



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 29th March 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON AREA COMMITTEE 29th March 2021

Application Ref: 20/0796/FUL

Proposal: Full: Erection of a single storey extension to accommodate two additional classrooms, toilet facilities and car parking

At: Castercliffe Primary Academy

On Behalf of: The Governors of Castercliffe Primary Academy

Date Registered: 01/12/2020

Expiry Date: 26/01/2021

Case Officer: Laura Barnes

The application was deferred from the meeting on 1st February 2021 in order to have a meeting with Local Residents, Lancashire County Councillors, Lancashire County Council Highways Department, representatives from the Primary Academy and Local Members. This meeting took place on 9th March 2021 at 2pm.

Site Description and Proposal

The application site is a primary academy located in the settlement of Nelson. It has an overall site area of 1.6 hectares. The school comprises the main school building with staff car parking areas fronting the building access off Marsden Hall Road North. The school is surrounded by outdoor yards / playgrounds along with playing fields to both sides and the rear.

This proposed development involves the erection of a single-storey extension which would comprise two new classrooms along with associated ancillary accommodation including additional toilet provision and cleaners store. The extension is to be constructed of materials to match the existing school building, with a low level brick plinth, with Cedral fibre cement wood grained horizontal cladding, glazed curtain walling is to comprise uPVC double-glazed A-rated windows / frames, doors are to be powder coated aluminium, the roof is to be covered in roof tiles with aluminium external soffit, fascia, gutter and rainwater goods.

Planning History

13/11/0104P - Erection of a single storey extension to the rear for a corridor access/store

Approved with conditions April 2011

13/10/0472P - Extension to existing car park to create 4 new spaces

Approved with conditions, October 2010

13/10/0285P - Construction of an early years play area including trundle track, timber shelter, music stage, embankment and climbing wall

Approved with conditions, July 2010

13/07/0386P - Two single storey extensions to provide improved toilet and library facilities and quiet room.

Approved with conditions, July 2007

13/01/0586P - Extend frontage and construct ramp

Approved with conditions, November 2001

Consultee Response

Lancashire Constabulary

Any refurbishments, extensions or new build schemes should be built to the police preferred security standard Secured by Design (SBD). The additional classrooms and facilities, should be built to the standards contained within the Secured by Design New Schools 2014 design guide. The Lancashire Constabulary Designing Out Crime Team can support the applicant throughout the Secured by Design process by contacting alo@lancashire.pnn.police.uk

The SBD New Schools guide can be found at <https://protect-eu.mimecast.com/s/I8C4C98jmCN7mAioyDxi>

Security measures such as Loss Prevention Standard 1175 Issue 7/8 doors and windows should be incorporated into the scheme to prevent crimes such as burglary, and to keep the staff and children safe and feeling safe, in accordance with-

- Section 17 of the Crime and Disorder Act 1998 (as amended by the Police and Justice Act 2006) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment); and (b) the misuse of drugs, alcohol and other substances in its area crime and disorder in its area.

LCC Highways

Initial comments

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 condition being applied to any formal planning approval granted.

The timing of deliveries by large construction vehicles, and movements by HGVs, should take into account the bus services which run along Marsden Hall Road North, and should also avoid peak traffic flows on the surrounding highway network.

Condition

Deliveries to the approved development shall only be accepted between the hours of 9.00am and 2.30pm, to avoid peak traffic on the surrounding highway network.

Reason: In the interest of highway safety

Lancashire Fire & Rescue Service

The proposed planning application has been noted and the Fire Authority gives its advice in respect of access for fire appliances and water supplies for firefighting purposes to the site.

The following recommendations are made to make the applicant aware of conditions which will have to be satisfied on a subsequent Building Regulation application. The conditions may affect the elevation of the building and access to them. These recommendations must be included if this application passes onto another party prior to completion.

Access – Document B, Part B5

It should be ensured that the scheme fully meets all the requirements of Building Regulations Approved Document B, Part 5B 'Access and facilities for the Fire Service'.

B5 – Water Provision

It should be ensured that the proposal is provided with suitable provision of Fire Fighting water. Any provision should comply with National Guidance, details of which can be found at: <http://www.water.org.uk/publications/water-industry-guidance/%E2%80%A8national-guidance-document-provision-water-fire-fighting-3rd>

The Local Authority Building Control / Approved Inspector and Fire Service should be consulted at the earliest opportunity where more specific advice can be offered.

If you would like to discuss this or any other matter of fire safety, please call me on 01254 262721

Final Comments

Going forward we would support the development of a Travel Plan at Castercliffe to encourage more sustainable travel and to promote new initiatives around travel to school, such as walking buses, staggered start times including stagger with Pendle Vale College, drop-off zone with teachers collecting children on the roadside and information to new parents at the start of the new term. This information has been highlighted before to the school by our Safer Travel Team.

We had previously requested restricting the timing of construction traffic to avoid school drop off and collection times however I would request a condition for a full construction traffic management plan to be submitted prior to the commencement of any works due to the discussion at the meeting in relation to the use of Pinfold Place.

At the meeting the condition of the surrounding highways was discussed and concerns were raised about damage to the highways arising from the construction vehicles associated with the development. We would request a further condition to seek pre-commencement and post-development condition surveys of the surrounding highways to be completed with a timetable to agree and secure any works which require reinstatement of any damage to highways including grass verges.

1. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- 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 and timing of delivery vehicles to/from site to avoid school drop-off and collection times.

2. Pre-commencement and post-development photographic surveys of the surrounding highways shall be submitted to the LPA with a timetable to agree works to be completed as a result of any damage caused by the construction vehicles.

3. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This must include details of measures to reduce travel by private car. The approved plan shall be adhered to for as long as the development hereby permitted remains in use.

United Utilities

Requested a condition in relation to foul and surface water, as follows:

The proposed development hereby approved shall not be brought into use unless and until a foul and surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning

Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

(iv) Details of how foul and surface water will be disposed of.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

Public Response

Nearest neighbours have been notified.

Eight responses have been received raising objection to the proposed development for the following reasons:

- A larger number of pupils at the school will result in more associated traffic at drop-off and pick-up times
- Local residents experience great difficulty with blocked driveways, more litter, more pollution and a lowering of quality of life during the drop-off and pick-up times
- Emergency vehicles have struggled to get through when parents collecting children from the school have blocked the road with their vehicles
- The existing road is in need of repair, with pot holes
- No additional parking is proposed for the school extension, which will require more staff
- Disruption during construction phase
- Issues with some ongoing works at the school at the moment
- Issues with the water supply in the area
- Could alternative land be used by the school? – there is other land to the left hand side of the existing building
- The application does not state how many additional pupils will use the facility, there is a concern that this could be upwards of 60

Officer Comments

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

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

- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that the siting and design of development should be in scale, context and harmony with the wider locality;
- CS Policy SUP3 (Education and Training) states that the Council will support the upgrading of primary and secondary education facilities.

Other policies and guidance's are also relevant:

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

1. Principle of Development

The proposed extension would involve an upgrade to an existing primary education facility and the proposal is acceptable in principle thereby complying with Policy SUP3.

2. Residential Amenity

Although issues have been raised in relation to neighbouring amenity, the proposed extension is single storey in height and mirrors the form of the existing school. It is a reasonable expectation that the school would need to expand, to accommodate an increase in the number of children enrolled at the facility. The proposed development is not excessive in size and would not have an overbearing effect upon neighbouring dwellings. The proposed development would have no unacceptable impacts on the amenities of the closest residential neighbours in accordance with Policy ENV2.

3. Design and Visual Amenity

The scale of the proposed extension would be minor when related to the host building. Its style and appearance would be appropriate for this modern school building and the wider refurbishment works raise no undue design concerns. The proposal would therefore be acceptable in visual design terms and complies with Policy ENV2.

4. Highways

204 square meters of additional floor space would be created from this proposal, which comprises two additional classrooms. The Council's car parking standards state that there should be one car parking space per classroom. Comments have been raised in relation to highways and car parking. The applicants have been asked to provide two more car parking spaces in accordance with the Council's car parking standards.

The issue of dropping off and picking children up has been raised. It is acknowledged that there is an issue with this as indeed there is at all primary schools in Pendle. Whilst there will be some added pressure at opening and closing times of the school the additional classrooms will not solve the existing situation. The pressures will be short and the additional parking would not be significant. The net benefits of providing additional school places would outweigh the minor additional short term car parking that would be associated with the development.

Lancashire County Council Highways have requested that a condition is applied in relation to a Travel Plan and Construction Method Statement. These are reasonable and proportionate to the proposed development. However, they had also requested photographic surveys to be undertaken to survey whether there is a change in the road surface conditions prior to and post development. This is not proportionate to the proposed development and other road users also use the road, whom may or may not also be responsible for a change in the conditions of the road during this time. As such, it would not be possible to enforce such a condition.

5. Other Matters

Some additional issues have been raised by local residents who object to the proposed development including repairs to the road surface, disruption during the construction phase of development, issues with water pressure /outages in the area and alternative sites which may be more suitable. These are not material planning considerations and in the main are regarding existing issues which the proposed development could not be expected to resolve.

6. Summary

This application involves the erection of a single-storey extension to a school which comprises two additional classrooms and WC facilities. The proposed development is acceptable in principle and in relation to the design, residential amenity and highways.

Reason for Decision

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

RECOMMENDATION: Approve

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

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

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans: Location Plan BS.20-118/01, Proposed Site Plan BS.20-118/03, Proposed Elevation Plans BS.20-118/05 Rev A

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

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

Reason: Those materials are appropriate for the development and site.

4. The additional accommodation hereby approved shall not be brought into use unless and until the additional parking space as shown on the approved plan ' Proposed Elevation Plans BS.20-118/05 Rev A has been constructed, laid out and surfaced in a bound porous material and those spaces shall thereafter remain free from obstruction and be available for the parking of vehicles associated with the staff of the school at all times.

Reason: In order to ensure the development is provided with adequate parking.

5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- 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 and timing of delivery vehicles to/from site to avoid school drop-off and collection times.

Reason: In the interests of neighbouring amenity

6. The proposed development hereby approved shall not be brought into use unless and until a foul and surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - (iii) A timetable for its implementation.
 - (iv) Details of how foul and surface water will be disposed of.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

7. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. This must include details of measures to reduce travel by private car. The approved plan shall be adhered to for as long as the development hereby permitted remains in use.

Reason: In the interests of highway safety

Application Ref: 20/0796/FUL

Proposal: Full: Erection of a single storey extension to accommodate two additional classrooms, toilet facilities and car parking.

At: Castercliffe Primary Academy

On Behalf of: The Governors of Castercliffe Primary Academy

REPORT TO NELSON AREA COMMITTEE 29 MARCH 2021

Application Ref: 21/0083/FUL

Proposal: Full: Change of use of Ground Floor from residential dwelling (Use Class C3) to a Shop (Use Class E) and insertion of a shopfront (Resubmission).

At: 55 Newport Street, Nelson

On Behalf of: Mr Qaiser Ahmed

Date Registered: 10.02.2021

Expiry Date: 07.04.2021

Case Officer: Charlotte Pinch

Site Description and Proposal

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

The application site is a two storey, end-of-terrace property located within the north eastern edge of the settlement boundary of Nelson. The property is sited on the corner of Newport Street, which is predominantly residential, with some commercial premises on the adjacent Regent Street. The property is currently used as a dwellinghouse.

The proposal seeks to change the use of the building from a dwellinghouse (Use Class C3) to retail use (Use Class E) on the ground floor, retaining residential use at the first floor level. In addition, a replacement aluminium shopfront on the front elevation is proposed.

This application is a re-submission of a previously refused application, 20/0682/FUL, for the same proposal. This application does not include a proposed single storey rear extension, but includes the submission of a retail impact assessment as part of the application submission.

Planning History

20/0682/FUL

Full: Change of use of Ground Floor from a residential dwelling (Use Class C3) to a Shop (Use Class E), insertion of a shopfront and erection of a single storey rear extension.

Refused. 2020.

Consultee Responses

LCC Highways

Having considered the information submitted, the above proposal raises no highway concerns. Therefore the Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

Publicity

None received.

Officer Comments

The main considerations for this application are the principle of retail in this location and potential impacts on amenity.

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

- Policy WRK4 requirements for retail in town and shopping centres and restrictions outside of this.
- Policy SDP2 identifies the settlement hierarchy in terms of the location of new development. Nelson is identified as a Key Service Centre, being one of the areas in which future growth will be focussed.
- Policy ENV5 seeks to prevent pollution and potential noise issues for residential areas.

Other policies and guidance's are also relevant:

- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.
- Replacement Local Plan Policy 25 which deals with the location of service and retail development.

Principle of Retail

The site is located within the settlement boundary and is outside Nelson Town Centre where services, facilities and public transport provision are readily available.

All applications or allocations should identify sites that are suitable, available and viable by following a sequential approach in order of priority:

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

Retail proposals on edge of centre or out of centre sites will generally be resisted. The application site is 370m from the edge of the town centre boundary and therefore would be classed as an out of centre site, in the 3rd order of priority.

The provision of small scale retail uses that enable people to meet their daily needs for convenience shopping within walking distance of their homes and places of work will be encouraged particularly where they relate to the re-opening of village or corner shops.

A retail impact assessment has been submitted as part of this application to provide some justification for the need for the proposed change of use and a retail business in this location. It states that the proposed change of use is to accommodate a butchers, which is currently sited at No.89 Regent Street nearby, connected with the Medina Food Store at No.87 Regent Street. As such, the existing food store would extend into No.89 Regent Street, with the butchers element at No.55 Newport Street.

The justification is provided on the basis of the connection of the butchers with the existing food store and as such it being sited within Nelson Town Centre would not be appropriate for the nature of the business.

This would not be adequate justification for a new retail premises in an edge of town centre location. Not only would this result in the extension of the existing food store beyond the scope of a small convenience store, but it would also expand this cluster of retail provision within a residential setting, further reducing the likelihood of footfall in Nelson Town Centre.

The assessment identifies at least four retail units which are vacant within Nelson town centre, in addition to a number of vacant units in the Pendle Rise Shopping Centre. However, the assessment only discounts the units in Pendle Rise Shopping Centre as being unsuitable, due to the closing of the shopping centre at 5pm. No justification to discount the other vacant premises in the town centre is provided, as such it can be assumed that these would be suitable.

Whilst this site was previously a retail shop it is now a dwellinghouse and there are other shop premises both occupied and vacant within close proximity to this site which, if necessary, could serve the needs of local people. However, these premises have clearly closed for a reason and these existing premises can easily be re-used as commercial properties in the future.

The close proximity to Nelson town centre and existing retail premises in this location means that there is no requirement for this property to resume its use as a retail premises at this time. There are vacant properties within Nelson Town Centre which can serve any identified need as well as vacant shops nearby. If this property was allowed to be used as retail then this would undermine the vitality and viability of Nelson Town Centre and therefore is contrary to Policy 25 of the Replacement Pendle Local Plan.

In light of this the proposed use as retail would not accord with policy and would seek to undermine the vitality and viability of Nelson Town Centre.

Impact on Amenity

The proposed development would be unlikely to raise adverse issues for existing neighbours in terms of comings and goings and deliveries due to the small scale nature of the property and the adjacent commercial properties.

The scheme therefore is acceptable in this respect.

Design

The proposed development includes the insertion of a replacement aluminium shopfront. The design and style of the shopfront would not result in unacceptable impacts on the character of the building or street scene.

Highway Safety

The site is located in a mixed use area with high demand for on-street parking. With this in mind the scheme is suitable in relation to the local effects on highway safety. This is no provision for off-street parking in this location.

Summary

The proposal seeks to change the use of the building from residential to mixed residential and retail use. This proposal is not acceptable in policy terms and fails to accord with saved Policy 25 of the Replacement Pendle Local Plan and Policy WRK4 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030).

RECOMMENDATION: Refuse

For the following reason:

1. The site falls outside of Nelson Town Centre therefore the use of the premises as mixed residential and retail would undermine the vitality and viability of Nelson Town Centre and fails to accord with policies WRK4 and SDP5 of the Pendle Local Plan Part 1: Core Strategy and saved Replacement Pendle Local Plan Policy 25.

Application Ref: 21/0083/FUL

Proposal: Full: Change of use of Ground Floor from residential dwelling (Use Class C3) to a Shop (Use Class E) and insertion of a shopfront (Resubmission).

At: 55 Newport Street, Nelson

On Behalf of: Mr Qaiser Ahmed

REPORT TO NELSON AREA COMMITTEE 29 MARCH 2021

Application Ref: 20/0753/HHO
Proposal: Full: Erection of side and rear two storey extensions
At: 181 Regent Street, Nelson
On behalf of: Mr Zulfqar Ali
Date Registered: 12.11.2020
Expiry Date: 05.04.2021
Case Officer: Charlotte Pinch

Site Description and Proposal

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

The application site is a two storey semi-detached dwellinghouse, located on a corner plot at the entrance to Swinden Hall Road. The site is adjacent to residential properties of similar design, scale and mass. The site is within the settlement boundary of Nelson.

The proposed development is for the erection of a two storey side and rear extension. It would comprise of a lounge, study and bathroom at ground floor level, and a bathroom with two additional bedrooms at first floor level.

Relevant Planning History

None relevant.

Consultee Response

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.

The proposal would see the number of bedrooms increase from two to three/four. There is currently no off-road parking provided and there would be no room within the curtilage to provide any following the construction of the above extensions. However, there is a bus stop immediately outside No 181, which should lessen the impact of this lack of off-road parking.

There are also No Waiting At Any Time restrictions outside No 181 on both Regent Street and round the junction with Swinden Hall Road. These restrictions, plus pedestrians accessing the bus stop on Regent Street, need to be taken into consideration during construction works to ensure that access to other properties and the public transport network is not obstructed.

Public Response

None received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Paragraph 130 of the NPPF states permission should be refused for developments of poor design that fail to take opportunities available for improving the character and quality of an area, taking into account local design guides or adopted supplementary planning documents.

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

Design

The application site is within a corner plot, on the junction between Swinden Hall Road and Regent Street. Therefore, the Design Principles SPD advises that particular attention needs to be paid to the design of extensions on corner plots.

In particular it states that two storey extensions must respect established building lines on both street frontages and where there is no clear building line, extensions should be set back from the boundary by at least 3m. In addition, the width of any side extension should not be more than half the width of the original frontage of the existing property.

With particular reference to two storey side extensions, the Design Principles SPD also stipulates; extensions should be set back 1m from the front elevation of the property, with a corresponding lowering of the roof line. Two storey side extensions should have a pitched roof and be constructed of materials to match that of the main dwellinghouse.

The property is located on a restricted corner plot, with little space to the front, rear or side. As such, although the two storey side extension only has a width of 2.5m, this extends right up to the

side boundary of the site. Although there is a small grass verge, not within the applicant's ownership, between the boundary of the site and the pavement, the extension would be readily visible due to its siting and lack of boundary screening.

The two storey side extension would have no set back from the front elevation of the main dwellinghouse and a minimal set down of the ridge line. This would result in a dominant frontage on this prominent corner plot, creating an incongruous extension which would be detrimental to the character of the street scene.

Moreover, due to the significant depth of the two storey rear extension, this results in a long 12m relatively blank side elevation, directly adjacent to Swinden Hall Road. This would appear dominant and disproportionate to the size of the plot, inappropriate within the street scene.

Paragraph 130 of the NPPF states permission should be refused for developments of poor design that fail to take opportunities available for improving the character and quality of an area, taking into account local design guides or adopted supplementary planning documents. The proposed extension is of poor design, does not comply with the adopted Design Principles SPD and would result in a development which is detrimental to the character of the area. Therefore, it will be refused on the grounds of poor design.

Therefore, as submitted the proposal fails to comply with adopted guidance within the SPD, Policy ENV1, Policy ENV2 and Paragraph 130 of the NPPF.

Residential Amenity

The Design Principles SPD advises that two storey side and rear extensions should not breach the 45 degree rule, which would result in loss of light to neighbouring occupiers.

The proposed two storey rear extension would have a depth of 4.5m from the rear elevation of the existing dwellinghouse. As such, when a 45 degree line is drawn from the rear elevation of the closest first floor rear facing window at No.179 towards the proposed extension there is a significant intersection. Therefore, this would result in an unacceptable impact on their residential amenity.

In addition, the SPD states that proposed windows which serve main habitable rooms, in side elevations overlooking adjacent properties are not acceptable. Moreover, a minimum distance of 12m should be retained between a principal window and a blank elevation or 21m separation between two habitable room windows facing each other.

The proposed two storey rear extension includes two first floor rear facing bedroom windows and two ground floor rear facing openings. These would both be within 7.5m of the rear elevation of the bungalows on Swinden Hall Road to the rear. This would not be sufficient separation distance to comply with the SPD and would result in an overbearing impact on occupiers to the rear, particularly taking into account the single storey nature of the bungalows, and would cause detrimental overlooking impacts from such a close proximity. This would have an unacceptable impact on the neighbouring occupiers residential amenity.

Therefore, the proposal is contrary to adopted guidance within the SPD and Policy ENV2, resulting in unacceptable impacts on residential amenity to neighbouring occupiers.

Highways

The proposed extension would result in an increase in bedrooms at the property, from two to four. In accordance with Policy 31 this would require the addition of one on plot parking space.

However, the existing dwelling does not provide any off-road parking, nor is there space within the curtilage of the dwelling to provide off-road parking. The majority of properties on Regent Street park on street, which is currently unrestricted. The property also benefits from a bus stop to the front and is within walking distance of Nelson Town Centre.

As such, on balance no objections are raised in this regard.

RECOMMENDATION: Refuse

For the following reasons;

1. The proposed extension, by virtue of its scale and massing would result in a disproportionate addition to a corner plot property and an incongruous feature in the street scene. The development would therefore fail to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, the adopted Design Principles Supplementary Planning Document and Paragraph 130 of the National Planning Policy Framework.
2. The proposed extension, by virtue of its 4.5m depth and two storey height, would result in unacceptable amenity impacts on the occupants of No.179 Regent Street and overlooking impacts to the bungalows at the rear on Swinden Hall Road. The development therefore fails to comply with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011 - 2030) and the Design Principles Supplementary Planning Document.

Application Ref: 20/0753/HHO

Proposal: Full: Erection of side and rear two storey extensions.

At: 181 Regent Street, Nelson

On behalf of: Mr Zulfqar Ali

LIST OF BACKGROUND PAPERS

Planning Applications

NW/CPB

Date: 17th March 2021