

REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	NELSON COMMITTEE
DATE:	2 October 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE 2nd OCTOBER 2017

Application Ref: 17/0337/ADV

Proposal: Advert Consent: Retain three illuminated signs – two fascia signs and one projecting sign to front and side elevations.

At: 68 – 70 Manchester Road, Nelson

On behalf of: Mr M Naeem

Date Registered: 21 June 2017

Expiry Date: 16 August 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a hot food takeaway. The signage has already been erected on the site which lies within Nelson Town Centre and Whitefield Conservation Area. The fascia sign on the side elevation was erected and since been removed.

The two illuminated fascia signs are to the front and side elevations. An illuminated projecting sign is sited on the corner of the front elevation. These signs are all internally illuminated by static LED's.

The front fascia sign measures 10.95m x 0.95m sited 2.6m above the ground. It is Perspex with red and blue background with white lettering and a chicken logo illuminated by LED's.

The side fascia sign measures 6.3m x 0.87m sited 2.7 - 3m above the ground. It is Perspex with red and blue background and white lettering and a chicken logo illuminated by LED's.

The projecting sign measures 0.93m x 0.93m sited 2.6m above the ground. It is Perspex with red and blue background and white lettering and a chicken logo illuminated by LED's.

This is the exact same application that was previously refused by the Council in March this year.

Relevant Planning History

16/0540/FUL: Full: Change of use of No. 68 from retail (A1) to hot food takeaway (A5) and insertion of new shopfronts and security shutters to both units – Approved.

16/0721/ADV – Advert Consent: Erection of 2 illuminated fascia signs and 1 illuminated

projecting sign (retrospective) – Refused 1st March, 2017.

Consultee Response

LCC Highways - The Highway Development Control Section does not have any objections in principle regarding the erection of two illuminated fascia signs and one illuminated projecting sign at the above location. We are of the opinion that the proposed development should have a negligible impact on highway safety in the immediate vicinity of the site, subject to the following condition being applied to any formal approval:

1. The limits of the illuminance shall not exceed those described in paragraph two of Schedule 3 Part II of the Town and Country Planning Act (Control of Advertisements) Regulations 1992. Reason: To avoid glare, dazzle or distraction to passing motorists.

PBC Conservation Officer – The building is a former Co-operative store dating from the 1860's and is a large gable-fronted building which is very prominently located within the Whitefield CA. Its 3-storey height at the end of a two-storey row of shops, and its corner location emphasises this prominence. The building makes a significant contribution to the character and appearance of the CA, and to the architectural variety of the town centre at this point. It also has historic significance as the Co-operative Society played an important role in Nelson's history, being established in the town in the 1860's and by 1910 having 21 branches. This was one of two large town centre premises.

The shopfront has been recently altered with the original timber shopfront cornice and decorative pilaster capitals being retained, together with the stall riser below. The fascia signs to front and side are internally illuminated box signs which project out almost 20cm from the fascia, resulting in a very bulky appearance which does not respect the scale and proportions of the retained capitals to either side. As a result the signs detract from the appearance and proportions of the building, and the character and appearance of the CA at this point. In addition two large air conditioning units have been placed to the side elevation directly above the footpath, which also detract from the appearance of the frontage.

The signs are in conflict with CA SPD 4.108 which states that signs should relate well to the building and to the surrounding area, and also with 4.109 which states that any lighting should be sensitive to the design of the shopfront and the character of the streetscene. Internally illuminated box fascia signs will not normally be appropriate in CA's.

The signs do not preserve or enhance the character and appearance of the CA. NPPF 134 advises that any harm caused should be weighed against the public benefits of the proposal.

Nelson Town Council – No objections, however, the signs have already been installed.

Public Response

Nearest neighbours notified by letter without response. Publicity expires on the 4th August.

Officer Comments

The issues to consider in this application are Impact on Amenity and Highway Safety.

Amenity

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

The shopfront has been recently altered with the original timber shopfront cornice and decorative pilaster capitals being retained, together with the stall riser below. The fascia signs to the front and side are internally illuminated box signs which project out almost 20cm from the fascia, resulting in a very bulky appearance which does not respect the scale and proportions of the retained capitals to either side. The signs detract from the appearance and proportions of the building, and the character and appearance of the Conservation Area.

The Conservation Area Design and Development Guidance Supplementary Planning Document para 4.108 states that signs should relate well to the building and to the surrounding area. Para 4.109 states that more impact can be achieved by good design and quality materials than by size and brightness. Simple and restrained signs are often more effective than over-large and garish ones.

The signs are over-large as they extend beyond the original timber fascia's and are garish in terms of design and colours.

These signs do not preserve or enhance the character and appearance of the Conservation Area. National Planning Policy Framework para 134 advises that any harm, where that harm is less than substantial as in this case, caused to a designated heritage should be weighed against the public benefits of the scheme. There are no public benefits from this scheme and therefore it should be refused on this basis.

The size of the signage would also result in a large expanse of illumination which would adversely impact on area.

The signage would adversely affect the amenity of the area and in particular Whitefield Conservation Area.

The size, colours and design of the signs are not appropriate in this location and would detract from the Conservation Area and therefore fail to accord with policy 13 of the

Replacement Pendle Local Plan and the Conservation Area Design and Development Guidance SPD.

Highway safety

The proposed scheme will not impact on highway safety and therefore is acceptable in this aspect.

Enforcement Action

An identical application was submitted and subsequently refused by the Development Management Committee. In line with the resolution of that Committee formal enforcement action is now proceeding.

Summary

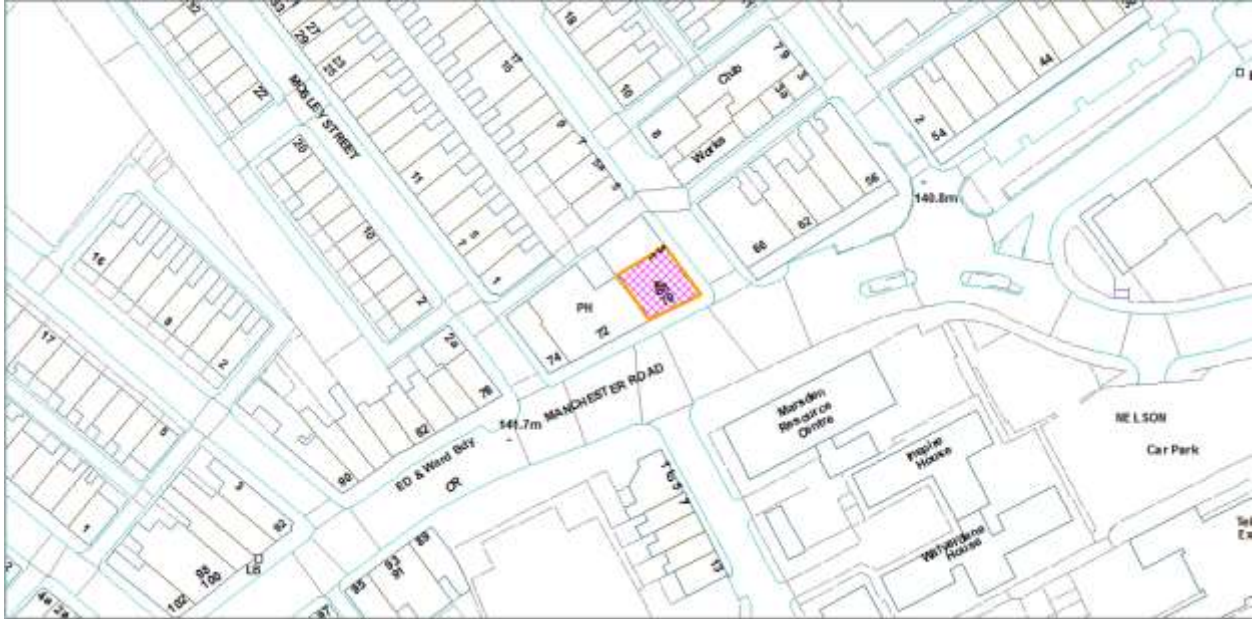
The signage adversely affects the amenity of the conservation area and is not acceptable in terms of design. The signage therefore fails accords with policy and the Conservation Area Design and Development Guidance SPD.

This is the exact same application that was refused by the Council in March this year and no change in circumstances has occurred since that decision was taken.

Enforcement action is in progress in to remedy the harm the unauthorised signage is having on the area.

RECOMMENDATION: Refuse

1. The signage which has been erected adversely affects the amenity of the conservation area and is not acceptable in terms of size, colour and design. The signage therefore fails accords with saved policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Supplementary Planning Document.



Application Ref: 17/0337/ADV

Proposal: Advert Consent: Retain three illuminated signs – two fascia signs and one projecting sign to front and side elevations.

At: 68 – 70 Manchester Road, Nelson

On behalf of: Mr M Naeem

REPORT TO NELSON COMMITTEE 2nd OCTOBER 2017

Application Ref: 17/0341/HHO

Proposal: Full: Erection of first floor domestic extension.

At: 14 St Pauls Road, Nelson

On Behalf of: Mr Tahawar Ali

Date Registered: 02 July, 2017

Expiry Date: 28 August, 2017

Case Officer: Christian Barton

Site Description and Proposal

The application site is a semi-detached, two storey property located within the south-west of the settlement boundary of Nelson. St Pauls Road, Nelson is an exclusively residential road with properties of varied styles and frontages. The application site is surrounded by residential properties on Napier Street found to the north, properties on St Pauls Road found to the east and west and properties on Halifax Road to the south. The dwellinghouse has a block paved driveway to the front of the property that can accommodate three vehicles. A garden area is found to the rear of the property along with a freestanding brick built outbuilding. The current finish of the property is art stone masonry and rendered finish walls, slate roofing tiles and white uPVC doors and windows. The boundary treatments to the rear of the property comprise of a 1.5m panelled fence along with a mature hedgerow of varying heights.

The proposal seeks to erect a first floor extension to allow for the addition of a fourth bedroom with en-suite facilities along with the re-siting of the bathroom. Also proposed is an extension at ground floor level to allow for an increase in floor space of the existing kitchen area. The front aspect of the extension is to merge with the existing roof slope of the property with the rear aspect having a separate dual-pitched roof. One additional window is proposed for both the front (east) and rear (west) elevations of the extension. The additional front window is to serve the bathroom with the rear window serving the additional bedroom. The first floor extension is to project 5.4m from the rear (west) elevation and 1.5m from the side (north) elevation. The side projection is to bring the first floor of the property directly to the north boundary with no level of set-back being proposed. The materials to be used for the build are to compliment those that construct the original dwellinghouse with these comprising of rendered finished walls, slate roofing tiles and white uPVC doors and windows.

Relevant Planning History

13/97/0481P - EXTENSION TO REAR TO FORM BEDROOM AND BATHROOM - Approved with Conditions – November 1997.

Consultee Response

Nelson Town Council – No comments received.

Public Response

The nearest neighbours have been notified by letter without any response being received.

Officer Comments

The main considerations for this Planning Application are any potential impacts on the amenity of the neighbouring properties along with the proposed design of the extension, the materials to be used for the build and the potential impacts on the highway, off-street parking and highway safety.

The relevant Pendle Borough Council Local Plan Part 1: Core Strategy policies are:

- ENV2 sets out general design principles, historic environment and climate change.
- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.
- The Design Principles Supplementary Planning Document (SPD) applies to extension and sets out the aspects required for good design.

Impacts on Amenity

The impact on the amenity of neighbouring properties must be considered for this proposal and these include properties on St Pauls Road (No.'s 10-12, 16 and 27), Napier Street (No.'s 157 and 190) and Marsden Crest, Halifax Road. 157 and 190 Napier Street are found to the north of the application site with the nearest of these, No. 157 being distanced 32m from the front elevation of the of the applicants' dwellinghouse. This distance is sufficient in the respect that no undue effects on the amenity of the neighbours to the north would result from the development. 27 St Pauls Road is found to the north-east of the application site, as the development is confined to the side (south-west) of the dwellinghouse, no effects on the amenity of No. 27 would result from the development. 16 St Pauls Road is the adjoined neighbour to the east. The development would result in no unreasonable effects on the amenity of No. 16, although projections from the rear elevation of the dwellinghouse are proposed, the side

(east) elevation of the proposed extension is to be distanced 4.5m from the shared boundary of the two properties. This distance is sufficient in the respect that no undue effects in the way of overshadowing would result from the development with the boundary treatments and the proposed windowless side (east) elevation maintaining the privacy of No. 16.

Marsden Crest is found to the south-east of the application site and is distanced 43m from the rear elevation of the proposed extension. This distance is adequate in the respect that no undue effects on the amenity of Marsden Crest would result from the proposal. 10-12 St Pauls Road is located to the west of the development with the proposed first floor extension being located on the shared boundary of the two properties. The proposal would result in the side (west) elevation of the extension being situated directly on the shared boundary of the two neighbouring properties at a height of 5.28m from ground level. No windows are proposed for the side (west) elevation of the extension that would adversely impact on the privacy of No. 10-12. As the first floor extension is to be located directly on the shared boundary of the two properties with projections of 5.4m from the rear elevation, the proposal would have undue implications for the property and grounds of No. 10-12 in the way of light obstruction. First floor extensions should be set-back from the boundary of the property by at least 1m however this is not proposed from the design of the extension. The development is acceptable regarding the effects on the amenity of some of the neighbouring properties, 16 and 27 St Pauls Road, 157 and 190 Napier Street and Marsden Crest, Halifax Road. The development is however unacceptable in relation to the effects on the amenity of 10-12 St Pauls Road. The scheme therefore fails to accord with Policy ENV2 and the Design Principles SPD.

Design and Materials

The design of the extension in terms of spatial layout is acceptable, adequate amenity space within the rear gardens of the property would be left available for the storage of bins, seating etc.; the extension would leave well in excess of 50% of the total ground area available in the rear gardens of the property. The dimensions of the proposal are shown to be adequate in relation to the dwellinghouse. The extension would subservient to the original structure in terms of massing and roof height. Materials to complement the existing dwellinghouse are proposed, these would comprise of rendered finished walls, slate roofing tiles and white uPVC doors and windows. The Design Principles SPD states that first floor side extensions should be designed in a way that is appropriate when related to the neighbouring properties in terms of aspect, design and scale.

First floor side extensions should be implemented in a way that avoids having an overbearing effect on neighbours in the way of loss of light and privacy. The front (south) elevation of the first floor extension is to be set-back 7.5m from the front elevation of the dwellinghouse. The ridgeline of the extension is to be set-down 0.8m from the the original ridgeline of the property, although slightly less than what is advised in the Design Principles SPD, no major effects on the street scene of St Pauls Road

would result from this aspect of the proposal. Varied roof pitches are proposed for the build to enable the extension to merge with the original dwellinghouse along with previous extensions. The extension however is proposed directly on the east boundary of the property, a minimum set-back of 1m is advised in the Design Principles SPD. A first floor extension in this location would present unreasonable implications in the way of overshadowing for the property and grounds of the neighbour to the east, 10-12 St Pauls Road. The design proposed is therefore unacceptable in this location and fails to accord with Policy ENV2 and the Design Principles SPD.

Off-Street Parking and Highway Safety

The development involves the addition of a fourth bedroom to a three bedroom property with no loss of the hardstanding to the front (north) of the property being proposed. A four bedroomed property would require the provision of three-off street parking spaces, this is provided from the hardstanding driveway at the front (north) of the property. The development as proposed therefore complies with Policy 31 as off-street parking is suitably provisioned. No unreasonable effects on the highway and highway safety would result from the development given the nature of the proposal.

Summary

The proposal seeks to erect a first floor extension to the side (east) elevation of the dwellinghouse. The development is acceptable in relation to the effects on the amenity of some of the neighbouring properties, 16 St Pauls Road, 157 and 190 Napier Street and Marsden Crest, Halifax Road. The extension would however have undue impacts on 10-12 St Pauls Road as the extension would cause unreasonable overshadowing effects for that particular neighbouring property. The scheme is acceptable in relation to the choice of materials, the provisions of off-street parking and the effects on highway safety and as such complies with Policy 31. The design of the proposal is however unacceptable in relation to the effects on the amenity of 10-12 St Pauls Road and as such the development fails to comply with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) and the Design Principles Supplementary Planning Document.

RECOMMENDATION: Refuse

1. The design of the development would have unreasonable impacts on the amenity of the adjacent property to the east of the application site, 10-12 St Pauls Road. The first floor extension would result in undue losses of light for the property and grounds of the neighbouring property. As such the development fails to accord with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) and the Design Principles Supplementary Planning Document.



Application Ref: 17/0341/HHO

Proposal: Full: Erection of first floor domestic extension.

At: 14 St Pauls Road, Nelson

On Behalf of: Mr Tahawar Ali

REPORT TO NELSON COMMITTEE 2nd October, 2017

Application Ref: 17/0510/LBC

Proposal: Listed Building Consent: Installation of CCTV camera and radio on bracket of existing camera and installation of new radio on the roof of existing building.

At: The Old Library, Booth Street, Nelson

On behalf of: Pendle Borough Council

Date Registered: 05.09.2017

Expiry Date: 31.10.2017

Case Officer: Charlotte Pinch

Site Description and Proposal

The former Booth Street Library is an imposing early 20th century Edwardian Baroque style building. It was recently listed at Grade II following extensive conservation repair and restoration work, as part of the Whitefield THI. The site is located within the Whitefield Conservation Area.

This application is for Listed Building Consent to install an additional CCTV camera and radio on the existing swan neck bracket on the corner of the building, in addition to a new radio on the roof of the main building.

Relevant Planning History

13/11/0355P

Full: Erection of access ramp to side, creation of 4 bay parking area and install replacement windows in building.
Approved with Conditions. 2011.

Consultee Response

PBC Conservation Officer –

The existing CCTV camera has been present on the front corner of the building for several years and was present at the date of listing. It consists of a small black and white circular camera on a black swan neck bracket, and is located just beneath the prominent overhanging stone cornice. The building elevations have much elaborate stone detailing and modelling, and when seen within the context of the whole building the existing camera does not appear as particularly visually prominent. The new camera

will be very similar to that existing and will therefore have very little additional visual impact.

The new radio fittings are small and discreet and will not be visually prominent. The radio fitting to be installed to the rear of the stone parapet on the Carr Road elevation will hardly be seen from ground level.

The special interest and significance of the listed building will be preserved.

Nelson Town Council – No comments received.

Public Response

Press and site notices posted and nearest neighbours notified. No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

Conservation Area Design and Development Guidance SPD 2008 sets out key aspects of development to ensure the special character of the conservation area are maintained.

Design and Heritage Impact

The Conservation Area SPD advised that any such equipment should be located in unobtrusive positions and should not be unduly prominent in views from the street or other public spaces. The proposed CCTV camera and radios are minor additions, which would not be visually prominent, due to their small scale and siting above eye level. Subject to conditions to the control the works, the proposed development would preserve the special interest and significance of the listed building.

Reason for Decision

In accordance with Section 66 of the Planning (Listed Buildings and Conservation) Act 1990, special regard has been made to the desirability of preserving the special historic

or architectural interest of the building. The proposal does not materially affect the special historic or architectural interest of the Grade II Listed Building, The Old Library and as such there is no reason to refuse consent.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The works approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

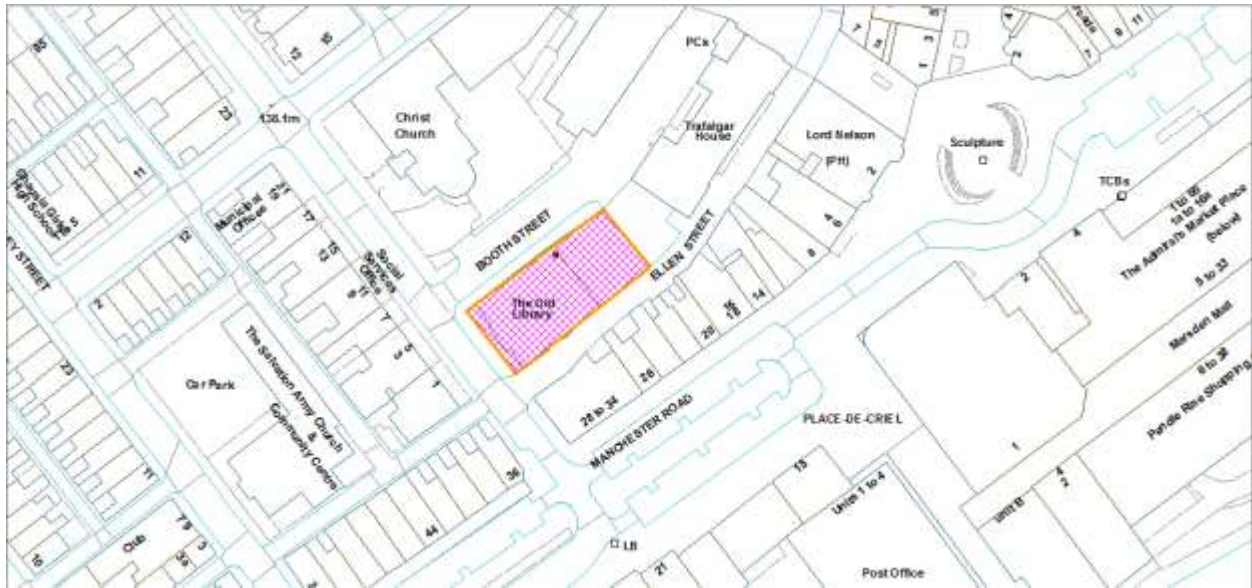
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

A001, A002, A003

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

3. No development shall be commenced unless and until detailed information regarding the size, design and appearance of the proposed CCTV camera and radios have been submitted to and approved in writing by the Local Planning Authority. The development shall therefore be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is appropriate to the character and setting of the area.



Application Ref: 17/0510/LBC

Proposal: Listed Building Consent: Installation of CCTV camera and radio on bracket of existing camera and installation of new radio on the roof of existing building.

At: The Old Library, Booth Street, Nelson

On behalf of: Pendle Borough Council

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 21 September 2017