



REPORT FROM:	PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER
TO:	NELSON COMMITTEE
DATE:	1st April 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON AREA COMMITTEE ON 01 APRIL 2019

Application Ref: 18/0903/FUL

Proposal: Full: Demolition of multi-storey car park and erection of a 24 hour opening restaurant and drive through hot food takeaway (Use Classes A3/A5) (379 sq.m.) with associated car parking and landscape works.

At: Multi Storey Car Park, Netherfield Road, Nelson

On behalf of: Future Properties 1st Ltd

Date Registered: 20/12/2018

Expiry Date: 14/02/2019

Case Officer: Alex Cameron

This application has been brought before Committee as three objections have been received.

Site Description and Proposal

The application site is the site of the Pendle Rise multi-storey car park, located within Nelson town centre. Below the car park is the former bus station and commercial units facing Broadway.

The proposed development is the demolition of the car park and commercial units and the erection of a restaurant and drive through hot food takeaway with associated car park accessed from Sagar Street. The proposed restaurant would be a single storey building with a footprint of 38m x 12.5m and an overall height of 5.7m. The building would be finished in stone and timber cladding, timber / aluminium roof panels and powder coated aluminium fenestration.

Relevant Planning History

13/13/0346P - Full: Change of use of former bus station to car boot sale place (sui generis). Approved

16/0378/FUL - Full: Demolition of existing multi-storey car park. Approved.

Consultee Response

LCC Highways – The proposal is not supported. The following is necessary:

Widening of pedestrian refuges on Broadway and Holme Street to 2m along with provision of tactile paving.

Upgrade of signalised pedestrian crossing on Sagar Street including signal equipment, tactile paving and anti-skid surfacing.

Central pedestrian refuge should be provided at site access.

Service bay provided within the site for deliveries or a condition limiting delivery times.

Details of the management and enforcement of a time limit on the car park.

A framework Travel Plan may be necessary subject to the car parking provision and management.

United Utilities – No objection subject to foul and surface water drainage conditions and a not relating to building over a public sewer crossing the site.

Lancashire Constabulary Architectural Liaison – No objection.

Nelson Town Council

Public Response

Press and site notices posted and nearest neighbours notified – Responses received objecting to the proposed development on the following grounds:

- Issues relating to health and wellbeing of local people.
- Increase in traffic congestion.
- Animal welfare concerns.

Officer Comments

Policy

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy WRK4 (Retailing and Town Centres) states that main town centre uses should follow a sequential approach with town and local shopping centres being the highest priority location.

Proposals for hot food take-aways in close proximity to establishments that are primarily attended by children and young people will be resisted in support of initiatives to help reduce childhood obesity and improve the overall health prospects of young people.

Principle of the development

The proposed restaurant / takeaway is a main town centre use as specified by the National Planning Policy Framework. The site is located within Nelson town centre; this is an acceptable location for this use. The nearest school to the site St Philip's primary school is approximately 200m to the north east, taking the distance to the nearest establishments primarily attended by children and young people and that this is a town centre location with close proximity of numerous other takeaways into account the proposed development is acceptable in this location in accordance with policy WRK4.

Design

The demolition and replacement of the multi-storey car park and associated buildings would be of benefit to the appearance of the area. The design of the building uses a standard design for restaurants of this type, the site's surrounding are predominantly modern buildings, the proposed building would be in keeping with its surroundings. A condition is necessary to require that materials samples are submitted and approved to ensure they are acceptable.

The proposed development is acceptable in terms of design in accordance with policy ENV2.

Amenity

There is a possibility that there are or could be dwellings above the row of shops on railway street 30m to the west of the site. Taking into account the separation distance, and subject to a condition requiring adequate noise and odour controls on any kitchen extractions systems, the proposed 24 hour drive through restaurant would not result in any unacceptable noise or privacy or other amenity impacts upon the occupants of those or any other nearby dwellings.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and ENV5.

Highways

Concerns have been raised by LCC Highways in relation the arrangements for servicing of the site. The applicant indicated that this would be by full-sized articulated HGVs, there is no dedicated servicing access of area and whilst the site is being serviced the one-way system of the car park and a number of parking bays, including disability parking bays, would be obstructed. Concerns have also been raised regarding the tracking of such vehicles entering and existing the proposed access.

A condition restricting hours of servicing to times when customer numbers are likely to be extremely low is could ensure that this does not result in unacceptable risks to highway safety.

The applicant has indicated that amended plans are to be submitted to resolve this issue and address the need to restrict the hours of deliveries.

LCC Highways have also requested off-site highway works to upgrade a pedestrian crossing on Sagar Street and widening of pedestrian refuges on Broadway and Holme Street.

However, the additional pedestrian traffic generated on those routes from the east of the site is likely to be low, the great majority of pedestrian traffic is likely to be from the town centre to the west and pedestrian trips to the restaurant linked with trips to the town centre. Taking this into account it is not reasonably necessary to require the upgrade of the existing pedestrian crossings.

The proposed development is therefore acceptable in highway terms in accordance with policy ENV4.

Other issues

Concerns have been raised relating to animal welfare in the production of food, these matters are outside the remit of the planning system to consider or control in a planning application.

Conclusion

It is recommended that the approval of the application, and alteration of the conditions as necessary, is delegated to the Planning, Economic Development and Regulatory Services Manager to allow for amended plans to be submitted and considered to resolve the need for a condition restricting the delivery times or, if necessary, to approve the application with a condition restricting the delivery times.

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 is therefore compliant 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: Delegate Grant Consent

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: 001A, 002I, 004A, 005B, C-50.

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

3. Prior to the external cladding of the building hereby approved and notwithstanding any indication on the approved plans samples of the external materials to be used in the walls and roof of the building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: to ensure that external materials are acceptable in the interest of visual amenity.

4. The erection of the building hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- b. an outline specification for ground preparation;
- c. all proposed boundary treatments with supporting elevations and construction details;
- d. all proposed hard landscape elements and pavings, including layout, materials and colours;
- e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

5. The use of the development hereby approved shall not commence unless and until a scheme for the extraction, treatment and dispersal of fumes and odours has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a. the provision of odour filters (which shall incorporate grease and carbon filters and discharge at roof ridge level)
- b. the siting and design of the external ventilation stack
- c. details of the sound insulation of odour control equipment

The approved scheme shall be implemented prior to commencement of the operation of the extraction system and the extraction system shall thereafter be

operated and maintained in accordance with the agreed details and the manufacturers specifications and be retained for so long as the use continues.

Reason: In order to ensure the adequate treatment and dispersal of fumes and odours and attenuation of noise in the interests of amenity.

6. The use of the development hereby approved shall not commence unless and until a scheme for parking time limit restrictions for the car park, including management and enforcement of the time limit, has been submitted to and approved in writing by the Local Planning Authority. The car park shall thereafter at all times be operated in strict accordance with the approved scheme.

Reason: To ensure the effective use of the car park is maintained in the interest of highway safety.

7. The use of the development hereby approved shall not commence unless and until a Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

8. No HGV deliveries shall be made to the site outside of the hours of 00:00 and 04:00 unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure the effective use of the car park is maintained in the interest of highway safety

9. The use of the development hereby approved shall not commence unless and until the parking, access and manoeuvring areas have been laid out, surfaced, marked out and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The parking, access and manoeuvring areas shall thereafter at all times be maintained in accordance with the approved details.

Reason: To ensure adequate access and the effective use of the car park is maintained in the interest of highway safety.

10. The erection of the development shall not be commenced unless and until a scheme for the off-site highway works in accordance with approved drawing No. 002I shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the use of the development.

Reason: To ensure that the adjacent roads and footpaths are acceptably altered to accommodate the development in the interest of highway safety.

11. No development shall commence, including demolition, unless and until a Demolition and Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The agreed statement shall thereafter be adhered to at all times during the demolition and construction period.

The Statement shall provide for:

- i) the proposed hours of operation
- ii) parking arrangement for site operatives and visitors
- iii) proposed wheel washing facilities within the site
- iv) the position of the proposed demolition staging area within the site
- v) the provision, type and finish of any walls, fencing or means of enclosure to the site boundary during and after demolition has taken place and during construction.
- vi) measures to control the emission of dust and dirt from the site
- vii) measures to control the levels of noise during the demolition process
- viii) details of the exact surfacing materials to be used in the completed site

Reason: In the interest of amenity and highway safety.

12. Foul and surface water shall be drained on separate systems. Prior to the commencement of the erection of the building hereby approved, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details prior to the commencement of the use of the building.

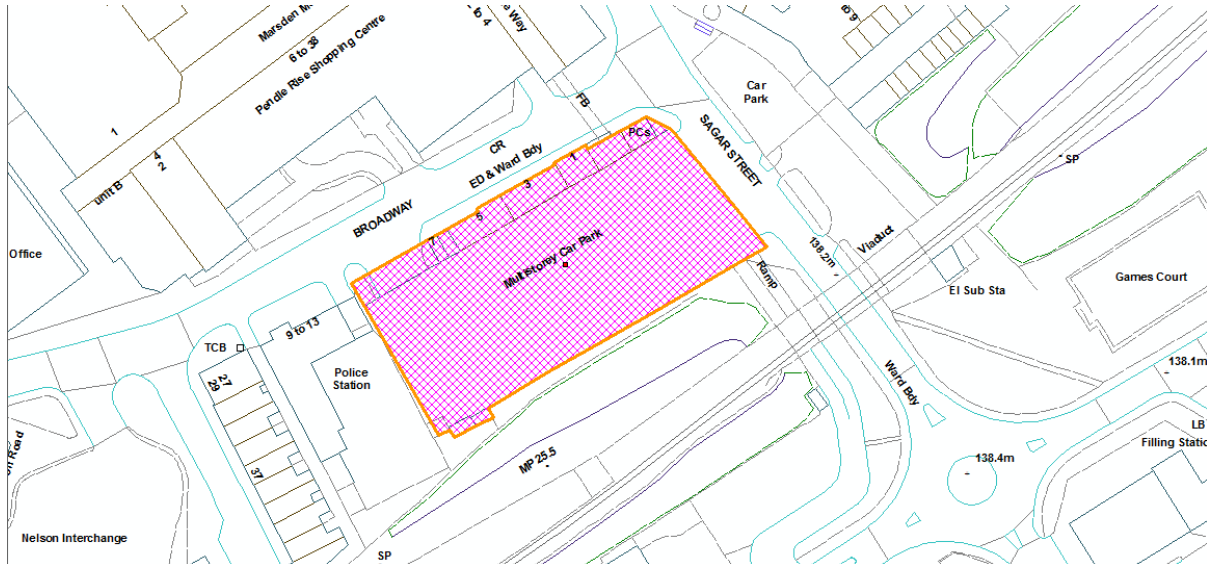
Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Notes:

United Utilities: A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable. Deep rooted shrubs

and trees should not be planted in the vicinity of the public sewer and overflow systems.

Lancashire Constabulary: Lancashire Constabulary will require consultation prior to demolition of the existing structure. Contact Claire.livesey@lancashire.pnn.police.uk 01772 413600



Application Ref: 18/0903/FUL

Proposal: Full: Demolition of multi-storey car park and erection of a 24 hour opening restaurant and drive through hot food takeaway (Use Classes A3/A5) (379 sq.m.) with associated car parking and landscape works.

At: Multi Storey Car Park, Netherfield Road, Nelson

On behalf of: Future Properties 1st Ltd

REPORT TO NELSON COMMITTEE 1st APRIL 2019

Application Ref: 19/0031/HHO

Proposal: Full: Erection of single-storey extension to rear and roof dormers to front and rear.

At: 20 Waidshouse Road, Nelson

On Behalf of: Mrs Shazia Sultan

Date Registered: 16 January, 2019

Expiry Date: 13 March, 2019

Case Officer: Christian Barton

This application has been called into Committee by the Chairman.

Site Description and Proposal

This application seeks to erect a single-storey rear extension and roof dormers to the front and rear of 20 Waidshouse Road in Nelson.

The site is a two-storey, mid-terrace house of traditional design. It is a stone built property under a slate roof with white uPVC windows and garden areas to the rear. It is surrounded by houses to three sides with commercial buildings to the southeast.

The site is within the settlement boundary of Nelson and has no specific designations within Pendle Local Plan.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways - The proposal raises no highway concerns and I would therefore raise no objection to the proposal on highway grounds.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter and no response has been received.

Officer Comments

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 (NPPF) 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 main considerations for this application are the design, residential amenity and the road network.

1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the 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 the siting and design of development should be in scale, context and harmony with the wider locality.

Other policies and guidance's are also relevant:

- The Design Principles Supplementary Planning Document (SPD) applies to domestic developments and sets out the aspects required for good design;
- Policy 31 (Parking) of the Saved Replacement Local Plan relates to parking standards for all new developments.

The principle policy relating to this development is Policy ENV2 of the Pendle Local Plan requiring good design. The adopted Design Principles SPD provides further clarity on what is an acceptable design in relation to neighbouring properties and the street scene. Saved Policy 31 is relevant given the proposed addition of bedrooms.

2. Residential Amenity

The Design SPD states that roof dormers should be sited to avoid detrimental impacts on domestic privacy. Minimum distances of 21m must be maintained between existing and proposed directly facing primary windows. Single-storey rear extensions to terraced houses are generally limited to a depth of 4m. However, there can be longer extensions when there are no unacceptable planning impacts.

The massing of the roof dormers would have no overbearing effects on the immediate neighbours. The development would introduce second floor bedroom windows to the front and rear. To the front the windows would overlook commercial buildings alone. To the rear the windows would overlook gardens within 21m. The house has existing upper floor bedroom windows that already overlook those gardens. The existing situation is not worsened by the proposed rear dormer.

The rear extension would have the same depth as an existing outrigger built to the rear. Immediately adjacent to the house it would be built 0.3m lower than the existing outrigger. The existing outrigger already breaches the 45 degree rule detailed in the

Design SPD in relation to the longue windows at number 22. Number 18 already has an extension built to the rear at the same depth proposed here. The rear extension would have no unacceptably overbearing effects on the adjoining neighbours on that basis.

Windows are proposed to the northeast. Outlook from those windows would face a blank wall and lean-to roof. They would not affect domestic privacy. Owing to the above, the development would have no detrimental effects on the residential amenity of the immediate neighbours.

3. Design

The Design SPD states that rear extensions should be proportionate to the house and built from appropriate materials. Roof dormers should be designed to ensure they are in keeping with the appearance of the dwelling. Their design should respect the balance of the property and they should not appear overly dominant as part of the roof slope.

The rear extension would have a total depth of 6.4m. It would have a width of 2.4m and a pitched roof 3.3m in height. It would be of an appropriate scale in relation to the size of the house and set down considerably from the main ridge height. It would have natural stone elevations, a slate roof and uPVC windows to match the house. It would be acceptable in design terms.

The rear dormer would have a width of 4.2m, a depth of 3.4m and a grey rubber flat roof 1.9m in height. It would have a slate face and cheeks and two uPVC windows. It would only be visible from private gardens and rear highways. It would have no material effects on the visual amenity of the area.

The front dormer would have a width of 2.3m, a depth of 3.1m and a steep pitched roof 1.9m in height. It would be set off both sides of the roof by 1.1m and set down 0.15m from the main ridge height. The front elevation would be set back 0.7m from the eaves line. It would have a slate face, cheeks and roof and a single uPVC window. It would be clearly visible from public highways.

The Design SPD states that front dormers will not be acceptable unless they are an existing feature of other similar houses in the locality. In general, at least 25% of the properties on a terraced row must have front dormers in order for them to be classed as an existing feature, as defined in Paragraph 5.17 of the Design SPD.

There are no front dormers on the row, or any as part of the surrounding rows along Waidshouse Road or Railway Street. They are not a current feature of terraced houses in the locality on that basis.

The erection of a front dormer here would be unsympathetic in relation to the age and style of the house. The development would be at odds with the unbroken lines of the terraces roof along with the simple Victorian front façade of the house. When taken as a whole, the development would be of detriment to the visual amenity of the locality and would fail to align with Policy ENV2 and the Design SPD.

4. Highways

Saved Policy 31 requires all developments to be served with ample parking. A four bedroom house should have three off-street parking spaces. The submitted plan shows three spaces within the rear garden in accordance with Saved Policy 31.

LCC Highways have raised no concerns to the development and I concur with their findings. It would not generate significant numbers of vehicular movements and the development therefore raises no detrimental concerns regarding the local road network.

5. Summary

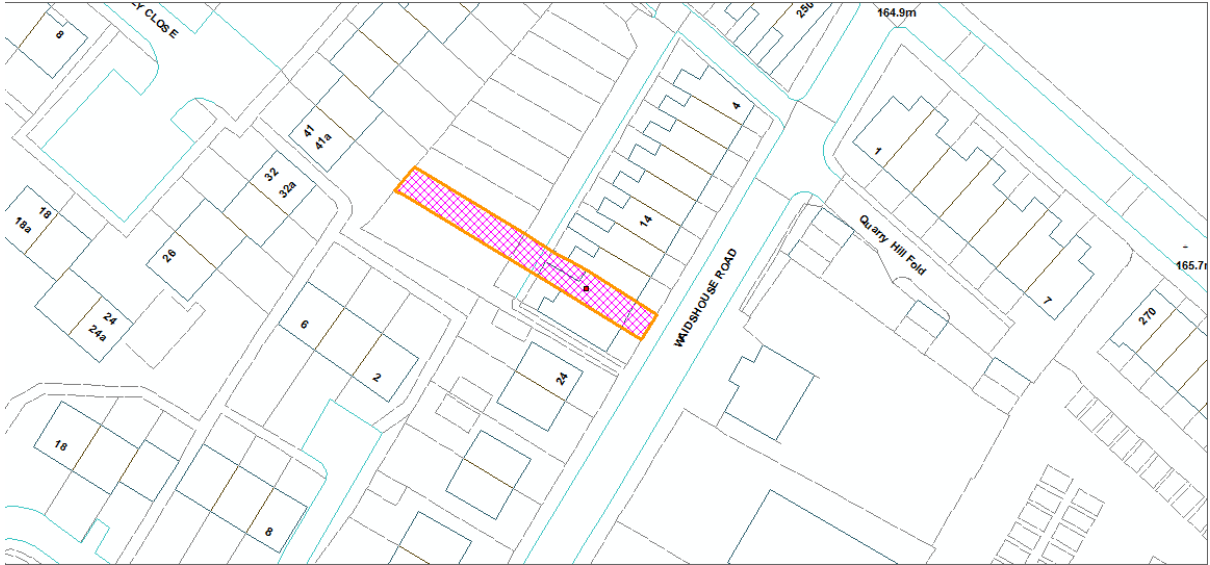
The proposal seeks to erect a single-storey rear extension and roof dormers to the front and rear. The development would have no detrimental effects on the residential amenity of the immediate neighbours, or the road network. The front dormer is proposed for an area where front dormers are not an existing feature of terraced houses however.

The siting of a front dormer here would be of detriment to the character and appearance of the Victorian property along with the wider street scene. The development is therefore unacceptable for the site and 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.

RECOMMENDATION: Refuse

For the following reason:

1. The siting of a dormer on the front roof slope of the property would be of detriment to the Victorian façade of the house along with the character and appearance of the wider area. The proposal is therefore unacceptable for the site and 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.



Application Ref: 19/0031/HHO

Proposal: Full: Erection of single-storey extension to rear and roof dormers to front and rear.

At: 20 Waidshouse Road, Nelson

On Behalf of: Mrs Shazia Sultan

REPORT TO NELSON COMMITTEE 1st APRIL 2019

Application Ref: 19/0032/FUL

Proposal: Full: Change of use of two-storey office and solicitors (Use Classes B1a and A2) into Advanced Learning Centre at ground floor (Use Class D1) and beauticians at first floor (SG) (Retrospective).

At: 27 Manchester Road, Nelson

On Behalf of: Mrs Ruksana Alyas

Date Registered: 16 January, 2019

Expiry Date: 13 March, 2019

Case Officer: Christian Barton

This application has been called into Committee by the Chairman.

Site Description and Proposal

The application seeks to subdivide and regularise the use of 27 Manchester Road in Nelson as a ground floor education centre and first floor beauty salon.

The site is a two-storey, commercial building of modern design. It is positioned on the junction of Manchester Road and Broadway. It is surrounded by commercial and residential properties to three sides with a car park to the south.

The site is within the settlement boundary and town centre of Nelson.

Relevant Planning History

19/0033/ADV – Advertisement Consent: Retention of 14 No. non-illuminated fascia signs to North, South and West elevations (Retrospective) – Pending Consideration.

Consultee Response

LCC Highways - The above proposal raises no highway concerns and we would therefore raise no objection to the proposal on highway safety grounds.

Lancashire Constabulary

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter and no response has been received.

Officer Comments

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 (NPPF) 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 main considerations for this application are the design, amenity and highways.

1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy SDP2 (Spatial Development Principles) categorises settlements and aims to allocate most new development within existing settlement boundaries, along the M65 Corridor;
- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the 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 the siting and scale of development should be in context and harmony with the wider locality;
- CS Policy SUP3 (Education and Training) states that facilities and services for education and training of all age groups should be in locations that are conveniently accessible to users, including by walking and cycling.

Other policies and guidance's are also relevant:

- Saved Policy 25 (Location of Service and Retail Development) of the Replacement Local Plan sets out a hierarchy for the effective allocation of new service/retail developments;
- Saved Replacement Local Plan Policy 31 (Parking) applies to all developments that have an effect on parking provisions/requirements.

2. Principle of Development

Policy SDP2 identifies Nelson as a Key Service Centre. These areas should provide the focus for the majority of new development. Policy SUP3 states that education and training uses should be in locations that are conveniently accessible to all users. Saved Policy 25 requires that D1 uses are accommodated in accordance with a sequential test with town centres being the first priority.

Part of the proposed use is for a beauty salon. This is a sui generis use and does not fall within the main town centre uses specified in Annex 2 of the NPPF. They are however a compatible use in a town centre and there is no policy presumption against locating such a use in this location.

3. Design and Amenity

Policy ENV2 requires developments to deliver the best possible standards of design. The development has taken place within the existing fabric of the building and involved no external alterations, aside from signage. No design concerns are created from the proposal.

The adjoining building has living accommodation on the first floor. The hours proposed for both businesses are 10:00 to 18:00 Monday, Tuesdays, Wednesdays and Fridays, 10:00 to 20:00 on Thursdays and 10:00 to 17:00 on Saturdays. A D1 use could potentially affect the adjacent residential accommodation were it to take place early in a morning, or late at night. Therefore an operating time condition is appropriate here.

A condition is also necessary to restrict the ground floor to the proposed education centre and no other within Use Class D1. Other D1 uses could potentially result in unacceptable impacts on the aural amenity of the immediate neighbours. Subject to those conditions, the development would have no detrimental impacts on the residential amenity of the immediate neighbours in accordance with Policy ENV2.

4. Highways

Saved Policy 31 requires all developments to be served with adequate parking. The site has six adequately sized off-street parking spaces positioned to the southeast of the building. The Parking Standards of Saved Policy 31 requires D1 further education centres to have 1 space per full time staff member.

The Applicant has confirmed that both the education centre and beauty salon will each have 1 full time staff member. Furthermore, the site is positioned in a highly accessible town centre location that has good transport links along with short and long stay car parks within walking distance.

LCC Highways have raised no concerns to the development and I concur with their findings. It would not generate significant numbers of vehicle movements and the development would therefore create no detrimental issues regarding the local road network.

5. Summary

The application seeks to regularise use of the building as an education centre and first floor beauty salon. Subject to appropriate conditions, the development would have no unacceptable effects on the residential amenity of the immediate neighbours. It is also appropriate in terms of principle, design and the road network.

The development is therefore acceptable for the site and complies with Policies SDP2, ENV2 and SUP3 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) and Saved Policies 25 and 31 of the Replacement 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 proposal is acceptable in terms of policy, impact on amenity and highway safety and 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 development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Site Plan (Drawing Number 8025 – 06), Proposed Floor Plans (Drawing Number 8025 – 08) and Proposed Elevations (Drawing Number 8025 – 13).

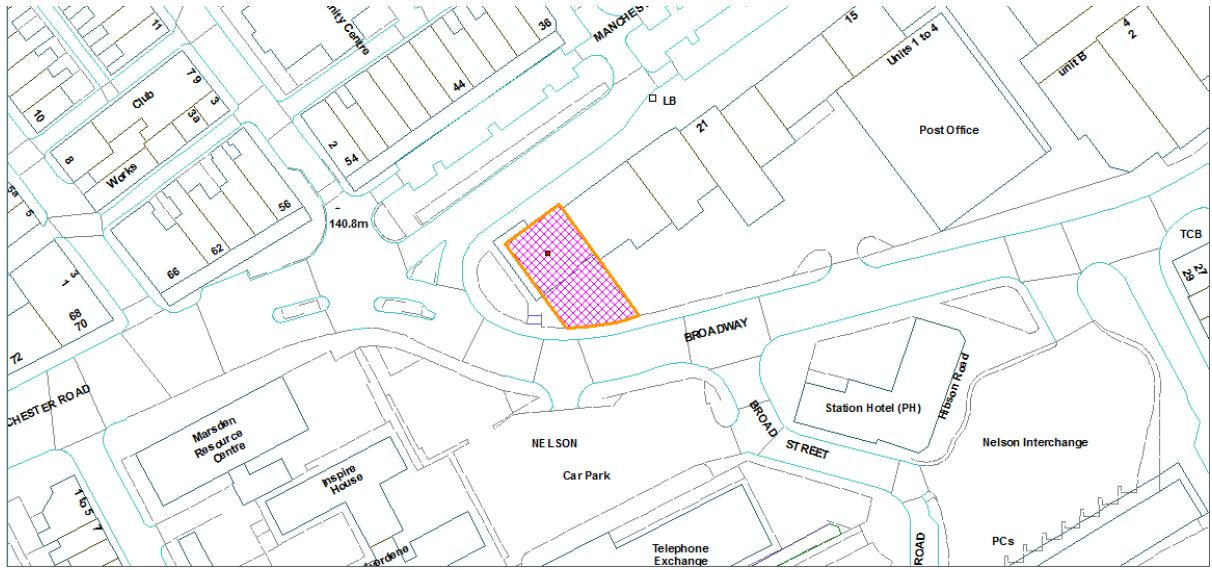
Reason: For the avoidance of doubt and in the interests of proper planning.

2. The proposed uses hereby approved shall not operate outside of the following hours: 9:00 to 20:00, Mondays to Sundays (including Bank Holidays).

Reason: In order to protect the residential amenity of the occupants of the adjoining property.

3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended), or any statutory instrument revoking and re-enacting that Order with or without modification, the ground floor of the premises shall be used for education and training purposes only, and for no other purpose including any other purpose within Use Class D1 of that Order.

Reason: In order to protect the residential amenity of the occupants of the adjoining residential properties.



Application Ref: 19/0032/FUL

Proposal: Full: Change of use of two-storey office and solicitors (Use Classes B1a and A2) into Advanced Learning Centre at ground floor (Use Class D1) and beauticians at first floor (SG) (Retrospective).

At: 27 Manchester Road, Nelson

On Behalf of: Mrs Ruksana Alyas

REPORT TO NELSON COMMITTEE 1st APRIL 2019

Application Ref: 19/0033/ADV

Proposal: Advertisement Consent: Retention of 14 No. non-illuminated fascia signs to North, South and West elevations (Retrospective).

At: 27 Manchester Road, Nelson

On Behalf of: Mrs Ruksana Alyas

Date Registered: 23 January, 2019

Expiry Date: 20 March, 2019

Case Officer: Christian Barton

This application has been called into Committee by the Chairman.

Site Description and Proposal

The application seeks to retain 14 non-illuminated fascia signs affixed to the north, west and south elevations of 27 Manchester Road in Nelson.

The site is a two-storey, commercial building of modern design. It sits on Manchester Road, a main route lined with properties of varied styles and frontages. It is surrounded by commercial premises, flats and offices to all sides. The building is dark brick built under a flat roof.

The site is within the settlement boundary and town centre of Nelson.

Relevant Planning History

19/0032/FUL - Proposal: Full: Change of use of two-storey office and solicitors (Use Classes A2 and B1a) into Advanced Learning Centre at ground floor (Use Class D1) and beauticians at first floor (SG) (Retrospective) - Pending Consideration.

Consultee Response

LCC Highways - The above proposal raises no highway concerns and we would therefore raise no objection to the proposal on highway safety grounds.

Nelson Town Council

Public Response

The nearest neighbours have been notified by letter and no response has been received.

Officer Comments

The main considerations for this application are design and the road network.

1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the 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 the siting and design of development should be in scale, context and harmony with the wider locality;
- CS Policy SUP 4 sets out general principles to achieve well designed, high quality public buildings and spaces. Applications should have regard to the general design requirements set out in Policy ENV2.

Other guidance's are also relevant:

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

2. Design

Policy ENV2 requires developments to deliver the best possible standards of design. In relation to advertisements, Policy SUP4 reiterates this and aims to ensure advertisements contribute positively to public spaces. The Design SPD states that advertisements should have regard to the character and appearance of the host building along with the wider locality.

The signage has been installed to three elevations at both ground and first floor levels. It comprises of a mixture of fascia and window vinyl signs with white backing and coloured graphics. They have been affixed to a modern commercial building. Modern signage is affixed to the ground floor of the adjoining premises.

The position and level of signage installed, when taken as a whole is inappropriate for prominent town centre location. Signs 1, 2, 3, 5, 7, 9, 10, 12, 13 and 14 are vinyl stickers affixed within window openings. Sign 6 has been installed at ground floor level adjacent to the entrance door. There is no design concerns created from those advertisements given their position as part of the building.

The Design SPD states that advertisements should relate architecturally to the host building. Signs 4, 8 and 11 are large fascia signs installed at first floor level. They are clearly visible from the public domain and do not tie in with the architectural features of the building. Those large signs are visually discordant with the first floors of the adjoining row of commercial buildings, which have no external signage at first floor level.

There are no adverse design concerns created from Signs 1, 2, 3, 5, 6, 7, 9, 10, 12, 13 and 14 and these are acceptable. However, Signs 4, 8 and 11 add visual clutter to the first floor of a prominent building situated on a town centre junction. Those signs fail to relate architecturally to the host building and the wider locality. They are unacceptable in design terms on that basis and fail to accord with Policies ENV2 and SUP4 and the Design Principles SPD.

3. Highways

The signage is entirely non-illuminated. LCC Highways have raised no principle objections to the development and I concur with their findings. The signage is adequately set back from the carriageway edge and raises no highway safety concerns.

4. Enforcement Action

Signs 4, 8 and 11 are unacceptable for the site. Those signs are currently in place. It is recommended that enforcement action is taken to ensure those signs are removed from the building in the interest of visual amenity.

The building also has further signage in place as part of the canopy and at ground floor level. Although not covered by the application, those modest signs do not present any design concerns.

5. Summary

The proposal seeks to retain 14 non-illuminated signs affixed at the ground and first floor levels. The development has no effects on the safety of the road network. Signs 1, 2, 3, 5, 6, 7, 9, 10, 12, 13 and 14 are appropriate for the site in terms of design and visual amenity.

Signs 4, 8 and 11 add unacceptable clutter to a prominent town centre building at first floor level. They are unacceptable for the site and fail to comply with Policies ENV2 and SUP4 of the Pendle Local Plan Part 1: Core Strategy (2011-2030) and the Design Principles Supplementary Planning Document.

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. Signs 1, 2, 3, 5, 6, 7, 9, 10, 12, 13 and 14 are acceptable in terms of design and the road network, therefore complying with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to those signs.

RECOMMENDATION: Split Decision

Approve

Subject to the following conditions:

1. The installation of signs 1, 2, 3, 5, 6, 7, 9, 10, 12, 13 and 14, hereby permitted shall be carried out in strict accordance with the following approved plans: Proposed Site Plan (Drawing Number 8025 – 06), Proposed Front Elevation (Drawing Number 8025 – 09), Proposed Side Elevation (Drawing Number 8025 – 10), Proposed Rear Elevation (Drawing Number 8025 – 11) and Proposed Elevations (Drawing Number 8025 – 13).

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

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations.

3. No advertisement shall be sited or displayed so as to -

- a) Endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
- b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air;
- c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Condition imposed by the Regulations.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

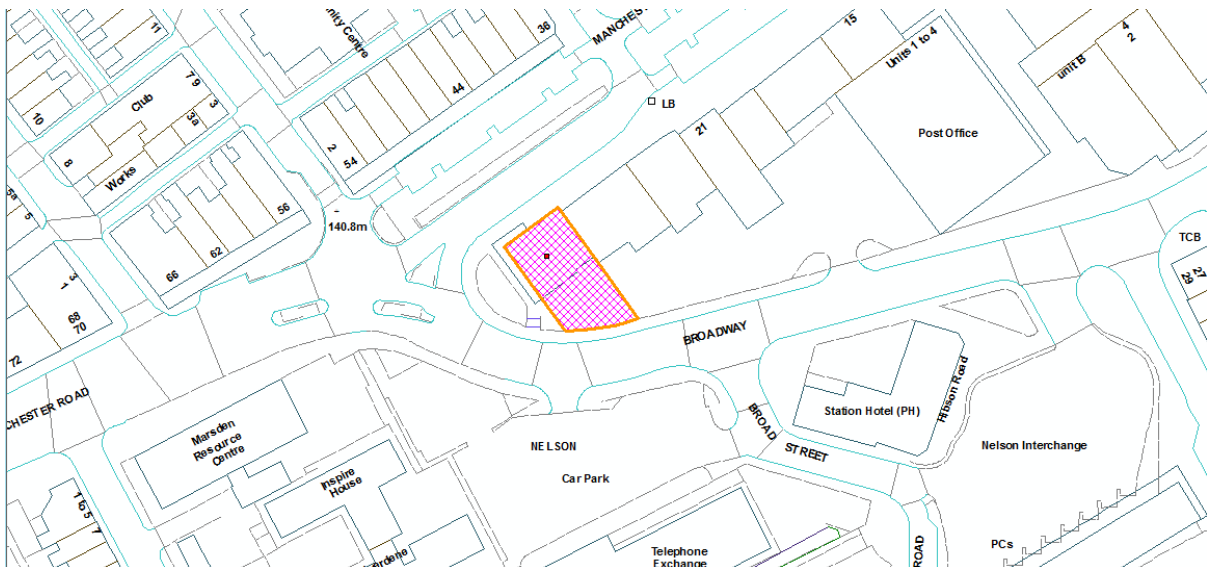
Reason: Condition imposed by the Regulations.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in condition that does not endanger the public or impair visual amenity.

Reason: Condition imposed by the Regulations.

Refuse

1. The installation of Signs 4, 8 and 11 at first floor level result in an excessive area of signage and visual clutter, to the detriment of the appearance of the building and street scene, along with the visual amenity of the town centre location. Signs 4, 8 and 11 thereby fail to accord with Policies ENV2 and SUP4 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030) and the Design Principles Supplementary Planning Document.



Application Ref: 19/0033/ADV

Proposal: Advertisement Consent: Retention of 14 No. non-illuminated fascia signs to North, South and West elevations (Retrospective).

At: 27 Manchester Road, Nelson

On Behalf of: Mrs Ruksana Alyas

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 21st March 2019