



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

TO: NELSON COMMITTEE

DATE: 7th September 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 7TH SEPTEMBER 2020

Application Ref: 19/0803/OUT

Proposal: Outline: Erection of up to 9 no. dwellinghouses (All Matters Reserved).

At: Former Allotments To The East of Further Clough Head, Bamford Street, Nelson.

On behalf of: Mr Wallace

Date Registered: 07.01.2020

Expiry Date: 11.09.2020

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 seeks outline permission for the erection of nine dwellinghouses, with all matters reserved. Details of the appearance, landscaping, layout, access and scale would be dealt with at a later stage under the Reserved Matters submission.

The application site is an allotment site, located within the settlement boundary of Nelson. The site is designated as Open Space.

The site is 0.30 hectares and is bounded by existing residential development to the north and east. Although the land to the south is currently undeveloped, permission has been granted for a large residential development. Access to the site would be off an approved access road extension, which has not yet been implemented, which runs north onto Helmn Way.

Relevant Planning History

None relevant.

Consultee Response

PBC Countryside Access Officer

Public footpath 72 runs on the northern boundary of the site and public footpath 70 runs on the eastern boundary of the site.

There is likely to be some impact on public footpath 70 as a result of the new access road crossing the footpath. Apart from that my main concerns would be from unlawful obstruction or encroachment during the course of the development. Therefore, would it be possible to include a note on any planning permission granted.

The Coal Authority

The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically a recorded mine entry (shaft).

The Coal Authority previously objected to this planning application in a letter to the LPA dated 22 January 2020. The objection was raised on the grounds that a Coal Mining Risk Assessment had not been submitted as part of the application.

The Coal Authority is therefore pleased to note the submitted Coal Mining Risk Assessment (2 March 2020, prepared by GRM Development Solutions Ltd), the content of which has been informed by up-to-date geological and mining information. On the basis that the report correctly identifies the nearest recorded mine entry (387437-002), the position of which is outside of the planning boundary and which the report confirms could not implicate ground stability within the site, The Coal Authority has no objections to this planning application.

Recommendation to the LPA - The Coal Authority considers that the content and conclusions of the information prepared by GRM Development Solutions Ltd are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore withdraws its objection to the proposed development.

PBC Environmental Health

No objections, subject to the application of recommended conditions.

Lancashire Fire and Rescue

No objections, advisory comments.

United Utilities

Drainage

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The applicant can discuss any of the above with Developer Engineer, Josephine Wong, by email at wastewaterdeveloperservices@uuplc.co.uk.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river). If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people.

We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

Water Supply

According to our records there are easements crossing the proposed development site which is in addition to our statutory rights for inspection, maintenance and repair. The easements dated 10/05/2010 & 17/08/2006 : UU Refs Z4084 & Z2542 has restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply to the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipe or United Utilities legal right to 24 hour access.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

United Utilities' Property, Assets and Infrastructure

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

LCC Highways

5th February 2020 - I note that all matters are reserved however I have provided full comments in relation to access as this is a concern.

Access

The proposed development site requires the construction of an extension to Marsden Hall Road South of approx. 100m. This is approved under outline application 2017/0427 for the erection of 200 houses and reserved matters 2019/0740 for 98 dwellings (Phases 1-3) therefore the principle of the Marsden Hall Road South extension is established.

However there are concerns regarding the site itself due to the steeply sloping topography of the southern portion of the site which is bounded by Clough Head Beck. Cross sectional drawings should be provided to show how the access road will be constructed and the retaining structures which will be required to support it. These should be provided prior to the decision in order to understand if this proposal is feasible given the terrain.

The visibility splay at the estate road junction and the Marsden Hall Road South extension is outside the red edge and not within the adopted highway. This needs amending to provide an X2.4m by Y25m visibility splay on both sides of the junction within the red edge.

A drawing should be provided to show the site access junction of Marsden Hall Road South with a radius kerbed access road with visibility splays and a swept path for a refuse wagon.

Public footpath 72 runs along the northern boundary of the site and is separated by a post and wire fence. Boundary details, including any new retaining structures and any changes to ground levels within the development site should be submitted and agreed at condition discharge stage.

Layout

The layout is a reserved matter and therefore the submitted plan is indicative at this stage. However because the layout is submitted I will make brief comments. The indicative layout is not acceptable in its current form and requires the following. A swept path analysis for a refuse wagon and should include a turning head for a refuse vehicle to turn around, I have attached a specification for information. A service strip should be added on both sides of the access road and turning head.

The proposed off-street car parking is acceptable and in addition each dwelling should have a secure covered cycle store and electric vehicle charging point.

4th March 2020 - Thanks for your email and the amended plans. The following matters are still outstanding.

1. Please can levels be added to the cross section and an existing/proposed ground level be added for land to the south of the new retaining wall on the southern boundary of the site including the watercourse. Please could the topographical survey levels be provided.
2. The retaining wall will require a 3m access strip on the south side and this should be shown on the drawing within the red edge. The watercourse should be clearly shown on the same drawing.
3. The whole visibility splay needs to be shown on the drawing and in the red edge.

Reserved matters - layout

4. Add a service verge around the access road (where there is no footway) minimum width 0.5m, locally widened to 1m for street lighting columns.

Any works within 3m of a watercourse will require a separate consent from Lancashire County Council Flood Risk Team. The applicant must contact the Team by email on FRM@lancashire.gov.uk .

22nd May 2020 - Thanks for your email and the further amended plans.

1. Is the 3m access strip to the south of the wall within the applicants ownership? If not then please provide further details such an easement from the adjacent landowner. Alternatively I can see that the turning head could be reduced in size by 2m and the wall moved northwards to gain more distance from the beck and to have access within the ownership edge.

Has any discussion taken place with FRM in relation to a permit being granted to allow this structure to be erected? I would urge contact as soon as possible - FRM@lancashire.gov.uk .

2. The whole visibility splay is now shown on the drawing. It is still outside the red edge and again this should be addressed with the adjacent landowner.

Reserved matters - layout

3. Add a service verge around the access road (where there is no footway) minimum width 0.5m, locally widened to 1m for street lighting columns. This is

still outstanding however it can be address later at reserved matters.

27th July 2020 - I am satisfied that this development does not compromise the larger scheme (Barnfield development). In order to resolve the concerns regarding visibility at the access, a Grampian condition should be applied.

Public Response

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

- Already sufficient housing in the Pendle Area without destroying more Green Belt land.
- The area of land should have been looked after more carefully.
- There is not the appropriate infrastructure to support more housing.
- Already high levels of traffic using the roads in the area.
- There will be disruption, noise and dust as part of the construction process.
- Harm to the wildlife in the area.

In addition, one letter of support was received from the applicant, their comments can be summarised as follows:

- Uninterrupted views from existing properties gardens.
- The number of properties on the plot, will allow for sufficient landscaped areas.
- Small properties will be lower cost and affordable.
- Will help to kick-start the economy of Nelson.
- The allotments are unsightly and there is an overprovision of them locally.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets. The proposals compliance with this policy is addressed in the design and amenity sections.

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirements for 2011 to 2030 and how this will be delivered. It allows for sustainable development outside of settlements to come forward until the part 2 plan has been approved.

Policy LIV3 (Housing Needs) provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 (Affordable Housing) sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

Replacement Pendle Local Plan

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Policy 33 'Existing Open Space' requires that the Council should seek to protect those areas of open space as allocated and defined in the Council's Open Space Audit.

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 59 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy.

Paragraph 97 of the Framework states that existing open space, sports and recreational buildings and land, including playing fields, shall not be built on unless specified exceptions are met.

Principle of the Development

The application site is located within the settlement boundary of Nelson, border to the north by existing residential development. To the south permission has been granted for up to 200 additional houses to be built.

In accordance with Policy LIV 1 this is a non-allocated site within the settlement boundary, which is considered sustainable and would make a positive contribution of up to 9 dwellings to the five year supply of housing land.

As a result, the proposed site would be sustainable and the principle of housing acceptable, which accords with Policy LIV1.

Visual Amenity and Landscape Impact

The application is in outline only, the design, scale and landscaping of the development would be considered in a separate reserved matters application. An indicative layout has been submitted which shows a relatively low density development with green spaces to the north east and south east of the site.

The site is located on sloping rural land, which drops steeply down to the Clough Head Beck to the south. The most prominent public view of the site would be on the main entrance off Marsden Hall Road South and the public footpaths to the east and south. Beyond these points the site would be screened by existing landforms, trees and buildings.

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

Heritage Impact

It is acknowledged that the application site is set over 50m to the east of Further Clough Cottage, which is a Grade II Listed Building and is therefore of significance.

The indicative layout plan submitted shows there will be an area of allotment land to the west of the site which will remain undeveloped. This comprises of some mature trees, which will provide a buffer between the proposed development and the listed building. Moreover, there is good trees screening along Clough Head Beck which provides additional screening to the south.

As a result, views of the development site from the setting of Further Clough Head Cottage will be well screened and a good separation distance retained. This would ensure that the development would not result in harm to the significance of the Listed Building.

Residential Amenity

It is clear from the indicative plans that a residential development of the scale proposed could be accommodated on the site without unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings. An acceptable degree of residential amenity could also be assured for future residents of the proposed dwellings in accordance with policies ENV2 and LIV5.

Open Space

The application is designated as open space as an allotment site. Policy 33 states that open space should be protected and the loss of open space will only be permitted where: 1. The loss involves poor quality amenity open space in areas where there is a surplus of provision or 2. The proposal provides for the replacement of open space provision as compensation and will result in no net loss to the community it serves.

Paragraph 97 of the NPPF states relevant factors which must be considered. In order to allow designated open space to be developed, the applicant must meet one of the defined exceptions, in paragraph 97, as follows:

Existing open space, sports and recreation buildings and land, including playing fields, should not be built on unless;

- an assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

It has been established that the Southfield ward currently has an over provision of allotments, which are of a low priority for increase in provision. Moreover, the site is not of high quality and therefore is not imperative to retain.

The proposed development includes areas of landscaped, open green space, particularly to the north east and south east of the site, which is of a suitable provision for the size of the site. This would therefore comply with the open space requirements of Policy LIV5.

As a result, no objections are raised to the loss of the existing allotments, nor the open space provision as part of the proposed development.

Drainage and Flooding

The site does not fall within an area of Flood Risk as identified by the Environment Agency. In addition, the site is less than 1 ha. therefore a site-specific flood risk assessment is not required.

No objections have been raised in principle with regards to foul and surface water drainage for the proposal, however a detailed scheme would need to be submitted, which will be secured by condition.

Highways and Access

No objections are raised with regards to the capacity of the existing road to accommodate additional traffic as a result of this development. The scheme would provide sufficient off street parking for the number of dwellings proposed, mainly on driveways to the front of each property.

Some concerns were raised regarding the visibility at the access from the site onto the new Marsden Hall Road South extension. The necessary visibility can be achieved, but not on land within the applicant's ownership. As the current Marsden Hall Road South extension has not been implemented yet, a Grampian condition will be applied to ensure the access and visibility splays are completed up to base course level, before the commencement of works on site.

Affordable Housing

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor of 5-9 dwellings there is no requirement for affordable housing to be provided. It is therefore not required on this site.

Coal Risk

The application site is located within a defined Development High Risk Area, with coal mining features and hazards in the area which must be considered. A Coal Mining Risk Assessment was submitted during the course of the application which suitably demonstrated that the application site is safe and stable for the proposed development. Therefore, no objections are raised in this regard.

Other Issues

Concerns have been raised regarding the noise and dust from construction of the proposed dwellings. A condition has been applied requiring a Construction Code-of-Practice to be submitted and approved prior to the commencement of development. This requires details of measures to control the emission of dust and dirt during the construction process.

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 accords with the Local Plan and National Planning Policy Framework. 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 access, appearance, layout, scale and landscaping of the site) 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) Order 1995 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 access, appearance, landscaping, layout and scale (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 accordance with the following approved plans: Location Plan 21/11/19 1:1250, WALLACE/05, WALLACE/02 REVC, WALLACE/07 REVA and WALLACE/08.

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

4. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

5. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety.

6. Prior to commencement of any development full engineering, drainage, street lighting, retaining structures and constructional details to adoptable standards (LCC

specification) of the internal estate roads and FP 70 & 72 shall have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

7. No development shall commence unless and until full engineering details of the Marsden Hall Road South extension, site access and appropriate visibility splays have been submitted to and approved in writing by the Local Planning Authority. The approved details must be implemented to at least base course level up to the entrance of the site compound before any development takes place within the site. The works must be fully completed in strict accordance with the approved details, prior to any occupation of the dwellings hereby approved.

Reason: To ensure that satisfactory access can be provided into the site prior to the development hereby permitted being occupied.

8. Foul and surface water shall be drained on separate systems. No development shall commence unless and until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

INFORMATIVE

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

2. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.

Application Ref: 19/0803/OUT

Proposal: Outline: Erection of up to 9 no. dwellinghouses (All Matters Reserved).

At: Former Allotments To The East of Further Clough Head, Bamford Street, Nelson.

On behalf of: Mr Wallace

REPORT TO NELSON COMMITTEE ON 7TH SEPTEMBER 2020

Application Ref: 20/0326/FUL

Proposal: Full: Change of use to car storage (Use Class B8) and erection of boundary treatment and resurfacing (Retrospective).

At: Land to the East 27 Pilgrim Street, Nelson.

On behalf of: Mr Mohammed Iqbal

Date Registered: 12.06.2020

Expiry Date: 11.09.2020

Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as it has received more than 3 objections.

The application site is a vacant site of size 2564 sq.m. It has an existing access point on the north eastern boundary from Lily Street. It is located within the settlement boundary of Nelson and is surrounded by a mixture of residential and industrial/commercial units.

The proposal is for a change of use of the site to Use Class B8, for car storage of up to 47 vehicles. In addition to the extension of part of the north western boundary wall up to a height of 3.6m and the erection of a 3m high mesh fence along the south western boundary.

Relevant Planning History

13/03/0207P
Erect 8 townhouses and estate road on former factory site (Outline)
Refused. 2003.

Consultee Response

LCC Highways

Having considered the information submitted, together with observations during a site visit on 26 June 2020, the Highway Development Support Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted, and notes being applied to any formal planning approval granted.

No details of the hours of operation nor likely number of employees have been submitted. On this basis we have taken the application to be purely for storage. Therefore no sales to the general public should be carried out from the site to ensure that the development does not generate vehicular movements which would be detrimental to highway safety in the immediate area.

The access gates should open into the site and not over the adopted highway on Lily Street.

When re-building the section of boundary wall shown on Elevation A the developer will need to construct the foundations so that it provides proper support within the site for the adopted highway network on the rear of Pilgrim Street.

During the site visit we noted that a section of the existing stone boundary wall on the lower section of the rear of Pilgrim Street was in a poor state of repair, with an upper section leaning outwards. This wall needs repairing and making safe to prevent masonry from falling onto the adopted highway.

PBC Drainage Engineer

Whilst there doesn't seem to be a great deal of detail, the proposal seems sound, although there is no detail on the pipe gradients, which would be necessary.

The existing manhole which everything is to be drained to is within close proximity to United Utilities combined sewer running through the back of Lily Street. United Utilities may wish to make comment.

Public Response

Four letters of objection were received in relation to the proposal, their comments are summarised as follows:

- Concerns this will not be used for car storage, but car sales.
- Damage caused to the surrounding highway as a result of previous works.
- Insufficient space for vehicles to access through the one point onto Lily Street.
- Concerns regarding the condition and tidiness of the site.
- Disturbance to residents of vehicles accessing the site at all hours.
- The wall height around the site should be confirmed and amended accordingly.
- The highways surrounding the site are already too busy, with no traffic calming measures in place.
- Would be an eyesore and detract from house prices.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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.

Policy WRK2 (Employment Land Supply) addresses employment land supply, the suitable siting of new employment opportunities and uses within protected employment areas.

Replacement Pendle Local Plan

Policy 23 (Location of New Employment Development) Proposals for new industrial development, including B8, should be located in order of priority on 1. Protected Employment Areas and 2. Vacant employment land or premises outside of Protected Employment Areas.

Policy 31 (Parking) sets out the maximum amount of parking required for a site.

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.

Principle of Development

The application site is currently vacant, however it is considered that the last use of the site was for B1, business purposes. The site is located within the settlement boundary of Nelson, in an accessible with good connections to the town centre and public transport.

Policy 23 states that proposals for new B8 development should be located in order of priority on; 1. Protected Employment Area or 2. Vacant employment land or premises outside Protected Employment Areas.

The application site would fall within the second order of Policy 23, as a vacant employment site, outside of a Protected Employment Area.

Furthermore, Policy WRK2 requires new employment site proposals outside the Protected Employment Areas should be on existing employment sites and in accessible locations.

The application site is a vacant employment site, previously used for B1 purposes. It is located within the settlement of Nelson, close to transport links and a range of existing employment premises.

As a result, this proposal accords with Policy 23 and WRK2, therefore the principle of development in this location is acceptable.

Visual Amenity

The application site is set at a lower land level than the surrounding residential streets. The lowest point is to the north east at the access with Lily Street, rising to the south west.

The north west side boundary benefits from an existing 3.6m boundary wall, which is characteristic of similar sites in the area, and prevents immediate visibility of the site. The proposal includes increasing the height of part of this wall to 3.6m, to match the height of the existing wall. This would be acceptable in this location.

The south west boundary is partially screened by an existing 2m high close boarded fence for part of the boundary. It is proposed the remainder of this boundary to the rear of Railway Street will comprise of a 3m high mesh fence. In this setting, that would be acceptable.

The site has been cleared of vegetation and is to be surfaced with hard core, for the parking of vehicles. Given the lower levels of the site and the high boundary treatment, these works within the site would not be readily visible from public vantage points and nevertheless would be in keeping with the character of the area.

No structures are proposed to be erected within the site or outside of the boundary walls.

It is therefore acceptable in terms of visual amenity in accordance with Policy ENV2.

Residential Amenity

The application site is bounded by residential development to the north east, north west and south west, with the south eastern side adjacent to an extensive area of industrial and commercial premises. Moreover, there are further industrial premises beyond two streets of dwellings to the north east. As a result, this is not a solely residential area and is already characterised by some industrial and commercial uses.

The proposed use is for car storage, Use Class B8, which would be restricted to storage and distribution purposes only. The application proposes storage of up to 47 vehicles only, with no public allowed on site or to be manned by staff.

As a result, the proposed use would not involve any noisy processes on site, or a significant number of regular journeys in and out of the site. Therefore, the impacts on surrounding residential amenity and potential for disturbance, over and above the existing levels, would not be considered to be of unacceptable levels.

Therefore, no objections are raised in terms of amenity, in accordance with Policy ENV2.

Highway Issues

On the basis that the site is to be used for car storage only, with no sales or access by the general public, no objections are raised as the development would not generate a level of vehicular movements which would be detrimental to the highway safety of the immediate area.

The proposed access point onto Lily Street is acceptable, provided that the entrance gates open into the site, and not over the adopted highway.

A site plan showing 47 parking spaces has been submitted, this allows for adequate manoeuvring of vehicles within the site.

Drainage

Outline details have been provided of proposed surface water drainage on the site, however in principle they are acceptable.

A conditions will be applied requiring more details of the surface water drainage scheme to be submitted.

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 policy, design, amenity and highway safety. 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:

PP-002 and PP-001.

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

3. All materials to be used in the hard surfacing and boundary treatments 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: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. Prior to the commencement of development, a scheme for the disposal of surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be constructed and completed in accordance with the approved plans before the site becomes operational.

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

5. The premises shall be used as a motor vehicle storage facility only and for no other purpose including any other purpose that falls within B8 use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting the Order with or without modification.

Reason: The use of the site has been justified by the particular requirements of the specific use and the impact of alternative B8 uses need to be assessed independently and the impacts on residential amenity.

INFORMATIVE

1. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

2. Before proceeding with the scheme preparation the developer should consult with Lancashire County Council for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term 'highway structure' shall include:

- any retaining wall supporting the highway (including and supporting land which provides support to the highway);
- any retaining wall supporting land or property alongside the highway.

Application Ref: 20/0326/FUL

Proposal: Full: Change of use to car storage (Use Class B8) and erection of boundary treatment and resurfacing (Retrospective).

At: Land to the East 27 Pilgrim Street, Nelson.

On behalf of: Mr Mohammed Iqbal

REPORT TO NELSON AREA COMMITTEE ON 07 SEPTEMBER 2020

Application Ref: 20/0372/HHO
Proposal: Full: Erection of dormer windows to front and rear roofslopes.
At: 5 Elizabeth Street, Nelson
On behalf of: Miss Shabana Kauser
Date Registered: 23/06/2020
Expiry Date: 25/08/2020
Case Officer: Alex Cameron

This application has been brought before committee at the request of the Chairman.

Site Description and Proposal

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

The proposed development is the erection of dormer windows to the front and rear. The proposed dormers are flat roofed box dormers running the full width of the roofs, they would be clad in tiles with felt roofs and upvc windows.

Relevant Planning History

None.

Consultee Response

LCC Highways – Whilst the development proposes an increase in bedrooms from three to four, with no associated off-road parking provision, the site is located close to the town centre, with good links to public transport, local amenities and facilities. The Highway Development Support Section would, therefore, raise no objection to the proposal on highway safety grounds.

Nelson Town Council

Public Response

Nearest neighbours notified – No response.

Officer Comments

Policy

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands. This policy is linked to the guidance set out in the Design Principles SPD.

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

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

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

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

Design

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

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

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

Amenity

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

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

Highways

The proposed development would increase the number of bedrooms from three to four. Taking into account that the property is in a sustainable location within walking distance of public transport and the area is characterised by properties without off-street parking, the proposed increase in bedrooms would not result in an unacceptable on street parking or highway safety impact.

RECOMMENDATION: Refuse

Subject to the following conditions:

1. The proposed front dormer would be an unsympathetic, unacceptable addition to this traditional terraced dwelling and would result in unacceptable harm to the character and visual amenity of the area contrary to policy ENV2 and the guidance of the Design Principles SPD.

Application Ref: 20/0372/HHO

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

At: 5 Elizabeth Street, Nelson

On behalf of: Miss Shabana Kauser

REPORT TO NELSON COMMITTEE 07 SEPTEMBER 2020

Application Ref: 20/0369/FUL
Proposal: Full: Change of use of a Social Club (Sui Generis) to Retail (Use Class A1).
At: Palatine Working Mens Club, Norfolk Street, Nelson
On behalf of: Mr Muhammad Iqbal
Date Registered: 06/07/2020
Expiry Date: 31/08/2020
Case Officer: Alex Cameron

This has been brought before committee at the request of Cllr Ahmed.

Site Description and Proposal

The application site is a social club located on Norfolk Street in Nelson. There are terraced houses to the north, south and the Morrisons supermarket to the east across the Leeds Liverpool Canal. The upper floor was granted permission for use as a gym in 2009, a condition of that permission restricted the use to a gym only and no other use within use class A2. The lawful use of the ground floor remains a social club, which is a Sui Generis use.

This application is to change the use of the building to a retail use. The planning statement describes the proposed use as a superstore / cash and carry, which will primarily cater for wholesale and online delivery. However, a wholesaler use would not fall within use class A1 (retail), this application has been specifically made for an A1 retail use.

Relevant Planning History

13/00/0219P - New roof and re-build part of boundary wall. Approved

13/05/0372P - Modify cond No3 13/00/0219P to "the building shall be used for the purposes of parties, weddings/engagements, charity events, presentations, conferences, functions, dancing competitions, music, tribute bands (members and non-members) incl associated meals". Approved

13/06/0735P - Erect garage building with store room over. Approved

13/09/0029P - Full: Change of use of first floor to fitness gym. Approved

Consultee Response

LCC Highways – Para 3.3 of their Planning Statement indicates that approximately 18 car parking spaces would be available internally and 4 disabled parking bays. Do the 18 spaces include the disabled parking bays, or would these be in addition to the 18?

The applicant should provide a revised site layout plan showing the parking bays, including the disabled parking bays laid out in line with national guidance (Dept for Transport's 'Inclusive Mobility'), which we recommend are located close to the customer entrance.

Eight cycle spaces are also indicated on the application form, although not shown on drawing number A3/004. Given the nature of the use proposed (mainly wholesale –

Planning Statement para 3.7) I've presumed these would mainly be for employees and so 8 spaces may not be required. The cycle storage should be secure and covered and shown on the revised site layout plan.

Para 3.3 of the Planning Statement also states that the parking area would be used for the loading/unloading of goods. The largest delivery vehicle expected to visit the site should be able to enter/leave in forward gear. The loading area should be marked out to ensure that this is kept available and not used for general parking.

The applicant has not shown the storage area for refuse bins. This should be included on the revised site layout plan.

Canal and River Trust – No comment.

Lancashire Constabulary Architectural Liaison – Recommendations for crime reduction measures.

PBC Environmental Health - With regards to the above development, we have concerns with regards to noise from any chiller units that are fitted. Recommend a condition is attached for noise control measures.

Nelson Town Council

Public Response

Nearest properties notified. Response received raising the following concerns:

- Concerns relating to waste storage and storage of vehicles.
- Noise impacts from comings and goings.
- Concerns regarding potential increase in crime.
- Existing parking issues in the surrounding streets.

Officer Comments

Policy

Local Plan Part 1:Core Strategy

Policy ENV2 of the Core Strategy part 1 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability.

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.

Policy WRK4 (Retailing and Town Centres) states that applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.

3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Replacement Pendle Local Plan

Policy 25 'Location of Service and Retail Development' of the Replacement Pendle Local Plan states that new retail and service uses, including taxi bases, should be located in the following order of priority:

1. Within the boundary of a defined town centre, local shopping centre or local shopping frontage.
2. On the edge the town centre allocated site (being Clayton Street, Nelson)
3. Within 300m of the boundary of a defined town centre.
4. Elsewhere with preference given to sites that are close to a town centre and have good transport links to the centre.

The proposed site is outside of the defined town centre boundary, but within 300m, therefore it falls within the 3rd order of priority above. The Policy goes on to define that development will only be allowed in areas 3 or 4 if the application is accompanied by a statement which proves that the proposal would require extensive floor space which cannot be accommodated within the preferred town centre and the proposal cannot be met on the edge the town centre allocated site.

National Planning Policy Framework

Paragraph 90 of the Framework states that where an application fails to satisfy the sequential test it should be refused.

Principle of the Development

The building is outside of the boundary of Nelson town centre and the current use is a social club, which is a Sui Generis use that is not specified as a main town centre use.

In this circumstance, for the use to be acceptable in policy terms it must be demonstrated that there are no units available within the town centre that could accommodate the proposed use.

Although a sequential assessment has been submitted it is limited in its scope and does not sufficiently assess all potentially suitable vacant and available properties and sites within the town centre.

The proposal for a retail use of this scale outside of the town centre would harm the vitality and viability of Nelson town centre contrary to policies 25 and WRK4.

Visual Amenity

The proposed use raises no unacceptable visual amenity issues.

Amenity

The proposed retail use would be likely to be potentially less impactful to surrounding residential properties than the existing use could be. With a condition to control noise from any plant installed and to limit opening hours to those proposed of 8am to 10pm the proposed use is acceptable in terms of residential amenity.

Highways

LCC Highways have requested a revised parking and servicing layout, this could be controlled by condition. Taking into account the site's location close to the town centre of Nelson and public transport, the proposed use is acceptable in terms of accessibility.

The existing access has limited visibility, restricted by the building to the south and 2m wall to the north. It would be necessary to relocate the access point and partially lower the wall to ensure adequate visibility, this can also be controlled by condition.

With the above conditions in place the proposed development would be acceptable in terms of car parking and highway safety.

RECOMMENDATION: Refuse

For the following reasons:

1: The applicant has failed to demonstrate that there is no suitable alternative site available within Nelson town centre, the development would therefore be detrimental to the vitality and viability of the town centre contrary to policy 25 of the Replacement Pendle Local Plan and WRK4 of the Local Plan Part 1: Core Strategy and paragraph 90 of the National Planning Policy Framework.

Application Ref: 20/0369/FUL

Proposal: Full: Change of use of a Social Club (Sui Generis) to Retail (Use Class A1).

At: Palatine Working Mens Club, Norfolk Street, Nelson

On behalf of: Mr Muhammad Iqbal

REPORT TO NELSON AREA COMMITTEE ON 07 SEPTEMBER 2020

Application Ref: 20/0388/HHO
Proposal: Full: Erection of dormers to the front and rear roofslopes.
At: 68 Lomeshaye Road, Nelson
On behalf of: Mr Haroon Qamar
Date Registered: 26/06/2020
Expiry Date: 21/08/2020
Case Officer: Alex Cameron

This application has been brought before committee at the request of the Chairman.

Site Description and Proposal

The site is a mid-terrace residential property located within the settlement boundary of Nelson surrounded by similar properties. The site lies within the Whitefield Conservation Area.

The proposed development is the erection of dormer windows to the front and rear roof slopes. The proposed dormer windows would be flat roofed with white upvc cladding to, upvc windows and rubber roofing.

Relevant Planning History

None.

Consultee Response

LCC Highways - No objection.

Canal & River Trust – No comment.

PBC Conservation Officer - This terrace is a distinctive one within the Whitefield Conservation Area, the houses were subject to group repair and an Article 4 Direction was imposed in order to preserve the uniformity of the row. The row is a 'set piece' design, different from the other terraces in Lomeshaye Road; the houses are relatively plain, but the terrace is given emphasis by the use of gabled 'pavilion' end and central units. Dormers did not historically form part of this design. This differs from the terraces adjacent and opposite which are more elaborate higher status houses, with front canopies, bay windows and small pitched roof dormers. This stylistic difference in terraces contributes greatly to the significance of the conservation area. Significance also derives from the distinctive and consistent blue slate roofslopes of the terraces which are relatively simple in form but characterised by the repetitive chimney stacks which contribute so much to the local townscape character.

The large and bulky dormers proposed to both front and rear elevations would be clearly at odds with, and would detract from, the design and relatively clean lines of the terrace row. The dormers would have a markedly horizontal emphasis with their excessive width and flat roof, which would be at odds with the vertical emphasis of the houses. The front dormer would be built close to the front of the roof, with only a slight set back. It would also display large areas of unsightly white

upvc cladding. The proposal would fail to preserve or enhance the character or appearance of the conservation area, as required by S72 of the 1990 Act. Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by NPPF 196. The proposal would also be in direct conflict with guidance in the CA SPD (paras 4.19-4.20).

Nelson Town Council

Public Response

Site and press notices posted and nearest neighbours notified. No response.

Officer Comments

The main issues for consideration are compliance with policy, impact on the conservation area, design and materials.

Policy

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

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

Design Principles SPD and Conservation Area Design and Development Guidance support both these policies SPD.

The Design Principles SPD states that the roof is an important element of a building's design and unsympathetic extensions can have a negative impact. It sets out several criteria that dormers should adhere to. Dormers should not be so large as to dominate the roof slope resulting in a property which looks unbalanced. Roof alterations should be minor and sympathetic to the original design of the building.

The Conservation Area Design and Development Guidance SPD also contains guidance on development. It emphasises a need to retain historic elements, specifically identifying Whitefield as an area where original dormer windows exist. It states that new dormers should always be sympathetic to the building.

Design and impact of the Conservation Area

The property is located within the Whitefield Conservation Area, where significant regeneration work has been undertaken over recent years, with group repairs to terraces and installation of traditional style windows, doors and boundary treatments. The block including the application site was in recent years included within the Article 4 Direction Area.

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

This terrace is a distinctive one within the Whitefield Conservation Area, the houses were subject to recent group repair and an Article 4 Direction was imposed in order to preserve the uniformity of the row. Part of the significance of the conservation area derives from the distinctive and

consistent blue slate roofslopes of the terraces which are relatively simple in form but characterised by the repetitive chimney stacks which contribute so much to the local townscape character.

The proposal is to create large flat boxed dormers to the front and rear of the building. The dormers are overly large with a poor design in the context of the vertical nature of this Victorian terrace house.

The dormer proposed to the front elevation would be clearly at odds with, and detract from the design and clean lines of the front of the terraced row. The front and rear dormers also display large areas of unsightly and inappropriate upvc cladding to the front and rear faces and rubberised roofing.

Although there are a number of similar existing front dormers within the street, the addition of the proposed dormer, and loss of the existing front dormer which enhances the character and appearance of the building, would have a further detrimental impact upon the appearance of the Conservation Area and its significance.

The proposal would fail to preserve or enhance the character or appearance of the conservation area, as required by S72 of the 1990 Act. Though the harm caused to the significance of the Conservation Area would be less than substantial, this would not be justified by any public benefit, as required by para 196 of the National Planning Policy Framework and the proposal would also conflict with guidance in the Conservation Area Design and Development Guidance SPD paras 4.19-4.20.

This proposal therefore fails to accord with policies ENV1 and ENV2, the Conservation Area Design and Development Guidance SPD and the Design Principles SPD.

Residential amenity

The site is located within a typical terrace layout, with many properties having facing primary windows. The introduction of this development would not have an unacceptable impact on adjacent neighbours in terms of privacy.

Highways

The proposed development would increase the number of bedrooms from three to four. Taking into account that the property is in a sustainable location within walking distance of public transport and the area is characterised by properties without off-street parking, the proposed increase in bedrooms would not result in an unacceptable on street parking or highway safety impact.

Summary

The proposed development would introduce a poorly designed front dormer window and front and rear dormer windows clad in materials which are not characteristic of the area and which would harm the appearance of the conservation area. The proposed development thereby fails to accord with Policies ENV1 and ENV2 of the Replacement Pendle Local Plan and also the guidance contained within the Design Principles and Conservation Area Design and Development Guidance SPD's.

In this particular case the proposed development would not preserve or enhance the character and appearance of the conservation area and therefore should be resisted.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed dormer windows would lead to a considerable reduction in the design quality of the area to the detriment of the character and appearance of the Whitefield Conservation Area due to their scale, siting, design and materials contrary to policies ENV1 and ENV2 of the adopted Replacement Pendle Local Plan and the Conservation Area Design and Development Guidance SPD.

Application Ref: 20/0388/HHO

Proposal: Full: Erection of dormers to the front and rear roofslopes.

At: 68 Lomeshaye Road, Nelson

On behalf of: Mr Haroon Qamar

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 20th August 2020