



PLANNING, BUILDING CONTROL AND REGULATORY SERVICES

Town Hall, Market Street, Nelson,
Lancashire BB9 7LG

Town & Country Planning Act 1990
Town & Country Planning
(Development Management Procedure) Order (England) 2015

GRANT OF PLANNING PERMISSION

Application Ref: 23/0268/FUL

Applicant:

Mr Mike Nuttall
Prospect House
168-170 Washway Road
Sale
Cheshire
England
M33 6RH

Agent:

Mrs Ann Dixon
Pegasus Group
32-34 Queens House, Sixth Floor
Queen Street
Manchester
M2 5HT

Under the provisions of the above mentioned Act and Order, **Pendle Borough Council** as Local Planning Authority hereby grants planning permission for:-

Proposal: Full (Major): Demolition of the existing shopping centre and redevelopment for retail use including access, car parking and landscaping.

At: Pendle Rise Shopping Centre Manchester Road Nelson

Decision Date: 11th September 2023

In Accordance with the application and plan(s) submitted to the Council on 26th April 2023 **Subject to following conditions:-**

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: 2654-URB-PR-00-DR-A-208100-P00, 2654-URB-PR-00-DR-A-208150-P02, 2654-URB-B1-00-DR-A-208151-P01, 2564-URB-B1-RF-DR-A-208151-P00, 2564-URB-B1-ZZ-DR-A-208251-P02, 2654-URB-B2-00-DR-A-208151-P01, 2654-URB-B2-RF-DR-A-208152-P00, 2564-URB-B2-ZZ-DR-A-208251-P00, 2564-URB-B2-RF-DR-A-208153-P01,

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

- 3 Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the external materials of the walls of the development shall have been 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: In the interest of visual amenity.

- 4 The recommendations of the Noise Impact assessment (V1/ April 2023/ Arcadis) shall have been implemented prior to commencement of the operation of the site and adhered to at all times thereafter.

Reason: In the interest of residential amenity.

- 5 There shall be no deliveries, loading or unloading to or from the units (excluding the unit F.1) outside of the hours of 07:00 to 23:00 on any day.

Reason: In the interest of residential amenity

- 6 Prior to its erection full details of the acoustic barrier to the east of the site, including its position, materials, details of green wall/façade and visibility splays shall have been submitted to and approved in writing by the local planning authority, the barrier shall be erected prior to the commencement of the operation of the servicing area and maintained in accordance with the approved details at all times thereafter.

Reason: In the interest of residential amenity, visual amenity and highway safety.

- 7 The erection of the development hereby approved (excluding demolition) shall not commence unless and until a detailed landscaping scheme, following the Landscape Master Plan P23-0142_EN_002 Rev C unless otherwise agreed has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

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

The approved landscape scheme shall be implemented in its entirety 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.

- 8 No development approved by this planning permission, excluding demolition, shall commence

until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

- o all previous uses
- o potential contaminants associated with those uses
- o a conceptual model of the site indicating sources, pathways and receptors
- o potentially unacceptable risks arising from contamination at the site

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and to prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent water course.

9 Prior to the commencement of the erection of the development (excluding demolition), details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the

risk of flooding and pollution.

- 10 The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (30th June 2023 / Flood Risk and Drainage Assessment Final Report v1.1 / Weetwood).

The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site.

- 11 No development shall commence in any phase (excluding demolition) until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (30th June 2023 / Flood Risk and Drainage Assessment Final Report v1.1 / Weetwood) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
- ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance;
- iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance.

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development

boundary;

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site.

- 12 No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent runoff rate from the site prior to redevelopment.

b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

- 13 The commencement of use of the each unit shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the relevant building/s, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:
- a) A timetable for its implementation;
 - b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures;
 - c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
 - d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
 - e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
 - f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

- 14 The commencement of use of each unit of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system of the relevant building/s, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

- 15 No demolition shall take place until demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition. The statement shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and waste from demolition
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during demolition
- vii) A scheme for recycling/disposing of waste resulting from demolition
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site
- x) Measures to control noise and vibration
- xi) Restriction of burning on-site

Reason: In the interests of highway safety and residential amenity.

- 16 No development shall commence (excluding demolition) until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from construction works
- viii) Details of

working hours

ix) Routing of delivery vehicles to/from site

x) Measures to control noise and vibration

xi) Restriction of burning on-site

xii) Details of highway stopping up

Reason: In the interests of highway safety and residential amenity.

- 17 The development shall be carried out in strict accordance with the recommendations of the Nocturnal Bat Surveys Report (V1.0/ August 2023/ 21478/ Ecus), prior to the commencement of the use of the development a scheme of mitigation measures in accordance with the recommendations of the report, and any additional surveys necessary, shall have been submitted to and approved in writing by the Local Planning Authority. The measures shall be implemented prior to the commencement of the use of the development, or alternative timescale that has been agreed in writing by the Local Planning Authority, and thereafter maintained in accordance with the approved scheme.

Reason: To ensure that protected species are not unacceptably impacted by the development.

- 18 Within 3 months of the commencement of the development (excluding demolition) a scheme for the site access on Broadway, including a central pedestrian refuge, and the service yard accesses on Holme Street, including visibility splays, shall have been submitted to and approved in writing by the Local Planning Authority approval. The Broadway access shall be constructed prior to the commencement of the use of unit F.1 and SU.5-6 and both the accesses shall be constructed in accordance with the approved details prior to the commencement of the use of units SU.1-4 and A.1-3.

Reason: In the interest of highway safety.

- 19 The parking (including car, cycle, motorcycle and electric vehicle charging points), servicing and turning areas shall have been constructed and marked out in accordance with the approved plans prior to the commencement of the use. The parking, surfacing and turning areas shall at all times thereafter be maintained free from obstruction and available for parking, servicing and turning areas.

Reason: In tern interest of highway safety.

- 20 A Delivery & Service Management Plan (DSMP) for each unit (or group of units) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of each unit and the servicing of that unit thereafter undertaken in accordance with the approved DSMP at all times thereafter.

Reason: In tern interest of highway safety.

- 21 A Car Park Management Strategy (CPMS) shall be submitted shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the use of the development, the site shall be operated in accordance with the approved CPMS at all times thereafter.

Reason: In tern interest of highway safety.

INFORMATIVES:

- 1 Cadent Gas Ltd own and operate the gas infrastructure within the area of your development.

There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](https://www.cadentgas.com/diversions) Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

A water main crosses the site. It must not be built over, or our access to the pipeline compromised in any way. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', which can be found on our website: <https://www.unitedutilities.com/builders-developers/your-development/planning/building-over-or-working-near-our-assets/working-near-our-pipes/>. The applicant must comply with this document to ensure pipelines are adequately protected both during and after the construction period.

It is the express intention of the LPA that demolition of the existing buildings on site is permitted prior to the discharge of the pre-commencement conditions (excluding condition 12 and 15 which must be discharged prior to the commencement of demolition).

REASONS FOR APPROVAL:

- 1 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 in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and the saved policies of the Replacement Pendle Local Plan. The development 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.

POLICIES:

All Development Plan policies and proposals relevant to this decision and which form part of this decision notice are specified below:



Planning, Building Control and Regulatory Services Assistant Director

Application Ref: 23/0268/FUL

Date: 11th September 2023

GUIDANCE NOTES FOR APPLICANTS WHERE AN APPLICATION HAS BEEN APPROVED

This permission refers only to that required under the Town and Country Planning Act 1990 and does not include any consent or approval under any other enactment, byelaw, order, regulation or Act. This consent does not constitute Listed Building Consent.

A) Appeals to the Secretary of State

- If the applicant is aggrieved by the decision of the Local Planning Authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he or she may appeal to the Secretary of State in accordance with sections 78 and 79 of the Town and Country Planning Act 1990 within six months of the date of this notice.
- If an enforcement notice is or has been served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within: 28 days of the date of service of the enforcement notice, or within six months of the date of this notice whichever period expires earlier.
- The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been so granted otherwise than subject to the conditions imposed by the Council. Appeals that are pursued unreasonably may be the subject of an award of costs in accordance with the provision of Circular 8/93.
- If it is your intention to appeal and request the Inquiry procedure then you must notify the Local Planning Authority (planning@pendle.gov.uk) and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on www.gov.uk/government/publications/notification-of-intention-to-submit-an-appeal
- Appeals must be made on a form which is obtainable from The Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or from the web site <https://www.gov.uk/planning-inspectorate>. All information submitted will be available for the public to view on the internet.
- The Planning Inspectorate have introduced an online appeals service which you can use to make an appeal online – see <https://www.gov.uk/planning-inspectorate>. The Inspectorate will publish details of your appeal on the internet, including the original planning application form, supporting documents supplied to the local authority by you and with the completed appeal form and information you sent to the Planning Inspectorate. Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply personal information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

B) Purchase Notices

If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.