



**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: NELSON COMMITTEE**

**DATE: 09 JANUARY 2017**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications

## REPORT TO NELSON COMMITTEE 9<sup>th</sup> JANUARY, 2016

**Application Ref:** 16/0721/ADV  
**Proposal:** Advert Consent: Erection of 2 illuminated fascia signs and 1 illuminated projecting sign (retrospective)  
**At:** 68 – 70 Manchester Road, Nelson  
**On behalf of:** Mr M Naeem  
**Date Registered:** 27 October 2016  
**Expiry Date:** 22 December 2016  
**Case Officer:** Kathryn Hughes

This application has been brought before Committee at the request of a Member.

### **Site Description and Proposal**

The application site is a hot food takeaway which has recently been granted permission. The signage which is applied for has already been erected on the site which lies within Nelson Town Centre and Whitefield Conservation Area.

The two illuminated fascia signs are to the front and side elevations. An illuminated projecting sign has also been erected 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.

### **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.

### **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.

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

## **Public Response**

Nearest neighbours notified by letter without response.

## **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 preserve and enhance 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 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 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 caused 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 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**

The signs have already been erected and have a detrimental impact on the Whitefield Conservation Area. Due to the harmful nature of the advertisements in this case it would be appropriate to prosecute in order to effect the removal of the unauthorised signs.

## Summary

The signage adversely affects the amenity of the conservation area and is not acceptable in terms of design although it would not raise any adverse highway safety concerns. The signage therefore fails accords with saved policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Guidance SPD.

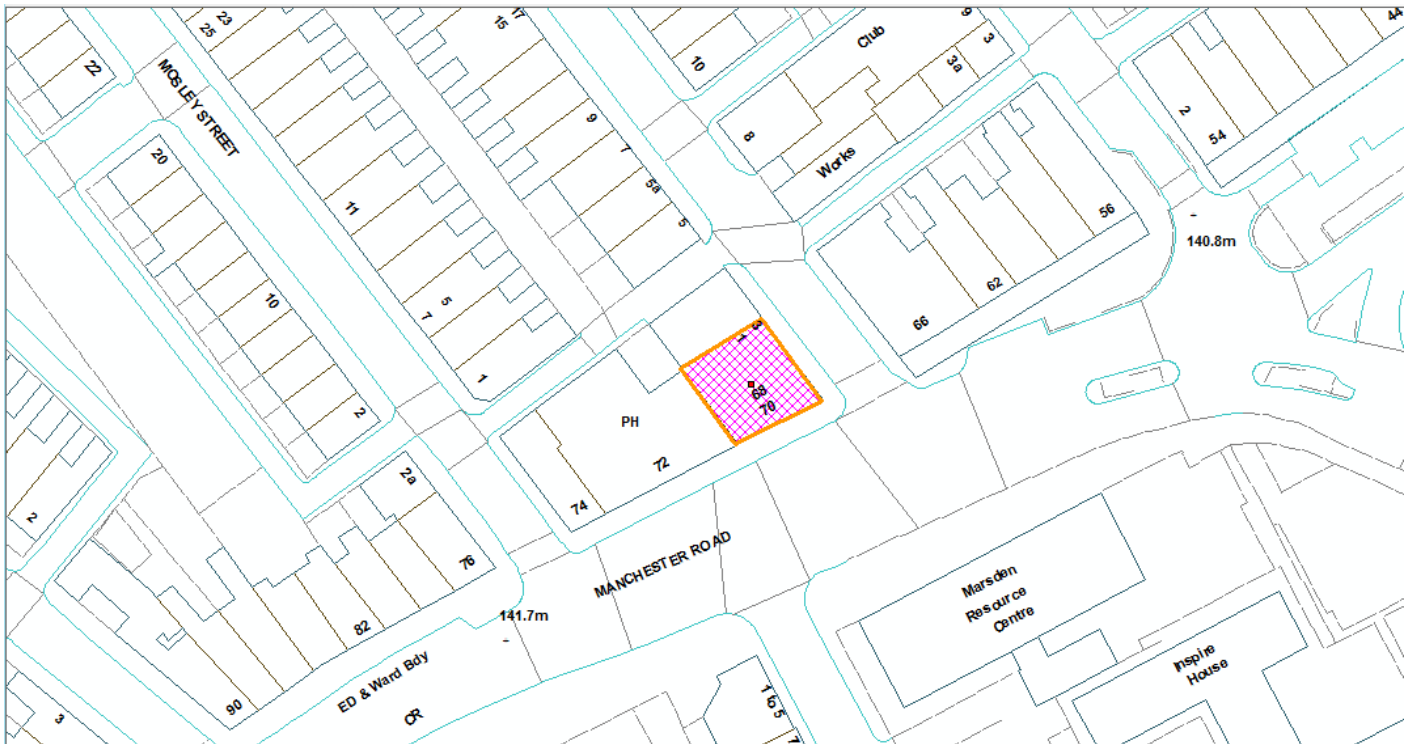
Enforcement action should be taken in order to require the removal of the signage.

## Reason for Decision

The proposed signage is not acceptable in terms of its adverse impact on the Conservation Area as a result of their size, colours and design. Appropriate enforcement action needs to be taken in order to ensure the removal of these signs.

## 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.
- 2.



**Application Ref:** 16/0721/ADV

**Proposal:** Advert Consent: Erection of 2 illuminated fascia signs and 1 illuminated projecting sign (retrospective)

**At:** 68 – 70 Manchester Road, Nelson

**On behalf of:** Mr M Naeem

## REPORT TO NELSON COMMITTEE 09 JANUARY 2017

**Application Ref:** 16/0731/OUT  
**Proposal:** Outline: Major: Residential development up to 21 dwelling houses (0.46Ha) - access only  
**At:** Land Coleman Street, Nelson  
**On behalf of:** Mr D Liversidge  
**Date Registered:** 2 November 2016  
**Expiry Date:** 1 February 2017  
**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee as a Major development.

Outline consent is sought (access only) for the erection of up to 21 dwellings on land adjacent to Coleman Street, Nelson. The site is within the settlement boundary and of no special designation in the Local Plan. The land had previously been used as a garden nursery but this does not appear to have been active since the late 1990's.

Layout plans and proposed elevations have been provided, however these can only be treated as indicative. Consideration of these details is reserved at this stage and will be subject to a future application should outline consent be granted.

### **Relevant Planning History**

N/A

### **Consultee Response**

**LCC Highways;** no objections in principle. Coleman Road is currently private and is not subject to any future adoption agreement. The applicant should ensure they legally have rights over the road to make any alterations necessary.

Coleman Road is access from Barkerhouse Road which is classified (C680) and has a 30mph speed limit. As the application is for less than 50 dwellings a transport assessment/travel plan is not required.

TRICS estimates the development will generate 145 vehicular two way traffic movements per day, with a peak flow of 14 between 17:00 and 18:00.

Database for personal injury shows no reported incidents within 100m of the site in the past 5 years and is therefore considered to have a good accident record.

Using Manual for Streets a sight line of 2.4m by 43m is required in a westerly direction, with a 2.4m by 39m in an easterly direction. This does not appear to be fully achievable over the applicants land. This would need to be provided to ensure that the sight line can be enforced. These distances may be reduced if a traffic survey shows that speeds are less than those detailed above.

Access should be subject to a swept path analysis for twin axle refused vehicles.

Any alterations to carriageway would need the consent of LCC through the necessary agreements.

Where suitable access is not provided objections would be raised in relation to highway safety. Cars observed parking along the gable of 159 Barkerhouse Road, therefore of the opinion that the carriageway width should be increased to 5.5m. As part of these improvements, waiting restrictions should be provided along Coleman to restrict parking on the carriageway. A contribution of £7000 would be required to implement the order.

Development should have a negligible impact on safety providing sight lines, refuse vehicle access, increased width and waiting restrictions can be provided.

Note that the proposed estate road design is not to an adoptable standard.

**LLFA;** object – no evidence has been provided in relation to higher priority discharge points for surface water run-off. In the absence of these details recommend the application is refused.

**LCC Education;** make a contribution request of £60,910.77 for 3 secondary school places.

**Lancashire Constabulary;** recorded crimes in the area. No objection to the scheme but request a number of security elements are incorporated in to the final design.

**PBC Trees;** no comments received at time of writing.

**Nelson Town Council;** no comments received at time of writing.

## **Public Response**

**Sixty neighbours notified, site and press notices also displayed;** three objections received at time of writing, commenting on;

- Coleman Street unsuitable to serve the proposed development by way of its width and condition.
- Neighbours would not allow land adjacent to their gable to form part of the new access
- Two way carriageway is unachievable
- Represents danger to current users (including children) of this quiet street
- Potential for increased traffic to cause damage to adjacent property, foundations and services
- Resurfacing road would result in an elevated surface which may cause run off issues and flood risk
- Removal of trees and bushes would impact on species and their habitats
- Development would cause prolonged disruption to existing residents
- Impact on existing neighbours ability to park and turn
- Concerns that there is insufficient room for refuse and emergency vehicles

## **Policy**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy

Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

### **Local Plan Part 1: Core Strategy**

The following Local Plan policies are relevant to this application:

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

### **National Planning Policy Framework**

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development.

Of particular relevance to this proposal, seeking approval of access only, is paragraph 32. This states that planning decision should take account of whether safe and suitable access can be achieved for all people. Development should only be refused where residual cumulative impacts of the development are severe.

### **Principle of Housing**

The site is located within the settlement boundary. Policy LIV1 of the Plan states that to encourage the delivery of housing, proposals for new development will be supported on non-allocated sites within a settlement boundary where they are sustainable.

In this instance the site is within a short distance of local facilities on Barkerhouse Road and regular public transport opportunities exist in close proximity to the site entrance.

In light of these factors, the location of the site is sustainable in principle and the provision of new housing in line with the requirements of Policy LIV1. This position is however subject to site specific assessments, which will be detailed below.

## **Officer Comments**

The primary issues for consideration in this proposal are highway safety, ecology and drainage. Matters of appearance, layout, landscaping and scale are reserved at this stage. Indicative plans have been provided, however detailed analysis of these and relationships within neighbours would be assessed as part of any future submission.

### **Highway Safety**

A single site access is proposed along Coleman Street, which is currently unmade and unadopted.

Whilst the immediate area is considered to have a good accident record, Lancashire County Council Highway Engineers have advised that amendments and further information would be required to ensure that the access is suitable.

They have advised that the required sight lines for the development do not appear to be achievable within the applications land or the highway. As such the inclusion of third party land provides no guarantee that the splays would be retained. The required splays may be reduced speeds on the road are found to be slower, however the applicant would need to establish this through a traffic survey.

In addition to this a swept path analysis for twin axle vehicles has been requested as has the increase in width of the carriageway width of the road to 5.5m. This is to ensure that refuse vehicles can use the access without having adverse impacts on traffic flows on Barkerhouse Road and to allow on road parking along Coleman Street without utilising some or the entire footpath.

As part of the access improvements LCC have also requested that 'no waiting' restrictions should also be provided at the applicants expense.

All these matters have been relayed to the Agent and a response awaited at the time of writing. In the absence of these improvements and details, an objection would be raised.

A neighbour has highlighted that an area of land is the gable of 159 Barkerhouse Road is private and not within the control of the applicant. This is noted and has not been included within the applicant's red edge.

### **Drainage and Flood Risk**

Whilst the application is only in outline, the Lead Local Flood Authority have raised objections due to a lack of an evidenced approach or information in relation to choice of higher priority surface water run-off destinations. In the absence of this information the LLFA have advised that the application is refused, being contrary to paragraph 103 of the Framework and paragraph 80 of the Planning Practice Guidance document.

This issue has been relayed to the Agent and further information awaited at the time of writing. If these detailed are not received, the application cannot be said to satisfy the requirements above or those of Policy ENV7.



## **Ecology**

An initial ecological assessment has been submitted as part of the application. The site is a former garden nursery and its current condition reflects that with densely planted and overgrown areas.

The assessment advises that the site may provide suitable habitats for bats and/or nesting birds. It therefore recommends that further surveys are required to determine their presence or absence. A botanical survey is also recommended. It should also be noted that Japanese knotweed was identified within the northern section of the site.

In finding suitable roosting opportunities for bats and possible nesting areas for birds, the report recommendations are clear in advising that further assessments are required to inform any planning decision.

Again the Agent has been made aware of these issues and a response is awaited. In the absence of these surveys the Council cannot fully assess the proposal and the development thereby fails to accord with Policy ENV1.

## **Trees**

The scheme would result in the removal of several trees, depending on the final layout which is reserved at this stage. No protection orders exist on the site and retained/additional planting can be considered at a later date should outline consent be granted.

## **Education**

Lancashire County Council have requested that the developer contributes towards the provision of 3 secondary school places. This has been relayed to the Agent and a response awaited.

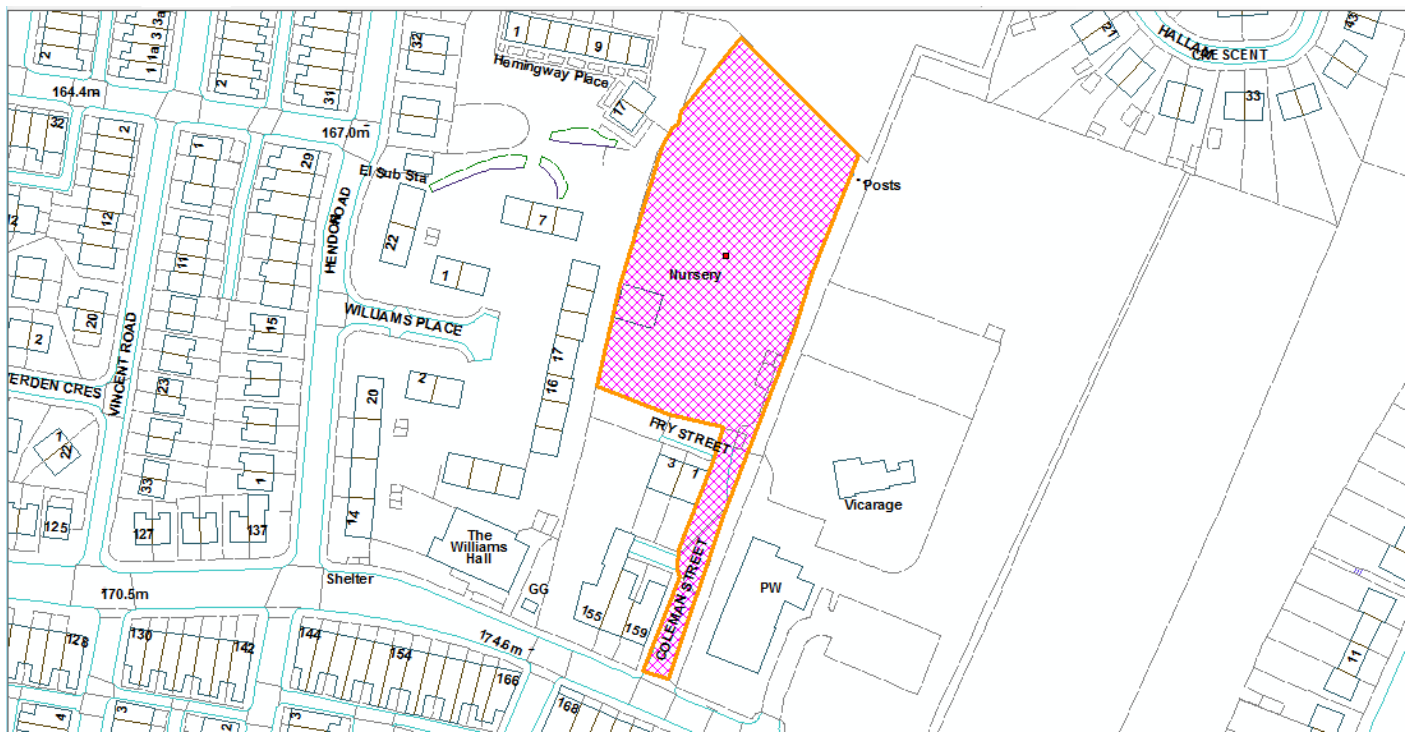
## **Summary**

Accounting for the outstanding highway, ecology and drainage matters, the application is recommended for refusal.

## **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed development would, in the absence of highway improvements and amendments relating to carriageway width and visibility, result in a severe and adverse impact on highway safety to the detriment of existing users of the highway network. The application thereby fails to accord with Policy ENV4 of the Local Plan Part 1 and paragraph 32 of the National Planning Policy Framework.
2. The applicant has failed to demonstrate that the development would not have an adverse impact on protected species or their habitats. As such the application fails to accord with Policy ENV1 of the Local Plan Part 1.
3. The applicant has failed to demonstrate that the proposal would not raise undue surface water flood risk concerns, in the absence of detailed information regarding sustainable drainage systems. The application thereby fails to accord with the requirements of Policy ENV7 of the Local Plan Part 1 and paragraph 103 of the National Planning Policy Framework.



**Application Ref:** 16/0731/OUT

**Proposal:** Outline: Major: Residential development up to 21 dwelling houses (0.46Ha) - access only

**At:** Land Coleman Street, Nelson

**On behalf of:** Mr D Liversidge

## LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 21<sup>st</sup> December 2017