



REPORT FROM:	PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	DEVELOPMENT MANAGEMENT COMMITTEE
DATE:	23 October 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 23rd 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

This application has been referred to Development Management as Members at Nelson Committee were minded to refuse the application and not proceed with enforcement action on the signs which have already been erected.

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 DEVELOPMENT MANAGEMENT COMMITTEE 23rd OCTOBER 2017

Application Ref: 17/0468/FUL

Proposal: Full: Modifications to existing parish hall to form a day nursery with modified and new windows, ramp to side elevation.

At: Church Hall, Church Street, Trawden

On behalf of: Mrs P Hargreaves

Date Registered: 25 August 2017

Expiry Date: 20 October 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a Church Parish Hall located within Trawden Forest Conservation Area and the settlement of Trawden.

The proposal is alter the building to form a day nursery with a ramp to the side and changes to windows.

No change of use is required as a Church Hall and children's day nursery both fall within the same use class of D1.

There are mature trees to the rear of the buildings which are not protected by Tree Preservation Order but they are within the Conservation Area and therefore protected by this.

Relevant Planning History

17/0287/FUL – Full: Alterations to parish hall to form a day nursery with extension to rear, ramp to the side and formation of a play area – Refused.

Consultee Response

LCC Highways – The previous application 17/0287 proposed an extension to the rear of the building of 56m² and subsequently the Highway Authority raised an objection based upon the impact of the development traffic on the highway network.

This application proposes modifications to the windows, a new side ramp and play area. There is also 81m² additional floor area within the roof space of the building being created, which in itself does not require planning permission and is not being considered as part of this application. This is because in planning terms the building itself is already permitted to be used as a day nursery and works to create a first floor are classed as permitted development.

The Highway Authority has previously expressed concerns about the opening of a day nursery at this site and the concerns remain. However the Highway Authority has no grounds to object to the proposal that is currently being considered in terms of traffic impact including parking and turning.

Ramp

The proposed ramp will be on the adopted highway and therefore a license will be required under the Highways Act 1980 (adoption record attached).

The area where the ramp will be constructed currently houses wheelie bins and therefore a suitable location will be required for the displaced bins which is off the adopted highway (photo attached).

Architectural Liaison Unit – The Crime Impact Statement is formed based on local crime figures and trends, incidents reported and community knowledge gathered from local policing teams. It is with this policing knowledge that recommendations are made which are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

Crime Risks

Educational establishments including nursery buildings can be attractive to criminals to target for crime as they often store equipment, such as computers, laptops, projectors, cameras, etc. and petty cash. Buildings can be targeted for criminal damage due to the fact that they are generally unoccupied at regular times of the day, weekends and holidays.

Security recommendations

In order to reduce the risk of crime and anti-social behaviour at the nursery the modifications to the existing building should be undertaken in accordance with the principles of the security scheme supported by the Police 'Secured by Design'. The following physical security measures should be incorporated into the development;

- A fencing arrangement should secure the perimeter of the scheme such as a 1.8m high anti-climb weldmesh fence. Gates should be lockable and the same design as the fencing. The outdoor play area should be secured around the perimeter with a railing arrangement and be positioned to allow natural surveillance from the building.
- All replacement door sets should be PAS24/2012 (16) certificated (or an alternative accepted standard such as LPS 1175). The glazing should be laminated and securely fixed in accordance with the manufacturer's instructions and certified to BS EN 356 2000 rating P1A. An access control system such as keypads should be fitted to all internal doorsets to slow down the movements of an offender should they gain entry into the building.
- The replacement windows should meet the requirements of PAS 24:2012 (16), incorporate laminated glazing and key operated opening window restrictors that reduce the risk of opportunist offences.
- The modifications include the incorporation of a series of roof lights. These should be tested and certificated to LPS 1175 burglary resistance and should be linked to the intruder attack alarm system.
- A monitored Intruder Alarm system should be installed by an alarm installation company that is certified by the National Security Inspectorate (NSI) or Security Systems Alarm Inspection Board (SSAIB), as both organisations promote high standards of service within the security community. The alarm system should incorporate a combination of passive infrared detectors internally and door and window contacts so that the alarm will activate if there are any attempts at forced entry.
- The nursery building should be covered by a recorded digital colour CCTV system. The CCTV cameras should capture clear full body images of those entering or exiting the building. Cameras must not be located where they can be easily disabled or tampered with. If they can be reached, they must be housed in a casing to protect them from damage. Recorded data should be stored for a 30 day period before being destroyed.

□ The building should be illuminated with vandal resistant 'dusk to dawn' lights. The lighting design should be co-ordinated with the CCTV installation to ensure that the lighting is sufficient to support a CCTV system.

□ All valuable equipment, such as laptops, computer tablets etc., should be clearly property marked and the details stored securely. This equipment should be securely locked away when the building is closed and not visible from windows. The safe should be bolted to the floor or wall in the office. The office door must be lockable particularly if CCTV recording equipment in it.

Rationale: To reduce crime, the fear of crime and create safer communities and environments in accordance with;

□ **Section 17 Crime and Disorder Act 1998**

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Trawden Forest Parish Council - The Parish Councillors are still gravely concerned about the location of the proposed nursery; being on a very busy junction with still no parking provision or safe drop off points. The application stated category D2, they queried whether this was the correct classification for a nursery?

There are also concerns still that the bus stop is outside the garage adjacent to the front of the building, which would be a hazard for people waiting in the bus stop at the busiest time of the morning to get to work and to school.

Inconsiderately parked cars will also create issues for parents trying to cross the road to access Colne Road to take their children to Trawden school.

If any alterations are passed for this application, they must be in-keeping with the local area as we are in a conservation area, and any restrictions on where parking and waiting can be allowed should also be considered.

There should also be consideration given as to whether Ofsted would give approval for such a nursery in such a location

Public Response

Nearest neighbours notified by letter. Seven comments received objecting the scheme on the following grounds:

- The location at the intersection of 4 busy, narrow roads is totally unsuitable for vehicular access or stopping especially for young children;
- There is not parking on or off street adjacent to the entrance to the Hall and virtually no pavements with a bus top immediately outside the entrance;
- The proximity of the beck and road flooding needs to be taken into account;
- The issues with parking, intensification of vehicle movements and dangers of the road still exists;
- This is an area where drivers speed and don't slow down at junctions;
- Residents parking is at a premium;

- Could yellow lines be added in front of 2-8 Church Street and the hall up to the entrance of the garage?
- The building needs underpinning and this would require similar considerations to the previously proposed demolition and a construction traffic management plan presented;
- I have concerns over the practical use of the ramp;
- Separate storage and collection of recyclable waste is proposed but I can not see where;
- The proposal in its current format would have a detrimental impact on the amenity of the area;
- The proposal would cause a number of road safety issues and the impact on the surrounding highway network is likely to be severe;
- By use of the word extension and not the changes in size of extension it seems to be an attempt to make the numbers for parking/drop off area appear to be sufficient;
- This building has never been used for purposes such as this i.e. a paid business with so many comings and goings, which is why traffic/parking has never been such an issue;
- There will be 13 FTE staff wo will need parking plus deliveries, waste collection and then the dropping off/collection of the children. It will be chaotic. The number of children is expected to be 78;
- Nothing has changed there is still nowhere to park;
- Pedestrians would find it difficult to cross such a busy road; and
- The original plan was refused for excellent reasons and I must point out that all of these still exist.

One letter has been received in support stating that the hall is slowly decaying and is becoming an eyesore. A village nursery is needs and common sense will overcome any parking problems.

Officer Comments

The main issues are impact on amenity, impact on the Conservation Area, materials, trees and highway issues.

Many objections are based upon the use of the premises as a children's nursery, however, as mentioned previously there is no requirement for a material change of use of the premises as both a church hall and children's day nursery fall within Use Class D1 Non-residential institutions of the Town and Country Planning (Use Classes) Order 1987. No external extension to the premises is proposed and therefore parking requirements cannot be taken into account for this proposal.

1. Policy

The relevant policies are:

ENV1 covers protection and enhancement of the natural and historic environment including biodiversity, ecology, trees, landscapes, open space and green infrastructure and historic environment.

ENV2 sets out general design principles, historic environment and climate change.

Policy WRK6 encourages the provision of well designed work places. Innovative projects that re-use and/or adapt existing workplaces for new employment uses will normally be supported.

Policy SUP1 resists the loss of community facilities that require a change of use application. This is not the case here.

The following saved Pendle Replacement Pendle Local Plan policies apply:

Policy 14 seeks to protect trees, woodland and hedgerows.

2. Impact on Amenity

The proposal would have a limited impact on the amenity of the area as it is an existing building located within a settlement boundary. The proposed external alterations would not have a detrimental impact on the amenity of the area.

Subject to appropriate conditions there is unlikely to be any undue loss of amenity for neighbouring properties and the use would accord with policy ENV2 and the Conservation Design Guidance SPD.

3. Impact on Conservation Area

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 site is set at a higher level than the general streetscene and therefore is prominent in views especially as it is sited on the corner of the junction with the highways. There are traditional terraced houses located near to the site.

The Conservation Area Design and Development Guidance SPD states that new development should use good quality and predominately natural building materials, be well detailed and respect local architectural details and styles.

The existing window on the south elevation is proposed to be extended to form a door opening. A new window at first floor above this door would also be created. Aluminium is an appropriate materials here.

The ramp and handrail would be concrete and steel with timber panel fencing and railings to the boundaries.

These are acceptable subject to appropriate conditions and accord with policy ENV1 and the Conservation Area Design and Development Guidance.

4. Design and Materials

The large window/door opening in the south gable elevation is proposed to be aluminium which is appropriate here.

The ramp and handrail to the north gable is extensive, however, it would be sited between two existing buildings and would not be readily visible in the streetscene. This is proposed to be concrete and steel. The handrail should simple in design and a dark grey in colour.

Timber panel fencing and railings are proposed to the boundaries. Again the railings should simple in design and a dark grey in colour.

A decked area is also proposed to the rear and no details of materials have been provided for this.

The external changes proposed are small scale and would not adversely affect the design of the existing building subject to appropriate conditions to ensure that the materials and colours are acceptable in this location.

These can be controlled by appropriate conditions and therefore this proposal is acceptable in terms of design and materials and accords with policy ENV2 and the Conservation Area Design and Development Guidance.

5. Trees

There are five mature trees along the boundary of the building to the rear of the site and it is proposed to remove two Ash trees in order to facilitate the extension, play areas and boundary treatments. Three other mature trees are shown to be retained.

A tree survey has been submitted with this application which indicates that the trees will need to be removed due to their condition. The Environment Officer agrees with this assessment.

There are existing hardsurfacing and boundary treatments to the western boundary and therefore it is unlikely that these proposals would adversely affect the trees any more than the existing building.

This is acceptable and accords with policy 14.

6. Highway Issues

The proposed use does not require planning permission and external extensions are proposed to create floorspace.

The proposed ramp will be on the adopted highway and therefore a license will be required under the Highways Act 1980.

The area where the ramp will be constructed currently houses wheelie bins and therefore a suitable location will be required for the displaced bins which is off the adopted highway.

Summary

The external alterations are acceptable in terms of policy, impact on amenity, design and materials and would not adversely impact on highway safety subject to appropriate conditions.

Subject to appropriate conditions then these external alterations would be acceptable.

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 external alterations are acceptable subject to appropriate conditions. The development 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:

2017/12/1, 2017/12/2D & 2017/12/3B.

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

3. Notwithstanding the submitted plan samples of all the external materials to be used on the elevations of the proposed development including the ramp, handrail, and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the materials are appropriate to the locality and to control the external appearance of the development.



Application Ref: 17/0468/FUL

Proposal: Full: Modifications to existing parish hall to form a day nursery with modified and new windows, ramp to side elevation.

At: Church Hall, Church Street, Trawden

On behalf of: Mrs P Hargreaves

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 06th October 2017