



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 02nd November 2020

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON COMMITTEE ON 2ND NOVEMBER 2020

Application Ref: 20/0376/HHO
Proposal: Full: Erection of dormers to front and rear roofslopes.
At: 166 Leeds Road, Nelson.
On behalf of: Hafiz Faiz Ahmed
Date Registered: 30.06.2020
Expiry Date: 09.10.2020
Case Officer: Charlotte Pinch

Site Description and Proposal

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

At the October 2020 Nelson Area Committee it was resolved that the application be delegated to officers, to grant consent, subject to the submission of suitable amended plans altering the design of the front dormer to a pitched roof. The applicant does not wish to submit amended plans and therefore the application has been called back to committee.

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 and rear dormer. This development would result in two additional bedrooms and a bathroom at second floor level.

The proposed dormers would be clad in vertical tile hanging to the front and cheeks, with white UPVC windows.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

Having considered the information submitted, 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 condition being applied to any formal planning approval granted.

Leeds Road is categorised as a main distributor road, is a bus route and is subject to No Waiting At Any Time waiting restrictions outside the development site. Therefore we recommend that deliveries are only accepted outside peak traffic flow hours and that no deliveries are made from Leeds Road.

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 0.6m on each side, set back from the rear elevation by 0.5m and set down from the ridge line by 0.5m. 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 in 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.

Leeds Road 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 Leeds Road and Plantation 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 Leeds Road. The proposed rear dormer would face directly south east, onto the side and rear of properties on Chapel Street. However, these closest properties are not directly to the rear of the application site and are set at a 45 degree angle, with the corner of No.56 Chapel Street being the closest. Nevertheless, a separation distance of 12m is retained between the proposed dormer and corner of No.56. Taking into account the off-set and angled relationship of the properties, without direct view, this separation distance 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 two additional bedrooms to the dwellinghouse, creating a five 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: 20/0376/HHO

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

At: 166 Leeds Road, Nelson.

On behalf of: Hafiz Faiz Ahmed

REPORT TO NELSON COMMITTEE ON 2ND NOVEMBER 2020

Application Ref: 20/0470/FUL
Proposal: Full: Erection of two dwelling houses.
At: Car Park, Midland Street, Nelson.
On behalf of: Mrs Faeizah Birjees
Date Registered: 30.07.2020
Expiry Date: 06.11.2020
Case Officer: Charlotte Pinch

Site Description and Proposal

This application is brought to Committee as the applicant is related to an Elected Member of the Council.

The proposal seeks to erect two dwellings on an area of land adjacent to 3 Midland Street, extending the existing terraced row. The site was subject to two earlier consents for the primarily the same development (ref - 13/11/0422P and 13/15/0421P) both permissions expired without works being commenced.

The only difference between the previously approved scheme and the current submission is smaller pitched roof dormers on the front and rear roof slopes, as opposed to flat, a single storey rear extension to one of the dwellings as opposed to a two storey extension and fenestration siting alterations.

The site is within the settlement boundary as designated in the Replacement Pendle Local Plan and also falls with the boundary of the Bradley Area Action Plan (BAAP).

Relevant Planning History

13/11/0422P
Erection of two dwellinghouses.
Approved with Conditions. 2011.

13/15/0421P
Full: Erection of 2 semi-detached dwellings.
Approved with Conditions. 2015.

Consultee Response

United Utilities

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 NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);

2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

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 proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets.

Water supply

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 which should be accounted for in the project timeline for design and construction.

United Utilities' property, assets and infrastructure

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.

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.

LCC Highways

Having considered the information submitted, the Highway Development Support Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and conditions and note being applied to any formal planning approval granted.

Planning permission for the erection of two three bedroom dwellings was previously granted under planning approval 15/0421P. The current proposal increases the number of bedrooms to four in each dwelling.

Public Response

None received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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 (Achieving Quality in Design and Conservation) 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.

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 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 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.

Design Principles Supplementary Planning Document. 2009.

Principle of Development

The application site is located within the settlement boundary of Nelson, amongst existing residential development. It is therefore an acceptable form of development in this location.

Precedent for the principle of residential development has been established through the similar 2011 and 2015 permissions on the site.

Design and Materials

Paragraphs 124 through to 132 of the NPPF contain guidance on providing a wide variety of homes and requiring good design. Policies ENV2 of the Local Plan Part 1 reiterates these points and are relevant in the determination of this application.

The application site is set within a residential area, comprising of predominantly terraced dwellings. The surrounding properties are characterised by a uniform style and design, in a compact arrangement, comprising of pitched roofs and natural stone elevations.

In comparison to the dwellings approved under application 13/15/0421P, in both design and scale this is an improved proposal. The dormer windows have been reduced in size and pitched roofs added, which is a more appropriate design. The two storey rear extension to one of the dwellings has been removed, replaced with a mono-pitched single storey extension, which reduces the bulk of the development within a compact street scene. Moreover, the addition of windows on the side

gable elevation, as opposed to blank in more in keeping with the frontage of the properties adjacent.

Details of the materials to be used in the external construction of the development will be secured by condition.

As a result, the development would not result in an unacceptable impact on the character and visual amenity of the area in accordance with Policy ENV2.

Residential Amenity

This proposal, over and above the 2015 application, removes a two storey extension element from the proposal and one set of first floor windows, which is an improvement. Two additional windows are proposed on the side gable elevation of the end property. However, these would face directly onto Cumberland Street and would not provide any greater visibility over and above that already approved, or look towards any private amenity spaces.

The siting and relationship of the proposed dwellings with adjacent neighbours and the wider area remains the same as the previously approved 2015 application. It therefore raises no greater concern in relation to the impacts on residential amenity.

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

Highways and Parking

No objections are raised to the loss of the existing car park, nor are there requirements for on plot parking as part of this development, as this is not a requirement of any of the existing adjacent terraced properties.

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the 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. 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: Block Plan 1:500, Location Plan 1:1250, Elevations Front and Rear RevA (20th Oct 20), Dormer and Roof Plan RevA (20th Oct 20), Elevation Sides RevA (20th Oct 20) and Ground and First Floor Plan (22nd June 20).

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

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. The development hereby approved shall not commence unless and until plans and particulars showing a scheme of foul sewers and surface water drains has been submitted to and approved in writing by the Local Planning Authority. The approved systems shall be installed in their entirety prior to the first occupation of any dwelling and shall thereafter be retained.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

Application Ref: 20/0470/FUL

Proposal: Full: Erection of two dwelling houses.

At: Car Park, Midland Street, Nelson.

On behalf of: Mrs Faeizah Birjees

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 21st October 2020