

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 5 March 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE 5th MARCH 2018

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 was deferred from the meeting in October 2017 in order to clarify the role that the Development Management Committee has in dealing with planning matters. The meeting accepted that the role of Development Management included dealing with enforcement cases.

The application is brought back to Committee to consider the issue of whether or not enforcement action should be taken against the advertisements. Committee have already resolved to refuse permission for them in the meeting in October 2017. Having resolved to refuse permission the decision here relates to enforcement action.

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 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 as was 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 street scene. 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.

Officer Comments

The issues to consider in this application are Impact on Amenity and Highway Safety.

Amenity

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The shopfront has been recently altered with the original timber shopfront cornice and decorative pilaster capitals being retained, together with the stall riser below. The fascia signs to front and side are internally illuminated box signs which project out almost 20cm from the fascia, resulting in a very bulky appearance which does not respect the scale and proportions of the retained capitals to either side. As a result the signs detract from the appearance and proportions of the building, and the character and appearance of the Conservation Area.

The Conservation Area Design and Development Guidance Supplementary Planning Document para 4.108 states that signs should relate well to the building and to the surrounding area. Para 4.109 states that more impact can be achieved by good design and quality materials than by size and brightness. Simple and restrained signs are often more effective than over-large and garish ones.

The signs are over-large as they extend beyond the original timber fascia's and are garish in terms of design and colours.

These signs do not preserve or enhance the character and appearance of the Conservation Area. National Planning Policy Framework para 134 advises that any harm caused should be weighed against the public benefits of the scheme. There are no public benefits from this scheme and therefore it should be refused on this basis.

The signage would adversely affect the amenity of the area and in particular Whitefield Conservation Area.

The size, colours and design of the signs are not appropriate in this location and would detract from the Conservation Area and therefore fail to accord with policy 13 of the Replacement Pendle Local Plan and the Conservation Area Design and Development Guidance SPD.

Highway safety

The proposed scheme will not impact on highway safety and therefore is acceptable in this aspect.

Summary

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

This is the exact same application as was refused by the Council in March this year and therefore it can not be approved without a change in circumstances. There has been no such change since the decision was taken.

Enforcement action is being taken in order to effect the timely removal of the signage.

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.

The advertisements are harmful to the conservation area and approval of them would run contrary to prevailing planning policy. It is further recommended that enforcement action be taken to require their removal.



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

COMMITTEE REPORT – NELSON AREA COMMITTEE (5th March 2018)

Application Ref: 17/0713/HHO

Proposal: Full: Erection of two storey extension to the front, rear and side (North), alterations to the roof and erection of balcony on the front elevation (Re-submission).

At: 251 Hibson Road, Nelson

On Behalf of: Mr Mubashar Sarwar

Date Registered: 27 November, 2017

Expiry Date: 22 January, 2018

Case Officer: Christian Barton

The application was deferred at the previous Nelson Area Committee (February 5th) to enable a site visit to be conducted.

Site Description and Proposal

The application site is a detached, two storey property located within the south-west of the settlement boundary of Nelson, on the boundary of the Edge End Conservation Area. The property sits on Hibson Road, a predominantly residential road lined with properties of varied styles and frontages. The house is surrounded by residential properties to all sides and has garden areas to the rear. The white rendered finished property under a concrete tiled roof has white uPVC doors and windows along with a driveway to the front for four vehicles.

The proposal involves the erection extensions to the front, rear and side (north) of the house to provide additional living areas. A part single, part double storey extension is proposed for the rear of the property projecting 3.9m from the rear elevation of the house. The existing garage is to be converted into living areas with a first floor extension proposed above providing a fourth bedroom with en-suite facilities. A two storey extension is also proposed for the front of the property inclusive of a balcony at first floor level. Alterations to the roof of the house are proposed to allow for the works with the extensions having a total height of 7.4m.

Planning History

17/0516/HHO - Full: Erection of two storey extension to the front, rear and side (north), alterations to the roof and erection of balcony on front elevation – Refused – November 2017.

Consultee Response

LCC Highways – This application is a resubmission of application 17/0516/HHO and the changes to the submission do not affect any highway aspects. As this is the case I would submit the same comments as were put forward by my colleague in October for the previous application.

The Highway Development Support Section does not have any objections regarding the above development at this location. We are of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site, subject to the following comments being noted, and condition applied to any formal planning approval granted.

Based on the car parking recommendations in the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards' we are of the opinion that the applicant has provided adequate off-road parking provision for this type and size of development. Due to the site's location on Hibson Road, which is a secondary distributor road, and close to St Paul's C of E Primary School and Marsden Heights Community College on Edge End Lane, we would ask that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

PBC Trees/Landscaping - The trees to the rear of this property are covered by TPO/NO16/2001. In addition to this the rear boundary of the property is the boundary for Edge End Conservation Area as a result all the trees are protected.

The plans make a small reference to additional hard standing within the garden area. I think with this being so close to the trees we need to stipulate that this is a porous surface and if it is within the RPA no dig. During the works all RPA's must be protected to BS 5837:2012 Standards and no works carried out to the trees without our approval.

Nelson Town Council – No comments received.

Public Response

Concerns have been received from a single neighbour regarding;

- Loss of light from the scheme.

Officer Comments

The main considerations for this application are any potential impacts on residential amenity, the design, off-street parking and highway safety and impacts on nearby protected trees.

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

- CS Policy ENV1 seeks to protect and enhance the natural and historic environment and sets out the requirements for development proposals.

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

Other policies and guidance's are also relevant:

- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.
- The Design Principles Supplementary Planning Document (SPD) applies to extension and sets out the aspects required for good design.

1. Impacts on Amenity

The properties that could be affected by the development are 249 and 253 Hibson Road and 3-11 Lane Ends. The other neighbouring properties are far enough away to not be effected.

3-11 Lane Ends are found to the front (east) of the site and the nearest of these, number 7-9, is 20.5m from the front elevation of the extension. This distance is sufficient to prevent any overshadowing impacts for the properties to the east. The adopted Design Principles SPD states that directly facing windows serving main habitable rooms should have minimum separation of 21m. Although the proposed distance is slightly less than 21m, the new windows would not make the relationship worse than what it is now.

249 Hibson Road is found to the north of the site, 0.8m from the side elevation of the house. No windows are found on the side (south) elevation of number 249; as such the development would have no impacts on the privacy of this household. The Agent has submitted an amended plan removing the first floor aspect of the rear extension adjacent to the shared boundary with number 249. Patio doors are located on the rear elevation of number 249 adjacent to the shared boundary of the site. The amended design fails to comply with the adopted Design Principles SPD with breaches to a 45 degree line measured from the centre of the patio doors seen. The extension projects 3.9m from the rear elevation of the house with the rear elevation of number 249 being set back 1m from that of number 251, thus the extension would in effect result in a forward projection of 4.9m. The relationship between the two would mean that the new extension would be detrimental to the living conditions of the occupants of number 249 and is unacceptable.

253 Hibson Road is found to the south of the site, 4m from the house. No additional first floor openings are proposed for the south elevation of the property with an additional longue window proposed at ground floor level. A 1.8m close boarded fence is currently found on the shared boundary of the two properties. The fence prevents privacy losses at ground floor level but the fence needs to be retained in perpetuity as without it there would be loss of privacy. The rear elevation of number 253 has a ground floor window adjacent to the site serving a main habitable area. The two storey aspect of the rear extension breaches a 45 degree line measured from the centre of this window and fails to comply with the adopted Design Principles SPD. The development would be of detriment to the living conditions of the occupants of this particular neighbouring property and is unacceptable.

2. Design and Materials

The designs of the extensions are subservient to the original structure in terms of massing and roof height. Adequate amenity space within the rear garden of the property would be left available for the storage of bins, seating etc. Materials to complement the existing dwellinghouse are proposed, these are acceptable.

2. Off-Street Parking and Highway Safety

No change to the number of bedrooms within the property is proposed from the scheme. The driveway to the front of the property can accommodate four vehicles with this level of off-street parking being suitable for the number of bedrooms within the house. No further impacts on the highway safety of the local area would result from the scheme.

3. Protected Tress

A number of protected broad leaved trees have been allocated to the west of the site as part of the Tree Preservation Order TPO/NO16/2001 Edge End Farm. PBC Trees/Landscaping has suggested that a condition be applied in relation to hand digging the footings for the new hard standing to the rear of the property. Although this aspect is referenced on the plans the application does not cover any works in the rear garden of the property. As such this aspect of the build cannot be controlled with use of planning conditions.

4. Summary

The proposal involves the erection of a two storey extension to the front of the house, a first floor extension to the side (north) elevation and a part single, part double storey extension to the rear. The proposal is acceptable in relation to the impacts on the amenity of some neighbouring properties. The scheme is also suitable in relation to off-street parking provisions and protected trees and therefore complies with Policy ENV1 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) and Policy 31 of the Saved Replacement Local Plan.

The proposal is however unsuitable in relation to the effects on the living conditions of the occupants of 249 and 253 Hibson Road. The scheme is therefore unacceptable in this location 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.

RECOMMENDATION: Refuse

1. The design and massing of the extension would severely impact on the residential amenity and living conditions of the immediate neighbours at 249 and 253 Hibson Road. The rear extension would result in overbearing and unacceptable impacts on the living conditions of the occupants of these properties. The scheme as proposed is therefore unacceptable in this location 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: 17/0713/HHO

Proposal: Full: Erection of two storey extension to the front, rear and side (North), alterations to the roof and erection of balcony on the front elevation (Re-submission).

At: 251 Hibson Road, Nelson

On Behalf of: Mr Mubashar Sarwar

COMMITTEE REPORT – NELSON AREA COMMITTEE (5th March 2018)

Application Ref: 18/0016/HHO

Proposal: Full: Erection of dormer on front roofslope

At: 128 Beaufort Street, Nelson

On Behalf of: Mr Muhammad Saddique

Date Registered: 16 January, 2018

Expiry Date: 13 March, 2018

Case Officer: Christian Barton

Site Description and Proposal

The application site is a two storey, end-of-terrace property located within the south of the settlement boundary of Nelson. The property sits on Beaufort Street, a residential street lined with properties of similar styles and frontages. The house is surrounded by residential properties to all sides and has a garden area to the front and a walled yard to the rear. The natural stone, traditionally built property under a slate roof has brown uPVC doors and windows and an existing dormer on the rear roofslope.

The proposal seeks to erect a roof dormer on the front (south-east) roofslope of the property to allow for a fifth bedroom in the roof space. The dormer is to have a length of 4.5m with a flat roofed height of 1.75m and a single brown uPVC window. The dormer is to be faced with brown uPVC cladding and it is to have a rubber roof.

Planning History

13/05/0757P – Full: Erection of detached domestic garage and single storey kitchen extension to form utility – Approved with Conditions – November 2005.

13/07/0523P - Full: Remove kitchen and erect 2 storey extension to rear - Approved with Conditions – November 2007

13/10/0612P - Full: Insert domestic dormer window to front roofslope of dwelling house – Refused – January 2011.

13/12/0144P - Full: Erection of single storey extension to front and single storey extension to rear - Approved with Conditions – July 2012.

Consultee Response

LCC Highways – With regard to the above planning application, there are no objections in principle regarding the proposal. The proposal should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

Nelson Town Council – No comments received.

Public Response

No response received.

Officer Comments

The main considerations for this application are any potential impacts on residential amenity, the design and highway safety.

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

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

Other guidance's are also relevant:

- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.
- The Design Principles Supplementary Planning Document (SPD) applies to extension and sets out the aspects required for good design.

5. Impacts on Amenity

The development presents no concerns from a residential amenity perspective. The massing of the dormer would not adversely impact upon the living conditions or privacy of the immediate neighbours, 101 and 126 Beaufort Street and 118 Berkeley Street. The neighbours opposite the rear of the site, 130 Beaufort Street and 111 Berkeley Street, are separated 48m from the front elevation of the house. No adverse impacts on the privacy of the occupants of these properties would arise from the application based on this separation, this is acceptable.

6. Design and Materials

The houses on Beaufort Street are plain roofed to the front elevation that historically have no dormers installed. The property has an existing flat roofed dormer on the rear roof slope. The installation of a modern, box style dormer on the front elevation of the property would be visible from a number of public vantage points, notably those on Beaufort Street. The addition of a dormer on the front roof slope of the property would be of detriment to the character and appearance of the row of properties along with the wider street scene. The introduction of a

box dormer would also set a precedent for other dormers to follow on the front roof slope of the row of houses.

The adopted Design Principles SPD reinforces these points advising against installing roof dormers on the front roof slopes of terraced properties unless at least 25% of the properties have front dormers already. There are no dormers in existence on the row of properties at present. The dormer is also proposed to be faced with brown uPVC cladding, the roof coverings of the property are natural slate. The adopted Design Principles SPD states that roof dormers should be faced with materials that match the roof coverings of the original property; this is not provided from the design of the proposal and is unacceptable.

7. Highway Safety

The proposal would add an additional bedroom to the property bringing the total number up to five. The terraced property has no allocated off-street parking however the property is accessible to public transport links. The scheme presents no adverse issues in relation to highway safety with LCC Highways Engineers having 'no objection' to the scheme.

8. Summary

The proposal seeks to erect a roof dormer of the front (south-east) roof slope of the property to allow for a fifth bedroom in the roof space. The scheme is acceptable in terms of the impacts on the amenity of neighbouring properties along with highway safety, as such the proposal complies with Policy 31 of the Saved Replacement Local Plan.

The design and materials proposed for the build are unsuitable however in relation to the character and appearance of the Victorian property along with the wider street scene. The development is therefore unacceptable in this location 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.

RECOMMENDATION: Refuse

1. The installation of a modern, box style dormer faced with brown uPVC cladding on the front roof slope of the property would be of detriment to Victorian façade of the house along with the character and appearance of the wider area. The proposal is therefore unsuitable for the location 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: 18/0016/HHO

Proposal: Full: Erection of dormer on front roofslope

At: 128 Beaufort Street, Nelson

On Behalf of: Mr Muhammad Saddique

REPORT TO NELSON COMMITTEE 05 MARCH 2018

Application Ref: 18/0047/HHO
Proposal: Full: Erection of a first floor extension to the rear.
At: 51 LOWTHWAITE DRIVE NELSON BB9 0SU
On behalf of: Mrs S Ansar
Date Registered: 17/02/2018
Expiry Date: 14/03/2018
Case Officer: Alex Cameron

Site Description and Proposal

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

The application site is a semi-detached dormer bungalow style house located within the settlement of Nelson surrounded by similar properties. The land the house is sited on slopes steeply down from front to rear and the rear boundary of the garden abuts the side boundary of 11 The Warings, Kelswick Drive. The materials of the existing house are brick walls, timber clad dormers, concrete tile roof and upvc fenestration.

The proposed development is first floor extension to the rear. This would be built over an existing two storey split level extension to the side and rear, this application would add a second storey onto the rear extension of the existing extension.

Relevant Planning History

13/15/0466P - Full: Demolition of garage and erection of two storey extension to side, single storey extension to rear and creation of parking space to front. Approved.

16/0446/HHO - Full: Demolition of garage and erection of a split level 2 storey extension to the side and 2 storey extension to the rear (resubmission) (part retrospective). Approved.

16/0626/HHO - Full: Demolition of garage and erection of a split level 2 storey extension to the side and 3 storey extension to the rear. Refused.

Consultee Response

LCC Highways

Nelson Town Council

Public Response

Nearest neighbours notified – Responses received objecting to the development on the following grounds:

- Loss of privacy.
- The building is an eyesore.
- The proposed development is the same scale as the previously refused application.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy states that all new development will be required to meet high standards of design, this is expanded upon in relation to domestic extensions by the Design Principles SPD.

National Planning Policy Framework

Paragraph 64 of the Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Design

In determining the previous application it was concluded that the flat roofed design of the large and prominent rear extension would represent poor design contrary to paragraph 64 of the National Planning Policy Framework and policy ENV2.

In this application the flat roof has been replaced with a pitched roof. This pitched roof is in keeping with the existing building and surrounding area. Although the proposed development would result in a large extension which would be visible from parts of Lowthwaite Drive and Kelswick Drive, its scale and prominence alone would not be such that it would result in an unacceptable impact upon the character and visual amenity of the area. The proposed development is acceptable in terms of visual amenity in accordance with policy ENV2 of the Pendle Local Plan Part 1: Core Strategy.

Amenity

The proposed bedroom window in the rear elevation would overlook the rear garden of 11 The Warings, Kelswick Drive separated by just 5m. This would result in an unacceptable loss of privacy of that garden. This could not be resolved with an obscure glazing condition, as with the ground floor and basement windows, because it would leave the bedroom with no outlook, which would not be an acceptable living environment for its occupants. In addition, this could

not be resolved by relocating the window to a side elevation because this would unacceptably impact upon the privacy of the gardens of the dwellings to each side.

The first floor bedroom window proposed in the side of the extension would face the roof of the detached garage of the adjacent house which would obscure direct views to habitable windows in the side of No. 49b and be at a sufficient angle from private areas to the rear to ensure that it would not unacceptably impact upon the privacy of those areas.

The height and position of the patio door in the side of the rear extension and the level of the proposed decking is the same as that approved in the previous application. The privacy impact of the decking and patio was assessed in determining the previous application and found to be acceptable.

The extension would be 5m from the side and rear boundaries, this is sufficient to ensure that it would not result in an unacceptable loss of light or overbearing impact of the adjacent properties.

The proposed development would result in an unacceptable loss of privacy to the resident of 11 The Warings, Kelswick Drive contrary to policy ENV2 and the guidance of the Design Principles SPD.

Highways

An acceptable level of off-street car parking provision is proposed and adequate drainage of the proposed parking area could be ensured with a condition. Therefore, the development is acceptable in terms of highway safety.

RECOMMENDATION: Refuse

Subject to the following conditions:

1. The proposed rear extension would result in an unacceptable impact upon the privacy of the rear garden of 11 The Warings, Kelswick Drive to the detriment of the residential amenity of occupants of that property contrary to policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy, the guidance of the adopted Design Principles SPD.



Application Ref: 18/0047/HHO

Proposal: Full: Erection of a first floor extension to the rear.

At: 51 LOWTHWAITE DRIVE NELSON BB9 0SU

On behalf of: Mrs S Ansar

REPORT TO NELSON COMMITTEE 5th MARCH, 2018

Application Ref: 18/0048/FUL

Proposal: Full: Change of use of ground floor from office (Use Class B1) to retail (Use Class A1), install new shopfront and shutters, erection of rear single storey extension and staircase and form dormer to rear.

At: 13 Rigby Street Nelson

On behalf of: Miss S Ansar

Date Registered: 17 January 2018

Expiry Date: 14th March 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The site is a vacant office building located on Rigby Street in Nelson Town Centre but is not within a designated shopping frontage.

The proposal is to change the building from offices (B1) to retail (A1).

External alterations include new shopfront and shutters, erection of a single storey rear extension and a dormer to the rear roofslope.

Relevant Planning History

13/09/0015P – Retain split level building for use as private hire base to the rear of 4 Rigby Street with two associated parking spaces to rear of 13 Rigby Street – Approved 26th May, 2009.

13/09/0555P- Removal of conditions 3 & 4 of Planning Application 13/09/0015P – Approved 9th February, 2010.

Consultee Response

LCC Highways – No objection although parking requirements would be higher for a retail use than office. Local parking is controlled and enforced and the site is close to local service, bus routes and train travel making it a very sustainable town centre location. Recommend a condition to control development during the construction period to the front of the property.

Nelson Town Council

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

The main issues relate to principle of the use, impact on amenity, design and materials and highway safety issues.

Policy

The following Pendle Local Plan Part 1: Core Strategy policies apply:

Policy ENV2 requires all new development to have a high standard of design.

Policy WRK4 states that Town and Local Shopping Centres are the primary focus for retail development in Pendle and seeks to promote uses which help to create active frontages and a vibrant public realm. To help promote vitality and maintain viability we will seek to prevent high concentrations of non-shopping uses in Primary Shopping Areas and Primary and Secondary shopping frontages.

The following saved Pendle Replacement Pendle Local Plan policies apply:

Policy 26 allows for non-shopping uses within the town centre and supports these uses outside of defined primary or secondary shopping frontages.

Policy 31 sets out the requirement parking standards.

Principle of the use

WRK4 sets out the sequential approach for retail and main town centre uses. The site is within Nelson Town Centre and therefore the proposed retail use is acceptable in principle.

Impact on Amenity

There are some residential units within this row as well as commercial and the Lidl store to the rear of the site.

The proposed use is likely to generate an increase in activity from comings and goings and potential for increased noise from associated activities, however, this would not be detrimental to the amenity of the area taking into account the existing commercial uses nearby and the proximity to the town centre.

Whilst the proposal would have some impact on the amenity of the area, as an existing building in a town centre location the proposed use as a retail unit would not have an undue detrimental impact on the amenity of the area.

The rear extension and dormer would not raise any undue amenity issues and neither would the second floor to be inserted to the side to serve the bedroom in the eaves.

However, there is an issue with the proposed rear staircase as this would extend along the flat roofed single storey ground floor extension for a distance of 4.3m with a width of 2m in width. As this would be the only access to the property it could result in occupiers and visitors being able to stand on this upper level and look over into the rear yard and first floor bathroom and bedroom windows of the adjacent property, No. 11. This would adversely impact on amenity and the agent has been requested to address this.

Design and Materials

External alterations include new shopfront and shutters, erection of a single storey rear extension and a dormer to the rear roofslope.

The proposed shopfront is acceptable subject to details of materials. The flat roof rear extension to form a store and w.c. is also acceptable in terms of design and materials. The proposed staircase is acceptable subject to details of materials

The rear dormer is also acceptable in terms of design and materials.

Parking and Highway Issues

There is no off-street parking associated with the premises. However, the site is located within the town centre and therefore this does not raise any undue concerns as there is ample on-street parking and car parks close to the site.

This proposal would not raise any undue parking issues and accords with policy 31.

Summary

Taking into account the existing use and town centre location the proposed use would be acceptable in terms of policy, impact on amenity and would not adversely impact on highway safety. The shopfront, dormer and rear extension are all acceptable in terms of design and materials. The rear staircase is acceptable subject to conditions relating to materials provided that the element along the flat roof extension can be achieved without undue impact on the adjacent property. Amended plans are expected to address this issue with regards to amenity.

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 subject to appropriate conditions and

revisions to the rear staircase. 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:

Existing elevations, proposed elevations, proposed roof plan and 01.

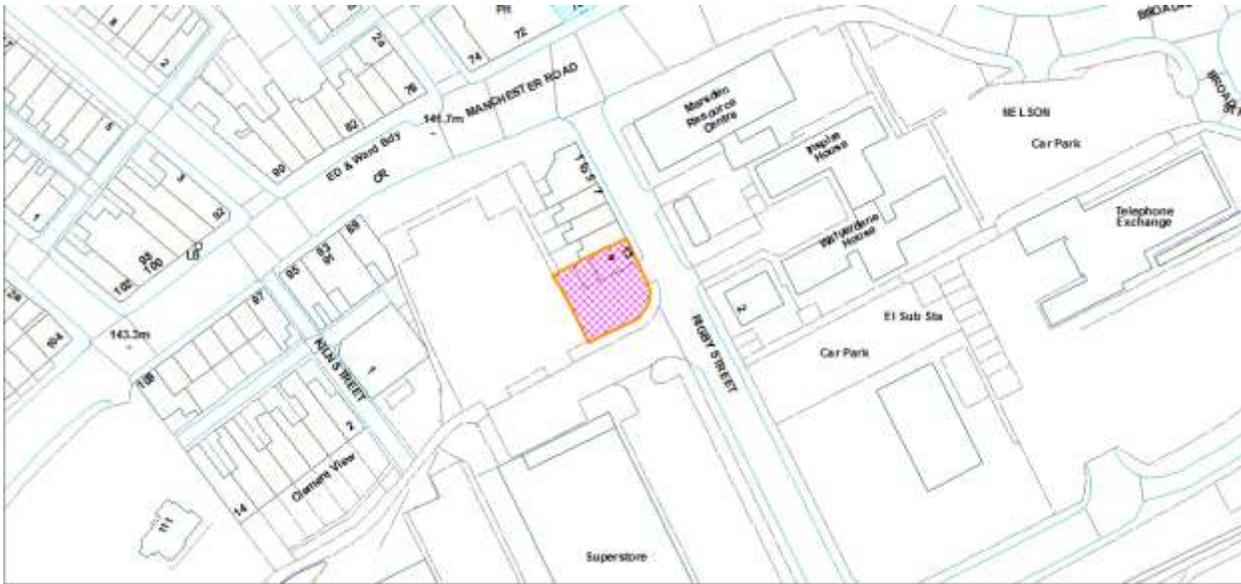
Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development samples of external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In order for the Local Planning Authority to assess the materials to ensure a satisfactory appearance for the development.

4. The security shutters shall be pinholed and factory coated in a colour to be submitted to and approved in writing by the Local Planning Authority prior to the installation of the security shutters on the site.

Reason: In order to ensure a satisfactory appearance for the development.



Application Ref: 18/0048/FUL

Proposal: Full: Change of use of ground floor from office (Use Class B1) to retail (Use Class A1), install new shopfront and shutters, erection of rear single storey extension and staircase and form dormer to rear.

At: 13 Rigby Street Nelson

On behalf of: Miss S Ansar

REPORT TO NELSON COMMITTEE ON 05 MARCH 2018

Application Ref: 18/0056/VAR

Proposal: Full: Variation of Condition: Major: Vary Condition 14 (Travel plan) to alter timescale for compliance, Condition 15 (Delivery hours) to relate to HGVs only and remove Condition 29 (Bus stop improvements) of Planning Permission 17/0636/OUT.

At: Site Of Former Reedyford Mill, Westfield, Nelson

On behalf of: Pendle Projects Ltd

Date Registered: 18/01/2018

Expiry Date: 24/04/2018

Case Officer: Alex Cameron

This application has been brought before Committee as it involves a major development.

Site Description and Proposal

The application site is part of the former site of Reedyford Mill, now demolished. The Leeds to Liverpool Canal runs to the east with industrial development beyond, to the north is a recently completed industrial development and housing, Pendle Street runs to the south with housing opposite and to the west is housing. There is an existing outline planning permission for the erection of 65 dwellings on the site.

This is a variation of conditions application relating to a hybrid planning permission on the site comprising an outline permission for access only for the erection of industrial units on the western side of the site and a full permission for the erection of a children's nursery.

This application seeks to vary condition 14 (Travel Plan) to alter the timescale for compliance to pre-occupation of the nursery rather than pre-commencement, condition 15 (delivery hours) to relate to HGVs only and to remove condition 29 (bus stop improvements). The existing conditions are as follows:

Condition 14 - The use of the nursery development shall not commence unless and until an Interim Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Interim 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.

Condition - 15 No deliveries shall be made to or from the development outside of the hours of 07:00 to 23:00 on any day.

Reason: In the interest of residential amenity.

Condition 29 - Prior to the commencement of the development a scheme for off-site highway works for improvement to the existing bus stops on Scotland Road (adjacent to the petrol station and outside No 156) shall be submitted to and agreed 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 adequate public transport provision in the vicinity.

Relevant Planning History

13/15/0068P - Outline: Major: (Access only): Erection of 65 dwellings with access from Pendle Street, Erection of 2040 Sq.m of commercial floor space (B1(c), B2 and B8 use) with access off Westfield, Full: Erection of petrol filling station (Sui Generis) 472 Sq.m. Approved, 23/06/2015.

16/0601/REM - Reserved Matters: Major: Erection of commercial units (B1(c), B2 and B8 use) with access of Westfield (Access, appearance, landscaping, layout and scale). Approved, 13/12/2016.

17/0636/OUT - Outline: Major: Erection of industrial units (Use Class B1, B2 and B8) (0.98ha) (Access only); Full: Erection of a children's nursery (floor area 1,477m²). Approved.

Consultee Response

LCC Highways

Nelson Town Council

Canal and Rivers Trust:

Canal and Rivers Trust: No comment to make.

Public Response

Press and site notices have been posted and nearest neighbours notified the notification period ends 8th March – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

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

Condition 14 (Travel plan)

The applicant has requested that timescale is changed from prior to commencement of the development to prior to commencement of the use of the nursery. This proposed change to the timescale is acceptable.

Condition 15 (Delivery hours)

The condition restricts all deliveries to the site between the hours of, the applicant has requested this to be altered to HGV deliveries only.

The noise assessment submitted with the application only assessed the impact of HGV deliveries as those would have the most severe potential impact, it did not assess the impact of other types of delivery vehicle. This cannot be taken to mean that all other delivery vehicle types would have an acceptable 24 hour delivery impact and therefore it would not be acceptable to vary the condition to relate to HGVs only. It is therefore recommended that the variation of this condition is refused.

The applicant has been asked to provide further clarification on the noise assessment. Should details be received that are relevant the recommendation on this issue will be reconsidered.

Condition 29 (Bus stop improvements)

The applicant has stated that, without certainty in relation to an acceptable costing of the required improvements to the bus stop, this condition puts the development at risk.

We have asked the highways authority for either clarification on the precise scheme that the developer is being asked to provide or alternatively a contribution via a section 106 agreement that could provide for the infrastructure. No precise details of either have been received.

Conditions also have to be precise, necessary and enforceable. The application has asked for clarification via this application of what has been asked for. In the absence of details we would not be in a position to defend the imposition of a condition on such a vague basis and this would be unreasonable.

In the absence of a specific costed scheme or defined contribution the uncertain nature of the cost of the off-site improvements to the bus stops would unacceptably impact upon the

deliverability of this development and therefore it is recommended that the condition is removed.

Summary

It is recommended that condition 14 is varied, the variation of condition 15 is refused and that condition 29 is removed.

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 would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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.

RECOMMENDATION:

Delegate Refusal

Refuse variation of Condition 15 for the following reason:

The applicant has failed to demonstrate that the variation of condition 15 would not result in unacceptable impacts from non-HGV deliveries on the residential amenity of nearby dwellings contrary to Policy ENV5 of the Pendle Local Plan Part 1: Core Strategy.

Delegate Grant Consent

Subject to the following conditions:

1. The nursery 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. An application for approval of the reserved matters for the industrial development (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the industrial development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Details of the appearance, landscaping, layout and scale of the industrial development (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before the industrial development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

4. The industrial development hereby permitted shall be carried out in accordance with the following approved plans: 328 01, 328 02, 328 04, 328 05

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

5. The nursery development hereby permitted shall be carried out in accordance with the following approved plans: 327 01, 327 02, 327 03, 327 04, 327 06, 327 07.

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

6. Prior to the commencement of the erection of the external walls of the nursery development samples of the external materials and finishes of the walls and roof 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 a satisfactory appearance to the development.

7. The number of children attending the nursery facility must not exceed 190.

Reason: To allow for adequate parking provision.

8. Unless otherwise agreed in writing by the Local Planning Authority the existing stone walls to the boundaries of the site shall be retained. Prior to the commencement of the nursery development, a construction methodology report shall be provided to and approved by the local authority to detail measures to protect the stone wall alongside the Leeds & Liverpool Canal. Details shall include:

- A survey of the existing wall, with recommendations of any repair work necessary to limit the risk of collapse.

- Cross sections of the foundations of the new building relative to the wall, to demonstrate that the proposals will not undermine the wall.

- Protection measures to prevent the movement or placement of heavy machinery in close proximity to the wall.
- Methodology for the construction of the proposed footpath to the nursery building alongside the wall.

Thereafter, development shall be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity and to preserve the setting of the canal.

9. The nursery development shall not commence unless and until a Construction Method Statement for that phase of the development 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 construction period.

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 materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Details of working hours
- vii) Routing of delivery vehicles to/from site.

Reason: In the interest of amenity and highway safety.

10. The nursery development shall not commence unless and until all of the highway works to facilitate construction traffic access to that phase of the development have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

11. The nursery development shall not commence unless and until details of the design, implementation, maintenance and management of a surface water drainage scheme for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

- a) Details of the maximum surface water runoff rate for the site.
- b) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or

surface waters, including watercourses;

c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation;

f) A management and maintenance plan for the lifetime of the development which as a minimum shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company, arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as; ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible body/bodies for the sustainable drainage system.

12. The nursery development shall not be brought into use unless and until the access roads, car parking and manoeuvring areas have been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The details shall include provision for a drop-off area of a minimum of 19 spaces. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In the interest of highway safety.

13. The nursery development shall not commence unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on the site of that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement/s shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of the nursery, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the users of the development.

14. The use of the nursery development shall not commence unless and until an Interim Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Interim 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.

15. No deliveries shall be made to or from the development outside of the hours of 07:00 to 23:00 on any day.

Reason: In the interest of residential amenity.

16. No plant with a Rating Noise Level greater than the values listed in Table 6.1 of the submitted Noise Impact Assessment ref: DC2420-R1 shall be installed or operated within the site at any time.

Reason: In the interest of residential amenity.

17. The industrial development shall not be brought into use unless and until the access roads, car parking and manoeuvring areas have been constructed, surfaced, sealed, drained and marked out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In the interest of highway safety.

18. The industrial development shall not commence unless and until a Construction Method Statement for that phase of the development 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 construction period.

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 materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Details of working hours
- vii) Routing of delivery vehicles to/from site.

Reason: In the interest of amenity and highway safety.

19. The industrial development shall not commence unless and until all of the highway works to facilitate construction traffic access to that phase of the development have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

20. The industrial development shall not commence unless and until a scheme has been submitted to and approved in writing by the Local Planning Authority detailing the measures to minimise the effect of construction activity on the general amenity of the residents of the residential properties on Pendle Street, Chatham Street, Burns Street, Ball Street and Henry Street. The scheme shall be implemented in accordance with these approved details.

Reason: In the interests of protecting the amenity of nearby residents.

21. The industrial development shall not commence unless and until details of the design, implementation, maintenance and management of a surface water drainage scheme for that phase of the development has been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

- a) Details of the maximum surface water runoff rate for the site.
- b) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation;
- f) A management and maintenance plan for the lifetime of the development which as a minimum shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company, arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as; ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible body/bodies for the sustainable drainage system.

22. Prior to any development requiring vegetation clearance or the commencement of the use of the development, whichever is sooner, a detailed landscaping scheme shall be 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 scheme shall be implemented in its entirety 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.

23. The development shall be carried out in accordance with the recommended mitigation measures set out in the Ecological Survey and Assessment ref: GEN/09/120 Rev 3. Details of the mitigation measures for bats shall be submitted to and agreed in writing by the Local Planning Authority and fully implemented prior to the commencement of the use of the nursery and maintained thereafter.

Reason: To ensure protection of the habitat of species protected under the Wildlife & Countryside Act, 1981.

24. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

25. The use of the industrial development hereby permitted shall not commence unless and until the existing stone wall on the highway frontage of the site to Chatham Street has been reduced to and be permanently maintained thereafter at a height not greater than 1m above the crown level of the carriageway of Chatham Street for a distance of 5m.

Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving the site.

26. Before the industrial development hereby approved becomes operative, the existing accesses, on Pendle Street adjacent to the canal bridge and opposite the gable end of

35 Chatham Street, shall be physically and permanently closed and the existing footways and kerbing of the vehicular crossings shall be reinstated in accordance with Lancashire County Council's Specification for Construction of Estate Roads.

Reason: To limit the number of access points to, and to maintain the proper construction of the highway.

27. The Industrial development shall not commence unless and until an Interim Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Interim 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.

28. Prior to the commencement of the use of the nursery development details of cycle storage facilities shall be submitted to and agreed in writing by the Local Planning Authority and provided in accordance with the approved details. The approved facilities shall thereafter be maintained at all times.

Reason: To allow for the effective use of the parking areas



Application Ref: 18/0056/VAR

Proposal: Full: Variation of Condition: Major: Vary Condition 14 (Travel plan) to alter timescale for compliance, Condition 15 (Delivery hours) to relate to HGVs only and remove Condition 29 (Bus stop improvements) of Planning Permission 17/0636/OUT.

At: Site Of Former Reedyford Mill, Westfield, Nelson

On behalf of: Pendle Projects Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 20th February 2018