

<b>REPORT FROM:</b>	<b>PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER</b>
<b>TO:</b>	<b>DEVELOPMENT MANAGEMENT COMMITTEE</b>
<b>DATE:</b>	<b>27 FEBRUARY 2017</b>

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 27 FEBRUARY 2017

**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 referred from the Nelson Committee as members were minded to approve the application which would have a detrimental impact on Whitefield Conservation Area.

### **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.

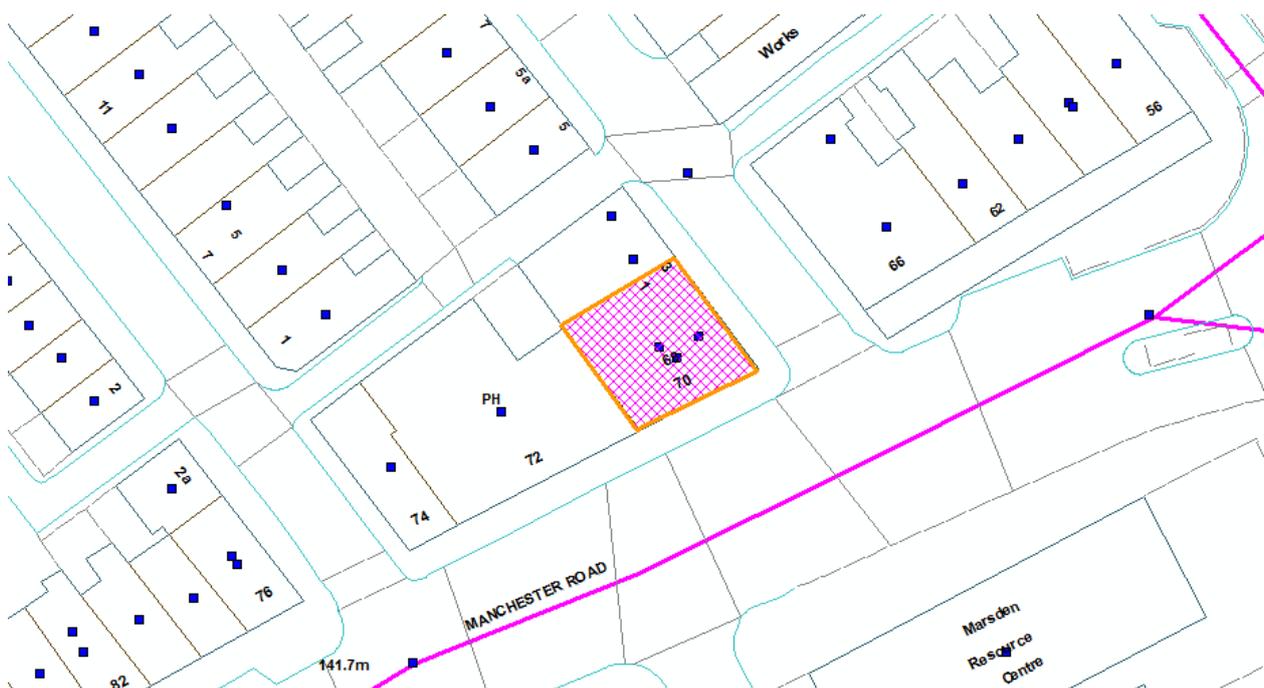
Enforcement action should be taken in order to require the removal of the signage.

## 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.



**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

**Application Ref:** 16/0737/HHO

**Proposal:** Full: Erection of two storey side extension, single storey rear extension and first floor extension above porch (re-submission)

**At:** 21 Hollins Road, Nelson

**On behalf of:** Mr A Majeed

**Date Registered:** 14 November 2016

**Expiry Date:** 9 January 2017

**Case Officer:** Lee Greenwood

This application is brought to Development Management Committee as Nelson Committee resolved to refuse on grounds of overdevelopment and impacts on amenity. As this reason would not reflect the previous reason for refusal for a larger extension to the side and front elevations then it could lead to costs at appeal.

### **Site Description and Proposal**

The property is a two storey semi-detached dwelling located within a predominantly residential area of Nelson. It is within the settlement boundary as designated in the Local Plan. Owing to the topography of the area, the property sits lower than the neighbouring properties to the front (15 and 17) and higher than those to the rear (23-29). Allotment gardens are positioned to the west of the site.

It is a re-submission of an earlier scheme for a similar development (ref – 16/0737/HHO) which was refused for the following reason;

“The proposed development would result in an unacceptable relationship with the neighbouring properties on Hollins Road causing a materially adverse impact upon the amenity of the occupiers thereby failing to accord with Policy ENV2 of the adopted Core Strategy Local Plan Part 1 and the adopted Supplementary Planning Document: Design Principles”.

The applications seeks to erect a first floor extension above the porch which will be used as a play room, a two storey extension to the side which will provide a kitchen at ground level and bedroom at first floor level with a single storey extension to the rear.

As in the previous submission, the rear extension has been reduced to fall within permitted development thresholds. The side and front extensions have been subject to changes which will be detailed below.

### **Relevant Planning History**

**16/0335/HHO** - Erection of first floor extension to front, two storey extension to side and single storey extension to rear - **Refused**

## **Consultee Response**

**Highways** - The Highway Development Control Section does not have any objections in principle regarding the above proposal. There is no increase in the number of bedrooms proposed and therefore no corresponding increase in parking provision. However we have noted from a desk top study that there is no off-road parking provision at this site and parking is within a communal area. Nevertheless, we are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

**Nelson Town Council** – object to the proposal – too big for the footprint of the area and not within the scope of the properties around, would look out of place.

## **Public Response**

Twelve neighbours were notified by letter and 5 responses have been received objecting on the following grounds;

- Disruption/noise during construction process
- Proximity and scale of extension to neighbours
- Loss of privacy to garden and windows
- Loss of light
- Extension out of character in vicinity
- Loss of views
- Noise from activity in the gardens – extension would push this closer to the boundary and by association the neighbours
- Other building works have resulted in obstruction to communal parking area and damage to grass banking
- Highway safety issues as a result of the works
- Existing issues with drainage due to works on site
- Issues remain from earlier submission
- Danger of existing wall falling down
- Are utilities companies not looking at the application due to rooms not being labelled as bedrooms
- Services and infrastructure unable to deal with increased capacity/occupants
- Extension covers almost all outside space at the site

## **Officer Comments**

The main issues for consideration with this application design, amenity and compliance with Policy.

### **Policy**

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy states that all new development should seek to deliver the highest possible standards of design.

The Design Principles SPD expands on the requirements of Policy ENV2, it requires that two storey side extensions should normally be set in from the side boundary by at least 1m and should be set back from the front wall of the house by a minimum of 1m with a corresponding lowering of the roof line. This should be increased to 2m where the ground floor is not set back. These

requirements can be relaxed if the construction of the extension would not result in an actual or potential terracing effect. They should be designed in such a way to avoid having an overbearing effect or loss of light/privacy for neighbours.

The SPD advises that there is a general presumption against extensions to the front of a property due to a need to protect the character of the street scene. Small scale additions may be acceptable, depending on their size, the type of property and the degree of set back from the highway.

Advice is also included regarding single storey rear extensions. However, as in the earlier submission, this addition has been designed so that it falls within permitted development rights and as such could be built without the need for consent.

With regard to separation distances, the SPD advises that a distance of 21m should be achieved between habitable room windows which face each other. It does however go on to advise that regard must be had to existing street patterns and interface distances.

### **Design & Amenity**

The previous application was refused owing to the adverse impacts they side and front extensions would have on the amenities of neighbours. Therefore key to the assessment of this current application is to establish what changes have been made to the design and scale of the additions.

The front extension, to be erected above the porch remains as originally proposed in terms of scale, however the front window has now been removed and the side facing windows obscurely glazed to avoid any overlooking.

The side extension has been redesigned to reduce its width and height, lessen the roof pitch/eaves and remove first floor windows to the front (replaced with roof lights). These changes help to address previous points of concern regarding privacy loss from this extension for adjacent neighbours. The site is set lower than these properties (numbers 15 and 17 Hollins Road) with a separation of 14m between front and rear elevations, with distances dictated by existing layout and pattern of development in this location. At the rear, separation distances upwards of 25m would exist to the nearest dwellings (23 and 29 Hollins Road).

Whilst the outlook from the surrounding properties would change as a result of this addition, which would be seen from habitable rooms, it would not be so great as to be unacceptable.

The extension would not be readily visible from Hollins Road due to the orientation of the property and would have a negligible impact on the overall street scene.

The proposed design changes are therefore acceptable.

### **Highways**

The properties on Hollins Road are served by a communal parking area adjacent to the highway. On street parking is also unrestricted in the wider area. LCC Engineers raised no objections to the original application and their comments remain the same here.

Neighbour objections to the blocking or restriction of access to spaces during construction would be highway (or potentially civil/police) matter.

## Other Issues

Concerns relating to noise from users of the applicants garden and loss of views are not material planning considerations in the determination of this application.

With regard to drainage, no comments have been received from statutory drainage bodies which would indicate an issue at the site. Any future development, if approved, would also need to meet the required building regulations in this regard.

## **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 complies with Policy ENV2 of the Local Plan Part 1, being appropriate in terms of scale, design and amenity. 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.

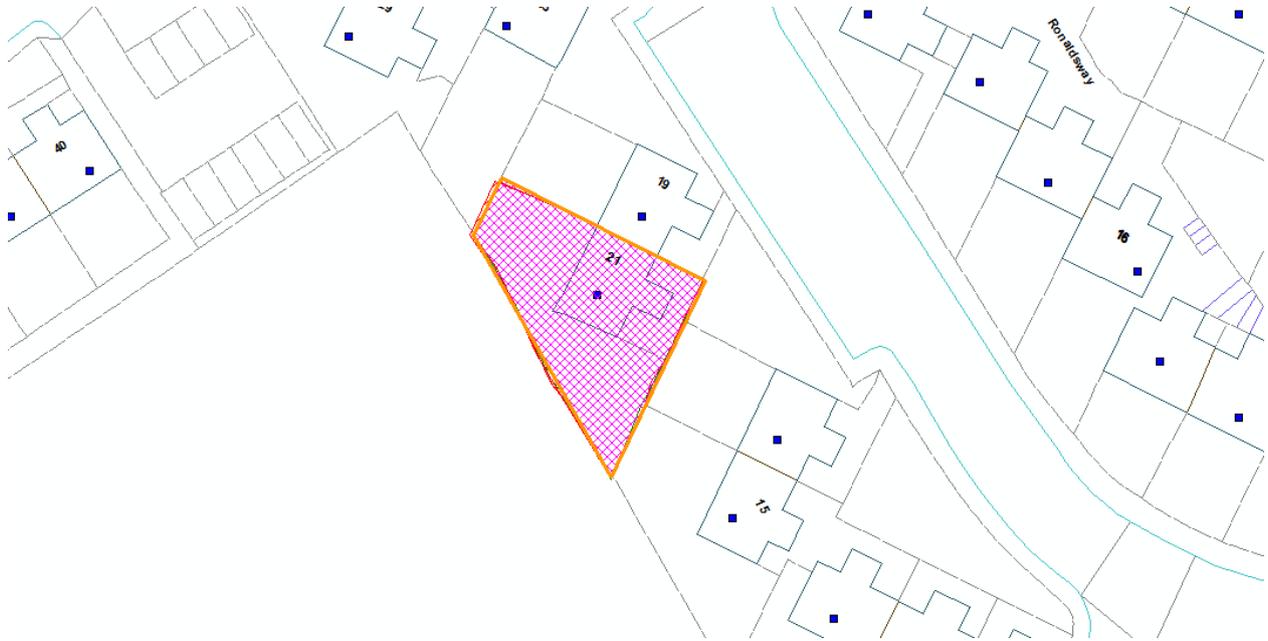
**Reason:** Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: LU021-PL001, LU021-PL201D, LU021-PL101D

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

3. The materials to be used in the development hereby approved shall at all times 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.



**Application Ref:** 16/0737/HHO

**Proposal:** Full: Erection of two storey side extension, single storey rear extension and first floor extension above porch (re-submission)

**At:** 21 Hollins Road, Nelson

**On behalf of:** Mr A Majeed

## LIST OF BACKGROUND PAPERS

Planning Applications

**NW/SM**

**Date: 13 February 2017**