

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 29th NOVEMBER, 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD & REEDLEY COMMITTEE 29th NOVEMBER, 2021

Application Ref: 21/0325/FUL

Proposal: Full: Change of use of former ambulance station to mixed use; including storage and distribution, vehicle mechanical and body repairs and tyre fitting (part retrospective) and erection of 2.5m high acoustic boarding on the north east boundary and 3.5m high acoustic boarding to the south west boundary.

At: Ambulance Station, Rakehouse Road, Nelson

On behalf of: Mr Hussain Jamal Ahmed

Date Registered: 19th April 2021

Expiry Date: 14th June 2021

Case Officer: Kathryn Hughes

This application was deferred from the last meeting to allow for a meeting with members and officers to take place. A further revised Noise Assessment has also been submitted with reductions in heights for the proposed acoustic boarding required to mitigate the potential noise. An update on these issues will be provided to the meeting.

Site Description and Proposal

The application site is the former ambulance station located within a residential area in the settlement boundary of Nelson.

There are residential properties located to all four sides which consists of terraces, bungalow, apartments and semi-detached properties.

The proposal is to use the premises for storage and distribution, vehicle repairs and tyre fitting as well as the erection of acoustic boarding above 2m in height to the south west and north east boundaries. Plans are awaited on the exact height and location of these.

Relevant Planning History

None.

Consultee Response

LCC Highways – Having considered the information submitted, together with site observations, the Highway Development Control Section does not have any objections regarding the proposed development at the above location.

In the Highway Development Control Section's opinion an adequate level of off-road parking has been provided for the mixed uses proposed for the site.

The applicant proposes to enclose the grass verge along Rakes House Road with a 2m high palisade fence and provide an internal access gate to the verge. We have presumed that this is for security purposes. This area should not be used for anything which would affect visibility for vehicles entering or leaving Rakes House Road.

Lancashire Fire & Rescue Service – raises comments on Access Document B Part B5 under Building Control.

PBC Environmental Health – raises issues with hours of operation, deliveries, hours of opening and requires a noise assessment.

A noise assessment has been submitted and mitigation proposed which has now been revised. EH are satisfied with the findings and mitigation if proposed in terms of acoustic boarding, operating hours and closure of openings and use of plastic sheeting.

Nelson Town Council

Public Response

Nearest neighbours notified by letter. Numerous objections have been received objecting to the proposal on the following basis:

- The area is predominantly residential and this will bring increased noise and air pollution;
- The area houses elderly and disabled residents
- There is already inadequate parking in the area there is nothing in the plans for waste tyre storage only a small bin area;
- Nothing for waste oil and hazardous waste storage;
- I believe Juno Street is unadopted – nothing for the maintenance on the road;
- Juno Street has poor pedestrian pavements;
- The Ambulance Service maintained the grass verge;
- Since the tyre bay has been operating the appearance of the site has greatly declined and is not in keeping with the residential area;
- This would be better suited to an industrial site;
- The proposed opening hours are unreasonable;
- Food storage will attract vermin and mean wagons coming and going at all times of the day and night;
- The proposal involves quantities of lethally flammable rubber, paint and petrol in proximity to our homes, electrical equipment capable of generating fire, persistent noise throughout the day;
- As well as hazards with spray painting which will involve noisy extractor fans and old dumped vehicles on the site;
- There is nationwide awareness to protect residential areas from encroachment impacting on physical and mental wellbeing; and
- There is not sufficient room for vehicles to be worked on within the building and who would monitor the shutters?

One letter received in support of the application:

- businesses should be supported;
- this was a former ambulance station in 24/7 365 days a year; and
- the complaints about parking issues are from residents who don't have parking places.

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 whilst enhancing and conserving heritage assets.

Policy ENV5 relates to pollution and unstable land. New development will seek to minimise pollutant emissions and public exposure to pollution and ensure that the potential for noise, odour and light pollution is minimised.

Policy WRK4 seeks to focus retail and services development within town centres. This location is out of centre.

Replacement Pendle Local Plan

Saved policy 25 of the Replacement Pendle Local Plan allows for replacement commercial uses outside of the town centre where an existing commercial use exists within the settlement boundary of the same scale.

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

Visual Amenity

As existing there are two building, a central courtyard and parking for 18 vehicles with workshop, 8 service bays stores and facilities. An existing 2m high fence and gate secures the perimeter of the site.

As proposed there are two buildings, a central courtyard and parking for 18 vehicles with tyre fitting and car repair workshop, two storage units, associated stores, offices and facilities. A 2m high fence and gate would secures the site to the front (south east) and rear (north west) with acoustic boarding of 2.5m replacing the palisade fence to the north east (Lee Road) this whilst this would be 0.5m higher and solid it would screen the proposal development effectively and would be set back from the access road and separated by a grass verge. This would be acceptable.

3.5m acoustic boarding is also proposed to be erected between the two buildings on the south west (Rakeshouse Road) whilst high this would be similar in appearance to an elevation on an extension and would be set back from the roadside and separated by a grass verge. On balance this would be acceptable and accord with policy ENV2.

Residential Amenity

The building is sited in a residential area and therefore potential impact on amenity from noise is a concern.

Regard also has to be given its previous use of the building as an ambulance station with vehicle movements occurring 24 hours a day 7 days a week.

There are residential properties to all four sides of the site. No. 11 Rakeshouse Road lies 15m from the site to the south west, no. 42 Lee Road lies 18m to the north, the apartments at Parkwood Mews lie 20m to the west and no. 12 Rakeshouse Road 12m to the east and no. 49 Lee Road 9m also to the east.

Clearly there is potential for noise and disruption from the proposed uses. Storage and distribution would be a similar activity to the ambulance station in terms of coming and goings and would not unduly impact on the amenity of the area taking into account the previous commercial activity. The tyre bay would also be acceptable here subject to limits on operating hours and outside activities. The main concern is the vehicle repairs and the noise and vibrations that this use would generate in particular if this use was to take place evenings and weekends. The close proximity of the neighbouring properties including their outside amenity would adversely impact on the enjoyment of these properties to a detrimental effect.

Whilst the previous use of the building as an ambulance station with vehicle movements occurring 24 hours a day 7 days a week this would have had some impact the intensity of this proposal would far outweigh that even with restrictions on operating hours.

A noise assessment has been submitted which has concluded that there would be some noise impact, however, this can be mitigated by restricted operating hours, use of pvc curtains and door closures as well as some acoustic boarding to the north east and south west elevations.

The revised report is satisfactory and has been agreed subject to appropriate conditions to control the proposed mitigation and operational hours.

Subject to the above the proposed development would be acceptable in terms of impact on the residential properties in terms of noise and accord with Policies ENV2 and ENV5 of the Pendle Local Plan Part 1: Core Strategy 2011-2030.

Highways

As proposed the development would not result in any additional requirement for on-site car parking and is acceptable in terms of highway safety. The fence and gates do not impact on highway safety and are acceptable.

In terms of parking four spaces are proposed for staff and the remainder would be used by customers. This is acceptable and can be controlled by condition and would accord with policy 31.

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, impact on amenity, highway safety and noise subject to appropriate conditions. 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 revised plans showing exact location and height of the acoustic boarding and 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:

U113- P01, U113-P02A and U113-P03A

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

3. Prior to the acoustic boarding being installed to the south west and north east elevations samples of the materials to be used including colour shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in strict accordance with the approved details.

Reason: In order for the Local Planning Authority to control the external appearance of the development.

4. Prior to the use for vehicle repairs being first brought into use all the mitigations measures proposed in Noise Assessment TW0207219NR.REV5 in terms of mitigation measures including door closures during operation and pvc screen in terms of height, position and materials shall have been submitted to and approved in writing by the Local Planning Authority. The mitigation shall thereafter be carried out in strict accordance with the approved details.

Reason: In order to ensure that the proposed development does not result in any undue noise impact for nearby residential properties.

5. The development hereby permitted shall only operate within the following timescales:

Monday - Friday 0800 - 1800

Saturday 0900 – 1300

No operational activity at anytime on Sundays and Bank Holidays

Reason: In order to ensure that the proposed development does not result in any undue noise impact for nearby residential properties.

Application Ref: 21/0325/FUL

Proposal: Full: Change of use of former ambulance station to mixed use; including storage and distribution, vehicle mechanical and body repairs and tyre fitting (part retrospective) and erection of 2.5m high acoustic boarding on the north east boundary and 3.5m high acoustic boarding to the south west boundary.

At: Ambulance Station, Rakehouse Road, Nelson

On behalf of: Mr Hussain Jamal Ahmed

Application Ref: 21/0427/OUT

Proposal: Outline: Major: Demolition of existing building and erection of light industrial and storage units, car parking and associated works (Access only).

At: Land to the South West of Quarry Hill Fold, Waidshouse Road, Nelson

On behalf of: Cross Construction Ltd

Date Registered: 30/09/2021

Expiry Date: 30/12/2021

Case Officer: Laura Barnes

Site Description and Proposal

The application site is an irregular shaped piece of land to the rear of properties on Quarry Hill Fold and 270-286 Railway Street. To the south is it bound by Quarry Hill Nature Reserve and a Builders Yard. The application site is located within the settlement boundary and is not the subject of any Local Plan designation.

The application seeks planning permission for the demolition of existing building on the site and erection of light industrial and storage units. The application is for outline permission and seeks approval for access only at this stage.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

I have viewed the proposed site plan and the Transport Assessment and I have the following comments to make.

Proposal

I note the proposal is for access only and layout is reserved for a later date. There is no recent planning history for this site.

The site is currently vacant and has been previously used for small scale industry and domestic garages.

Mixed use of B1(c) and B8 of 1511sqm with 31 car parking spaces including 4 disabled bays, 4 cycle and 4 motorcycle is proposed on the Avalon Proposed site plan.

Access

There is an objection to the proposal to create two points of access on Waidhouse Road to serve the Industrial site.

Should this be amended to a single point of access to serve all vehicle movements, then this proposal would be acceptable.

The intensification of use and associated heavy goods vehicle movements should be taken from a single point of access with service yard and car parking located within the site. This will ensure all

staff vehicles and goods vehicle manoeuvres are contained within the site and that Waidshouse Road is not severely impacted by the proposal.

Waidshouse Road carries residential and commercial traffic from the wider area across Nelson.

The relatively narrow site frontage is between a residential access and a commercial access and opposite residential terraced properties which rely on on-street car parking on Waidshouse Road.

The surrounding residential streets have heavy on-street car parking and tight radii road junctions between the site and the strategic road network. The network would not support long HGV or articulated vehicle movements.

There are no end users stated which is a concern due to the constraints of the network as described for large rigid and articulated vehicles. Should this application be approved I would request a condition which restricts the businesses which occupy these units to use vehicles up to 12m long rigid.

When the site access is designed, a swept path for a 12m rigid should be provided to show a manoeuvre which accounts for on-street car parking along the frontage of the Waidshouse Road properties. We do not support the implementation of on-street parking along the frontage of the properties as this would be detrimental to the existing residents.

The former garage site appears to have been accessed from a private side street to adjacent to 286 Railway Street. This is not suitable to take any commercial traffic associated with the development so, should this application be approved, I would request a condition that access is from Waidshouse Road via a single point of access.

Sustainability

Nelson Interchange and Town Centre facilities are approx. 800m walking distance which is within the maximum recommended distance.

Service 2 runs between Burnley and Higherford along Waidshouse Road at half hourly intervals and service 69 runs between Nelson and Burnley Hospital along

Railway Street at hourly intervals. The bus stops for both services are within close walking distance. I would request that the nearest bus stop on Railway Street is upgraded with DDA compliant kerbing and bus shelter.

The provision of separate footway into the site is supported to staff walking to work.

The sites' location could support sustainable travel and together with the provision of secure, covered cycle parking and electric vehicle charging provision, the site is considered sustainable.

Parking

The mixed-use proposal for B1(c) and B8 could generate a wide range of car parking requirements, from 6 to 40 spaces as set out in the TA page 26. Layout is a reserved matter so this will be determined under a separate application however we would seek to secure the maximum parking standard for the worst-case scenario if the end users are still unknown at reserved matters stage.

We would support a shared EV charging point and a shared secure covered cycle shelter for staff or individual provision.

Servicing

A swept path of the internal layout is requested at reserved matters.

Conclusion

To conclude there is an objection to the two points of access on Waidshouse Road and a single point of access is considered acceptable.

There are concerns about the B8 storage and distribution element of this proposal without known end users. The network is unsuitable for long HGV or articulated vehicles to distribute to the wider strategic network.

Should the application be approved the following conditions are requested.

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 of delivery vehicles to/from site

2. Within 3 months of commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation (works to be delivered under S278 agreement with LCC)

- a. New single kerbed radii site access on Waidshouse Road.
- b. Upgrade of the nearest bus stop on Railway Street to quality bus stop standard with bus shelter

3. All vehicles shall enter and leave Waidshouse Road in forward gear and the length of vehicles shall be limited to 12m.

4. No goods shall be accepted to any unit from a vehicle parked on Waidshouse Road.

5. No vehicular access on Railway Street shall be provided.

6. At reserved matters car parking shall accord with Pendle car parking standards including secure covered cycle parking and electric vehicle charging points.

Note

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the 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 for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk.

Lancashire Lead Local Flood Authority

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority.

Conditions have been recommended relating to the following:

- Final Sustainable Drainage Strategy to be submitted
- Construction Phase Surface Water Management Plan
- Operation and Maintenance Plan & Verification Report of Constructed Sustainable Drainage System

Natural England

No comments

United Utilities

The site should be drained on a separate system for foul and surface water. Recommended conditions relating to a surface water drainage scheme.

Lancashire Constabulary

Advocate Secure by Design Principles

Public Response

Nearest neighbours notified, three letters have been received raising the following issues:

- Questioning the retaining wall surrounding part of the site to the rear of Quarry Hill Fold
- Errors within the Transport Statement referring to Brunswick Street
- The site has too many entrances across a very short distance, which would cause a danger to traffic
- Not sure of the need for storage units
- An access off Railway Street would be better
- There is a bus stop opposite the proposed site entrance
- The Transport Statement doesn't accurately reflect the number of vehicles which are usually parked on Waidshouse Road during the day

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 SDP2 (Spatial Development Principles) sets out a hierarchy of settlements in order of preference for future growth.

Policy SDP4 (Employment Distribution) sets out the direction for growth of employment land, the M65 corridor is at the top of the hierarchy in order of preference for this.

Policy SDP6 (Future Infrastructure Requirements) expects developers to deliver the necessary infrastructure to support development in the borough.

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

Policy ENV4 (Promoting Sustainable Travel) sets out the Council's intentions for supporting sustainable transport.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and to address the risks from contaminated land.

Policy ENV7 (Water Management) follows the sequential assessment set out in National Policy, it also sets out requirements for surface water runoff and water quality.

Policy WRK1 (Strengthening the Local Economy) states that new opportunities for economic development should help to strengthen and diversify the local economy.

Policy WRK2 (Employment Land Supply) sets out that new employment should seek to develop the role of Nelson as the core location for employment.

Policy WRK6 (Designing Better Places to Work) encourages the provision of well-designed workplaces that meet the needs of businesses and their employees.

Replacement Pendle Local Plan

Saved Policy 31 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 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.

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

Principle of Development

The application site is located within the settlement boundary for Nelson. It seeks planning permission for the use of the land as light industrial and storage units. Policy SDP2 and SPD 4 identify Nelson as one of the M65 corridor settlement where the majority of new development will be directed. Nelson is a Key Service Centre and these strategic policies are supportive of new development in this area. The proposed development would encourage economic growth through the creation of jobs, in accordance with Policies WRK1 and WRK2 which seek to boost the local economy. Whilst WRK2 directs growth firstly to Protected Employment Areas, outside these areas, existing employment sites and premises in accessible locations are next most preferable. It is located in an accessible area which has access to public transport.

The light industrial element is in Use Class E (g) any industry process (which can be carried out in any residential area without causing detriment to the amenity of the area). However, within Class E there are also several other uses including retail, food & drink, financial services, indoor sport, medical services and day nursery. A change within Class E is not 'development' and so cannot be controlled. As such, whilst the principle of light industrial is appropriate here, the Council would seek to restrict the use to ensure that it did not become a retail unit, for example outside the Town Centre (Contrary to Policy WRK4 and the NPPF). A condition could be imposed to control the use of the development in relation to other uses within Class E. The storage element of the proposed development is Use Class B8. Both Use Class E (g) and Use Class B8 are generally compatible with residential areas, subject to controlling some environmental impacts such as noise pollution in relation to neighbouring amenity.

Design & Visual Amenity

The applicant has submitted an indicative layout plan but layout is not for consideration at this stage. However, it provides a broad indication of the potential layout of the industrial units.

The Design & Access Statement indicates that the buildings would be of typical warehouse style construction with stone facing to the lower wall and profile sheeting above, the roofing would be shallow clad with profile sheeting. This matter would be for determination at the detailed Reserved Matters stage of the application. However in general terms the indicative type of development would not be unacceptable in this location.

Impact upon Residential Amenity

The applicant has prepared an indicative layout plan showing the proposed locations of the industrial units and a noise assessment. Light industrial units are by definition compatible with residential properties, subject to controls on the operating hours to ensure there is no working at unsocial hours. The noise assessment recommends mitigation including controlling the operating hours at the site, in order to limit the amount of disturbance to daytime hours. It also recommends that fixed plant should be carefully placed in order to face away from receptors along Railway Street.

Subject to controlling the operating hours, the noise generated from the site would be compatible with residential properties nearby, in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

In terms of the impact upon residential amenity such as an overbearing effect from the height of the buildings this would be for consideration at the Reserved Matters stage.

In terms of the proximity to neighbouring dwellings, the indicative layout plan shows that the proposed units are to be 10m (minimum) from the rear of properties on Railway Street. The Design & Access Statement indicates that the buildings would be low profile warehouse units. As such, in terms of their height this would be kept as low as possible. The design of the proposed units would have to be carefully controlled at the detailed Reserved Matters stage.

Trees & Ecology

A preliminary Ecological Appraisal has been carried out as part of the planning application submission. This concludes that the site has a low conservation value, no habitats within the site are priority habitat and no protected species were observed.

The proposed development will result in the loss of an area of semi-improved grassland, and removal of immature willow scrub. Mitigation measures will remove and potential negative impacts to breeding birds, and the development offers potential to create enhancements for biodiversity via a landscaping scheme.

The arboricultural impact assessment identifies some trees to the boundaries of the site which require tree protection fencing during any construction phase, in order that they are protected sufficiently. This could be controlled by planning condition.

Contaminated Land

The planning application is accompanied by a preliminary ground investigation report which concludes that due to the past use contamination is likely to be present. As such, an intrusive site investigation is required to confirm the presence or absence of contamination. This is something could be controlled by planning condition. Subject to the further investigations, the proposed development accords with Policy ENV5 of the local Plan: Part 1 Core Strategy.

Highways

The proposed development is an outline application with access the only matter for consideration at this stage. The Highways Authority have reviewed the information and provided comments on the proposals. It is recommended that a single point of access is taken off Waidshouse Road, in the interests of highway safety. The applicant has agreed in principle to amend their plans, to indicate one access point off Waidshouse Road. Subject to the receipt of plans indicating one access point, the highways objection could be removed.

The principle of developing the site in terms of the level of traffic that would be generated is acceptable. The detailed layout of the site would need to ensure that it could accommodate the required level of internal parking and the ability of vehicles to enter and leave the site in a forward gear. The principle of development is acceptable in terms of highway impacts.

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 access and principle of the proposed development accord with the policies of the Pendle Council Local Plan: Part 1 Core Strategy and the 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: Delegate grant consent, subject to amended plan indicating one point of access off Waidshouse Road

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, layout, sale 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 land 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 & 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 appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted 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 95 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 ref: CROSS0919/DWG01

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

4. Prior to the commencement of any development, 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 shall be 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. In the event of surface water draining to the public sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

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. This condition is imposed in light of policies within the NPPF and NPPG.

5. The foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution

6. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes in levels or development or development-related work shall commence until protective fencing, in full accordance with BS 5837: 2012 has been erected around the trees outlined in the arboricultural impact assessment and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground levels shall neither be raised nor lowered. Roots with a diameter of more than 25mm shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of soil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

7. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the Local Planning Authority.

The scheme shall be implemented as the approved details. The submitted geo-environmental investigation satisfies part 1 of the above condition.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework.

8. The development shall only be used for purposes in Schedule 1 Class B8 and Schedule 2, Class A, Class E (g) and shall not be used for any other purpose.

Reason: In order to control the type of development which is operated from this site in the interests of the amenity of neighbouring residential properties and in order to protect the vitality and viability of the town centre.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 29th November 2021

Application Ref: 21/0608/HHO
Proposal: Full: Erection of a two storey side and rear extension
At: 181 Regent Street, Nelson
On behalf of: Mr Zulfqar Ali
Date Registered: 23/07/2021
Expiry Date: 17/09/2021
Case Officer: Laura Barnes

This application has been called to committee by a Councillor

Site Description and Proposal

The application site is a two storey semi-detached dwelling, sited amongst dwellings of a similar scale and design. The property is located within the defined settlement boundary of Nelson. It takes a position on a corner plot, at the entrance to Swinden Hall Road and Regent Street.

The proposal is for the erection of a two storey side extension and single storey rear extension, which would comprise an additional two bedrooms and a bathroom to the first floor along with a study, WC and extended lounge to the ground floor.

The proposed extension is to measure 2.6m out from the existing side elevation and 4.5m out from the existing rear elevation (4m to the first floor). It is to have a pitched roof and is to be constructed of materials to match the original dwelling.

Relevant Planning History

20/0753/HHO: Full: Erection of side and rear two storey extensions.
Refused

Consultee Response

LCC Highways

Having considered the information submitted, and a visit to the site, 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. Therefore, there is no change to the current parking requirements. 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

Nearest neighbours have been notified by letter, without response

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

Replacement Pendle Local Plan

Saved Policy 31 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 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 134 of the NPPF states permission should be refused for development 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 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 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 134 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 ENV2 and Paragraph 134 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 (at ground floor level and 4m at first floor level) 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 a first floor rear facing bedroom window 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.

Highways

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 134 of the National Planning Policy Framework.
2. The proposed extension, by virtue of its 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: 21/0608/HHO

Proposal: Full: Erection of a two storey side and rear extension

At: 181 Regent Street, Nelson

On behalf of: Mr Zulfqar Ali

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 29th NOVEMBER 2021

Application Ref: 21/0760/HHO

Proposal: Full: Erection of a two storey rear extension.

At: 24 Reedyford Road, Nelson

On behalf of: Mr Wakas M Begum

Date Registered: 17/09/2021

Expiry Date: 12/11/2021

Case Officer: Laura Barnes

This application has been called in by a Councillor

Site Description and Proposal

The application site is a two storey semi-detached dwelling, sited amongst dwellings of a similar scale and design in a residential area. The property is located within the defined settlement boundary of Nelson.

The proposal is for a two storey extension to the rear of the dwelling to provide an additional bedroom and repositioned family bathroom to the first floor, with an additional lounge and bathroom to the ground floor.

Relevant Planning History

None relevant

Consultee Response

LCC Highways

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

Public Response

Nearest neighbours notified, two letters of objection have been received, raising the following issues:

- Impact upon neighbouring property in terms of privacy and loss of light
- The change in ground levels means to No. 26 that the impact will be even worse
- Poor design
- Existing issue with drainage would be exacerbated

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Design

The Design Principles SPD advises that two storey extensions should be subordinate to the existing dwelling and should have a pitched roof.

The extension is to have a pitched roof, it would be set down from the ridge height of the original dwelling, making it subordinate. The proposed extension is to project out 7m from the rear wall and be 5.3m in width (max). The proposed extension takes an L-shaped form with the ground and first floor bathrooms being the projection furthest from the existing rear wall of the dwelling. The extension is to be finished with a through colour render and have matching roof tiles to the existing dwelling.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV2 and the Design Principles SPD.

Residential Amenity

The Design Principles SPD advises that windows should normally be limited to rear facing, to avoid neighbour amenity issues. There is a proposed ground floor side window serving the sitting room, facing towards No. 26 Reedyford Road. There is a change in levels between the application site and the neighbour at No. 26 with the application site taking an elevated position. The boundary treatment is a brick wall (approx. 1m in height) with a 1.8m high close boarded fence on top of it. There is an existing single storey extension to the rear of No. 26 which accommodates a lounge. There is a side elevation window facing towards the application site and there are no other sources of light serving this room. The proposed lounge window to the side elevation of the proposed extension would result in a direct overlooking issue with the neighbouring property, there would be a separation distance of just 4m between the proposed and existing windows. However, given the boundary treatment and the ability to control the proposed window with obscure glazing, this issue could be mitigated. Whilst the potential privacy issue could be mitigated, the proposal at two storey in height, adjacent to a ground floor lounge window which is the only source of light serving the room, would result in an unacceptable overbearing effect.

The Design Principles SPD advises that rear extensions will be acceptable only where they do not breach the 45 degree rule. The proposed extension is set away from the shared boundary (with No. 22) by 1m. However, there is a window to the neighbouring dwelling (No. 22) which is 0.3m from the shared boundary and serves a habitable kitchen / dining area. The proposed extension would breach the 45 degree angle, resulting in an overbearing impact upon the neighbouring dwelling. It is noted that there are other sources of light to the neighbouring kitchen / dining room including a second window to the rear elevation and a door to the side elevation. At two storey in height, the proposed extension would result in an unacceptable overbearing impact upon the neighbouring dwelling, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy.

Therefore, the proposed development conflicts with Policy ENV2 and the Design Principles SPD.

Highways

The proposed development would result in an increase in the number of bedrooms serving the dwelling. The Highways Authority have not objected to the proposals. The proposal would not result in an unacceptable impact upon highway safety.

RECOMMENDATION: Refuse

For the following reasons:

1. By virtue of its scale and massing, coupled with the difference in ground levels between the application site and neighbouring property at No. 26 Reedyford Road, the proposed extension would result in an unacceptable overbearing effect upon both No. 22 and No. 26 Reedyford Road, contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy, the National Planning Policy Framework and the Design Principles SPD.

Application Ref: 21/0760/HHO

Proposal: Full: Erection of a two storey rear extension.

At: 24 Reedyford Road, Nelson

On behalf of: Mr Wakas M Begum

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 15th November 2021