

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

TO: NELSON COMMITTEE

DATE: 03rd August 2020

**Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk**

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON COMMITTEE ON 3RD AUGUST 2020

Application Ref: 20/0157/HHO
Proposal: Full: Erection of front and rear dormers and removal of chimney stack.
At: 59 Bentley Street, Nelson.
On behalf of: Mr Sadakat Hussain
Date Registered: 13.05.2020
Expiry Date: 07.08.2020
Case Officer: Charlotte Pinch

Site Description and Proposal

This application has been brought to Committee at the request of a Councillor. .

The application site is a two storey terraced dwellinghouse, located within a residential area of Nelson.

The proposal is for the erection of flat roof front dormer and rear dormer, with removal of the existing chimney stack. This development would result in an additional one bedroom, office and bathroom at second floor level.

The proposed dormers would have a rubber membrane roof, with the front dormer clad in Marley Concrete tiles and the rear dormer clad in slate tiles.

The proposal to remove the existing chimney stack does not require planning permission, as it does not constitute development.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

Bentley Street (U20059) is situated within an adopted terraced row of properties. According to Parking Standards 4+ bedroom dwellings will require 3 parking spaces, however, since this property is on a row of terraced properties, therefore dedicated parking is not expected with this proposal.

The proposed extension creates one extra new bedroom so from the point of view of the adopted Parking and Access standards there is a change to the parking requirements – one extra parking space is required.

An investigation of the 5 year accident record shows no collisions have occurred in the vicinity of no. 59. There are no waiting restrictions in place on Bentley Street.

Given the above I believe that this proposal will not create any significant negative impact on the highway network. There is no objection to this proposal but as the sites location is close to Marsden Primary School, I'd ask that no deliveries are made before 9am or after 3pm to avoid conflict with traffic (vehicular or pedestrian) attending the school.

Public Response

None received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) of the Pendle Local Plan Part 1 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) of the Pendle Local Plan Part 1 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 paragraphs 18 to 219 of 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 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 Design Principles Supplementary Planning Document (SPD) applies to householder extensions and sets out the aspects required for good design.

Design

The Design Principles SPD states that dormers should be set below the ridge line of the original roof by at least 0.2m, set in from the side elevation by 0.5m and from the rear elevation by 1m. Dormers should be faced in materials which match the existing roof coverings.

The proposed dormer would be set in from the side elevations by 0.4m on each side, set back from the rear elevation by 0.5m and set down from the ridge line by 0.2m. Whilst the dormer would not be set back from the rear elevation by the guide of 1m, overall the proposed rear dormer would

not result is a significantly disproportionate addition to the roof and would not be overly prominent in the street scene.

In regards to front dormers, the Design Principles SPD states that dormers on a front roof slope will not be acceptable unless they are a feature of other similar houses in the locality or the dormer would otherwise be appropriate in visual design terms.

Bentley Street comprises of narrow, uniform, terraced properties, none of which have front dormers. Therefore, front dormers are not a feature of similar houses in the locality. The proposed front dormer would be readily visible from a number of public vantage points on Bentley Street and Beaufort Street. Therefore it would result in a development which is detrimental to the character of the street scene and would not comply with the guidance in the Design Principles SPD.

As a result, the proposed development is not acceptable in relation to design or visual amenity and as such does not comply with Policies ENV1, ENV2, the Design Principles SPD and Paragraph 130 of the NPPF.

Residential Amenity

The proposed front dormer would face directly north west onto Bentley Street. The proposed rear dormer would face directly south east, to the side elevation of properties on Beaufort Street, retaining an existing separation distance of 27m from the side elevation of the closest neighbouring properties, which is acceptable.

The Design SPD states that regard must be given to existing street patterns and the existing interface distance between properties characteristic in the area. Given these are rows of compact terraced properties and the proposed rear dormer would not decrease the separation distance between them as existing, it would comply with the street patterns of the area and not have a detrimental impact on residential amenity over and above the existing situation.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

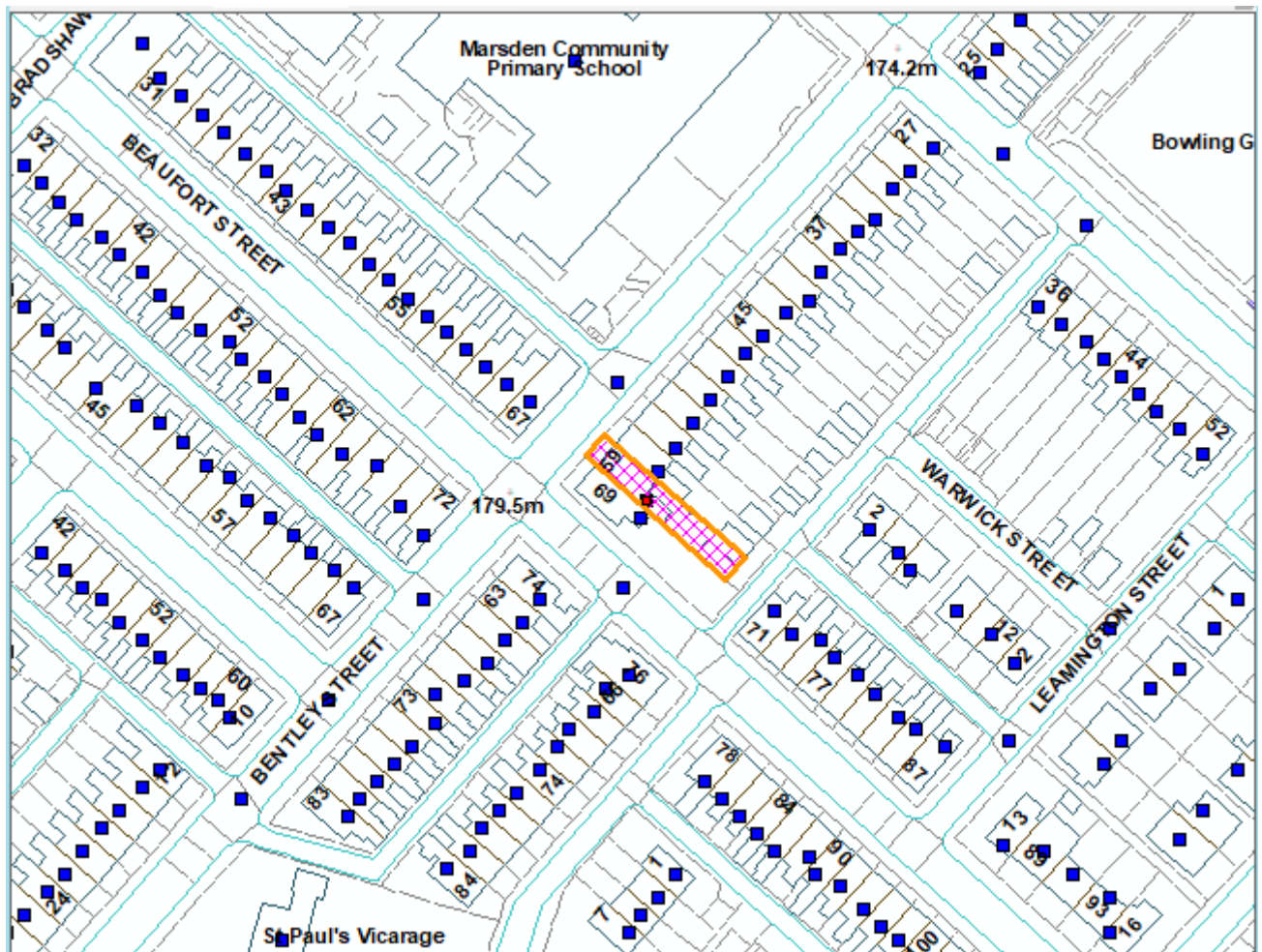
Highways

The proposed dormers would add one additional bedroom plus office to the dwellinghouse, creating a four bedroom property.

However, on balance, given the terraced nature of the property, there being no space on plot to accommodate parking and all dwellings only having on street parking, requiring full on plot parking provision in accordance with Policy 31 would not be appropriate. This would not be a substantive reason to warrant refusal of the application.

RECOMMENDATION: Refuse

The visual impacts of the front dormer when related to the existing street scene are unacceptable. The front dormer is inappropriate within a street scene in which there are no other examples of dormer extensions and it would be detrimental to the character of the area. As such the development fails to comply with Policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy and National Planning Policy Framework Paragraph 130.



Application Ref: 20/0157/HHO

Proposal: Full: Erection of front and rear dormers and removal of chimney stack.

At: 59 Bentley Street, Nelson.

On behalf of: Mr Sadakat Hussain

REPORT TO NELSON COMMITTEE ON 03 AUGUST 2020

Application Ref: 20/0196/FUL

Proposal: Full: Change of use of a veterinary surgery to a retail shop at ground floor and a flat at first floor and installation of a shop front.

At: 265 Leeds Road, Nelson

On behalf of: Mr Dominic Dean

Date Registered: 12/05/2020

Expiry Date: 07/07/2020

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 a mid-terrace veterinary surgery located within the settlement of Nelson adjoining residential properties.

The proposed development is the change of use of the premises to a retail shop at ground floor and a flat above and the installation of a upvc shop front.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objection. The site is located alongside a number of other commercial (retail and other uses) properties which mainly rely on street parking to service them. There is no parking associated with the property and there are parking restrictions to the front of the site. However parking on the surrounding streets, Edgar Street and Elder Street, is not restricted. I anticipate that many of the customers will arrive on foot from the local area. Therefore there will be no significant increase in vehicular movements on the highway network that would cause a highway capacity or safety concern. Recommend that a note is attached relating to works on or adjacent to the highway.

Lancashire Constabulary – General guidance for crime reduction measures.

Nelson Town Council

Public Response

Site notice posted – Response received objecting on the following grounds:

The proposal would increase existing traffic and parking issues in the area.

Anti-social behaviour concerns.

Concerns about opening hours.

Issues relating to current Covid measures and queuing outside of the shop.

No necessity for more shops in the area.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

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

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

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

Replacement Pendle Local Plan (RPLP)

Policy 25 states that new retail and service development should be located within a defined town centre as the first order of priority. For the purposes of policy 25 both A1 and D1 are classed as retail and service development. The supporting text states that where existing commercial uses exist outside of a town centre they can be replaced by some other commercial use of the same scale.

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

Principle of the Development

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

The proposed retail use of the building would not be of a greater scale of impact than the existing use as a veterinary surgery and both are included as retail and service uses by Policy 25. Taking this into account, the proposed retail use is acceptable in accordance with Policy 25 and WRK4.

The site is located within the settlement of Nelson and is a sustainable location for the proposed flat.

Visual Amenity

The proposed shopfront is in accordance with the guidance of the Design Principles SPD in terms of design and materials and is acceptable in terms of visual amenity in accordance with policy ENV2.

Amenity

Taking into account the likely impacts of the existing use in the proposed retail shop and flat would not result in any unacceptable additional residential amenity impacts and an acceptable living environment would be provided for the occupants of the proposed flat.

There is currently no restriction on hours of opening of the premises and retail premises are not typically associated with late night noise and disturbance or anti-social behaviour and therefore it is not necessary to impose a condition restricting opening hours.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV2

Highways

The proposed use would not be likely to result in a significant increase in vehicular traffic over the existing veterinary surgery use, it is likely that a greater number of customers would arrive on foot than a veterinary surgery where pets are more likely to be transported by car. Taking this into account the proposed development is acceptable in highway terms in accordance with policy ENV4.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity and highway safety. The development is therefore compliant with the Development Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

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

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

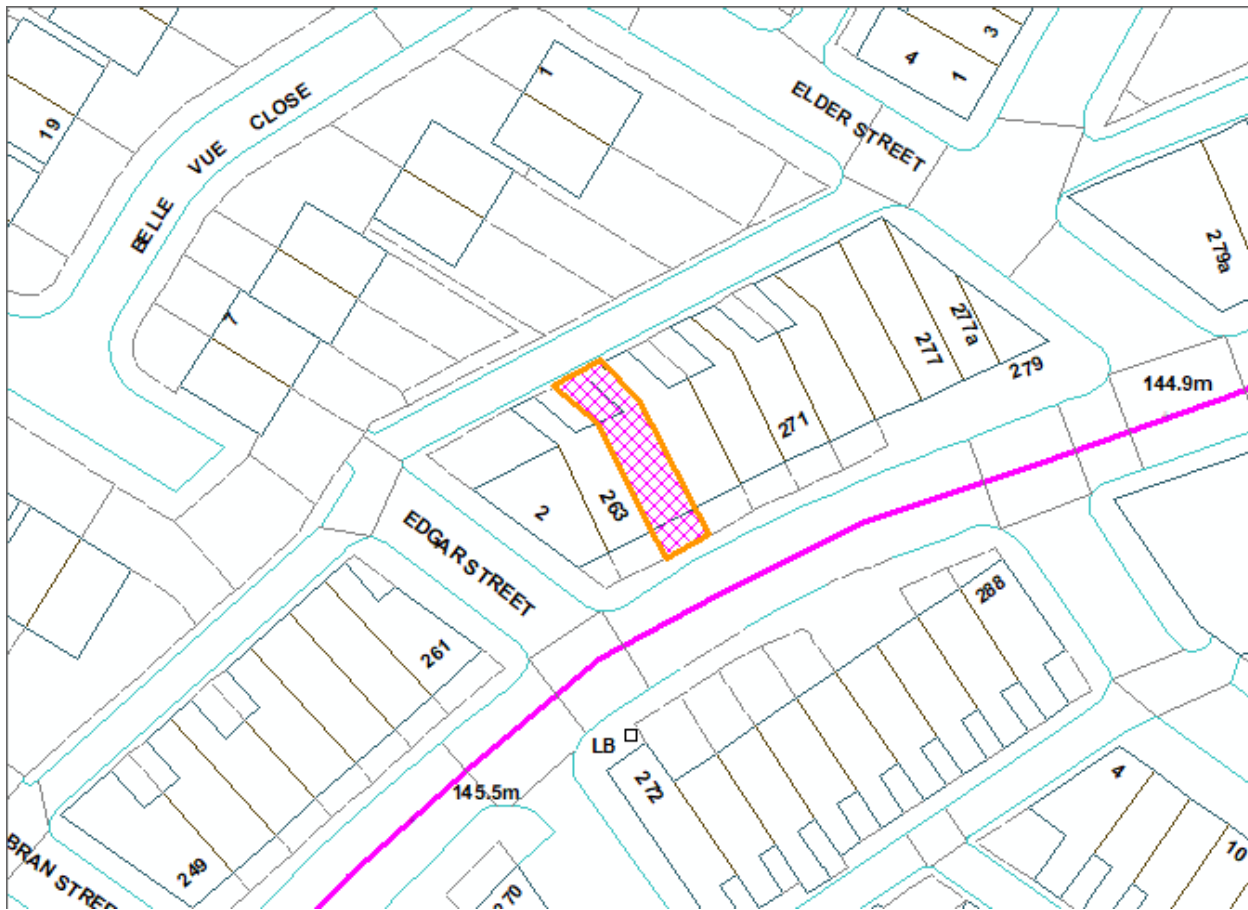
2. The development hereby permitted shall be carried out in accordance with the following approved plans: DEAN/04 Dwg 00, DEAN/04 Dwg 02, DEAN/04 Dwg 03

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

3. All materials to be used in the elevations of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

Reason: To allow the Local Planning Authority to control the external appearance of the development.

Note: The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.



Application Ref: 20/0196/FUL

Proposal: Full: Change of use of a veterinary surgery to a retail shop at ground floor and a flat at first floor and installation of a shop front.

At: 265 Leeds Road, Nelson

On behalf of: Mr Dominic Dean

REPORT TO NELSON AREA COMMITTEE ON 03 JULY 2020

Application Ref: 20/0263/HHO

Proposal: Full: Insert dormer to front roof slope.

At: 92 Beaufort Street, Nelson

On Behalf of: Mr Muneeb Sarwar

Date Registered: 22 April, 2020

Expiry Date: 17 June, 2020

Case Officer: Alex Cameron

The approval of this application was delegated by Nelson Committee in June subject to amended plans for a pitch roofed dormer, however, the applicant wishes for the application to be determined on the basis of the submitted plans for a flat roofed dormer.

Proposal and Site Description

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, white uPVC windows and a walled yard to the rear.

The proposed development involves the installation of a front roof dormer with a modern flat roof box design. The front and sides would be clad with grey slates and a uPVC window is also proposed.

Planning History

No relevant planning history.

Consultee Response

LCC Highways – The Highway Development Control Section does not have any objections regarding the proposal at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

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 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. The design of roof dormers should be in keeping with the dwelling and should 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 which is acceptable. Amended plans have been received showing a smaller flat roofed dormer, however, there are no other front dormers visible from the application site and it is clear that they are not traditional or intrinsic features of terraced dwellings in the wider area. The front dormer's 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 Beaufort Street.

The proposal to erect a flat roofed 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 yet the dwelling has existing main habitable room windows to the front 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.

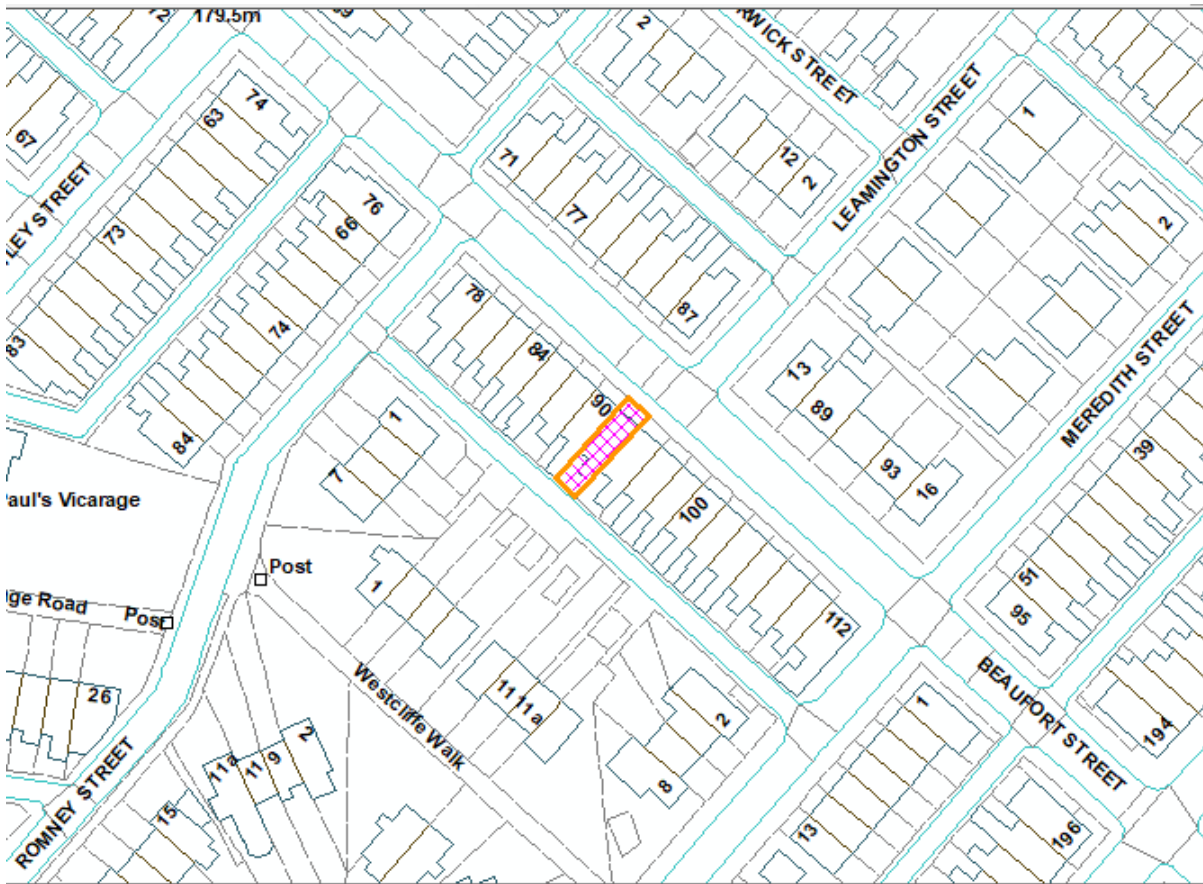
5. Summary

The proposal involves the installation of a front roof dormer. 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 flat roofed 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: 20/0263/HHO
Proposal: Full: Insert dormer to front roof slope.
At: 92 Beaufort Street, Nelson
On Behalf of: Mr Muneeb Sarwar

LIST OF BACKGROUND PAPERS

Planning Applications

NW/CPB
Date: 23rd July 2020