

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 31st JANUARY, 2022

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 31st JANUARY 2022

Application Ref: 20/0429/FUL

Proposal: Full: Erection of a religious building (Use Class D1) (Floor Area 900 sq.m.); formation of 12 parking spaces (7 Accessed from Stanley Street and 5 in underground car park with access from Arthur Street) and associated landscaping.

At Gospel Mission Pentecostal Stanley Street Brierfield

On behalf of: Masjid Usman Ghani

Date Registered: 13.07.2020

Expiry Date: 9/7/2021

Case Officer: NW

Site Description and Proposal

The application site located to the rear of the health centre in the central area of Brierfield. The proposal is to erect a large building with three floors and a minuet.

The site is located in a mixed use area which has a variety of property types surrounding it including terraced houses.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways: The site was visited on 4 and 7 August 2020, around midday on both dates. The site has previous planning permission for the erection of two storey side and rear extensions and provision of two classrooms for religious study (ref 16/0550/FUL granted October 2016) and so the principle of a larger religious building on this site has been established. Therefore the following comments relate to the specifics of the current scheme.

Having considered the information submitted, together with site observations, the proposal raises concerns regarding the development's impact on the surrounding highway network. Whilst the applicant has submitted information outlining proposed measures to control the impact of the development on the highway network, highway safety issues still remain. Therefore the Highway Development Support Section objects to this application on highway safety grounds due to lack of parking and intensification of use.

Parish/Town Council

United Utilities: Request drainage conditions are attached to any permission.

Environment Agency

Coal Authority: Withdraws its objection based on the submitted assessment.

Public Response

Three Objections have been made on the following:

- The plans show parking that uses peoples gardens
- Lack of natural light
- Overcrowding of cars
- House prices drop
- Too much traffic
- Damage to road surface

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

Officer Comments

The planning application is to erect a religious building in the central area of Brierfield. The building is a large structure that will have a large presence in the location. Its design and how it fits into the street scene and wider town scale are important elements to consider as part of the application. We have asked for further information and deferred bringing the application to Committee to allow for further information to be brought forward in order to allow us to consider this impact. We have unfortunately not been able to illicit the information form the application and the latest contact has not been responded to.

There is also an issue regarding the amount and location of car parking that has been provided to support the application. The applicant has been asked to supply further information on that to allow consideration of the issues. Again unfortunately we have not been able to get that information.

In the circumstances the application is no acceptable in terms of the information supplied on highways and design to be able to adequately assess the application and hence as submitted it is not acceptable on these grounds.

RECOMMENDATION: Refuse

1. The applicant has failed to supply adequate information on the highway impacts of the development which are, as submitted, inadequate and the development would lead to a situation inimical to highway safety and a danger to users of the highway. The development is thus contrary to policy ENV 2 of the adopted Local Plan and the policies of the National Planning Policy Framework.
2. The applicant has failed to supply adequate information for the assessment of the impact of the design of the development on the townscape. The proposal as submitted represents poor design which would be harmful to the environment and townscape in which the application site is located. The development is thus contrary to policy ENV 2 of the adopted Local Plan and the design policies of the National Planning Policy Framework.

Application Ref: 20/0429/FUL

Proposal: Full: Erection of a religious building (Use Class D1) (Floor Area 900 sq.m.); formation of 12 parking spaces (7 Accessed from Stanley Street and 5 in underground car park with access from Arthur Street) and associated landscaping.

At Gospel Mission Pentecostal Stanley Street Brierfield

On behalf of: Masjid Usman Ghani

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 31st JANUARY 2022

Application Ref: 21/0768/HHO

Proposal: Full: Retrospective application for the erection of a close boarded fence to North elevation (Max. 2.4m in height), erection of close boarded fence to Eastern and Southern boundaries (Max. 2.5m in height) and two sets of entrance gates to Western elevation.

At: 251 Hibson Road, Nelson, BB9 0PS

On behalf of: Mr Mubashar Sarwar

Date Registered: 16th September 2021

Expiry Date: 11th November 2021

Case Officer: Yvonne Smallwood

Site Description and Proposal

The proposal site is a detached property in a residential area of Nelson.

There is a 1m retaining wall to the rear boundary and leveling along the sides of the property, terracing the garden of the application site to level with the dwelling. There is a sunken patio area to the rear of the property.

The development is for the erection of two 1.53m gates to the front of the property. The gates would be placed in the existing wall to the front of the property which is 1.1m high.

The proposed fencing to the sides of the property along the driveways perpendicular to Hibson Road would be circa 1.2m high.

The fence alongside the dwelling and extending back to the rear garden would reach a maximum height of 2.4m to the north elevation and 2.5m to the east and south boundary.

Relevant Planning History

17/0516/HHO Full: Erection of two storey extension to the front, rear and side (north), alterations to the roof and erection of balcony on front elevation.

17/0713/HHO Full: Erection of two storey extension to the front, rear and side (North), alterations to the roof and erection of balcony on front elevation (Re-Submission).

Consultee Response

Highways LCC –

To alleviate any highway safety concerns a drawing showing the visibility splays at the 2 sets of entrance gates, for the speed limit for Hibson Road ie a 43m splay is required for a 30 mph road. This is to ensure that the proposed fence does not obstruct the visibility of drivers entering and leaving the property.

Providing the visibility splay drawing required is satisfactory there is no objection to this proposal.

Visibility Splays were submitted by the agent on 22nd October 2021 and Highways confirmed they were acceptable on 4th November 2021, therefore Highways raised no objection to this application.

Public Response

Nearest neighbours notified by letter without response.

Relevant Planning 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.

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.

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

Officer Comments

Policy

ENV2 – requires high standards of quality and design in new development and the need to be in scale and harmony with the surroundings.

SPD 5.24 – the style and materials of gates and fences should match or be in harmony with the existing style of the area. Highway visibility must be preserved.

Design and materials

The materials for the fence would be timber panels with concrete posts. The gates would be electric metal gates with wood paneling. The design of the fence and gates would be in keeping with other examples in the neighbourhood. The proposed materials would be similar in appearance to other examples in the locality and would therefore be acceptable in terms of ENV2 and Design Principles SPD.

Amenity

The proposed fence would be 1.2m high on the north and south elevations which are perpendicular with the road. There is an existing 1.1m wall to the front of the property on Hibson Road with gate posts at a height of 1.53m. The main concern with regard to fencing fronting a highway is that of visibility. Visibility splays for this proposal were submitted to Highways LCC and were acceptable. Therefore the front elevation of this application meets the criteria for Design Principles SPD with regard to highway visibility.

The fence along the north elevation boundary parallel to the application site dwelling and number 249 would be 2.4m in height. The fence panel nearest the front door of number 249 rises to 1.93m in height. The slope of the garden means that the retaining wall with the fence above is 3m high at the rear of the garden, which is overbearing.

The panels on the boundary between the application site dwelling and number 253 are 2.4m in height and the fence extends back to the rear boundary, again the retaining wall with the fence above is over 3m in height.

The fence to the rear elevation of the application site is at a height of 2.5m. There is an existing retaining wall beneath this. There is a slope down towards the properties to the rear on Eckroyd Close with a difference in levels of circa 1m. Between the fence at the application site and the fence to the rear of Eckroyd Close there is a ginnel inbetween where bins are stored. There is a row of established trees along the rear of Eckroyd Close. There is a difference in levels, a line of trees and the ginnel lying between the properties to the rear, however circa 0.75m of the fence is visible from Eckroyd Close.

The fence has a detrimental impact on the amenity of the neighbours to each side of the application site, number 253 and 249. The fence is overbearing at a height of 3m including the retaining wall. The fence is also overbearing to, a lesser degree, to the properties to the rear of the application site on Eckroyd Close. This is contrary to ENV2 as the fence is not in scale and harmony with its surroundings and it is not of good design and therefore contrary to the guidance of the Design Principles SPD.

RECOMMENDATION: Refuse

The proposed fence exceeds the 2m height normally acceptable between neighbouring gardens due to the retaining wall which is not sympathetic to the landscape. The wall with the fence above measures 3m from the rear boundary wall at number 253 and 249, making it overbearing in appearance and poor design, contrary to Pendle Borough Council Policy ENV2 and Design Principles SPD.

Application Ref: 21/0768/HHO

Proposal: Full: Retrospective application for the erection of a close boarded fence to North elevation (Max. 2.4m in height), erection of close boarded fence to Eastern and Southern boundaries (Max. 2.5m in height) and two sets of entrance gates to Western elevation.

At: 251 Hibson Road, Nelson, BB9 0PS

On behalf of: Mr Mubashar Sarwar

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 31st JANUARY, 2022

Application Ref: 21/0785/FUL

Proposal: Full: Change of Use of ground floor from retail (Use Class E) to hot food takeaway (Sui Generis), replacement shopfront and installation of extractor flue and outdoor seating area.

At: 176 Every Street, Nelson

On behalf of: Mr Syed Ali Raza

Date Registered: 24 September 2021

Expiry Date: 19 November 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

The site is located in a mixed residential/commercial area with other existing commercial uses nearby. The proposal is to change the use of the retail shop at ground floor.

The site is outside of the Town Centre boundary and lies within Whitefield Conservation Area.

This scheme seeks to change the use from retail at ground floor to a hot food takeaway, insert a new shopfront and have external seating area to the front area. An extractor flue is proposed to the rear elevation.

Relevant Planning History

None.

Consultee Response

LCC Highways – No objection.

PBC Environmental Health – With regards to this development please attach conditions relating to noise and vibration and odour control.

Nelson Town Council

Public Response

Site and press notice posted and nearest neighbours notified by letter. One objection received on the grounds of anti-social behaviour and parking issues. The premises smell and we have complained of rats at the property. Taking this into account the property is not suitable to be made into a takeaway.

Officer Comments

The main issues relate to the use of the property from retail (E) to hot food takeaway (SG).

Policy

The following Pendle Local Plan Part 1: Core Strategy policies apply:

The relevant policies are:

ENV1 applies as the site is within Whitefield Conservation Area. Whilst this application is for a change of use external alterations are proposed that would need to be assessed in terms of impact on the Heritage Asset.

The following saved policies from the Replacement Pendle Local Plan also apply:

Policy 25 seeks to control the location of retail and service development and allows for existing commercial uses that exist outside of designed town centres but within a settlement boundary to be retained or replaced by another commercial use if the same scale.

Policy 31 sets out the requirement parking standards.

The Conservation Area Design and Development Guidance SPD is also relevant.

Principle of the use

Although the site is located outside the Town Centre boundary this unit has an existing commercial use as retail which falls with Use Class E and is within the settlement boundary of Nelson. The change from retail to hot food takeaway therefore is an acceptable one and accords with Policy 25 of the Replacement Pendle Local Plan.

Impact on Amenity/Conservation Area

The ground floor unit is sited in a mixed commercial residential area close to other commercial and residential properties. At 49 sq.m. it is a relatively small unit which would have some external seating to the frontage which measures approximately 5m x 2.8m.

There are residential properties in the area which are mainly flats above existing commercial properties and terraced houses.

There are other existing commercial units adjacent and nearby and the change from one commercial use to another, albeit a more intensive one, the use would not unduly impact on the nature of this commercial area within the conservation area or on residential amenity.

Opening hours have been proposed of 11am to 11pm every day. As the site lies outside the town centre and there are residential properties nearby then this would be acceptable and can be controlled by an appropriate condition to this effect.

The proposal therefore accords with policy ENV1.

Design and Materials

The existing timber shopfront design has no architectural merit with pebble dash render and roller shutters under an awning.

The proposed shopfront proposes black aluminium frame and door, less pebble dash and a stallriser and refurbished awning. Whilst removing the timber shopfront this scheme would be an improvement on the existing condition of the property and would reflect other commercial units in the area.

The external flue to the rear would project above the eaves no details of materials and colour have been submitted. Provided it is factory coated in a dark colour prior to installation this would be acceptable.

Conditions relating to materials and colour of the shopfront and flue as well as odour extraction and noise/vibration can be controlled by an appropriate condition.

Therefore this proposal would therefore accord with policy ENV2 and the Conservation Area Design and Development SPD.

Parking and Highway Issues

The scheme does not propose any off-street parking and has none at present. There is, however, long stay and short-stay car parks in the area and on street parking available nearby.

Therefore this proposal would therefore accord with policy 31.

Summary

The site has an existing commercial use. The use of the ground floor as a hot food takeaway is therefore acceptable.

Whilst the proposal does not propose any parking provision this is similar to the existing provision and is acceptable and therefore accords with the Pendle Local Plan Core Strategy: Part 1 and saved policy 31 of the Replacement Pendle Local Plan.

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 scale and amenity and would not unduly impact on neighbours or the conservation area any more than the existing commercial use, thereby complying with Local Plan policies. 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:

U123-P01, U123-P01 & U123 – P03.

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

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

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The use hereby approved shall not be open to customers outside the hours of 11am and 11pm Monday - Sundays and Bank Holidays. The external seating area to the front shall not be used outside the hours of 11am and 8pm on any day.

Reason: To ensure that noise and disturbance does not adversely impact upon the residential amenity of the occupiers of nearby residential units.

5. A scheme for the enclosure of any noise emitting plant and machinery with sound-proofing material, including details of any sound-insulating enclosure, mounting to reduce vibration and transmission of structural borne sound, and ventilation or extract system shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be completed prior to the first occupation of the unit as a Hot Food Takeaway and shall thereafter be retained. Before any plant or machinery is used on the premises other than as provided in the approved scheme, a further scheme evidencing the same details shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed prior to any further use.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

6. Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme (which shall incorporate grease and carbon filters and discharge at roof ridge level) to be submitted to and approved in writing by the Local Planning Authority before the use hereby approved is commenced. The approved scheme shall be fully implemented before the use is first commenced and shall be maintained in efficient working order thereafter.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

7. Prior to the use being first implemented details of the flue to be erected on the rear elevation including design, materials and colour shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the first use of the unit as a Hot Food Takeaway and shall thereafter be retained. Before any plant or machinery is used on the premises other than as provided in the approved scheme, a further scheme evidencing the same matters shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be completed before the premises is brought into use as a Hot Food Takeaway.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

NOTE

Regard shall be had of the following: DEFRA Guidance on the control of Odours and Noise from Kitchen Extraction Systems.

Application Ref: 21/0785/FUL

Proposal: Full: Change of Use of ground floor from retail (Use Class E) to hot food takeaway (Sui Generis), replacement shopfront and installation of extractor flue and outdoor seating area.

At: 176 Every Street, Nelson

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE 31ST JANUARY 2022

Application Ref: 21/0921/HHO

Proposal: Full: Erection of ground floor extension and terrace above basement, yard and garage to the rear.

At: 252 Manchester Road, Nelson

On behalf of: Mr Mohammad Iqbal

Date Registered: 09/12/2021

Expiry Date: 03/02/2022

Case Officer: Laura Barnes

The application has to be determined by the planning committee as this is an application submitted by an elected member.

Site Description and Proposal

The application site is an end terrace dwelling which lies on the corner of Manchester Road and Burlington Street, within the settlement boundary for Nelson and also within the Whitefield Conservation Area.

The proposal is for a single storey extension to the rear of the dwelling, which would include a raised terrace above the existing basement level.

The extension itself is to project out 3m from the existing two storey extension. The proposed extension would include a basement garage, similar to the existing, with an extended kitchen above (at ground floor level).

Relevant Planning History

None relevant

Consultee Response

LCC Highways

No objection

Canal & River Trust

No comment

Public Response

The nearest neighbours have been notified, a site and press notice have been displayed, without comment

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) 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) 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.

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

Conservation Area Design & Development Guidance SPD.

Design & Heritage

The Design Principles SPD advises that side extensions should have a pitched roof and should not project forwards of the existing dwelling, unless it is appropriate to the building's design. In this case, the proposed extension is to the rear of the dwelling but would be visible from Burlington Street. The proposed extension is to have a lean-to roof which is to lean against the existing rear outrigger.

The proposed construction materials are to be brick walls with a slate roof, to match the existing dwelling. This is in keeping with the existing dwelling and would be appropriate in this location. In relation to the side wall which is to be built up from the existing yard wall to the side of the dwelling, this should be constructed of stone to match the existing dwelling. This can be secured by a planning condition.

In relation to the proposed raised terrace which is to be above the basement, the elevation plans indicate a rail / balustrade around the side of the terrace. The material for this would need to be controlled by condition. The application form and plans indicate that the proposed windows are to be white UPVC, to match the existing dwelling. This would be acceptable in this particular location to the side and rear of the property, on a building which already has UPVC windows.

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

Turning to the heritage impact. The proposed development is located within the Whitefield Conservation Area. Given the domestic scale of the proposed extension and that it is located to the rear of the existing dwelling, it would not be visually prominent in the street scene. The proposed extension would have a neutral impact upon the Conservation Area and accords with the Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy and the Conservation Area and Development Design Guide SPD.

Residential Amenity

The proposed extension is to have a set of patio doors leading out onto the raised terrace area to the side / rear of the dwelling. There is also to be a small kitchen window to the side elevation facing 254/256 Manchester Road. No. 254/256 is a commercial premises which at the time of the site visit was operating as a motorcycle shop and repair garage. As such, the proposed raised terrace and kitchen window would look towards this commercial premises and would not result in an unacceptable neighbouring amenity issue. Whilst the raised terrace would mean occupants could stand on the terrace and look towards No. 3 Burlington Street, they would be no closer than the existing windows to the front elevation of the terrace on the opposite side of Burlington Street, or the existing side elevation windows at the application site. As such, the proposed extension would not result in an unacceptable neighbouring amenity issue.

In relation to the neighbour to the opposite side (No. 250 Manchester Road), there is an existing extension which accommodated the existing garage to the application site, whilst this is smaller in height, it projects the same length as the proposed extension. It is noted that there is also an external access to the rear of No. 250, which has a rear door and a brick wall on the boundary with No. 252, approximately 1.8m in height. This is roughly the height of the eaves of the proposed development. Given the presence of the existing external access and that there are to be no windows to the side elevation looking towards No. 250 there would be no unacceptable neighbouring amenity issue resulting from the proposed extension.

Directly to the rear, there are three side elevation windows to No. 4 Burlington Street, one of which is obscured. The other two windows are secondary windows. The proposed rear wall of the dwelling, although greater in height would be no closer to the neighbour than the existing rear wall. As such, it would not result in any unacceptable impact upon the neighbouring property to the rear.

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

Highways

The proposal would not result in an increase or reduction in existing car parking arrangements. Therefore, no objections are raised in relation to 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 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:

Location Plan – TQRQM21314131202077

Proposed Elevation Plans: AB092, received on 14/12/2021

Layout & Elevation Plan: AB092, received on 06/12/2021

Layout & Roof Plan: AB092, received on 17/11/2021

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

3. Samples of materials including descriptions, name of source/quarry and details of the balustrade surrounding the raised terrace shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

Application Ref: 21/0921/HHO

Proposal: Full: Erection of ground floor extension and terrace above basement, yard and garage to the rear.

At: 252 Manchester Road, Nelson

On behalf of: Mr Mohammad Iqbal

Application Ref: 21/0941/FUL

Proposal: Full: Demolition of an existing foyer entrance lobby and erection of a three storey extension to front with associated car parking alterations.

At: Bridgewater House, Surrey Road, Nelson

On behalf of: Bridgewater+ Limited

Date Registered: 30/11/2021

Expiry Date: 25/01/2022

Case Officer: Alex Cameron

This application has been brought before Committee due to the number of objections that have been received.

Site Description and Proposal

The application site is an office building located within the settlement of Nelson. To the north east is The Thatch and Thistle pub and Seedhill Athletics Centre, to the south are dwellings and to the south is the M65.

The proposed development is the demolition of the existing single storey entrance lobby and erection of a new three storey glazed extension to the front.

The application originally included alterations to form a new parking area for six cars to the east of the existing car park, amended plans have been received removing that from the application and proposing two additional car parking spaces to the west side of the building.

Relevant Planning History

None.

Consultee Response

LCC Highways – Objects to the development on highway safety grounds due to an inadequate level of parking provision.

The proposed development would see an increase in gross floor area of 109sq m which, for the location and use of the site would require three car parking spaces under the Pendle parking standards. The proposal is for a further six parking spaces to be provided. However as explained below the provision of only two spaces out of five proposed is feasible with significant removal of landscape screening and additional area of hardstanding being required.

The building appears to be serviced offices and with no overall user of the building. This type of multiple usage tends to generate different parking demands and patterns.

At the time of the visit practically all the official parking was occupied, with some parking in undesignated areas observed. Double yellow lines were also noted on both sides of the private access road leading from Surrey Road serving the development site and the neighbouring pub. There is also a No Waiting at Any Time

parking restriction in the form of double yellow lines along the eastern side of Surrey Road from its junction with Barrowford Road to the South of 16 Surrey Road. In addition, there are double yellow lines and No Waiting at Any Time within the cul-desac spur of Surrey Road, together with a Residents Only Parking scheme. These measures would indicate that there have been parking issues within this area previously.

A high demand for the limited on-road parking on Surrey Road was observed not only at the time of the site visit but at other times when making unrelated site visits and inspections. Comments on the borough council's website from the adjacent business about conflict in parking demands have also been noted, particularly vehicles associated with the offices overspilling onto the pub car park. If measures are introduced by the pub to limit only customer vehicles parking on the car park this will increase the demand on the existing car park and the surrounding highway network.

The provision of bays 22 – 24 requires an additional area of hardstanding to be created to form an aisle for vehicles to manoeuvre into/out of the spaces and this would form an extension from the turning head. It would require the removal of an established hedge and mature tree. This would need to be paved and suitably drained to prevent water flowing to and from the adopted highway network. Any change to the existing vehicular access from the adopted highway would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. The site plan should be amended to reflect this. Bays 25 and 26 would be within the adopted highway network, which the highway authority does not support, and therefore cannot be counted towards the additional parking. These must be removed from the site plan.

There is inadequate manoeuvring area from bay 22 due to the alignment of Surrey Road. Due to the physical constraints of the site this cannot be extended and so bay 22 cannot be counted towards the additional parking and should be removed from the site plan.

If bays 23 and 24 were constructed, their access would be remote from the main car parking area and may appear to be unassociated with the site, particularly for those unfamiliar with the area, and consequently be under-used.

The highway authority objects to this application given the significant under-provision of parking at the site together with the existing high demand for parking in the area. However, if the local planning authority is minded to approve this application conditions relating to the construction of a vehicular access to the new parking area (Bays 23 & 24), surfacing and drainage would need to be applied to any formal planning approval.

Health and Safety Executive – No objection.

Nelson Town Council

Public Response

Nearest neighbours notified – Responses received objecting on the following grounds:

- Existing car parking and manoeuvring issues.
- Additional traffic and parking.
- Harmful visual impact.

- Concerns in relation to anti-social behaviour issues from the existing car park.
- Concerns regarding the proposed removal of existing car park landscaping including loss of bird habitat, noise and privacy screening.
- Loss of privacy to adjacent dwellings resulting from the proposed car park alterations.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

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) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Replacement Pendle Local Plan (RPLP)

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

Design and Visual Amenity

The proposed extension would add a contemporary glazed feature reception to the building. This would be visually acceptable set adjacent to the contemporary college building. The proposed development is acceptable in terms of design and visual amenity in accordance with policy ENV2.

Residential Amenity

The development would not result in any unacceptable residential amenity impacts.

Concerns have been raised in relation to anti-social behaviour and the alterations to the car park originally proposed, the plans have been amended to remove that element.

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

Highways

The proposed development would increase the floor space of the building by 109m², however, the ground floor will be a reception area which will not in itself increase car parking demand, the increase in office space is 79m² which would require up to two additional car parking spaces.

The amended plans propose two additional spaces adjacent to the building, this would provide an acceptable level of car parking provision. The amended proposed development is acceptable in terms of parking and highway safety in accordance with policies 31 and ENV4.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. 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: A025-L(00)102 Rev A, A025-E(00)101, A025-E(00)102, A025-L(00)200, A025-L(00)201, A025-L(00)202.

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

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

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The use of the extension hereby approved shall not commence unless and until the two additional car parking spaces details on plan No. A025-L(00)102 Rev A have been laid out in accordance with the approved plan and surfaced in a bound porous material, unless otherwise approved in writing by the Local Planning Authority. The parking shall thereafter at all times be maintained in accordance with the approved details and available for car parking purposes.

Reason: To ensure acceptable car parking provision in the interest of highway safety.

Application Ref: 21/0941/FUL

Proposal: Full: Demolition of an existing foyer entrance lobby and erection of a three storey extension to front with associated car parking alterations.

At: Bridgewater House, Surrey Road, Nelson

On behalf of: Bridgewater+ Limited

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 12th January 2022