation with No.6 by 1.9m. Due to the stepped nature of the rear extension, when a 45 degree line is drawn from the closest rear facing window at No.6 towards the proposed extension, it does not result in a breach and therefore no significant detrimental loss of light to neighbouring occupiers.

Moreover, the Design Principles SPD states that the installation of balconies at first floor level can result in a significant loss of privacy for neighbours. Particularly in the case of terraced properties balconies will not be acceptable. Careful consideration should be given to siting and screening.

The application proposes a roof terrace above the proposed single storey rear extension. A 1.8m high fence is proposed on all four elevations, creating the appearance of a two storey extension and reducing the impact of overlooking onto neighbouring occupiers. However, the roof terrace would be sited in a prominent location at the end of a compact terrace. It would also be directly adjacent to the rear elevations of a perpendicular row of dwellings, within close proximity.

Whilst the proposed fencing would mitigate significant overlooking from users of the roof terrace, overlooking may still be possible, its appearance and siting in a densely residential area could result in perceived overlooking and overbearing impacts for neighbouring occupiers. Especially for those using their private rear yard spaces.

The need for screening on all four elevations of the roof terrace is unusual and implies that a raised platform in this location is not appropriate.

Therefore, due to the potential impacts on neighbouring occupier's enjoyment of their own home the proposed development is contrary to Policy ENV2 and the Design Principles SPD.

Highways

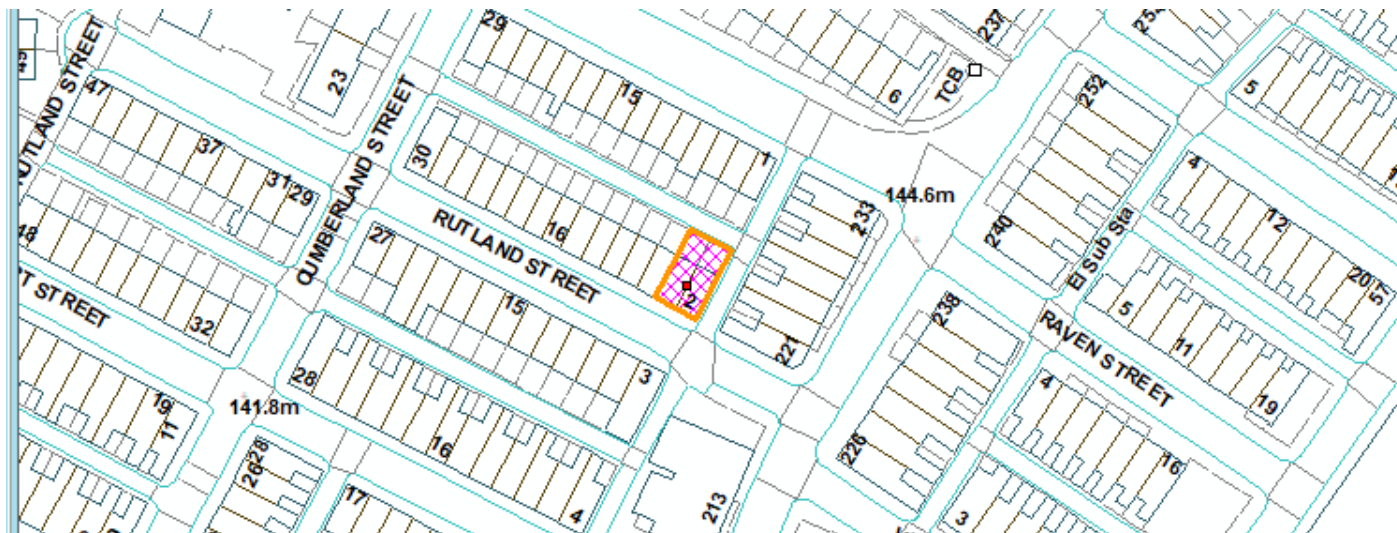
The proposed extension would not provide additional bedrooms to the property and therefore would not increase the parking provision required. Moreover, the proposed extension retains sufficient rear yard space for the storage of refuse bins off the highway. Therefore, no objections are raised in relation to highway safety.

RECOMMENDATION: Refuse

The design of the proposed first floor terrace and screening is poor and would lead to unacceptable design in terms of the character of the street scene. The fence panels at first floor level would be inappropriate development in terms of materials and design. The development

would therefore be contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and Paragraph 130 of the National Planning Policy Framework.

The proposed development, including roof terrace, would create a two-storey built form which would be overbearing to adjacent properties in Rutland Street, due to the existing residential setting. Moreover, the potential for overlooking from the roof terrace, would result in a detrimental impact on residential amenity. Therefore, the application fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and the Design Principles SPD.



Application Ref: 20/0006/HHO

Proposal: Full: Erection of a single storey rear extension with roof garden above.

At: 2-4 Rutland Street, Nelson.

On behalf of: Mr Shabaz Munir

REPORT TO NELSON AREA COMMITTEE ON 08 JUNE 2020

Application Ref: 20/0034/FUL

Proposal: Full: Demolition of barn and stables and erection of an agricultural storage and livestock building (Floor Area: 164 sq.m.).

At: Land At Field No 1246, Southfield Lane, Southfield

On behalf of: Mrs Wager

Date Registered: 12/02/2020

Expiry Date: 08/04/2020

Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is agricultural land with a group of buildings consisting of stables, shipping containers and a makeshift corrugated sheet barn between. The site is located within the open countryside and Southfield Conservation Area approximately 55m to the north west of dwellings at Catlow

The proposed development is the demolition of the existing buildings and their replacement with an agricultural storage and livestock building. The proposed building would have a footprint of 16.4m x 10m and overall height of 3.5m, it would be constructed with concrete block lower walls, Yorkshire boarding above and a cement sheet roof.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objection

Nelson Town Council

Public Response

Site and press notices posted and nearest neighbours notified. Responses received objecting to the development on the following grounds:

- The existing buildings are unauthorised, the approval of this application would be seen to reward unauthorised development.
- The site is currently used for stabling horses.
- The site has a history of circumventing the planning system and this may be a further attempt to do that.

- The building would house animals within 400m of residential dwellings which would result in unacceptable residential amenity impacts.
- Potential noise impacts from any generator.
- Concerns relating to animal welfare standards.
- The proposed building would be too large and would harm the appearance of the area and the conservation area.
- The land is not part of any farm in its own right.
- If planning permission is granted the following conditions should be attached: the building shall not be used to house horses or for commercial purposes, the entrances on the eastern elevation shall be amended to a single main door, parking provision, restriction on electricity supply / solar panels, environmentally sound disposal of current buildings, soundproofing of the building, demolition schedule.

Responses received in support:

- The proposal is of a high standard, it would improve the appearance of the area and preserve the conservation area.
- The development is be beneficial to animal welfare.
- Similar development in the area already.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

National Planning Policy Framework

Paragraph 128 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.

Paragraph 134 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.

Principle of the Development

The proposed building would replace existing buildings on the site and provide facilities for the farming of 10.5 acres of land and livestock of 30-100 sheep. The scale of the proposed building is appropriate to the needs of the agricultural use.

Concerns have been raised that the site currently accommodates horses. The application has not been made solely on the basis of being an agricultural use and therefore must be assessed as such. However, the building does have features that resemble stables and therefore, in the interest

of clarity it is necessary to attach a condition to ensure that the building is used solely for agricultural purposes.

Design and Impact on the Conservation Area

The proposed building would replace existing structures that have been in place for over four years. The design of the building is typical of agricultural buildings and it is appropriate to the rural character of the area. The replacement of the existing structures with this building would have a beneficial impact upon the visual amenity of the area and the character and appearance of the Conservation Area.

There is no specific necessary to restrict permitted development rights for solar panels.

The proposed development is acceptable in terms of visual amenity and Conservation Area impact in accordance with policies ENV1 and ENV2.

Residential amenity

The proposed building would be a sufficient distance from nearby dwellings to ensure that the use of the building and accommodation of livestock would not result in any unacceptable impacts upon their residents. The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Highways

The proposed development would not result in any unacceptable highway safety impacts, the building replaces existing buildings taking this and its agricultural use into account it is not necessary to require that car parking provision is made.

Other matters

Taking into account their scale and nature of their construction there is no necessity for additional information to be provided or controls imposed over the demolition of the existing buildings.

There is no necessity to control the supply of electricity to the building.

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 visual and residential amenity, highway safety, Conservation Area impact and all other relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 03A.

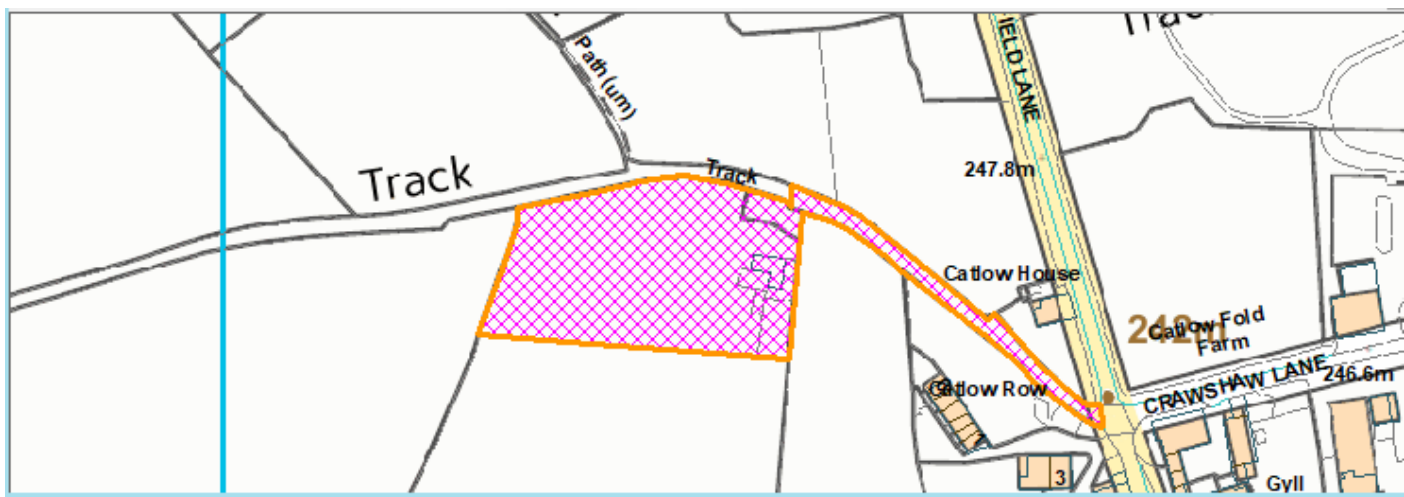
Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the cladding of the walls and roof samples of the external cladding materials of the walls and roof of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out and maintained using only the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

4. The building shall be used solely for purposes falling within the definition of agriculture set out in section 336(1) of the Town and Country Planning Act 1990 and for no other purpose, including the accommodation of equine animals without the prior written approval of the Local Planning Authority.

Reason: For the avoidance of doubt and to control the use of the development.



Application Ref: 20/0034/FUL

Proposal: Full: Demolition of barn and stables and erection of an agricultural storage and livestock building (Floor Area: 164 sq.m.).

At: Land At Field No 1246, Southfield Lane, Southfield

On behalf of: Mrs Wager

REPORT TO NELSON AREA COMMITTEE – 08TH JUNE 2020

Application Ref: 20/0045/HHO

Proposal: Full: Erection of dormer windows to front and rear roofslopes (Resubmission).

At: 179 Chapel House Road, Nelson

On Behalf of: Mr S. Mehboob

Date Registered: 20 January, 2020

Expiry Date: 16 March, 2020

Case Officer: Christian Barton

This application has been brought before committee as requested by the Chairman.

Site Description and Proposal

The site is a mid-terrace dwelling located in the settlement of Nelson. It adjoins and is surrounded by similar dwellings to all sides. The house has natural stone elevations, a slate roof, brown uPVC windows and a walled yard to the rear.

The proposed development involves the installation of roof dormers to the front and rear. The application is similar to the previous submission save alterations to the front dormers design. Both dormers would now have flat roofs. They would be clad with slates and installed with brown uPVC windows. Removal of the stone chimney stack is also shown on the submitted plans.

Relevant Planning History

19/0808/HHO – Full: Erection of dormer windows to front and rear roofslopes – Refused – December 2019.

Consultee Response

LCC Highways – The proposal should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site. There is no objection to the proposal.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter and no responses have been received.

Officer Comments

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

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

- CS Policy ENV2 (Achieving Quality in Design) 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.

National Planning Policy Framework

- 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.'

The principle policy relating to this proposal 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

In general terms, the Design Principles SPD states that the style, design and scale of domestic developments should respect the existing character of the location. Roof dormers should be exercised in a way that ensures their design is in keeping with the dwelling and their volume does not dominate the roof slope. Such developments should only be approved if they are existing features of other similar properties in the locality.

The materials used for cladding should match the main roof coverings and slates are proposed here for both dormers which is acceptable. The rear dormer would not protrude above the dwellings ridge height and subject to the quality of the facing materials being controlled through condition it would be acceptable in visual design terms.

The surrounding area is exclusively characterised by traditional terraced dwellings located on to or immediately adjacent to the public footway. The application site and the properties within this row have an attractive uniformity with walled front terraces and all of the original chimney stacks still in place. There are no front dormers visible from the application site and it is clear that they are not traditional or intrinsic features of the wider area. The untouched slope of the slate roof and stone chimneys are an essential part of the terraces visual harmony within the wider street scene and this proposal would be clearly at odds with that uniformity.

Amended plans have been received and the proposed front dormer would now have a modern boxed design covering almost all of the roof slope. The design proposed is worse than the application previously refused and this scheme would lead to the construction of an overly dominant feature in the immediate street scene. The front dormers bulk and scale would be out of keeping with this modest terraced dwelling and it would be seen as an incongruous addition, being immediately visible from public vantage points along Chapel House Road.

The proposal to erect a front dormer here would ultimately be of detriment to visual amenity and it would fail to improve the character and quality of the area. On that basis, the scheme would not be acceptable on design grounds and it does not comply with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130 of the Framework.

3. Residential Amenity

The proposal would have no overbearing impacts on the immediate neighbours. Bedroom windows are proposed to the front and rear within both dormers. However, the house has existing main habitable room windows in those elevations and the distances involved are characteristic of other dwellings in the area. The proposal would therefore have no material impacts on domestic privacy and would be acceptable in relation to residential amenity.

4. Highways

Saved Policy 31 requires all development proposals to be served with adequate parking. The proposal would add two bedrooms to the site increasing parking demand. The site has no off-street parking and no suitable land to provide parking though domestic parking in the area is almost exclusively provided by on-street provisions.

A relaxation in parking requirements is therefore acceptable in this instance as the scheme would not contribute to on-street parking to an adverse level. LCC Highways have raised no objections and I concur with their findings. The proposal would have no unacceptable impacts on the road network.

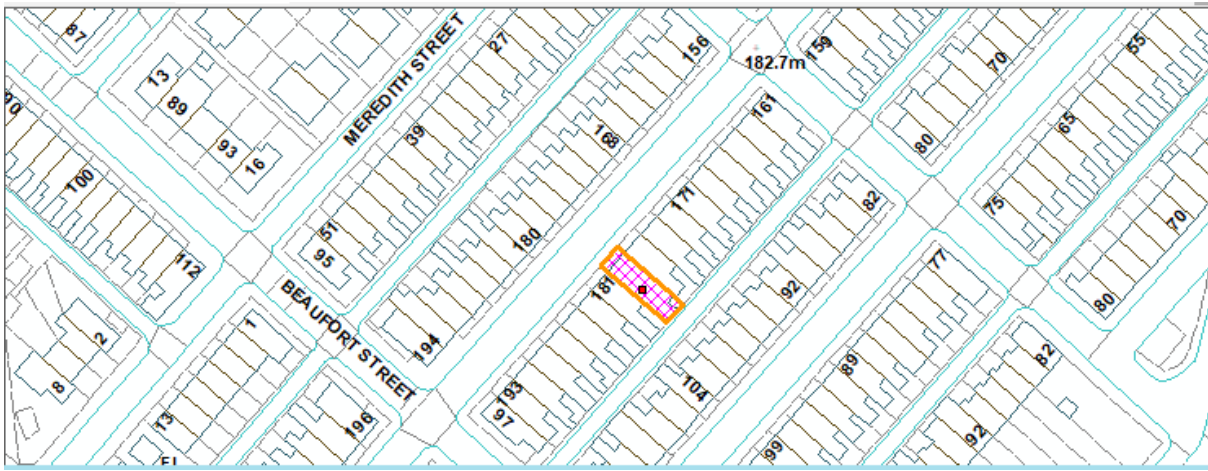
5. Summary

The proposal seeks to install 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 or regular features of the terraced houses in the locality. The proposal is unacceptable in terms of design and impacts on visual amenity thereby to accord with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130.

RECOMMENDATION: Refuse

For the following reason:

1. The proposal to erect a front dormer on this dwelling would be detrimental to visual amenity and the proposal would fail to improve the character and quality of the area thus failing to comply with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030), the guidance of the Design Principles Supplementary Planning Document and Paragraph 130 of the National Planning Policy Framework.



Application Ref: 20/0045/HHO

Proposal: Full: Erection of dormer windows to front and rear roofslopes (Resubmission).

At: 179 Chapel House Road, Nelson

REPORT TO NELSON AREA COMMITTEE ON 08 JUNE 2020

Application Ref: 20/0066/FUL

Proposal: Full: Change of use from Car Sales (Sui Generis) to Car Valeting Business (Use Class B1c) and erection of canopy and 3.5m boundary walls on the South and East boundaries.

At: 148-150 Scotland Road, Nelson

On behalf of: Mr Shuaib Ashraf Dar

Date Registered: 05/02/2020

Expiry Date: 01/04/2020

Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is a car sales lot at the junction of Scotland Road and Elizabeth Street in Nelson. There are dwellings to the north and east, retail units to the south and commercial premises to the west.

The proposed development is the change of use of the site to car valeting and the retrospective erection of a 3.5m rendered block wall to the south and east boundaries and a canopy.

Relevant Planning History

None.

Consultee Response

PBC Environmental Health – Concerns about the site operations causing noise nuisance issues for the residential neighbours, a noise assessment should be submitted.

Hours of operation should be restricted to 08:00 and 17:30 on weekdays and 09:00 and 13:00 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.

Please attach a note relating to contaminated land.

LCC Highways – objects to this application on highway safety grounds.

The proposed operation would lead to an intensification of use of the access. This would generate a greater number of vehicular movements than the site's previous use for car sales.

There is only one point of access which is proposed to be used for both entry and exit. Sites with this type of use typically have a point of entry and a separate point of exit, operating a one-way system to and from the adopted highway.

There is a poor road safety record on Scotland Road in the area around the development site, with several collisions resulting in personal injuries.

Information on the Proposed Floor Plan (Drawing ref U62-P04) states that the valeting facility would only operate by appointment. We do not consider that this can be realistically controlled. This could lead to vehicles waiting to enter the site from Scotland Road, in the area leading to and from the mini roundabout. Or vehicles which have already committed to turning, may not be able to complete the manoeuvre and pull clear of the carriageway, causing a hazard to other road users.

The Proposed Floor Plan also indicates an existing gulley within the site, adjacent to the car washing area. The applicant has not submitted information which demonstrates that this would be adequate to contain all surface water within the site and prevent it discharging onto the adopted highway network. All the surface water drainage from car parking and hard standing areas should also be passed through an oil interceptor designed and constructed to have a capacity compatible with the site, together with the means of discharge from the site. The internal drainage system should not be connected into Lancashire County Council's highway drainage system.

Given the highway safety concerns outlined above, which cannot all be mitigated, and poor road safety record in the vicinity, the Highway Development Support Section considers that the proposed development would have an unacceptable impact on highway safety and recommends refusal.

Lancashire Fire and Rescue – Comments relating to building regulations.

United Utilities -

Nelson Town Council –

Public Response

Nearest neighbours notified – Responses received objecting to the development on the following grounds:

- Highway safety impact
- Parking issues on surrounding roads
- Risk of flooding from vehicle washing, exacerbating existing flooding issues
- Concerns of pollutants in water from vehicle washing

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

National Planning Policy Framework

Paragraph 108 states that it should be ensured that safe and suitable access to the site can be achieved for all users. 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.

Visual Amenity

With a condition to control the finish of the render, which is currently a plain cement finish, the boundary wall and canopy would be acceptable in terms of visual amenity.

The proposed development is therefore acceptable in terms of visual amenity and landscape impact in accordance with Policies ENV1 and ENV2.

Residential Amenity

The proposed use is car valeting falling within Use Class B1(c) (light industry). B1 only includes uses that can operate in residential areas without harm to the residential amenity of residents of the area.

This is a materially different use to a car wash, which could result in potential noise nuisance with the use of pressure washers etc. That would be a sui generis use.

Therefore, if the use were to operate in such a way that results in harm to the residential amenity of residents of the area from noise it would result in a material change of use that would require planning permission.

Taking that into account the B1(c) use that has been applied for is acceptable in terms of residential amenity.

The proposed boundary wall and canopy do not result in any unacceptable loss of light or overbearing impact upon the adjacent residential properties.

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

Highway Issues

The site has one access, onto Scotland Road. Typically a use such as this would have a dedicated entry and exit and a one way system in place to allow cars to safely enter and exit. The single access and limited space within the site would make it likely that customer's vehicle would queue out onto Scotland Road and/or reverse out onto Scotland Road to exit.

Although the existing car sales use generated vehicle movements they would be likely to be as frequent or numerous at the proposed valeting use.

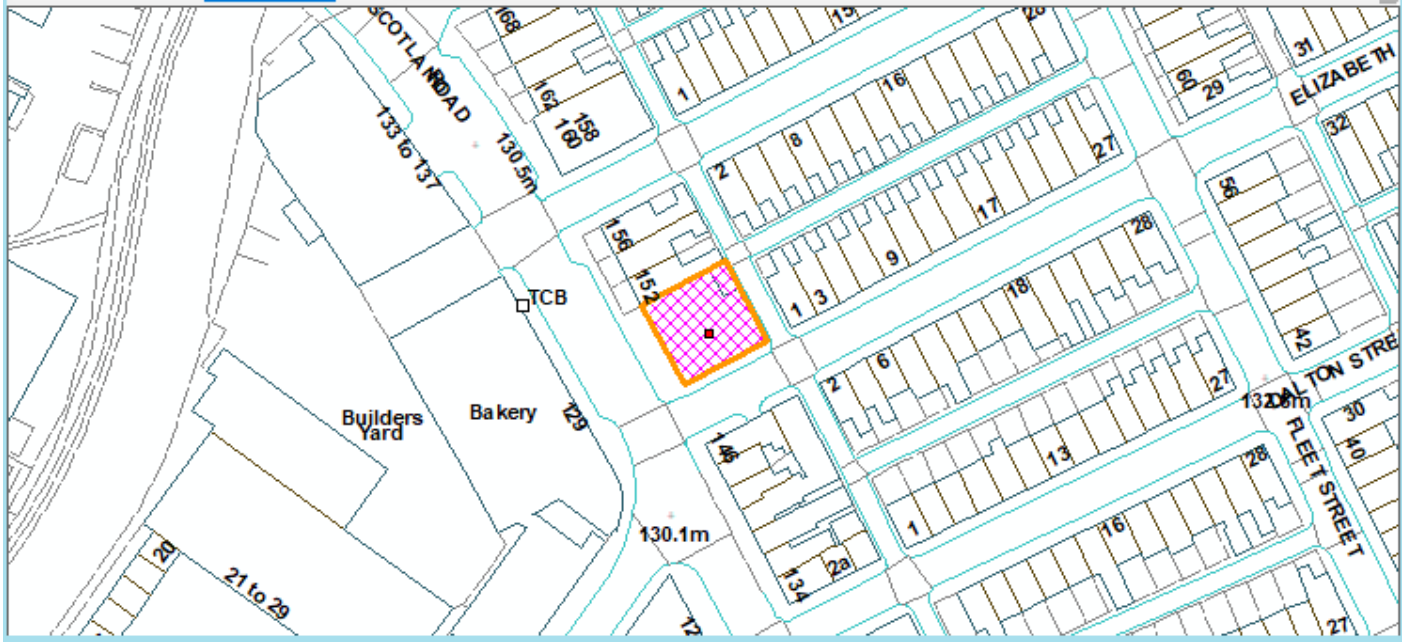
There is a poor road safety record on Scotland Road in the area around the development site, with several collisions resulting in personal injuries. Taking these factors into account the proposed use would result in an unacceptable adverse highway safety impact contrary to policy ENV4 and paragraphs 108-109 of the Framework.

Drainage

Concerns have been raised in relation to drainage and pollution from the use. This can be acceptably controlled with conditions.

RECOMMENDATION: Refuse

The proposed use would result in a greater likelihood of vehicles queuing and reversing out onto Scotland Road which would result in unacceptable adverse highway safety impacts contrary to policy ENV4 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 108-109 of the National Planning Policy Framework.



Application Ref: 20/0066/FUL

Proposal: Full: Change of use from Car Sales (Sui Generis) to Car Valeting Business (Use Class B1c) and erection of canopy and 3.5m boundary walls on the South and East boundaries.

At: 148-150 Scotland Road, Nelson

On behalf of: Mr Shuaib Ashraf Dar

REPORT TO NELSON AREA COMMITTEE – 08TH JUNE 2020

Application Ref: 20/0118/FUL

Proposal: Full: Erection of front extension with roof lantern and installation of additional windows to the rear elevation.

At: Whitefield Community Centre, 212A Manchester Road, Nelson

On Behalf of: Mr Mehmood Hassan

Date Registered: 11 March, 2020

Expiry Date: 06 May, 2020

Case Officer: Christian Barton

This application has been brought before committee as it has received more than three objections from neighbours.

Site Description and Proposal

The application site is a community centre located in the settlement of Nelson and the Whitefield Conservation Area. It adjoins and is surrounded by stone built dwellings to three sides with a railway and open land to the south. The community centre has a modern construction with a shallow pitched felt roof and white uPVC windows.

The proposed development involves the erection a narrow single-storey front extension forming a lobby and bin storage area. New rear lower ground floor windows and a roof lantern in the front roofslope are also proposed. The extension would project a maximum of 1.9m from the front elevation at a width of 12.7m. The roof of the building would be continued over the extension and finished with felt (or similar) with stone proposed for the elevations. The foyer door, windows and roof lantern would all have uPVC frames with timber boarding proposed for the bin store door.

Relevant Planning History

17/0067/FUL – Full: Erection of entrance lobby to front elevation – Approved with Conditions – April 2017.

Consultee Response

PBC Conservation – The building is prominently located at a corner on Manchester Rd, however it is a modern building in modern materials and does not make a positive contribution to the character and appearance of the Whitefield CA at this point. The existing frontage currently presents a poor appearance to the main road and this application presents an opportunity to improve and rationalise the frontage design.

The existing forecourt is open and spacious so could likely accommodate a small forward extension without any significant visual impact on the CA. However, I would suggest that the extension be reduced in length so as to retain the existing bin store frontage line; this would give a clear visual break and set back between the property and the neighbouring terrace. The proposed remaining elevation of simple doors and window framing on a matching stone plinth would result in an improved appearance to the frontage over the existing design.

The proposed rooflight should be kept as simple as possible in terms of framing; the frame and plinth should be in a more recessive mid grey colour to match the roof, so that it does not appear too prominent in views. The window alterations to the rear are satisfactory.

LCC Highways – The Highway Development Support section raises no objection to this application.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter and a site notice was posted. A petition has been received from neighbours with a covering letter raising the following objections;

- The proposal would cause privacy impacts and losses of light;
- Views will be disrupted;
- The development would not align with adjacent buildings;
- The site is currently being used as a religious building;
- Parking and noise issues are caused from the number of people visiting the site;
- A classroom could be formed in the lower ground floor.

Officer Comments

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

6. The relevant Pendle Borough Council 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 and harmony with the wider locality.

Other policies and guidance's are also relevant:

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

7. Design and the Conservation Area

The site adjoins and is surrounded by taller Victorian stone built dwellings. When viewed from Manchester Road the sites form and style does not provide a significant contribution to the conservation areas setting. In light of this the site could accommodate a small front extension without appearing unbalanced to the facades of adjacent buildings. Concerns have been raised regarding the front extensions scale and design. Its forward projection would be similar to a

scheme approved in 2017. Amended plans have been received showing a smaller part to the extension adjacent to the boundary with the adjoining building.

Those changes would ensure a clearer visual break is provided between the front extension and the adjoining buildings Victorian façade. The proposed roof lantern and window alterations would be appropriate for the buildings age and style and those alterations raise no undue design concerns. Appropriate construction materials are proposed and subject to the imposition of a condition to control their quality and finish, the proposed development would have no adverse impacts on the setting of the conservation area and would be acceptable in visual design terms in accordance with the aforementioned policies and guidance's.

8. Residential Amenity

Concerns have been raised from neighbours regarding the potential for disruptions to views, overbearing impacts and losses of privacy. Losses of private views are not material planning considerations and the front extensions modest scale would not appear overbearing, or cause any unacceptable losses of light for the immediate neighbours.

In relation to privacy, windows are proposed to three elevations. The proposed front windows would not directly face any main habitable windows in adjacent dwellings. Large existing windows are found to the rear and the installation of more windows would not compromise domestic privacy. 14m and a public highway would separate the front extensions side window and a bay window at 210 Manchester Road. That relationship would not create any unacceptable impacts on the privacy of those neighbours should the front extension be incorporated into the main building and not used as a foyer.

Concerns have been raised about the potential for noise impacts yet the scale and nature of this scheme would not increase comings and goings around the site to the extent which would adversely affect the aural amenity of neighbours. When those factors are taken into account, the proposed development would be acceptable in relation to residential amenity thereby complying with Policy ENV2.

9. Highways

Saved Policy 31 requires development proposals to be served with adequate parking. The site has no off-street parking or land to provide parking. Public comments have been received citing highways concerns together with parking impacts. However, the erection of a small front extension would ultimately not increase traffic and parking requirements to the extent which would compromise highway safety. The remaining alterations would serve existing rooms and would not directly increase the sites capacity. For those reasons, the proposed development would be acceptable in relation to parking and other highways matters.

10. Wider Considerations

As a community centre the site has a historic D2 use class falling under assembly and leisure. The public comments made are based predominantly on impacts which may have materialised from alleged uses for education and religious purposes. Those alleged uses are currently under investigation by the Council and whether or not a material change in the sites use has taken place is yet to be determined.

This application is restricted to works to the building and it does not involve changing the sites lawful use. Each application must be assessed on its own merits and for the reasons outlined above this proposal would be acceptable on planning grounds.

11. Summary

The application involves the erection of a single-storey front extension and external alterations. Subject to appropriate conditions, the proposal would be acceptable in terms of design, the conservation area, residential amenity and highways in the accordance with Policies ENV1, ENV2 and Conservation Area SPD.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the development would be acceptable in terms of design, the conservation area residential amenity and highways. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

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

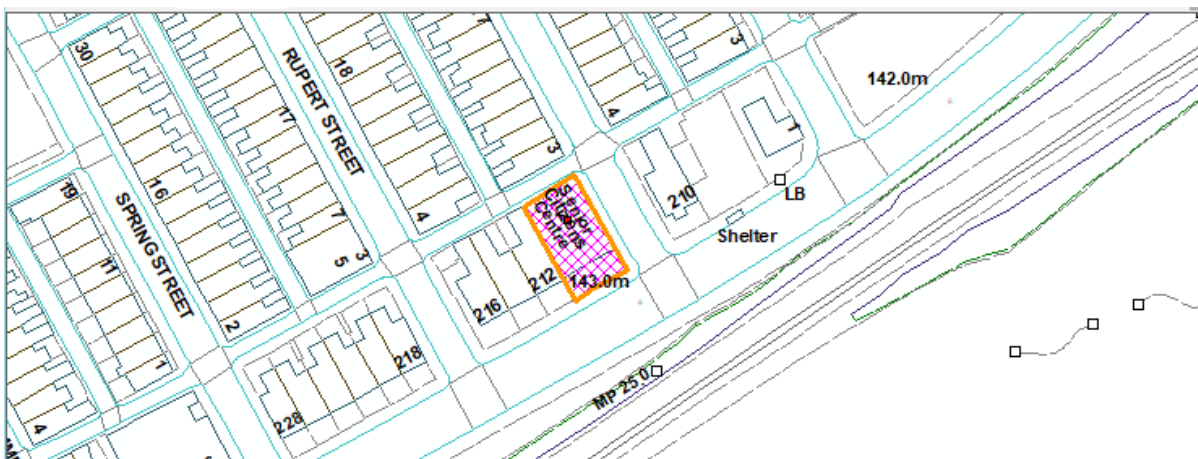
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans: Location Plan (1:1250), Site Plan (1:500), 212A – 20 – P - 02 and 212A – 20 – P – 03A.

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

3. No above ground works on site shall commence on site unless and until, samples of the external materials to be used for the construction of the walls and roof, together with samples showing the colour and finish of the doors, windows and roof lantern to be installed as part of the development hereby approved, have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development within a conservation area.



Application Ref: 20/0118/FUL

Proposal: Full: Erection of front extension with roof lantern and installation of additional windows to the rear elevation.

At: Whitefield Community Centre, 212A Manchester Road, Nelson

On Behalf of: Mr Mehmood Hassan

REPORT TO NELSON AREA COMMITTEE – 08TH JUNE 2020

Application Ref: 20/0154/HHO

Proposal: Full: Erection of two-storey extension and porch to side (North West), part double, part single-storey extension to rear and front porch.

At: 41 Rakes House Road, Nelson

On Behalf of: Mr Mirza Razaqat Ali

Date Registered: 03 March, 2020

Expiry Date: 22 May, 2020

Case Officer: Christian Barton

This application has been brought before committee as requested by the Chairman.

Site Description and Proposal

The application site is a semi-detached dwelling located in the settlement of Nelson. It adjoins and is surrounded by similar dwellings to three sides with bungalows to the north. The dwelling has brick and rendered elevations, a slate roof, white uPVC doors and windows and garden/parking areas to three sides.

The proposed development involves the erection of a two-storey side and rear extension forming a wrap round design. It would project 4.5m to the rear and 5m from the gable at a depth of 10.8m. It would have a dual-pitched roof 7m in height with a split level roof proposed to the rear. Two small porch extensions are also proposed to the front and side. The development would be finished with brick, render and slates and installed with uPVC doors and windows. Additional parking is also shown on the plans with a new vehicle access off Regent Street.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways – The Highway Development Support Section does not raise any principle objections to this application. Conditions should be added to any approval to ensure the new access is constructed to an acceptable standard and the existing access is closed off.

Nelson Town Council

Public Response

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

- Breaches to the 45 degree rule;
- Impacts on the sewer.

Officer Comments

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

12. 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:

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

13. Design and Visual Amenity

In relation to two-storey side and rear extensions the Design Principles SPD requires such developments to respect the balance and symmetry of the main dwelling. Extensions to corner plot properties should be proportionate to the plot size through ensuring a sufficient distance is retained to the side boundary in order to preserve the character of the surrounding area.

With this scheme the side extensions corner would be positioned around 1m from the boundary with Regent Street. The existing dwelling is positioned around 6m from that boundary and concerns regarding the extensions scale have been raised with the Agent. Initially they did agree to reduce the side extensions size though subsequently it has been confirmed the plans submitted originally should be used for the purposes of this assessment.

Some of the dwellings in the area have been extended to the side yet from street level they maintain a certain level of uniformity. No two-storey side extensions have been built within 1m of the boundary at adjacent dwellings and this proposals scale would appear unacceptably discordant with their appearance. The side extensions width would well exceed half of the dwellings original frontage and the site cannot accommodate a proposal of this scale. It would introduce a two-storey elevation so close to the highway boundary that the scheme would appear incongruous in the immediate street scene. The existing boundary hedge is shown to be retained to provide screening. However, the construction of an extension so close to the boundary would facilitate its part removal thereby diminishing any screening potential.

Given the two-storey side extensions close proximity to the side boundary this proposal would not be acceptable in visual design terms. It would introduce a disproportionately large extension to this prominent corner plot dwelling and would ultimately fail to improve the character and quality of the area thus failing to comply with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130.

14. Residential Amenity

The Design Principles SPD states that two-storey side and rear extensions should be designed to

avoid having an overbearing impact, or causing unacceptable losses of light or privacy for neighbours. Any extensions which protrude beyond the rear elevation of adjacent dwellings in excess of 4m should respect the 45 degree rule. Concerns have been raised regarding breaches to the 45 degree rule.

124 Regent Street to the south has no main habitable room windows in the gable and the proposal would not appear overbearing in relation to those neighbours. A conservatory 3m in depth has been built to the rear of the adjoining dwelling, 39 Rakeshouse Road. That structure ensures the rear projection would not breach the 45 degree rule at ground floor level.

At first floor level number 39 has a bedroom window adjacent to the site. The rear extensions roof level staggers up from the boundary with number 39 and the two-storey element is set off that boundary. When a 45 degree line is drawn from the adjacent bedroom window towards the extension there is a slight breach. However, this would be a marginal relationship and the point where the line meets the extension has a flat roof. For those reasons the scale of the proposed extension would not appear overbearing, or cause any unacceptable losses of light for the neighbours at number 39 with ample separation provided with other neighbours to prevent such impacts.

In relation to privacy windows are proposed to three elevations. None of the proposed windows would directly face any main habitable room windows in adjacent dwellings within 21m. Tall trees on the rear boundary would limit the overlooking of gardens from first floor windows. Should they be removed a sufficient distance would be maintained to the boundary with number 124 to prevent any unacceptable privacy impacts. When those factors are considered the proposed development would have no material impact on domestic privacy and would be acceptable in relation to residential amenity.

15. Highways

Parking is shown on the submitted plans for four cars which is acceptable to service the proposal in accordance with Saved Policy 31. Cars parking on the road outside this site would be inimical to highway safety given the close proximity of a roundabout yet this could be adequately controlled through condition where relevant. In order to facilitate new parking arrangements a vehicle access would be formed off Regent Street. That highway is not classified and those proposed works fall within the parameters of permitted development.

A number of conditions have been recommended by LCC Highways. The access shown would have a conventional hardstanding construction and its width would be appropriate for its purpose. The required works of highway improvement would only involve the lowering of a kerb. It would be unreasonable to control elements of the scheme with conditions which are ultimately regulated under highways legislation. Following development the front garden could not practically accommodate a parked car and for that reason it is not necessary to ensure the existing access is closed off through conditions. Subject to appropriate parking being provided the proposed development would be acceptable in relation to highway safety.

16. Wider Considerations

Public comments have been raised regarding drainage. All drainage matters for householder developments are dealt with at the Building regulations stage and those comments have no material impact on the assessment of this application.

17. Summary

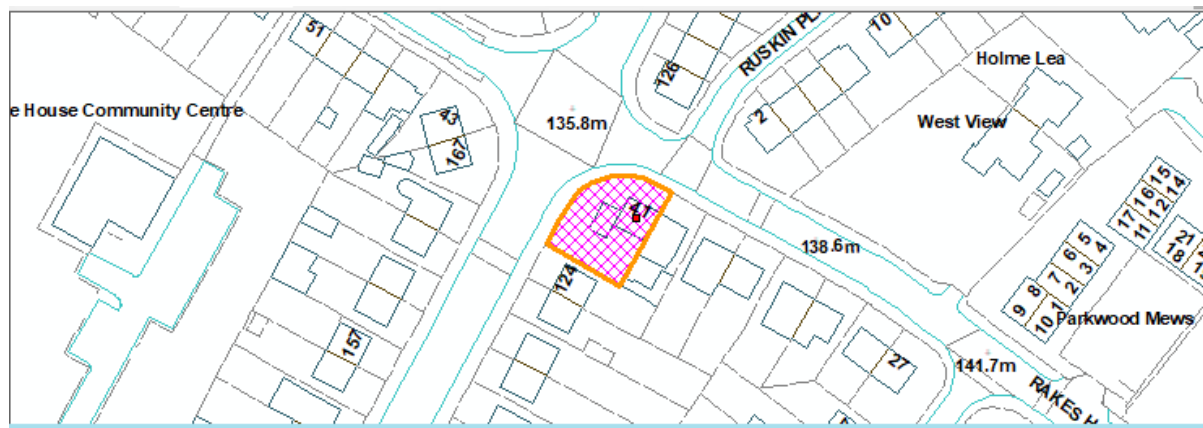
The application involves the erection of a two-storey side and rear extension. The proposed

extension would be positioned too close to the side boundary and would appear disproportionately large for this prominent corner plot dwelling thereby failing to comply with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130.

RECOOMENDATION: Refuse

For the following reason:

4. The proposed side extension by virtue of its scale and close proximity to the side boundary would represent poor design and would fail to improve the character and quality of the area thus failing to comply with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030), the guidance of the Design Principles Supplementary Planning Document and Paragraph 130 of the National Planning Policy Framework.



Application Ref: 20/0154/HHO

Proposal: Full: Erection of two-storey extension and porch to side (North West), part double, part single-storey extension to rear and front porch.

At: 41 Rakes House Road, Nelson

On Behalf of: Mr Mirza Razaqat Ali

REPORT TO NELSON AREA COMMITTEE – 08TH JUNE 2020

Application Ref: 20/0155/FUL

Proposal: Full: Full: Change of use from retail shop (Use Class A1) to restaurant (Use Class A3) and hot food takeaway (use Class A5); install new shop front and vertical extract flue to the rear.

At: 31 Scotland Road, Nelson

On Behalf of: Mr Safdar Hussain

Date Registered: 03 March, 2020

Expiry Date: 12 May, 2020

Case Officer: Christian Barton

This application has been brought before committee as requested by the Chairman.

Site Description and Proposal

The application site is a three-storey commercial building located in Nelson Town Centre. It sits within a designated Primary Shopping Frontage and the Whitefield Conservation Area. Commercial buildings surround the site to all sides with some having upper floor residential accommodation. The building has natural stone elevations and a slate roof and. It is fitted with windows of a range of styles.

This application involves changing the sites lawful use to form a mixed use building with a restaurant and hot food takeaway. A new black aluminium shop front is also proposed and new fascia board to conceal the existing shutter. On the rear outrigger a vertical extraction flue would be installed rising to just above the ridge height.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways – There is no objection to this proposal given the sites central location.

Lancashire Constabulary – To mitigate against the risk to crime and disorder, Lancashire Constabulary would advocate a number of security measures for this development concerning site security.

Nelson Town Council

Public Response

A site notice has been posted and no public comments have been received.

Officer Comments

The main considerations for this application are the principle of development, residential amenity and the road network.

12. 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 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 WRK4 (Retailing and Town Centres) states that to help promote vitality, and maintain viability, we will seek to prevent high concentrations of non-shopping uses within the Primary Shopping Area and Primary and Secondary Shopping Frontages.

Other policies and guidance's are also relevant:

- Saved Policy 26 (Non-Shopping uses in Town Centres and Local Shopping Areas) aims to prevent excessive concentrations of non-shopping uses within Local Shopping Frontages;
- Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards for new developments;
- The Design Principles Supplementary Planning Document (SPD) sets out general principles for the designs of shop fronts;
- The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) gives guidance on suitable developments within Conservation Areas.

1. Principle of Development

In general terms Policy WRK4 and Saved Policy 26 aim to safeguard the retail function of town centres and shopping areas. Proposals to introduce non-shopping uses within Primary Shopping Frontages are not supported where the development would lead to more than 75% of the frontage being occupied by non-shopping uses. Those requirements can be relaxed if a vacancy period in excess of 3 years can be demonstrated yet information has been provided confirming the site was in use last year. The policy base of Saved Policy 26 is clear and where the required vacancy period cannot be shown, and the non-shopping use of a Primary Shopping Frontage would exceed 25%, planning permission should be refused.

Shortfalls in A1 units have been identified in previous Retail Occupancy Surveys for this particular frontage which spans numbers 1 – 47 Scotland Road. That outcome has also been confirmed from a recent site visit and survey of the relevant premises. Currently the A1 proportion within this frontage stands at 63% which is considerably below the 75% threshold outlined in Policy 26. The addition of a further non-shopping use within this frontage would be of further detriment to its retail function, alongside that of Nelson Town Centre. The proposed development would therefore fail to safeguard the vitality and viability of Nelson Town Centre and does not accord with Policy WRK4 and Saved Policy 26.

2. Residential Amenity

The site occupies a town centre location and takeaways and drinking establishments are all within close proximity. Some of the adjacent buildings have upper floor flats yet the additional comings and goings created by this scheme would not have a detrimental impact on aural amenity when the existing surrounding land uses are taken into account.

In relation to the rear flue, such installations have the potential to cause adverse impacts on neighbours from odours, noise and vibrations if a substandard system is installed. Where relevant those impacts could be adequately controlled through condition and the proposal complies with Policies ENV2 and ENV5.

3. Design and the Conservation Area

A number of different styles of shop fronts are found along this frontage constructed with use of a range of materials. Here a black aluminium shop front is proposed and a number of other premises have similar shop fronts installed. The glazing arrangement and proportions would be appropriate for the host building and the new fascia board would conceal an existing shutter. Subject to the quality and finishes of the external materials being controlled through condition, the proposed shop front would be acceptable in visual design terms.

The proposed flue would appear as a prominent addition to the buildings rear elevation. Open public areas are found to the west and the site marks the boundary of the conservation area. Each of the premises on this row appear different to the rear and the site could accommodate a flue of the proposed size subject to it being dark in colour. The plans state the flue would have a steel finish which would not be appropriate within a conservation area though that detail could also be adequately controlled through condition and the proposal complies with Policies ENV1 and ENV2.

4. Highways

Saved Policy 31 requires development proposals to be served with adequate parking. The site has no parking associated with it and relaxations to parking requirements can be applied in town centre locations where appropriate. The site is served with good public transport links with public car parks within walking distance. Deliveries would also be conducted to the rear preventing obstructions. LCC Highways have raised no objections and I concur with their findings. The development would have no detrimental impacts on the local road network.

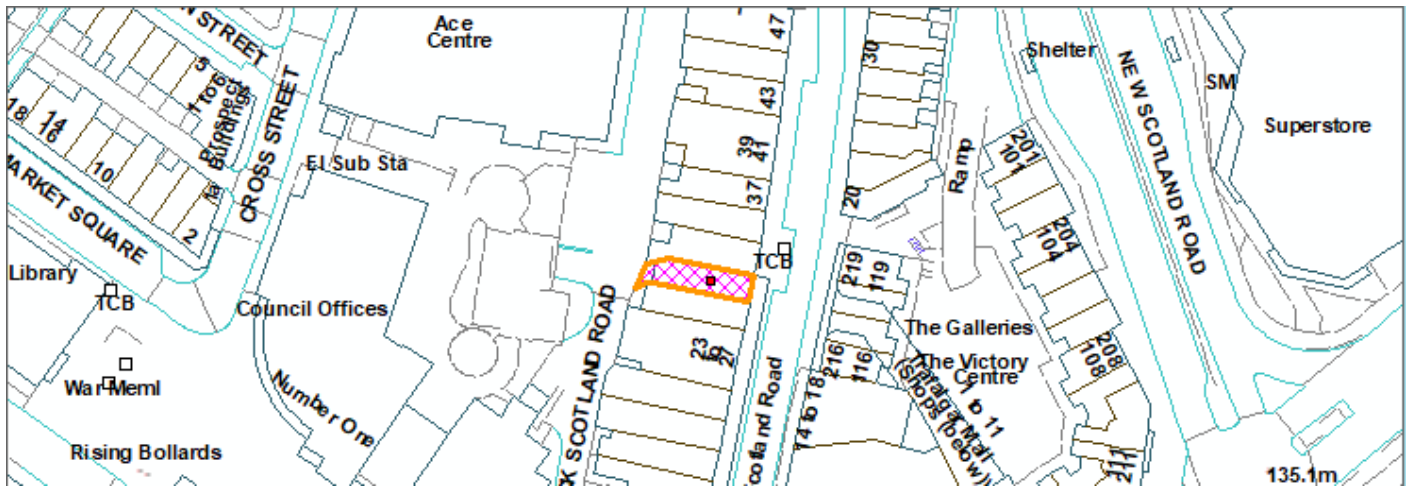
5. Summary

The application seeks to change the lawful use of a shop to a restaurant and takeaway, install a new shop front and erect an external flue. Subject to appropriate conditions, the proposed external alterations would be acceptable. The proposal would however further concentrate an excessive of level of non-shopping uses within a designated Primary Shopping Frontage and fails to comply with Policy WRK4 and Saved Policy 26.

RECOMMENDATION: Refuse

For the following reason;

1. The proposed change of use would result in the proportion of non-shopping uses within a designated Primary Shopping Frontage further exceeding 25% which would be of detriment to its retail function together with the vitality and viability of Nelson Town Centre contrary to Policy WRK4 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030) and Saved Policy 26 of the Replacement Pendle Local Plan.



Application Ref: 20/0155/FUL

Proposal: Full: Full: Change of use from retail shop (Use Class A1) to restaurant (Use Class A3) and hot food takeaway (use Class A5); install new shop front and vertical extract flue to the rear.

At: 31 Scotland Road, Nelson

On Behalf of: Mr Safdar Hussain

REPORT TO NELSON COMMITTEE ON 8TH JUNE 2020

Application Ref: 20/0209/HHO

Proposal: Full: Erection of two storey rear and side extensions connecting two properties, single storey front porch and parking to front.

At: 129 and 131 Regent Street, Nelson.

On behalf of: Mr Mohammad Sakib

Date Registered: 19.04.2020

Expiry Date: 14.06.2020

Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as the applicant is a Councillor.

The application site comprises of two, two storey semi-detached dwellings. The site is surrounded by residential properties of an identical scale, design and mass. The site is located within the settlement boundary of Nelson.

The proposed development is for the erection of two storey side and rear extensions and single storey front porch, to connect the two properties and form one dwellinghouse. The proposal would add additional living and kitchen space at the ground floor and two additional bedrooms with en-suite at first floor level.

Relevant Planning History

19/0934/LHE

129 Regent Street, Nelson.

Permitted Development Notification (Proposed Larger Home Extension): Erection of a single storey rear extension (6m length and 3.8m maximum height).

Approved. 2020.

19/0936/LHE

131 Regent Street, Nelson.

Permitted Development Notification (Proposed Larger Home Extension): Erection of a single storey rear extension (6m length and 3.8m maximum height).

Approved. 2020.

Consultee Response

LCC Highways

Regent Street (U19965) is and adopted, urban, single 2 way road with a 20mph speed limit.

An investigation of the 5 year accident record shows 2 collisions have occurred in the vicinity of the proposal. One collision of serious severity (2018) involving a pedestrian injury and vehicle o/s 117 Regent St. One collision of slight severity (2018) involving 2 vehicles Reedyford Rd/Regent Street. With a further 7 collisions recorded on Reedyford Road, Nelson.

I have not been able to view the current on street parking situation on Regent Street, but can confirm there are no parking restrictions in place.

I note from the application form '4 parking spaces are to be created in the front garden' A parking plan is requested showing the proposed parking spaces. A car parking space to be 2.5m x 5.0m. The application should comply with the parking and access standards adopted by Pendle Borough Council. Under these standards four+ bedroom residential development should provide three parking spaces; this must be achievable within the curtilage of their property.

The Highway Development Control Section does not have any objections in principle regarding the proposal at the above location, providing a satisfactory parking plan is submitted.

30th April 2020 – A car parking plan was submitted showing 4 adequately sized parking spaces on plot, to the front of the two dwellings. This was considered acceptable.

PBC Environmental Health

No objections are raised in relation to the proposal, subject to a suitable conditions and informative being applied to any permission, in relation to landfill gas and contamination.

Public Response

One letter of objection was received from a neighbouring occupier, their comments can be summarised as follows:

- Loss of light to the adjoining garden and house.
- Decrease in house value, as it will be classed as a terraced property and not a semi-detached.
- The proposed development would change the appearance of the street.
- Existing parking issues in the street, which will be made worse.
- Lack of promotion and knowledge of the application being submitted.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Replacement Pendle Local Plan

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

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 130 states that permissions 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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

Design

The Design Principles SPD advises that two storey side extensions should normally be set in from the side boundary, by at least 1 metre. They must be set back from the front wall of the house by a minimum of 1 metre, with a corresponding lowering of the roof line. The SPD also highlights that these requirements may be relaxed if, because of a staggered or irregular arrangement of the dwellings in the street scene, the extension would not create an actual or potential terracing effect.

This proposal comprises of two, two storey side extensions to both properties, to join and create one large property. As a result, there would no longer be any separation distance between these two properties.

Regent Street comprises of very uniform semi-detached properties, all of identical scale and design. Very few properties have undergone any form of extension or alterations which are visible within the street scene. This proposal would directly connect two detached properties, creating a terrace of 4 dwellings. This would not be in keeping in the street scene and would be at odds with the character of the area.

Moreover, the design of the proposed two storey side extensions is poor. The rooflines of the properties have not been incorporated into the extension and appear disjointed. No.131 is sited slightly forward of No.129, therefore the siting of the joining extension is somewhat contrived to fit the stagger of the properties. The extensions would not be set back from the front elevation of the dwellings and so would appear overly prominent. The proposed porch is not of a design or scale which is in keeping with the host dwellings or the street scene.

Similarly, although not directly visible within the street scene, the rear extensions would constitute poor design as staggered and irregular additions to the rear elevation. All the proposed extensions have different scales and depths, creating an extremely irregular arrangement. The combination of pitched roof, hipped roof and flat roof elements does not result in a sympathetic or considered design.

Therefore, as submitted the proposal is of unacceptable poor design in accordance with Paragraph 130 of the NPPF and fails to comply with adopted guidance within the SPD, Policy ENV1 and Policy ENV2.

Residential Amenity

The Design Principles SPD states that a single storey rear extension located on, or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does

not project more than 4m from the rear elevation of the existing dwelling. A single storey rear extension of greater depth will normally only be permitted if it does not breach the 45 degree rule where this would not cause detriment to the character of an area.

Similarly, two storey rear extensions will only be acceptable if they do not breach the 45 degree rule and the first floor elements must be set in 1m from the party boundary with a neighbouring property.

The proposed single storey rear extension elements of this development would each have a depth of 6m from the rear elevation of the existing dwellinghouses. Each extension would be sited 0.7m from the side boundary with the adjoining property. When a 45 degree line is drawn from the closest rear facing windows at No.127 and No.133 Regent Street towards the proposed extensions, there is an intersection on both sides. This shows the proposed single storey extensions would result in a detrimental loss of light to the adjoining neighbouring occupiers, in particular No.127, which would have an unacceptable impact on their residential amenity.

The proposed two storey rear extensions would have a maximum depth of 6m from the rear elevation of No.131 and 4.3m from the rear elevation of No.129, however these are both sited approx. 1.7m from the side boundary with No.127 and No.133 Regent Street. As a result, when a 45 degree line is drawn from the closest first floor rear facing windows of the adjoining properties, this does not result in an intersection. Therefore, the first floor elements of the proposed rear extensions would not result in a significant loss of light to neighbouring occupiers.

The proposed rear extensions do not propose any side facing windows at ground or first floor level. Therefore, this proposal would not result in unacceptable overlooking impacts to neighbouring occupiers.

Therefore, as submitted the proposal would result in unacceptable impact on the living conditions of neighbouring occupiers, therefore severely compromising their residential amenity. As such the proposal fails to comply with adopted guidance within the SPD and Policy ENV2.

Highways

The proposed development would add two additional bedrooms to the application site, creating one, five bedroom property. Saved Policy 31 requires three on plot parking spaces to be provided for this size property.

During the course of the application, a parking plan was submitted to show conversion of the front gardens into parking areas. These would then accommodate four adequately sized parking spaces to the front of the property. This would be sufficient parking provision in accordance with Policy 31.

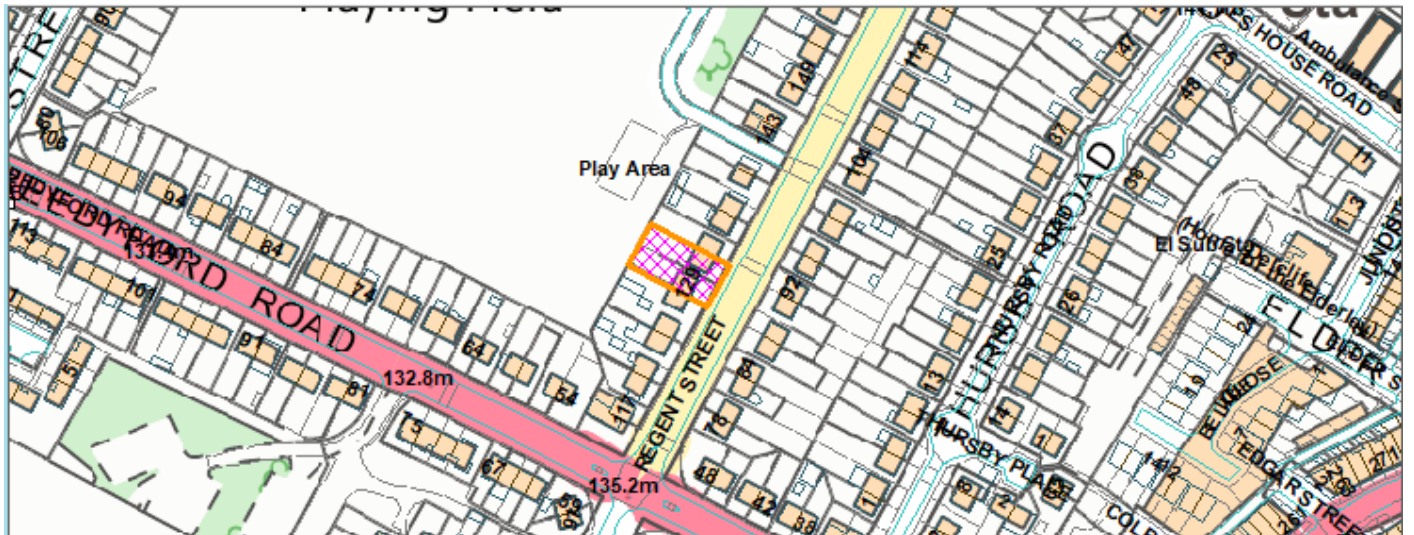
RECOMMENDATION: Refuse

For the following reason;

The proposed two storey side extensions, by virtue of their connection of two properties, would result in a detrimental terracing effect and an adverse impact on the uniform semi-detached character of the area. Moreover, the design of the proposed extensions is poor and disjointed in relation to the existing dwellinghouses. The application thereby fails to accord with Paragraph 130 of the NPPF, Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and guidance within the Design Principles SPD.

The proposed single storey rear extensions, by virtue of their depth and distance from side boundaries, would result in a significant detrimental impact on the living conditions adjacent properties and therefore an adverse impact on the amenities of neighbouring occupiers. The

application thereby fails to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy and guidance within the Design Principles SPD.



Application Ref: 20/0209/HHO

Proposal: Full: Erection of two storey rear and side extensions connecting two properties, single storey front porch and parking to front.

At: 129 and 131 Regent Street, Nelson.

On behalf of: Mr Mohammad Sakib

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 27th May 2020