

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES MANAGER**

**TO: NELSON COMMITTEE**

**DATE: 07<sup>th</sup> October 2019**

**Report Author: Neil Watson**  
**Tel. No: 01282 661706**  
**E-mail: [neil.watson@pendle.gov.uk](mailto:neil.watson@pendle.gov.uk)**

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO NELSON COMMITTEE 7<sup>TH</sup> OCTOBER 2019

**Application Ref:** 19/0194/FUL

**Proposal:** Full: Erection of a single-storey commercial unit for use as a car repair garage and MOT centre (Use Class B2).

**At:** J F Business Centre, Whitefield Mill, St Marys Street, Nelson

**On Behalf of:** Mr Aslam

**Date Registered:** 18 April, 2019

**Expiry Date:** 13 August, 2019

**Case Officer:** Christian Barton

This application were deferred at the previous committee meeting to allow for revised plans to be submitted and for a site visit. Revised plans have been submitted and the report below is based on those.

### **Site Description and Proposal**

The application site is within the settlement boundary and the Whitefield Conservation Area. It is situated within the forecourt of a large mill complex and is enclosed by tall walls to the southwest. It is surrounded by commercial units to two sides with terraced housing to the southeast and southwest.

The proposed development is a single-storey commercial unit to be used as a car garage and MOT test centre. The proposed building would have a footprint of 220 square meters and a dual-pitched roof 7.5m in height. It would have brick and metal sheet elevations under a metal sheet roof. Two roller shutter doors are proposed facing St Marys Street.

The plans submitted with the application originally showed 6 car parking spaces internally and the entrance into the site from St Mary's Street. 2 vehicle entrance points into the building were also proposed off St Mary's Street.

The amended plans show a single entrance into the building off St Mary's Street but a reduction of 3 internal parking spaces so that the total now proposed is three down from six.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

**PBC Environmental Health** – Details of a noise assessment of the proposed development to BS 4142: 2014, carried out by a suitably qualified person shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The development shall not be carried out otherwise than in complete and full accordance with the specifications, recommendations and noise attenuation measures contained within the approved assignment/ report.

**PBC Conservation** – Whitefield Mill was a large cotton weaving mill built on the Canal banks in the late 1880s. The Craven St frontage has been altered, with the part demolition of a 3-storey

warehouse block which formerly stood on the current open yard area. Part of the ground floor wall of this demolished warehouse remains fronting onto St Marys St, which has a number of blocked doors and windows. The yard currently presents an untidy and rundown appearance to this part of the Whitefield CA, and with this application comes an opportunity to improve this aspect.

I have no objection to the proposed building in principle, however it is important that appropriate materials are used. The existing stone boundary wall to St Mary's St. should be retained and repaired as necessary, in matching stone. The form of the existing blocked openings should be retained, with one possibly being utilised for the new personnel door and window. Where openings are to be removed, the stone jambs, sills and lintels should be re-used. Roller shutter doors should be in a matching dark colour with the boxes recessed.

A dark grey matt finish would be most appropriate for the roofing sheet, to echo the roofs of the surrounding terraces. The remaining elevations within the yard area will not be particularly prominent from outside the site, and would be acceptable in either matching stone or a red brick to match that used in the mill walls.

LCC Highways - The Highways Development Support Section is minded to object to this application as submitted on highway safety grounds.

Site Access – The development site is located within a residential area of terraced properties, where there is no provision for off-road parking. Consequently on-street parking is at a premium and demand is high for the limited on-street parking available. Access to the MOT centre/car repair garage is proposed to be from St Mary's Street. This would lead to the loss of existing on-street parking provision.

The Highway Development Support Section considers that the loss of any parking provision in the area would be detrimental to highway safety and residential amenity. There are also potential issues with access to the MOT/repair bays when vehicles are parked opposite, outside the residential properties on St Mary's Street. As the applicant owns the site, the Highway Development Support Section recommends that access to the MOT centre/repair garage should be provided from within the site to protect the on-street parking provision on St Mary's Street. A revised layout plan should be provided.

Parking provision – The internal parking spaces should be designated for customers to the MOT centre/repair garage only. The Highway Development Support Section considers that six parking spaces should be provided for both employees and customers to the MOT centre/repair garage. The Design and Access Statement states that the proposed parking spaces would be provided inside the site compound. The parking bays should be clearly indicated on a revised layout plan.

General – The proposed hours of operation indicated on the application form are 0900 - 1700 Monday – Saturday, and not open Sundays or Bank Holidays. However the hours of operation outlined in the Design and Access Statement are 0830 - 1730 Monday to Saturday and 1000 - 1600 on Sundays. The applicant should confirm the days and hours of operation. Dependent on the confirmation of the operating hours the Highway Development Support Section recommends that these are controlled by condition, and exclude Sunday opening, in the interest of highway safety and residential amenity. Subject to the satisfactory receipt of the further information requested, the following condition should be applied to any formal planning approval granted.

A condition to ensure adequate parking is provided should be attached to any approval.

(update) The revised plans now show adequate parking for the proposed development within the site and within the red edge. However, we still maintain our objection to this development on highway safety grounds for the reasons outlined in our response dated 10 May 2019.

United Utilities – It is the applicant's responsibility to investigate the possibility of any United Utilities' assets potentially impacted by their proposals and to demonstrate the exact relationship between any United Utilities' assets and the proposed development. Conditions should be attached to any approval requiring the submission of a surface water drainage scheme and to ensure foul and surface waters are drained on separate systems.

Canal and River Trust – The Trust has no comment to make on the proposal.

National Grid (Cadent)

Lancashire Constabulary

Nelson Town Council

## **Public Response**

The nearest neighbours have been notified by letter and comments have been received objecting on the following grounds;

- Existing issues with abandoned cars;
- Increased traffic;
- Proposed layout;
- Increased noise pollution;
- Lack of gates of forecourt entrance;
- Anti-social behaviour;
- Existing issues with on-street parking;
- 24 hour use of existing building.

## **Officer Comments**

The Pendle Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the provisions of the National Planning Policy Framework and are up to date must be given full weight when planning applications are considered. Other relevant material considerations are then set against the Policies of the Local Plan and contribute to the decision making process.

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

- CS Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect and enhance natural and historic environments and sets out specific requirements that aim to ensure development proposals do not detrimentally effect such environments;
- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that the siting and design of development should be in scale, context and harmony with the wider locality;
- CS Policy 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;
- CS Policy ENV 5 (Pollution and Unstable Land) aims to ensure that air, water, noise, odour and light pollution are minimised, both during and after construction;

- CS Policy SDP2 (Spatial Development Principles) states that Key Service Centres will provide the focus for future growth in the borough and accommodate the majority of new development. Nelson is defined as a Key Service Centre within the M65 Corridor;
- CS Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2 with most employment development being within the M65 Corridor;
- CS Policy WRK2 (Employment Land Supply) states that the Council will ensure that 68 hectares of land is brought forward for employment uses over the plan period. Major employment proposals, particularly those requiring good transport links, should be located along the M65 Corridor.

Other policies and guidance's are also relevant:

- The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) gives guidance on suitable developments within Conservation Areas;
- Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards for new developments.

### National Planning Policy Framework

- Paragraphs 109 states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe';
- Paragraph 110 (c) states that 'within this context, applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards';
- Paragraph 130 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, taking into account any local design standards or style guides in plans or supplementary planning documents...';
- Paragraph 193 states that: 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance';
- Paragraph 196 states that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'.

## **2. Principle of Development**

The site is located within the settlement boundary of Nelson. The development is proposed as part of an existing industrial complex and is therefore acceptable in principle in accordance with Policies SDP2, SDP4 and WRK2.

### **3. Design and the Conservation Area**

Policy ENV2 states that all new developments are required to meet high standards of design. Regarding historic locations, those requirements are reiterated by the Conservation Area SPD that provides specific guidance on commercial units. It states that such developments should blend well with and enhance their surroundings from the use of contemporary design solutions.

The proposed unit would have a modern industrial appearance. It would be faced with bricks and blue metal cladding with a blue metal sheet roof. The side and rear elevations would be predominantly screened from public view by existing tall walls. However, the front elevation would occupy a prominent position in the street scene of St Marys Street. PBC Conservation have raised concerns regarding the proposed materials and I concur with their findings. The design of the proposed building would appear overly modern in the traditional street scene that is proliferated by natural stone buildings with grey slate roofs.

The impacts of the proposal on the conservation area could not be adequately controlled through condition as an entire redesign is required. The proposed building would represent poor design and it would fail to take opportunities to improve the character and quality of the area. The development would lead to a less than substantial harm to the setting of the conservation area. However, that harm would not be outweighed by the minor public benefits provided. The proposal therefore fails to comply with Policies ENV1 and ENV2, the guidance of the Conservation Area SPD and Paragraphs 130 and 196 of the NPPF.

### **4. Residential Amenity**

The proposed development would have no overbearing impacts on neighbours given ample separation. Conflicting information has been submitted regarding opening hours. However, this could be controlled through condition where appropriate. Concerns have been raised from neighbours regarding the impacts of increased noise and vehicular activity.

Two roller shutter doors are proposed to the front 11m from housing. Given the nature of the proposed use those doors would likely be open throughout the working day. PBC Environmental Health have requested a noise assessment condition to be added to any approval. However, such an assessment is required prior to determination so that the potential impacts on the aural amenity of neighbours can be established. This requirement has been made clear to the Applicant however a noise assessment complete with measures of mitigation has not been forthcoming.

The site has been previously used for storage. It was locked and appeared unused at the time of the site visit. The comings and goings associated with the proposed use would far exceed the current activity at the site. When the impacts of comings and goings are combined with the noise generated internally from the proposed use, the proposal would fail to ensure that noise pollution is minimised and the aural amenity of the immediate neighbours is safeguarded. The proposal therefore fails to comply with Policies ENV2 and ENV5.

### **5. Highways**

An adequate level of parking is proposed to service the development in compliance with Saved Policy 31. Concerns have been raised about highway safety along with on-street parking constraints. Those concerns were mirrored by the comments of LCC Highways and I concur with their findings. There is a high demand for on-street parking in the area where there is limited parking other than on street available. The proposal would lead to further on-street parking along St Mays Street that would exacerbate existing on street parking issues.

Moreover, the constrained nature of St Marys Street would create difficulties with access and egress. The limited footprint of the proposed building would prevent vehicles from entering/leaving the site in a forward gear so vehicles would have to reverse out.

The proposal would remove one vehicle entrance point off St Mary's Street but would reduce the number of internal parking spaces. That would make the situation worse than originally proposed as not only would less vehicles be able to get in but there would be less internal parking available.

The proposal would ultimately fail to minimise conflict with other road users with the lack of parking with access constraints. It would lead to an unacceptable impact on highway safety and therefore fails to comply with Policy ENV4 and Paragraphs 109 and 110 of the NPPF.

## **6. Wider Considerations**

A number of concerns have been raised regarding the activities of the existing building regarding a lack of security, anti-social behaviour and constant use. However, those issues are not material to the determination of this application.

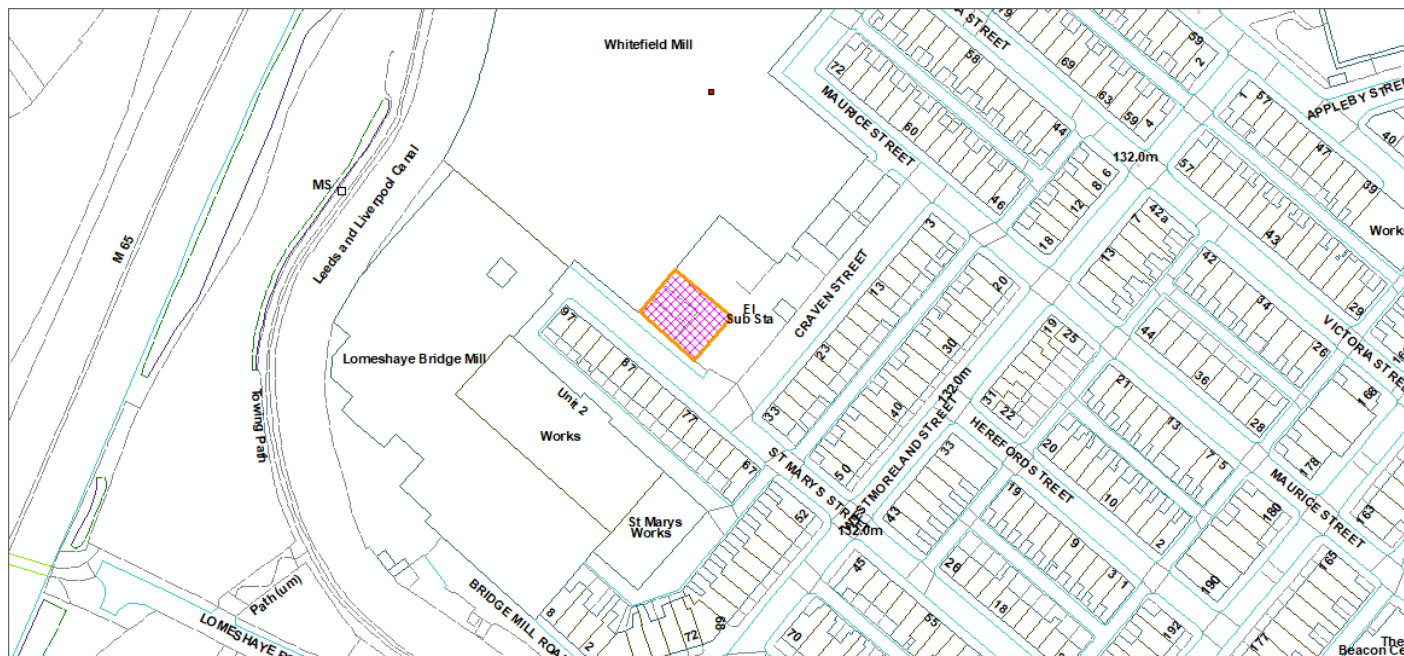
## **7. Summary**

The application seeks to erect single storey commercial unit to be used as a car garage and MOT Test Centre. The proposal would represent poor design when related to the conservation area, it would fail to safeguard against noise pollution for adjacent residential occupants and would have unacceptable impacts on the safety of the road network thus failing to comply with Policies ENV1, ENV2, ENV4, ENV5, the guidance of the Conservation Area SPD and Paragraphs 109, 110, 130 and 196 of the NPPF.

## **RECOMMENDATION: Refuse**

For the following reasons;

1. The proposed commercial unit would represent poor design and would result in harm to the character and appearance of the Whitefield Conservation Area. Whilst the harm to the significance of the conservation area would be less than substantial, the public benefits provided would not outweigh that harm and thus the development is contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030), the guidance of the Conservation Area Design and Development Guidance Supplementary Planning Document and Paragraphs 130 and 196 of the National Planning Policy Framework;
2. The Applicant has failed to demonstrate that the noise impacts of the proposed B2 Use could be mitigated against and the proposal would therefore result in a detrimental impact on the aural amenity of adjacent residential occupants thus failing to accord with Policies ENV2 and ENV5 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030);
3. The proposed development would result in the loss of on-street parking provisions in an area of high demand and the access constraints would fail to minimise conflict with other road users therefore the proposal would lead to an unacceptable impact on highway safety and does not comply with Policy ENV4 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030) and Paragraphs 109 and 110 of the National Planning Policy Framework.



**Application Ref: 19/0194/FUL**

**Proposal:** Full: Erection of a single-storey commercial unit for use as a car repair garage and MOT centre (Use Class B2).

**At:** J F Business Centre, Whitefield Mill, St Marys Street, Nelson

**On Behalf of:** Mr Aslam



## REPORT TO NELSON COMMITTEE ON 07 OCTOBER 2019

**Application Ref:** 19/0292/FUL

**Proposal:** Full: Change of use of a ground floor taxi office (SG) to a Hot Food Takeaway (Use Class A5) and erection of an external flue to rear (retrospective).

**At:** 113 Leeds Road, Nelson

**On behalf of:** Mr Raja Asim Hussain

**Date Registered:** 09/05/2019

**Expiry Date:** 18/10/2019

**Case Officer:** Alex Cameron

This application has been brought before Committee as objections have been received from more than two separate addresses.

### **Site Description and Proposal**

The application site the ground floor of an end of terrace property, the property has most recently used for retail a ground floor and taxi booking office at first floor, it appears to have been in such use since at least 2014. Prior to this the ground floor was used as a taxi base and prior to permission being granted for a taxi booking office in 1999 for a temporary period of two years, extended for a further two years in 2001, the building was a retail unit.

The proposed development is the change of use of the ground floor of the premises to a hot food takeaway and retrospective installation of an extraction flue to the rear.

The application previously included the erection of a timber bin store on land to the rear, however, that land was found not to be within the applicant's ownership and that proposal has been removed from the application.

### **Relevant Planning History**

13/99/0164P – Attach to gable and use as private hire base for two vehicles. Approved.

13/00/0251P - Retain aerial and use as private hire base for two vehicles. Approved.

### **Consultee Response**

LCC Highways - There are other businesses within the immediate vicinity with no off-road customer parking provision. Whilst there is some committed development for the construction of residential properties on Beech Street, adequate, unrestricted parking would be retained. Therefore the Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

PBC Environmental Health – The information re odour and noise abatement is inadequate. As the flue is low, they will need to improve the spec of the system to ensure that no nuisance is caused to neighbouring properties and the surrounding area. Please could you add the standard condition regarding submitting the relevant details.

Lancashire Constabulary - In relation to the above planning application, food stuffs and cash can be attractive and lucrative commodities for criminals.; therefore, to reduce crime and anti-social behaviour, Lancashire Constabulary would advocate the following security measures be incorporated into the proposed development, before planning consent is granted: Security windows and doors, prevention of access to flat roofs, CCTV, security lighting, alarm system, security shutters, perimeter fencing, counter height, till emptying procedure, anti-graffiti coatings.

Nelson Town Council

### **Public Response**

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

- There are enough takeaways on Leeds Road already.
- Concerns that the flue that has been erected is not high enough to adequately disperse cooking odours.
- Odours from waste food being stored to the rear.
- Concerns relating to customers parking on the car park, which is for residents only.
- Car parking and highway safety issues.
- Concerns regarding opening hours.

### **Officer Comments**

#### **Policy**

##### **Pendle Local Plan Part 1: Core Strategy (LPP1)**

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

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

Policy WRK4 (Retailing and Town Centres) states that main town centre uses should follow the following sequential approach:

- 1: Town and local shopping centres
- 2: Edge of centre locations
- 3: Out-of-centre sites which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre

Proposals for hot-food takeaways in close proximity to establishments that are primarily attended by children and young people will be resisted.

##### **Replacement Pendle Local Plan (RPLP)**

Policy 25 states that new retail and service development should be located within a defined town centre as the first order of priority. The supporting text states that where existing commercial uses exist outside of a town centre they can be replaced by some other commercial use of the same scale.

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

## **Principle of the Development**

The site is located outside of a town centre, Policy 25 of the RPLP allows existing commercial uses outside of town centres to be replaced by other commercial uses of the same scale.

The lawful use of the building is a taxi office, although a condition limited that use to a period of two years in 2001 it appears that the taxi use has operated in breach of that condition for over 10 years and therefore the condition is unenforceable. The 2001 planning permission did not specify that it related to the ground floor only, and at some point between 2009 and 2014 the ground floor began to be used for unauthorised retail use, with the upper floor being retained for the taxi office use.

With a condition to control its hours of operation, the proposed use of the building would not be of a greater scale of impact than the building use over the past 10 years. Taking this into account, the proposed hot food takeaway is acceptable in accordance with Policy 25.

The site is not located within unacceptably close proximity of establishments that are primarily attended by children and young people in accordance with policy WRK4.

## **Visual Amenity**

The flue is located to the rear existing through the flat roof of the rear extension. Whilst the flue is relatively prominent from the rear of Beech Street, its low height minimises its visual impact. Taking this into account the flue is acceptable in terms of visual amenity.

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

## **Amenity**

The proposed flue discharges at a low height, below the top of the adjacent upper floor windows. Environmental Health have advised that with a condition to require that details of adequate noise and odour abatement are submitted and installed cooking odours can be adequately dispersed without unacceptable impacts upon the residential amenity of occupants of adjacent dwellings.

Waste is proposed to be stored internally and therefore will not unacceptably impact upon nearby residents.

The applicant has proposed that they are seeking operating hours of 11am-9pm weekdays and 12pm to 6pm Saturdays. The 9pm closing time would ensure that there are no unacceptable impacts of adjacent residential properties from the operation of the takeaway. It is not necessary to further restrict weekend opening or morning opening beyond 9am.

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

## **Highways**

There is adequate unrestricted car parking provision in the vicinity to serve both the takeaway and the existing first floor taxi base. The proposed development is therefore acceptable in highway terms in accordance with policy ENV4.

## Summary

The application is acceptable in terms of policy compliance, visual amenity, residential amenity and highway safety in accordance with the policies of the Pendle Local Plan Part 1 and the Replacement Pendle Local Plan. It is therefore recommended that the approval of the application is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the expiry of the notification period.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity and highway safety. The development is therefore compliant with the Development Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Delegate Grant Consent**

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: U37-P01B, U37-P03B.

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

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

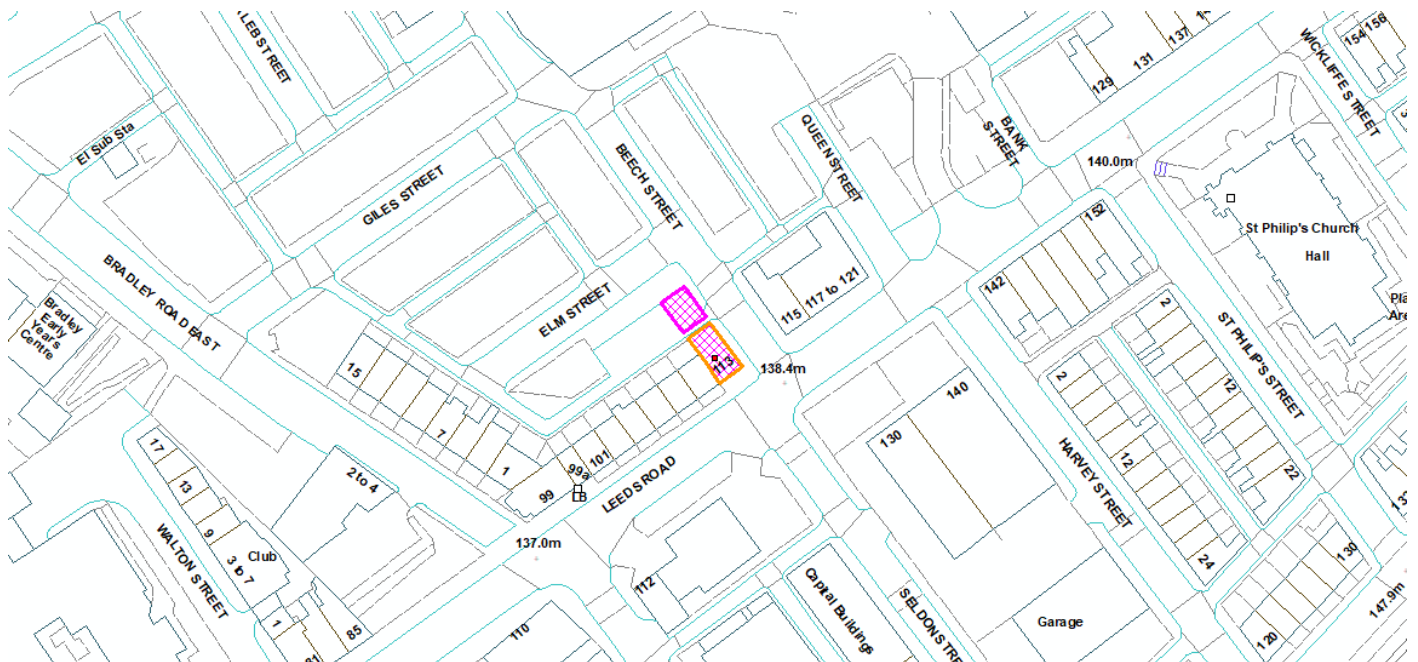
- a. the provision of odour filters (which shall incorporate grease and carbon filters)
- b. details of the sound insulation of odour control equipment

The approved scheme shall be implemented prior to commencement of the operation of the extraction system and the extraction system shall thereafter be operated and maintained in accordance with the agreed details and the manufacturers specifications and be retained for so long as the use continues.

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

4. The hot food takeaway hereby approved shall not be open to customers outside of the hours of 9am to 9pm.

**Reason:** To ensure that night-time and early morning noise and disturbance does not unacceptably impact upon the residential amenity of the occupiers of adjacent dwellings.



**Application Ref:** 19/0292/FUL

**Proposal:** Full: Change of use of a ground floor taxi office (SG) to a Hot Food Takeaway (Use Class A5) and erection of an external flue to rear (retrospective).

**At:** 113 Leeds Road, Nelson

**On behalf of:** Mr Raja Asim Hussain

## REPORT TO NELSON COMMITTEE 7<sup>th</sup> OCTOBER 2019

**Application Ref:** 19/0343/VAR

**Proposal:** Full: Variation of Conditions: Vary Condition 2 (Plans), Condition 5 (Parking Layout) and Removal of Condition 4 (Trade Sales Only) of Planning Permission 18/0348/FUL.

**At:** Darwil House, Bradley Hall Road, Nelson

**On behalf of:** Mrs R Ahmed

**Date Registered:** 9 May 2019

**Expiry Date:** 4 July 2019

**Case Officer:** Kathryn Hughes

This application was deferred from Committee at the August meeting to allow further information to be submitted. No further information has been received at this time and therefore the recommendation to Refuse still stands.

### **Site Description and Proposal**

The site was a vacant warehouse located off Bradley Hall Road in Nelson. The site was vacant for some time and is located in a mixed residential/commercial area with existing commercial uses nearby.

The site is outside of the Town Centre boundary not allocated for any specific use in the Pendle Local Plan or the Bradley Area Action Plan.

The site was approved as a builder's merchants for trade customers with associated car parking last year. Some additional doors and ramps for access were also approved as well as vehicular access for loading and unloading. Conditions were attached relating to outside storage, customer parking, deliveries and noise mitigation.

It was proposed that all deliveries would take place via Eagle Street whilst customers would access and egress the site via an existing access from Bradley Hall Road.

This application seeks to vary conditions 2 and 5 in terms of layout and parking and remove condition 4 which restricts the site to trade only. This would allow general sales to the public. A Retail Impact Assessment has been submitted in support of this application which is in fact a sequential assessment and does not consider the impact on Nelson Town Centre or include any sort of Health Check this would only be required if the site is above the 2,500 sq.m. threshold set by para 89 of the National Planning Policy Framework.

### **Relevant Planning History**

18/0623/ADV – Advert Consent: Erection of one illuminated sign board – Approved.

18/0348/FUL Full: Change of Use of Warehouse (use Class B8) to Builders Merchants (trade only) and external alterations to form additional doorways - Approved.

18/0585/CND Approval of Details Reserved by Condition: Discharge of Conditions 3, 8

## **Consultee Response**

LCC Highways – Having considered the information submitted, together with site observations on 12 June 2019, the Highways Development Support Section makes the following comments. This application seeks to vary previously approved plans, parking layout, additional outside storage areas and the removal of sales to trade only. From the documents submitted we do not consider that the applicant has justified the variations and removal requested. The application, as submitted, raises a number of concerns. If these cannot be resolved satisfactorily we would raise an objection on highway safety grounds.

We note from the company's website that the business is already advertised as being open to the public.

### **Site access**

In our response to planning application 13/18/0348/FUL dated 14 June 2018 we recommended that deliveries and access/exit for large customer vehicles should be off Bradley Hall Road only, and that access/exit for general customers should be via Eagle Street only, which would require the re-location of the customer parking bays to the opposite side of the site. These concerns have not been addressed and are still relevant for the current application.

The site is currently not operating as approved under the above Planning Permission, nor as proposed. A delivery vehicle was observed exiting from the site onto Bradley Hall Road and not through the site onto Eagle Street. There was also an information sign for delivery drivers adjacent to the site gates on Eagle Street; delivery vehicles should not be accessing the site off Eagle Street.

In addition, there appears to have already been some issues with conflict between vehicles parked on Bradley Hall Street and Eagle Street and HGVs associated with the business as three signs have been fixed to external walls (two along Bradley Hall Road and one on Eagle Street) warning drivers not to park their cars there.

### **Parking provision**

We raised concerns regarding the lack of on-site parking provision for an A1 use. We requested that the applicant demonstrated what level of parking the business would require, including the provision of a proper parking assessment. As the business has been trading for several months the applicant should have information available regarding the level of parking required for the approved use, and should provide further information for the use now applied for. At the time of the visit a large delivery vehicle was also seen obstructing access to the customer parking bays outside the front of the building, which is contrary to Condition 5 of Planning Permission 13/18/0348/FUL.

Adequate customer parking should be provided within the site and there should be no over-spill onto the surrounding highway network, where there is existing demand for on-street parking from neighbouring properties.

### **General**

A large amount of grab bags and a vehicle, all bearing the company's name, were noted stored in the adjacent site on part of the former Vulcan Mill site, and therefore not within the approved curtilage.

We noted that the proposed additional external display/storage areas are already in place.



Given the above concerns, the applicant should provide additional information demonstrating adequate on-site parking provision for the proposed use, and that appropriate and safe access to/from the site can be provided for all users, including delivery vehicles. Until such details have been provided satisfactorily we would object to this application on highway safety grounds.

Nelson Town Council

### **Public Response**

Nearest neighbours notified by letter without response.

### **Officer Comments**

The main issues relate to the restricted use of the site, site layout and parking, impact on amenity and highway issues.

### **Policy**

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

The relevant policies are:

ENV2 sets out design principles and climate change.

WRK1 seeks to support development to strengthen the local economy and supports regeneration in the area.

WRK4 relates to retailing and town centre uses. In the first instance retail development should be directed to Town and Local Shopping Centres identified in SDP5.

Sites should be identified that are suitable, available and viable in order of priority:

1. Town and local shopping centres, where the development is appropriate to the role and function of the centre;
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre;
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

The following saved Pendle Replacement Pendle Local Plan policies apply:

Policy 27 permits retail development on edge of centre allocated retail sites at Clayton Street, Nelson. There are two out of centre retail sites allocated at Asda, Colne and Junction 12, Brierfield.

Policy 31 sets out the requirement parking standards.

### **Principle of the use**

Retail uses aimed at the general public should be located within the Town Centre. Larger trade only DIY stores such as the one approved here can be appropriate in former warehouse uses provided that they do not cause nuisance for nearby residential uses and that they are restricted to trade only uses. This proposal seeks to remove condition 4 (Trade Sales only) which would result



in an open retail use on this site outside of the town centre with no restrictions this would lead to an unacceptable impact on the town centre.

## **Impact on Town Centre**

Any out of town retail provision can have a negative impact on the town centre in terms of vitality and viability of the town centre.

This application seeks to remove condition 4 which would result in an unrestricted retail unit of 1,511 sq.m. outside of Nelson Town Centre. No retail impact study or health check on Nelson Town Centre has been submitted.

The Retail Capacity Study (2012) sets out the requirements for both convenience and comparison goods within the borough. This site proposes a retail unit of 1,522 sq.m. for comparison goods (bulky DIY items). An update in the Authority Monitoring Report states that there is a need for comparison goods up to 3,290sq.m. to 2023 and 8,246 to 2033. Therefore there is a requirement for comparison goods, however, this is a Borough wide forecast.

The submitted Retail Assessment statement states that “it is not considered practical to offer heavy bulky goods predominately aimed at the builder/trader’s market from a town centre location” this is agreed hence why the building supplies was approved at this warehouse location where goods can be stored in warehouses and outside where practicable.

Policy WRK4 seeks to make a positive contribution to Town Centres by safeguarding the retail function of the centre, improving the vitality and viability of the centre, enhancing access to the centre by sustainable modes of transport and encouraging multi-purpose trips.

The re-occupation of vacant floorspace or the re-development of existing sites within a Town Centre will be prioritised for all forms of retail development.

Based on the criteria set in WRK4 this site would fall outside of edge of centre at 450m from the town centre boundary making this site an out of centre location.

Whilst it is evident that there are other sites available for development within the town centre which have not been considered as part of the sequential assessment including the former bus station site (3,200 sq.m.). As well as sites closer to the town centre which have not been considered including Training 2000 (2,988 sq.m.) 45m away from the Town Centre boundary, Reedyford Mill site (3,252 sq.m.) 165m away from the Town Centre boundary which are sequentially preferable as they fall within edge of centre (less than 300m) priority 2.

Whilst Training 2000 (The Sutton Building) is sited on a protected employment site this building has been vacant for some time and the principal of non B1 on this site has been established by the approval of a school and driving test centre elsewhere on the allocation.

There is also an edge of centre retail allocation at Clayton Street (1,428 sq.m.) in Nelson (saved policy 27) which has not been considered and two out of centre retail allocations at Junction 12, Brierfield and Asda, Colne both 5,000 sq.m. which need to be taken into account.

However, this application is not just about other alternative sites but also the impact this unrestricted A1 use could have on the town centre. With no restrictions proposed on goods or floor area the removal of condition 4 would result in an open retail unit of 1,511 sq.m. this is clearly unacceptable and would result in harm to the vitality and viability of Nelson Town Centre.

It is clear therefore this proposal fails to address sequentially preferable sites to the one proposed here which are within or close to the town centre therefore the removal of condition would not accord with Policy WRK4 and para therefore this scheme fails to accord with the policy as an out of centre site that would result in an adverse impact on the vitality and viability of Nelson Town Centre.

### **Impact on Amenity**

The site is an existing commercial premises outside of the town centre immediately adjacent to residential properties. The proposal would result in increased activity at the site including comings and goings from trade and members of the public as well as deliveries. There is provision within the site for loading and unloading and therefore this is unlikely to be carried out on the highway especially with the type of building materials which will be sold from the site. However, the removal of the trade only restriction would result in more members of the public using the site and requirement for parking would need to meet the standards for A1 retail rather than

The external alterations are limited and would not adversely impact on amenity.

The hours of operation would remain as 7am to 6pm Monday to Friday and 9am to 5pm Saturday and Sunday and this is controlled by condition.

The variation to the outside storage in itself would be acceptable, however, as the on-site parking provision has not been established it is not clear if this can all be accommodated within the site and therefore this fails to accord with policy.

### **Parking and Highway Issues**

The scheme proposes inadequate on-site parking for an A1 retail use as a site of 1,500 sq.m. would require provision for vehicles which would affect the proposed outside storage areas and

The applicant has failed to demonstrate what level of parking the business would require, including the provision of a proper parking assessment contrary to policy 31 of the Replacement Pendle Local Plan.

The variation of condition 5 would result in delivery vehicles obstructing access to the customer parking bays outside the front of the building and this is not acceptable.

Therefore this proposal would fail to accord with policy 31.

### **Summary**

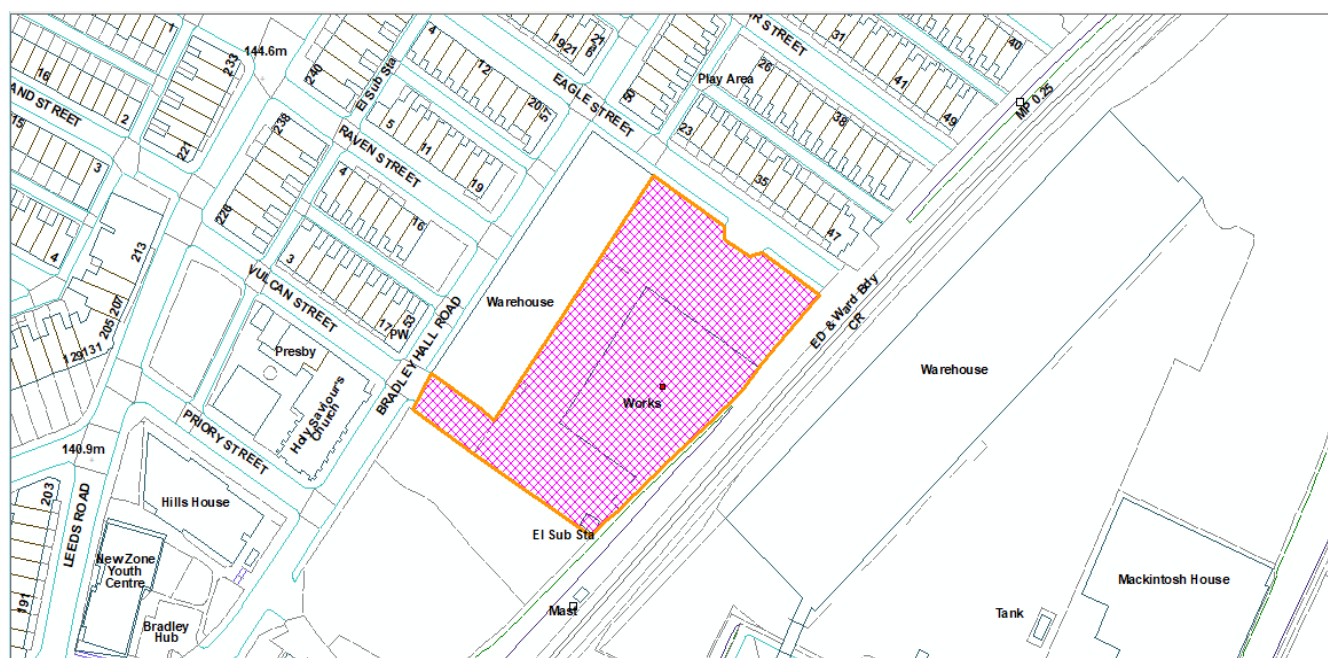
The site is located outside of Nelson Town Centre and therefore to remove condition 4 which limits the use as trade only DIY warehouse would result in an unrestricted A1 retail use of 1,500 sq.m. which would not accord with policies WRK4, SDP5 and saved Replacement Local Plan policy 25. Approval would result in a significant departure from policy.

The site is adjacent to residential properties and would fail to provide sufficient off street parking for a A1 retail use and therefore fails to accord with saved policy 31 of the Replacement Pendle Local Plan.

The variation to the outside storage in itself would be acceptable, however, as the on-site parking provision has not been established it is not clear if this can be accommodated within the site without conflicting with the parking requirements and therefore this is not acceptable.

### **RECOMMENDATION: Refuse**

1. The site falls outside of Nelson Town Centre therefore the removal of condition 4 which limits the use as trade only DIY warehouse would result in an unrestricted A1 retail use outside the town centre of 1,500 sq.m. which would not accord with policies WRK4 and SDP5 of the Pendle Local Plan Part 1: Core Strategy and saved Replacement Pendle Local Plan policy 25.
2. The site is adjacent to residential properties and would fail to provide sufficient off street parking for A1 use of 1,500 sq.m. the proposal has failed to demonstrate that the increased parking requirement can be satisfactorily achieved within the site without impacting on the proposed outside storage areas and therefore fails to accord with saved policy 31 of the Replacement Pendle Local Plan.



**Application Ref:** 19/0343/VAR

**Proposal:** Full: Variation of Conditions: Vary Condition 2 (Plans), Condition 5 (Parking Layout) and Removal of Condition 4 (Trade Sales Only) of Planning Permission 18/0348/FUL.

**At:** Darwil House, Bradley Hall Road, Nelson

## **REPORT TO NELSON COMMITTEE 07th October 2019**

**Application Ref:** 19/0393/FUL

**Proposal:** Full: Erection of two-storey extension to south elevation of religious building (Floor Space: 335 SQMs).

**At:** Masjid Nimra, Bankhouse Road, Nelson

**On Behalf of:** The Mosque Committee

**Date Registered:** 28 May, 2019

**Expiry Date:** 06 August, 2019

**Case Officer:** Christian Barton

This application was deferred at the previous committee meeting to allow for a site visit to be undertaken.

### **Site Description and Proposal**

The application site is a religious building located within the settlement boundary. It is surrounded by houses to three sides with a playground to the south. The building has red brick elevations, a slate roof and white uPVC windows. A car park surrounds the building to two sides that is enclosed with palisade fencing.

The proposed development is a split level extension to the south elevation. It would provide a floor space of 335 square meters providing areas for amenities and worship. It would project a maximum of 15.6m from the south elevation with a maximum width of 28.6m. The single-storey element would have a flat roof with terrace 3.2m in height. The two-storey element would have a flat roof 6.6m in height with a dome and minaret projecting above it. The extension would have off-white rendered elevations with artificial stone detailing. Grey aluminium and white uPVC windows are also proposed.

### **Relevant Planning History**

13/11/0284P – Full: Change of use of building from offices (use class B1) to a mosque and religious school (Use Class D1) – Approved with Conditions – July 2011.

### **Consultee Response**

LCC Highways – This application seeks to demolish some buildings and to provide an extension which increases the floor area by 335sqm and provides a total of 927sqm. The parking standards would require 34 car parking spaces for this extension based upon a ratio of 1:10 for a D1 use.

However it would be reasonable to apply a similar ratio to that previously approved of 1:35 square meters which equates to 25 car parking spaces overall for a total 927sqm floor area. 14 car parking spaces would be available following the construction of the extension which is a reduction of 8 and an overall shortfall of 11 spaces.

The surrounding streets are heavily parked upon throughout the majority of the day and therefore cannot provide any overspill parking for the worshippers or parents. There are a number of collisions in the vicinity of the site including child pedestrian injuries which is a cause of concern. Due to the shortfall in off-street parking and the heavily parked surrounding streets in the area there is an objection to the proposal on highway safety grounds.

Nelson Town Council

### **Public Response**

The nearest neighbours have been notified by letter and comments have been received objecting on the following grounds;

- Parking shortages;
- Privacy impacts.

### **Officer Comments**

The Pendle Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the provisions of the National Planning Policy Framework and are up to date must be given full weight when planning applications are considered. Other relevant material considerations are then set against the Policies of the Local Plan and contribute to the decision making process.

#### **8. The relevant Pendle Local Plan Part 1: Core Strategy (2011 – 2030) policies are:**

- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that the siting and design of development should be in scale, context and harmony with the wider locality;
- CS Policy 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;
- CS Policy SDP2 (Spatial Development Principles) states that Key Service Centres will provide the focus for future growth in the borough and accommodate the majority of new development. Nelson is defined as a Key Service Centre within the M65 Corridor;
- CS Policy SUP1 (Community Facilities) sets out the general approach to the provision of community services and facilities. Proposals that enhance the existing offers in Nelson will be supported.
- CS Policy SUP 4 sets out general principles to achieve well designed, high quality public buildings and spaces. Applications should have regard to the general design requirements set out in Policy ENV2.

#### **Other policies and guidance's are also relevant:**

- Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards for new developments.

## National Planning Policy Framework

- Paragraphs 109 states that ‘development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe’;
- Paragraph 110 (c) states that ‘within this context, applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards’;

### **9. Principle of Development**

The site is located within the settlement boundary of Nelson. The development is proposed as part of an existing community facility and is therefore acceptable in principle in accordance with Policies SDP2 and SUP1.

### **10. Design and Visual Amenity**

Policy ENV2 states that all new developments are required to meet high standards of design. In relation to buildings in the public realm, Policy SUP4 reiterates those requirements and aims to ensure the materials used are in keeping with the established character of the area.

The site occupies a prominent position in the street scene of Bankhouse Road with open areas immediately to the south. The materials proposed would be acceptable for the development and site. Their quality can be controlled through condition where necessary. The ornate detailing proposed for the elevations would form an attractive feature within the street scene and the proposal would be acceptable in design terms in accordance with Policies ENV2 and SUP4.

### **11. Residential Amenity**

The two-storey element would be built in excess of 12m from the main habitable room windows in the properties to the east on Leeds Road. The single-storey element would have the same depth as the current outrigger and the proposal would have no overbearing impacts on, or cause any unacceptable losses of light for the adjacent residential occupants.

Concerns have been raised about losses of privacy. The proposal requires the installation of windows adjacent to the houses on Leeds Road. However, the distances involved are characteristic of other properties in the area and the proposal would have no unacceptable impacts on the privacy of the immediate neighbours. The yards to the west would not be overlooked by the terrace as screening is proposed as part of that feature. Installation of the screening could be controlled through condition where necessary.

Subject to the above, the proposal would have no unacceptable impacts on domestic privacy and would therefore be acceptable in terms of residential amenity in compliance with Policy ENV2.

### **12. Highways**

Saved Policy 31 requires development proposals to be served with adequate parking. Together with the extension the floor space of the building is stated to be 927 square meters. The Parking Standards of that policy require 1 space per 15 square meters of floor space for such buildings in accessible locations. This would equate to a requirement of 61 spaces. Those are maximum requirements and some level of flexibility can be applied for locations that are well served with public transport links. However, it is clear that parking within the site is severely under provisioned for the proposed development.



At the time of the site visit there was a high demand for parking with the car park full and a number of cars illegally parked on double yellow lines. LCC Highways have objected on parking grounds and I concur with their findings. The proposal would ultimately fail to minimise conflict with other road users given significant parking shortfalls. It would lead to an unacceptable impact on highway safety and therefore does not comply with Policy ENV4 and Paragraphs 109 and 110 of the NPPF.

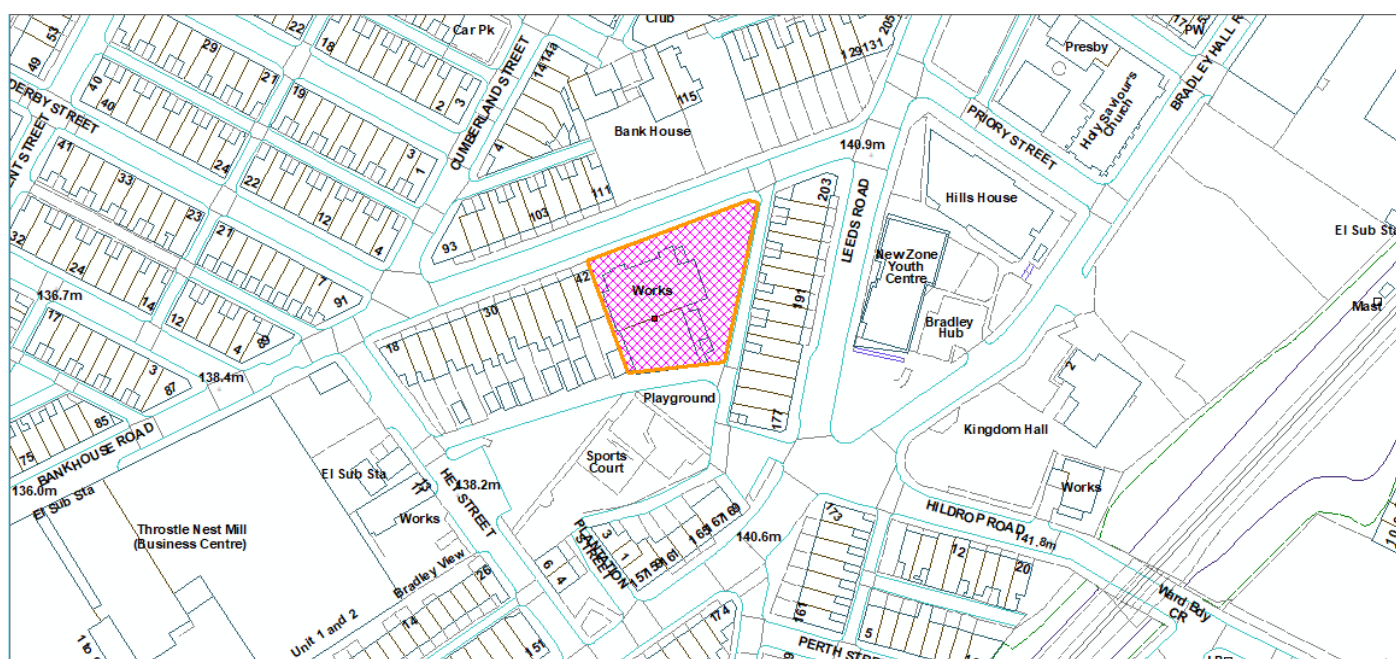
### **13. Summary**

The application seeks to erect a split level extension to a religious building with associated works. The proposal is acceptable in terms of the principle of development, design and residential amenity. However, the site has severely under provisioned parking for the size and nature of the development proposed. The proposal would therefore be detrimental in relation to road safety and would fail to comply with Policy ENV4 and Paragraphs 109 and 110 of the NPPF.

### **RECOMMENDATION: Refuse**

For the following reason;

1. The site has severely under provisioned parking to service the proposed development and the proposal would lead to conflict with other road users and an unacceptable impact on highway safety thus failing to comply with Policy ENV4 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030), Saved Policy 31 of the Replacement Local Plan and Paragraphs 109 and 110 of the National Planning Policy Framework.



**Application Ref: 19/0393/FUL**

**Proposal:** Full: Erection of two-storey extension to south elevation of religious building (Floor Space: 335 SQMs).

**At:** Masjid Nimra, Bankhouse Road, Nelson

**On Behalf of:** The Mosque Committee

## REPORT TO NELSON COMMITTEE 7<sup>TH</sup> OCTOBER 2019

**Application Ref:** 19/0471/FUL

**Proposal:** Full: Installation of a new shop front including recessed shutters and erection of a two-storey extension to rear.

**At:** 52 Manchester Road, Nelson

**On Behalf of:** Mr Mohammed Arif

**Date Registered:** 15 July, 2019

**Expiry Date:** 09 September, 2019

**Case Officer:** Christian Barton

This application has been called to committee by the Chairman.

### **Site Description and Proposal**

The application site is a mid-terrace commercial building located in Nelson Town Centre and the Whitefield Conservation Area. It is surrounded by commercial properties to three sides with a community hall to the north. The building has painted natural stone elevations, a slate roof and windows of varying styles and materials.

The proposed development comprises of two aspects. A new aluminium shop front is proposed together with a slotted security shutter covering the door and shop window. To the rear a two-storey flat roof extension is proposed. That element would have a depth of 4.7m, a width of 5.5m and a height of 6m. It would be finished in render and would have uPVC windows. Two rooflights are also proposed to the rear to accommodate a loft conversion.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

LCC Highways – The Highways Development Support Section does not raise an objection in principle. A condition should be added to any approval restricting the times of deliveries.

PBC Conservation – This property is within a terraced row probably of earlier date than the typically larger scale shops in other parts of Manchester Road. The smaller 'cottage' scale and original stone slate roofing of the terrace indicates its earlier mid 1800's date. The front elevations with shopfronts are varied in style but retain a traditional character and appearance within this part of the Whitefield CA. The rear elevations have been subject to more alteration, with some modern flat-roofed extensions which are visually obtrusive and at odds with the small scale and traditional appearance of the terrace, however these alterations were undertaken before CA designation in 2004. The current rear elevation of No 52 retains an original single storey pitched roof rear outrigger together with an original outbuilding. However it has been marred by modern alterations including an unsightly plastic sheeted staircase to the first floor.

There is no objection in principle to the proposed shopfront, as a similar replacement for the existing modern frontage, and which would benefit from the reinstatement of a stone stall riser. There are timber sash style windows at first floor level which should be retained. The proposed rear extension however would be contrary to para 4.53-55 of the CA SPD. It would visually



dominate and obscure the rear elevation by reason of its flat roofed form at full two storey height, extending the full width of the building and covering the entire back yard. The harm caused to the heritage significance of the CA would not be outweighed by public benefits.

Lancashire Constabulary

Nelson Town Council

## **Public Response**

The nearest neighbours have been notified by letter and a Site Notice was posted. No comments have been received.

## **Officer Comments**

The Pendle Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the provisions of the National Planning Policy Framework and are up to date must be given full weight when planning applications are considered. Other relevant material considerations are then set against the Policies of the Local Plan and contribute to the decision making process.

### **14. The relevant Pendle Local Plan Part 1: Core Strategy (2011 – 2030) policies are:**

- CS Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect and enhance natural and historic environments and sets out specific requirements that aim to ensure development proposals do not detrimentally effect such environments;
- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that the siting and design of development should be in scale, context and harmony with the wider locality;
- CS Policy SUP 4 sets out general principles to achieve well designed, high quality public buildings and spaces. Applications should have regard to the general design requirements set out in Policy ENV2.

Other guidance's are also relevant:

- The Design Principles Supplementary Planning Document (SPD) applies to commercial applications and sets out the aspects required for good design;
- The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) gives guidance on suitable developments within Conservation Areas;
- Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards for new developments.

### **National Planning Policy Framework**

- Paragraph 130 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, taking into account any local design standards or style guides in plans or supplementary planning documents...';
- Paragraph 196 states that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against

the public benefits of the proposal including, where appropriate, securing its optimum viable use’.

## **15. Design and the Conservation Area**

Policy ENV2 states that all new developments are required to meet high standards of design. Regarding historic locations, those requirements are reiterated by the Conservation Area SPD that provides specific guidance on shop fronts and extensions. Further guidance on shop fronts is also found within the Design Principles SPD and in general they should harmonise visually with those of surrounding premises.

The proposed shop front would include traditional features such as a natural stone plinth, pilasters and a slim fascia board. The security shutter would have a slotted design and would retract within a concealed box behind the fascia. Minimal details regarding the colour and final finishes of those elements have been submitted. However those materials, alongside those of the proposed extension could be controlled through condition where relevant.

Regarding rear extensions, the Conservation Area SPD requires such developments to respect the form of rear facades, including the shape of the roof. The proposed extension would extend across the full rear width of the building. The rear of the site occupies a prominent position in the street scene of Stanley Street and the erection of a two-storey flat roof extension here would be of detriment to the setting of the conservation area. It is acknowledged that similar extensions are found along the row. However, they pre-date adoption of the Conservation Area SPD.

PBC Conservation have raised concerns regarding the design of the rear extension with which I concur. The massing of the proposed rear extension would dominate the rear façade. Moreover, the flat roof at two stories would appear overly modern in the street scene. Although located at the rear it would be highly visible from Stanley Street and would have a pronounced and detrimental impact on the appearance of the area which is also designated as a conservation area. The proposal would represent poor design and it would fail to take opportunities to improve the character and quality of the area.

The development would lead to a less than substantial harm to the setting of the conservation area. The public benefits of the scheme would be the business that would emanate from the building and its re-use. That public benefit would not however outweigh the harm the development would have on the conservation area. The proposal therefore fails to comply with Policies ENV1, ENV2 and SUP4, the guidance of the Conservation Area SPD and Paragraphs 130 and 196 of the NPPF.

## **16. Residential Amenity**

The proposed development would have no unacceptable impacts on residential amenity in accordance with Policy ENV2.

## **17. Highways**

The site has no off-street parking. However, parking for the commercial units in the area is almost exclusively provided by on-street provisions and public car parks. LCC Highways have raised no principle objections and I concur with their findings. They have recommended a condition to restrict the times of deliveries but such activities cannot be adequately controlled through condition. The proposal would have no unacceptable impacts on the road network.

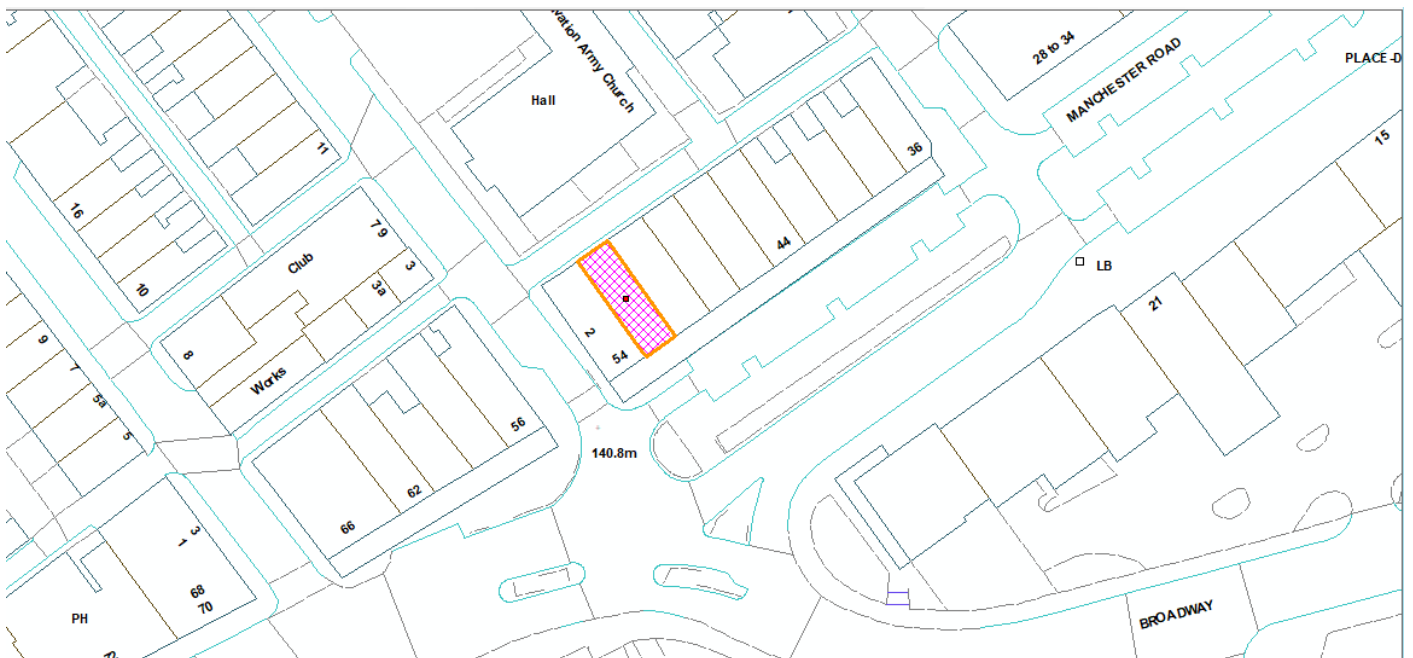
## 18. Summary

The application seeks to install a new shop front and security shutters and erect a two-storey rear extension. The proposal is acceptable in terms of residential amenity and highways. However, the proposed rear extension would represent poor design when related to the conservation area and therefore the proposal does not comply with Policies ENV1, ENV2, and SUP4, the guidance of the Conservation Area SPD and Paragraphs 130 and 196 of the NPPF.

### **RECOMMENDATION: Refuse**

For the following reason;

4. The proposed two-storey flat roofed rear extension would represent poor design and would result in harm to the character and appearance of the Whitefield Conservation Area. Whilst the harm to the significance of the conservation area would be less than substantial, the public benefits provided would not outweigh that harm and thus the development is contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030), the guidance of the Conservation Area Design and Development Guidance Supplementary Planning Document and Paragraphs 130 and 196 of the National Planning Policy Framework.



**Application Ref: 19/0471/FUL**

**Proposal:** Full: Installation of a new shop front including recessed shutters and erection of a two-storey extension to rear.

**At:** 52 Manchester Road, Nelson

**On Behalf of:** Mr Mohammed Arif

## **REPORT TO NELSON COMMITTEE 7<sup>th</sup> OCTOBER, 2019**

**Application Ref:** 19/0601/FUL

**Proposal:** Full: Major: Erection of 20 dwellinghouses

**At:** Land to the North of 247 Barkerhouse Road, Nelson

**On behalf of:** Muir Housing Group and John Turner Construction

**Date Registered:** 15 August 2019

**Expiry Date:** 14 November 2019

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

Planning permission is sought for erection of 20 two and three bedroomed dwellinghouses on land to the rear of Nelson Manor Care Home off Barkerhouse Road in Nelson. The site is located within the settlement boundary and has an extant planning permission for twenty houses granted in Outline in 2004 and Reserved Matters in 2008. A technical start was made on site in

The proposed vehicular access is off the access road to the Care Home and has already been created.

A Planning Statement, Design and Access Statement, Arboricultural Assessment, Geo-Environmental Site Assessment, Ecological Appraisal, Drainage Strategy and Transport Assessment have been submitted with the application.

### **Relevant Planning History**

13/04/0740P – Outline permission for the erection of 20 dwellings – Approved December 2004.

13/07/0808P – Major (Reserved Matters) erect 20 houses – semi-detached and townhouses – Approved 5<sup>th</sup> February, 2008.

### **Consultee Response**

LCC Highways – I have viewed the plans and highway related documents and visited the site on 5th September. I have the following comments to make:

#### **Planning History**

Outline consent for 20 new dwellings is given under application 04/0740 and reserved matters were approved under application reference 07/0808, later condition 7 (estate road phasing) was varied under application 09/0525.

The estate road has been built to adoptable standards (excepting the wearing course) as part of the existing consent and there is an intention for the roads to be formally adopted by Lancashire County Council under an agreement.

Since the approval there has been a consent for 200 house with access from an extension of Marsden Hall Road South. This application secures off-site highway works to mitigate safety concerns at the 4-arm mini-roundabout at Barkerhouse Road, Marsden Hall Road and Marsden Hall Road South.

There are no capacity issues on Barkerhouse Road as a result of this development or as a result of the cumulative impact of the committed development.

### **Site access**

The existing site access junction with Barkerhouse Road currently serves the Nelson Manor Care Home car park and rear service area and provides a 5.5m wide carriageway which is surfaced to base course level. The visibility splays on Barkerhouse Road are wholly within the adopted highway and are in excess of X2.4m and Y43m which is necessary for the 30mph speed limit on Barkerhouse Road.

Upon visiting the site it is apparent that there is a shortfall in the off-street car parking provision at the Care Home for staff and visitors which results in over-spill parking onto the site access road and Barkerhouse Road itself.

The on-street car parking on Barkerhouse Lane causes the visibility splays to be obstructed and the implementation of parking restrictions to maximise the visibility splay for highway safety reasons should be pursued by the Highway Authority and funded by the developer through an appropriate agreement. The cost of these works will be approx. £2,000.

### **Estate road, internal layout and parking**

The access road is constructed at a width of 5.5m. The footway is not yet constructed and the applicant states that it will be necessary to reduce the carriageway to 4.75m in order to provide a 2m footway, reducing to 1.5m to avoid the requirement for a retaining wall. This has been agreed with LCC in 2016 as part of the approved scheme.

A swept path analysis for a refuse vehicle is submitted for the estate road and turning head which is acceptable.

However an additional swept path analysis should be submitted for the existing service bay at the rear of the Care Home due to the reduction in carriageway width from 5.5 to 4.75m.

In addition to the off-street car parking provision, each dwelling should have a secure covered cycle store and electric vehicle charging point.

Recommend conditions relating to construction method statement, off site highway works, engineering, drainage, street lighting and constructional details of the internal estate road, construction to base course level, management and maintenance, porous driveways, cycle storage and electric vehicle charging points.

LLFA – No objection subject to appropriate conditions.

LCC Education – Contribution towards 1 secondary school place for £24,185.16.

UU – No objections subject to appropriate conditions.

Lancashire Fire & Rescue – Comments relating to access to comply with Building Regulations.

PBC Environmental Health – requests conditions on noise, hours limitation,

## **Public Response**

Site and press notices posted and nearest neighbours notified by letter. 10 responses have been received objecting to the proposals on the following grounds:

- Concerns over privacy;
- The majority of trees are protected under Tree Preservation Orders and wildlife is thriving in this area. The plans indicate destroying a massive amount of the growth along with several trees therefore destroying the local wildlife;
- I do not believe the plans accommodate enough parking spaces for the number of dwellings;
- The increased traffic on Barkerhouse Road would be a great problem with 180 newly approved houses the increase in traffic will be catastrophic;
- I do not believe that the dwellings are affordable housing and accessible to local first time buyers;
- Please do not ruin a perfectly beautiful area by cramming in more new houses;
- Overdevelopment;
- Plots 1, 2, 3, 15 & 20 overlook our land and garden as the land is substantially higher than our land and garden area. Plots 19 and 20 are too close to our boundary;
- Plots 10, 11 and 12 overlook our garden and rear of our house with loss of privacy;
- It is an offence to drive on the pavement. 1.5 parking spaces per dwelling it not enough and would lead to inconsiderate parking as on nearby developments;
- The access road is used as a car park;
- The dwellings will not sell, they are not affordable for first time buyers in this area;
- The road dimensions agreed on the planning consent were for a carriageway of 5.5m and pavement 2m wide. This access road allows for service vehicles to the Care Home to the service area accessed at the point where the road reaches the boundary with the application site. The narrowing of the road would create a bottleneck at the service area access making it difficult for larger vehicles to turn in and out and allowing residential traffic to pass bringing vehicles closer to pedestrians on the adjacent pavement which is proposed to be narrowed. The narrowed section is immediately after the curved entry into the new estate – the previous permission has a much straighter road into the site. Our client objects to the proposed narrowing, therefore, on the grounds of safety and operation restriction and recommend that officers request an amendment to these proposals; and
- The Highway Statement submitted makes no reference to the implications of and for existing traffic servicing the Care Home.

## **Officer Comments**

### **1. Policy**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 17 to 217 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

## **Local Plan Part 1: Core Strategy**

The following Local Plan policies are relevant to this application:

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 places Nelson as a M65 town that can accommodate

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy ENV5 seeks to minimise air, water, noise, odour and light pollution and to address the risks arising from contaminated land, unstable land and hazardous substances.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV4 sets out the requirements for affordable housing in the Borough with developments in the M65 Corridor not required to provide any provision. As this proposal is for 100% affordables this is not relevant here in any event.

Saved Replacement Pendle Local Plan policy 4C/4D seeks to protect biodiversity and wildlife corridors.

## **National Planning Policy Framework**

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development.

Of particular relevance to this proposal which seeks approval of access only, is paragraph 32. This states that planning decision should take account of whether safe and suitable access can be achieved for all people. Development should only be refused where residual cumulative impacts of the development are severe.

## **2. Principle of Housing**

The site is located within the settlement boundary and has an extant permission for 20 dwellinghouse and therefore the principle is already established.

## **3. Impact on Residential Amenity**

The nearest residential properties are on located on/off Barkerhouse Road, Hazelwood Road and Rowland Avenue.

Rowland Avenue lies to the north of this site with properties some 14m and 15m away from the gables elevations of plots 14 and 13 which have not habitable windows in the ground floor and first floor gables reducing any undue impacts from overlooking.

Hazelwood Road lies to the east of the site with plots 8 to 13 along the boundary between 22m and 24m away which is acceptable in terms of privacy distances.

1 and 2 Springhill Cottages accessed off Barkerhouse Road sited to the east of the site adjacent to residential gardens these properties would not be unduly affect with the gable of plot 7 sited 1m from the boundary with no gable windows which would result in overlooking.

There are 8 apartments, The Limes and 2-6 The Limes sited off Barkerhouse Road at to the west of the site. With the access road running along this boundary there would be little impact with the gable of plot 20 a minimum of 1m from this boundary with no gable windows to result in overlooking.

Marsden Grange is sited to the west with properties at The Limes sited inbetween and would not be unduly affected due to this and the distances involved.

Nelson Manor Care Home is site to the south of the site adjacent to the existing access road and is not affected in terms of impact on amenity.

245 Barkerhouse Road is a detached bungalow located to the north of The Limes and lies to the west of the development site. Plots 14 and 15 have rear elevations only 10 and 11m from the side boundary of this property and the first floor windows are likely to result in some overlooking and loss of privacy for this property.

There is some scope for potential impact on residential amenity by plots 14 and 15 on 245 Barkerhouse Road and the agent has been contacted and asked to address these concerns.

Subject to this being satisfactorily addressed the proposal should not result in any adverse impact on residential amenity.

#### **4. Highway Safety**

The main vehicular access will be via the access to the care home off Barkerhouse Road which is constructed to adoptable standards and provides a 5.5m wide access into the site.

The visibility splays of 2.4m x 43m are within the adopted highway. There is parking from the Care Home along the access road and it has been observed that the car park is at capacity with overspill onto Barkerhouse Road. It would be necessary, therefore to restrict parking on Barkerhouse Road to prevent obstruction of the visibility splays.

Whilst the access has been construct the footway has not and the applicant proposes reducing the carriageway to 4.75m and the footway to 2m to avoid the requirement for a retaining wall. A swept path analysis of the service area to the rear of the Care Home has not been submitted and the agent has been requested to provide this.

LCC have no objections to the proposed scheme subject to the above swept path analysis and appropriate conditions.

On-site parking would be provided on site, however, some of the proposed spaces are slightly below the requirements and therefore the agent has been requested to ensure these are in line with the requirements of policy 31 as well as providing access to electric vehicle charging points.



The development is therefore acceptable in terms of highway impacts.

## **5. Landscape Impact**

The site is not within any designated landscape and there are no real public viewpoints into the site.

The vegetation to be cleared has a low ecological significance and the trees outside of the development area are low quality. However, as the site is likely to be used by nesting birds any clearance should take place outside March to September.

## **6. Ecology**

An ecological assessment has been submitted as part of the application. No notable or protected species were recorded on the site.

The report concludes that ecology significance is low with no conclusive evidence of any specific protected species on the site or surrounding areas.

Whilst bats are unlikely to rely on the site for feeding they may occur in the area. Roosting by bats will not occur on site.

Mitigation measures are proposed for nesting birds with no clearance of vegetation from March – September. The protection of the mature tree on the site and future landscaping will promote structural diversity and encourage wildlife on the site.

The development thereby accords with saved policies 4C and 4D.

## **7. Landscaping and Trees**

All the trees and shrubs on the site are proposed to be removed except for the mature Beech tree which would be protected. The proposed landscaping includes appropriate replacement trees.

Tree protection fencing shall be erected around the protect Beech Tree and this can be controlled by condition.

The proposed landscaping scheme which has appropriate replacement tree planting is acceptable inn this location and can be controlled by condition including details of appropriate boundary treatments and therefore accord with policy.

## **8. Drainage and Flood Risk**

A proposed drainage scheme has been submitted together with a drainage strategy which is acceptable and the Lead Local Flood Authority has not objection to the scheme subject to appropriate conditions to control the surface and foul water drainage for the site.

This is acceptable and satisfies the requirements of Policy ENV7.

## **9. Layout, Design and Materials**

In terms of design the proposed dwellings are two storey with either 2 or 3 bedrooms and are of a standard internal layout. They are set in pairs or blocks of 3 or 4 in a traditional layout with a mix of gabled and hipped roofs.

A existing topography and details of finished floor levels have been submitted and are acceptable with proposed eaves/ridgelines similar to the adjacent properties on Hazelwood Road.

Materials proposed are Grey Marley Modern concrete tiles, Village Harvest Blend buff brickwork with soldier course headers and sills and Grey/green window frames and doorsets and black rainwater goods. The agent has been contacted regarding the proposed brickwork to clarify this and provide a sample for consideration.

Between properties 1.5m high close boarded fences are and proposed with similar fences of 1.8m high proposed to the rear boundaries. In some locations existing fencing will be retained. This is acceptable.

Whilst the large protected Beech tree has been retained and provides a focal point two of the private rear gardens around this tree are quite shallow and are triangular in shape in order to provide access to the rear which reduces the amount of usable space for these properties. Whilst it is unusual it is not unacceptable here.

The palette of materials and designs of the housetypes are acceptable in this location and accords with policies ENV1 and ENV2 subject to clarification of the brickwork.

## **10. Contributions**

A contribution towards 1 secondary education place of £24, 185.16 has been requested by LCC.

The agent has been requested to consider this request. The response will be reported to the meeting.

Consideration of open space on site and/or off-site contributions will be undertaken with the agent and the outcome reported to the meeting.

## **11. Summary**

The proposed scheme is for a residential scheme of 20 dwellinghouses which is acceptable in terms of impact on residential amenity, highway safety, landscape impact, ecology, landscaping, drainage and design and materials subject to the issues raised above being satisfactorily addressed and appropriate conditions attached and any requirements for contributions being fully considered.

## **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

**Reason:** In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

18-419-P01, 18-419-P02, 18-419-P03, 18-419-P04, 18-419-P05, 18-419-P06, 18-419-P07, 18-419-P08, 18-419-P09, 18-419-P10, 18-419-P11, 3214 103 & 3214 201.

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

3. No development shall take place unless and until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for education facilities.

**Reason:** To ensure that there are sufficient education places available in the area of these additional dwellinghouses.

4. Prior to any above ground works commencing a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and agreed in writing by the Local Planning Authority. Such detailing shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads , building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced.

**Reason:** To secure the proper development of the site in an orderly manner and to limit the number of access points to the highway.

5. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority 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 site. The method statement 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 any building, 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 occupants of the new development and in order to prevent contamination of the controlled waters.

6. Prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the Local Planning Authority.

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, 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, and details of floor levels in AOD;

b) The drainage strategy should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

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

d) A timetable for implementation, including phasing as applicable;

e) Site investigation and test results to confirm infiltration rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via a surface water body will only be considered where infiltration is proved to be unsuitable.

f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

**Reason:** To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development and to ensure the water quality is not detrimentally impacted by the development proposal.

7. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

(a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

(b) 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:

i. on-going inspections relating to performance and asset condition assessments

- ii. operation costs for 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;

(c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

**Reason:** To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, reduce the flood risk to the development as a result of inadequate maintenance and identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

8. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
  - b) The areas and methods of loading and unloading of plant and materials.
  - c) The areas for the storage of plant and materials.
  - e) Details of wheel-washing facilities including location
  - g) Measures related to construction waste management
  - i) Soil resource management including stock-pile management
  - k) Measures to ensure that vehicle access of adjoining access points are not impeded.
  - n) Location and details of site compounds
  - o) Hoarding details during construction
  - p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
  - u) Parking area(s) for construction traffic and personnel
  - v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phases.

9. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

The scheme shall include (among other things) details of routes to be used by construction traffic and periods during the day when trips to and from the site may be undertaken.

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

10. Within 3 months of commencement, excluding demolition, a scheme for the off-site highway works shall be submitted for approval and implemented before first occupation of any dwelling hereby approved.

The works shall include:-

- Pursue the implementation of double yellow lines at the site access junction of Barkerhouse Road to maximise the visibility splays.

**Reason:** In the interests of highway safety.

11. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In order to ensure that the estate roads are construction to an acceptable level.

12. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the LPA. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

**Reason:** In order to ensure the effective future maintenance and management of the estate roads.

13. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837: 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

**Reason:** To prevent trees or hedgerows on site from being damaged during building works.

14. Notwithstanding the submitted landscaping plan, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and 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 hard landscape elements and pavings, including layout, materials and colours;
- e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas;
- f. All boundary treatments and hard surfaced landscaped area.

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 and retains existing trees and hedgerows where possible.

15. Prior to any above ground works samples of all materials to be used on the external elevations including window, doors, surfacing and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.

**Reason:** In the interest of the visual amenity of the area.

16. The windows and doors shall be set back from the external face of the walls by at least 75mm in depth.

**Reason:** To ensure the continuation of a satisfactory appearance to the development.

17. Prior to first occupation the driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

**Reason:** To ensure satisfactory off street parking arrangements do not lead to an increase in flooding.

18. Prior to the commencement of development details of any proposed earthworks and retaining wall to be erected shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the volume of material to be imported to/exported from the site, the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, the exact position of retaining wall, heights and materials, the relationship of proposed mounding and retaining walls to existing vegetation and surrounding landform together with a management plan of the earthworks and the timing of the works and construction. The development shall be carried out in accordance with the approved details.

**Reason:** In the interest of maintaining the amenity value of the area

19. Prior to first occupation each dwelling unit shall have an electric charging point.

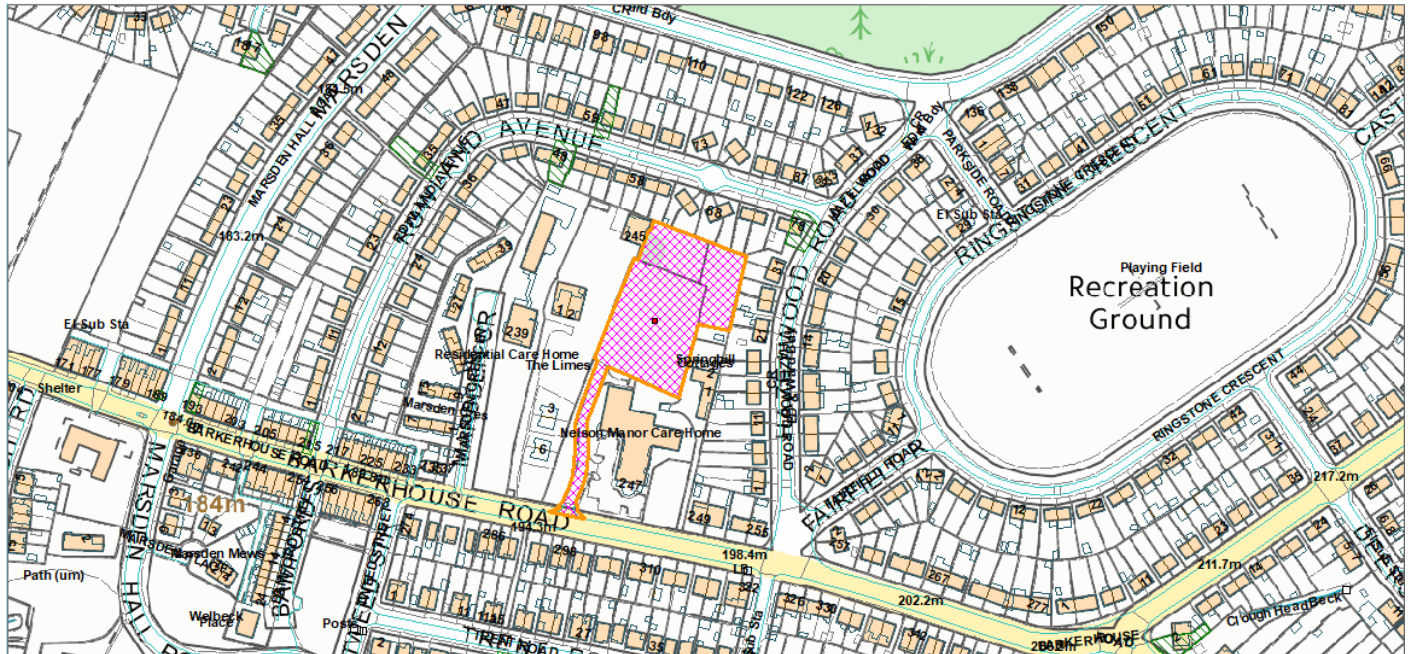
**Reason:** To ensure that the development provides for sustainable modes of travel.

20. Before a dwelling unit is occupied waste containers shall be provided on each plot.

**Reason:** To ensure adequate provision for the storage and disposal of waste.

#### Informative notes

The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with the County Council as Highway Authority. The applicant should contact Lancashire County Council, Highway Development Control email – [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.



**Application Ref:** 19/0601/FUL

**Proposal:** Full: Major: Erection of 20 dwellinghouses

**At:** Land to the North of 247 Barkerhouse Road, Nelson

**On behalf of:** Muir Housing Group and John Turner Construction

#### LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 23rd September 2019