



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: NELSON COMMITTEE

DATE: 06 January 2020

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON COMMITTEE ON 06 JANUARY 2020

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

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.

Delegated authority to approve the application was granted to the Planning, Economic Development and Regulatory Services Manager subject to the expiry of the notification period by Nelson Committee in October.

Following that delegation additional responses were received and these raised concerns that the extraction system was in operation and was not adequately dispersing odours.

The application could not be approved on the basis of the delegated conditions as the extraction system condition required details to be submitted and approved prior to the commencement of the operation of the extraction system.

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.

Updated response to amended plans: The revised, proposed ground floor layout now showing an internal bin store raises concerns. Due to the limited size of the store and restricted internal manoeuvring areas, refuse bins from the business may be stored on the adopted public highway network to the side and rear of the premises, where they would pose a hazard to other highway users. Therefore we object to this amendment 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.

Additional responses received since the committee meeting objecting on the following grounds:

- The takeaway is already open, how can the takeaway be allowed to sell food without planning permission?
- The chimney is not fit for purpose to take fumes and cooking smells away.
- It might be visually acceptable but is not high enough to adequately disperse cooking smells.
- An adjacent bedroom window is just above the chimney and residents will be breathing in fumes if it is open.
- The traffic situation is very dangerous with cars double parking up to the junction of Beech Street and Leeds Road making it a hazard getting accessing and existing Beech Street.

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.

The extraction system is in operation and concerns have been raised in relation to odours. It has been requested that details of odour and noise attenuation are submitted, however, no such details have been received. It is necessary to attach a condition requiring that acceptable details are submitted within one month of the date of permission being granted. With that condition in place noise and odours would be acceptably controlled.

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

Additional concerns have been raised in relation to parking and highway safety and issues of double parking along Beech Street raised. Whilst no off-street car parking is proposed there is a substantial amount of unrestricted on street car parking provision in the vicinity around the cleared streets to the rear of the site. The on street car parking provision in the area is sufficient to serve both the takeaway and the existing first floor taxi base without unacceptable highway safety impacts.

The site currently has no external bin storage area and it can be ensured under other legislation that bins are not stored on the public highway. Taking these factors into account the lack of external bin storage provision does not result in the development being acceptable.

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

Summary

With appropriate conditions 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 application is approved.

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: Approve

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. Within one month of the date of this permission 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:

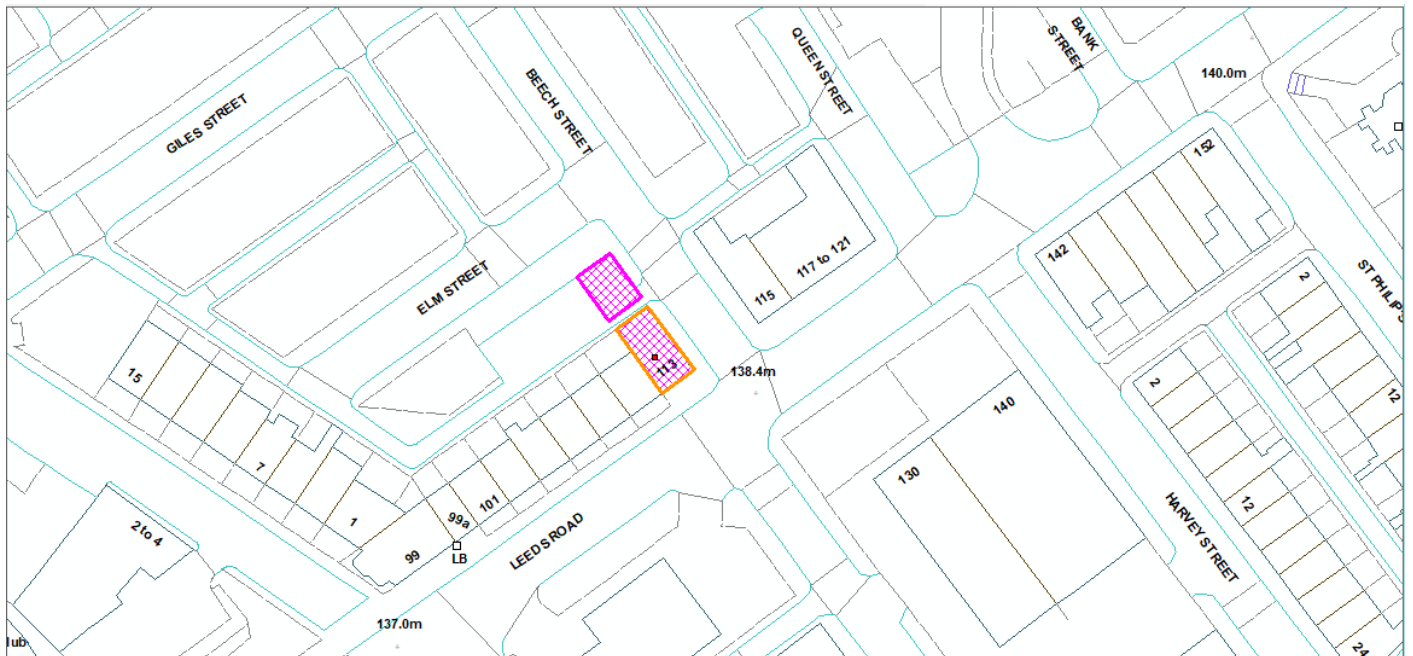
- a. the provision of odour filters (which shall incorporate grease and carbon filters)
- b. details of the sound insulation of odour control equipment

The approved scheme shall be fully implemented within two weeks of its approval and the extraction system shall thereafter be operated and maintained in accordance with the approved 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 ON 6TH JANUARY 2020

Application Ref: 19/0682/HHO
Proposal: Full: Erection of two storey side extension.
At: 79 Manor Street, Nelson.
On behalf of: Miss Farah Shah
Date Registered: 12.09.2019
Expiry Date: 09.12.2019
Case Officer: Charlotte Pinch

Site Description and Proposal

The application is to be decided at committee as it has been called in by the committee Chairman.

The application site is a two storey semi-detached dwellinghouse, located on a prominent corner plot at the southern end of Manor Street. The site is surrounded by residential properties of a similar scale and mass.

The proposed development is for the erection of a two storey side extension. It would comprise of a living room, bathroom and extended kitchen at ground floor, with two additional bedrooms and bathroom at first floor level.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

The proposal sees an increase in number of bedrooms from the existing 3 to a proposed 5 (ref Proposed two storey side extension Drawing no. E1 & P1) submitted.

Under the adopted parking and access standards a 4 bedroom dwellings should have a minimum of 3 off road parking places associated with it.

Preference would be for the 3 parking spaces (2.5m x 5.0m) required by parking standards to be within the curtilage of their property. Further to a site visit, I noticed that currently these cannot be achievable without making changes to the existing parking arrangements. However, as there is currently no parking restrictions in place on Manor Street, and no injury accident collisions have been recorded in the vicinity of the proposal in the last 5 years. There is no information which would suggest that the proposal would be problematic.

The proposal raises no highway concerns and therefore there is no objection to the proposal on highway ground.

Public Response

None received.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

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.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

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 the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 130 of the NPPF states permission should be refused for developments of poor design that fail to take opportunities available for improving the character and quality of an area, taking into account local design guides or adopted supplementary planning documents.

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

Design

The application site is within a prominent corner plot, on the junction between Manor Street and Bracewell Street. Therefore, the Design Principles SPD advises that particular attention needs to be paid to the design of extensions on corner plots.

In particular it states that two storey extensions must respect established building lines on both street frontages and where there is no clear building line, extensions should be set back from the boundary by at least 3m. In addition, the width of any side extension should not be more than half the width of the original frontage of the existing property.

With particular reference to two storey side extensions, the Design Principles SPD also stipulates; extensions should be set back 1m from the front elevation of the property, with a corresponding lowering of the roof line. Two storey side extensions should have a pitched roof and be constructed of materials to match that of the main dwellinghouse.

The street scene of Manor Street and Bracewell Street is relatively uniform, there is a strict building line running north along Manor Street, but not so defined along Bracewell Street. The

proposed two storey side extension would project further south than No.72 Manor Street and No.59 Bracewell Street. Moreover, the extension would be sited within 0.5 metres of the side boundary of the site, which would result in an overly prominent and obtrusive appearance within the street scene.

The proposed extension would have a width of 4.2m, which is over half the width of the existing dwellinghouse, at just 5.7m. This would result in an extension which is disproportionate to the size of the plot and the existing dwelling.

Moreover, the extension is sited flush with the front elevation of the existing dwellinghouse with a ridge height to match the existing roofline. This would result in a dominant flat frontage, creating an incongruous extension which would be detrimental to the character of the street scene.

Paragraph 130 of the NPPF states permission should be refused for developments of poor design that fail to take opportunities available for improving the character and quality of an area, taking into account local design guides or adopted supplementary planning documents. The proposed extension is of poor design, does not comply with the adopted Design Principles SPD and would result in a development which is detrimental to the character of the area. Therefore, it will be refused on the grounds of poor design.

Therefore, as submitted the proposal fails to comply with adopted guidance within the SPD, Policy ENV1, Policy ENV2 and Paragraph 130 of the NPPF.

Residential Amenity

The Design Principles SPD advises that two storey side extensions should not breach the 45 degree rule, which would result in loss of light to neighbouring occupiers. Moreover, proposed windows which serve main habitable rooms, in side elevations overlooking adjacent properties are not acceptable.

The siting of the proposed extension would retain sufficient separation distance from adjacent properties to ensure that no significant detrimental loss of light impacts would be caused.

Moreover, the extension proposes three first floor side facing windows. These would face south onto Bracewell Street and allotment gardens beyond, therefore no significant detrimental overlooking impacts would be caused. One first floor rear facing window is proposed, however this would not result in greater visibility over and above the existing situation.

Therefore, the proposal complies with adopted guidance within the SPD and Policy ENV2 in relation to impacts on residential amenity.

Highways

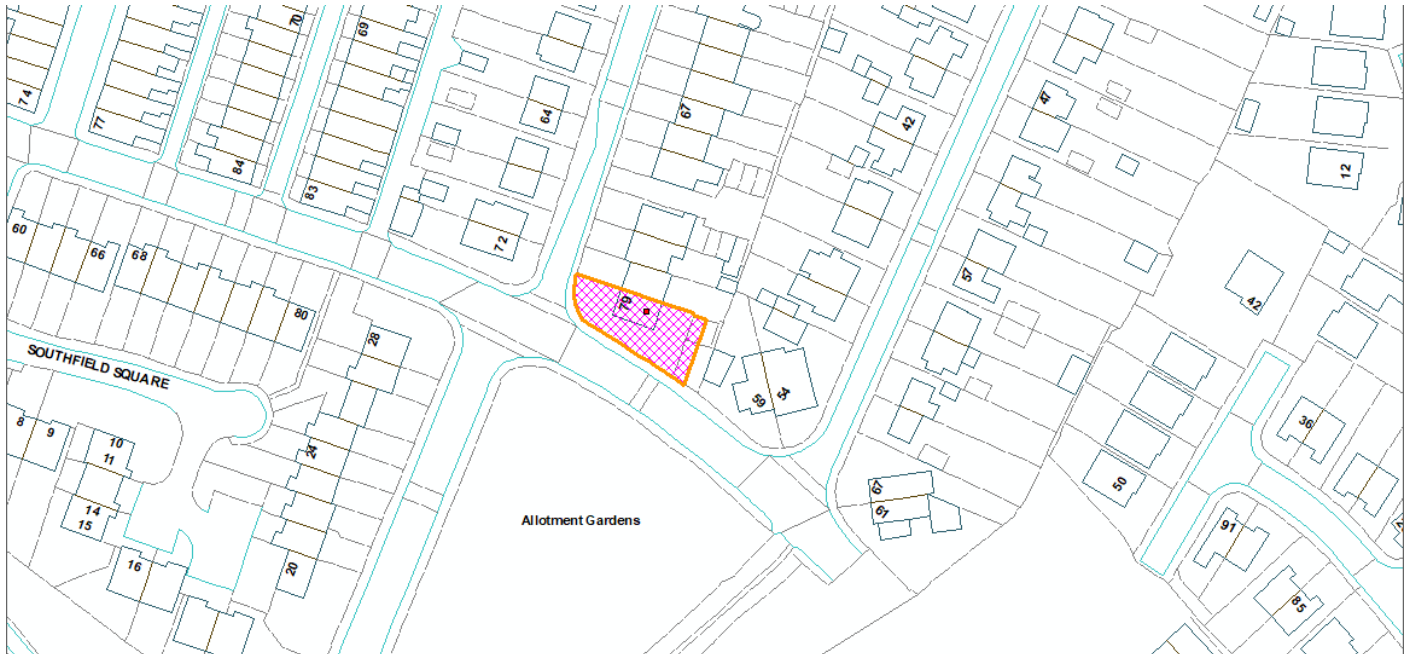
The proposed extension would add two additional bedrooms to the property, creating a five bedroom dwellinghouse. Saved Policy 31 requires three on plot parking spaces to be provided for this size property.

The proposal shows retention of the existing single garage and driveway to the rear of the property, this can accommodate two vehicles. However, it is acknowledged that there is unrestricted on street parking along Manor Street and Bracewell Street and the majority of properties have their own driveways, therefore on street parking is not of a premium. As a result, no significant concerns are raised in relation to parking provision, to warrant refusal of this application.

RECOMMENDATION: Refuse

For the following reason;

The proposed extension, by virtue of its scale and massing would result in a disproportionate addition to a corner plot property and an incongruous feature in the street scene. The development would therefore fail to accord with Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, the adopted Design Principles Supplementary Planning Document and Paragraph 130 of the National Planning Policy Framework.



Application Ref: 19/0682/HHO

Proposal: Full: Erection of two storey side extension.

At: 79 Manor Street, Nelson.

On behalf of: Miss Farah Shah

REPORT TO NELSON COMMITTEE ON 6TH JANUARY 2020

Application Ref: 19/0731/HHO

Proposal: Full: Erection of part double, part single storey rear extension and dormers to front and rear.

At: 4 Juno Street, Nelson

On behalf of: Mr Ali

Date Registered: 27.09.2019

Expiry Date: 10.01.2020

Case Officer: Charlotte Pinch

Site Description and Proposal

The application is to be decided at committee as it has been called in by the committee Chairman.

The application site is a two storey terraced dwellinghouse, located within a residential area of Nelson.

The proposal is for the erection of a single storey rear extension, front dormer and rear dormer. This development would result in an additional two bedrooms at second floor level and kitchen extension at ground floor level.

The proposed dormers would be clad in slate to match the existing roof and the extension of stonework and render to match.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

Juno Street (U20372) is an adopted urban, single 2 way local access road with a 30 mph speed limit.

The applicant proposes to convert a portion of the existing yard space for the proposal. I have noted that a degree of yard space will be retained. This will allow for the storage of refuse bins, whilst retaining pedestrian access. As a result the retained yard area should avoid refuse migrating and ultimately being left on the adopted back street.

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

Public Response

One letter of objection was received from a neighbouring occupier, their comments can be summarised as follows:

- Risk of damage to neighbouring occupier's property.

- Loss of light to neighbouring occupiers as a result of the rear extension.
- Could result in impacts on neighbouring backyards.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) of the Pendle Local Plan Part 1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) of the Pendle Local Plan Part 1 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.

Replacement Pendle Local Plan

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

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 18 to 219 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.

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.

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

Design

The proposed single storey rear extension would have a maximum depth of 4m and height of 3.5m, with a mono-pitched roof. It would not be readily visible in the street scene and would constitute a modest and proportionate addition to the existing dwellinghouse.

The Design Principles SPD states that dormers should be set below the ridge line of the original roof by at least 0.2m, set in from the side elevation by 0.5m and from the rear elevation by 1m. Dormers should be faced in materials which match the existing roof coverings.

The proposed rear dormer would only be set in from the side elevations by 0.1m on each side, set back from the rear elevation by 0.2m and set down from the main ridge by 0.1m. This would result in a large and incongruous rear dormer, which would be disproportionate to the size of the roof and be prominent in the street scene when viewed from the south west on Elder Street. It would not comply with the guidance in the Design Principles SPD and constitute poor design in accordance with Paragraph 130 of the NPPF.

In regards to front dormers, the Design Principles SPD states that dormers on a front roof slope will not be acceptable unless they are a feature of other similar houses in the locality or the dormer would otherwise be appropriate in visual design terms.

Juno Street comprises of narrow, uniform, terraced properties, none of which have front dormers. Therefore, front dormers are not a feature of similar houses in the locality. It is acknowledged that efforts have been made to reduce the size of the front dormer, however it would be readily visible from a number of public vantage points on Juno Street, as well as Elder Street and Belle Vue Close. Therefore it would result in a development which is detrimental to the character of the street scene and would not comply with the guidance in the Design Principles SPD.

As a result, the proposed development is not acceptable in relation to design or visual amenity and as such does not comply with Policies ENV1, ENV2, the Design Principles SPD and Paragraph 130 of the NPPF.

Residential Amenity

The Design Principles SPD states that single storey rear extensions, located on or immediately adjacent to, the party boundary with a neighbouring property will normally be acceptable if it does not project more than 4m from the rear elevation of the existing dwelling.

The proposed single storey rear extension would have a maximum depth of 4m for one element, dropping back to a 3m depth adjacent to No.6. The property benefits from an existing single storey W/C extension at the rear, which projects 4m along the boundary with No.2. Therefore, the proposed extension would comply with the Design Principles SPD and would not result in significant detrimental overbearing impacts on neighbouring occupiers.

The proposed front dormer would face directly north west onto Juno Street, towards the Dercliffe Rest Home. The proposed rear dormer would face directly south east, to the rear of properties on Alpha Street, retaining an existing separation distance of 12.5m from the rear elevation of the closest neighbouring properties.

The Design SPD states that regard must be given to existing street patterns and the existing interface distance between properties characteristic in the area. Given these are rows of compact terraced properties and the proposed rear dormer would not decrease the separation distance between them as existing, it would comply with the street patterns of the area and not have a detrimental impact on residential amenity over and above the existing situation.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

No objection.

RECOMMENDATION: Refuse

The visual impacts of the front dormer when related to the existing street scene are unacceptable. The front dormer is inappropriate within a street scene in which there are no other examples of dormer extensions. The structure is therefore detrimental to the character of the area. As such the development fails to comply with Policy ENV2 of the adopted Pendle Local Plan Part 1: Core Strategy and National Planning Policy Framework Paragraph 130.



Application Ref: 19/0731/HHO

Proposal: Full: Erection of part double, part single storey rear extension and dormers to front and rear.

At: 4 Juno Street, Nelson

On behalf of: Mr Ali

REPORT TO NELSON COMMITTEE ON 06 JANUARY 2020

Application Ref: 19/0740/REM

Proposal: Reserved Matters: Major: Erection of 98 dwelling houses (Phases 1-3), with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road (Appearance, Layout, Landscaping and Scale) of Outline Planning Permission 17/0427/OUT.

At: Land At Further Clough Head, Bamford Street, Nelson

On behalf of: PEARL Together Ltd

Date Registered: 01/10/2019

Expiry Date: 31/12/2019

Case Officer: Alex Cameron

This application is for a housing development of more than 60 houses and as such must be determined by Policy and Resources Committee. The application is therefore brought before Nelson Committee for comments rather than determination.

Site Description and Proposal

The application site is a 10.4Ha parcel of open land to the south of Messenger Street, Wickworth Street and Pinewood Drive in Nelson. There is open land to the south, and east, Pendle Industrial Estate to the west and dwellings and allotments to the north. The site would be accessed from Marsden Hall Road South with a second emergency access point from Windsor Street. Public footpath Nos. 72 and 73 run along the north boundary of the site, No.70 runs alongside the proposed access road and 65 runs from the east boundary of the site to the allotments in its centre. The site is within the settlement boundary of Nelson and the eastern boundary of the site is adjacent to the boundary of the Southfield Conservation Area.

This is a reserved matters application for the remaining reserved matters of appearance, layout, landscaping and scale following the approval of an outline planning application for access only for the erection of up to 200 dwellings on the land in 2017. This application relates to the first three of 6 proposed phases of the development with 98 dwellings proposed on the north western end of the site.

Relevant Planning History

17/0427/OUT - Outline: Major: Erection of up to 200 dwelling houses, with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road (Access only) (Re-Submission). Approved.

Consultee Response

LCC Education – Condition 21 of the outline permission should be supported further by any reserved matters decision.

PBC Conservation - The settings of two designated heritage assets are potentially affected by this development. The northern boundary of the site lies close to the Grade II listed Further Clough Head Cottage, and the eastern site boundary adjoins the Southfield Conservation Area. The CA at this point consists of open fields which provide a farmland setting for the historic hamlets at the heart of the CA. There are several listed buildings within these small historic farming hamlets but these are located at some distance from the development site.

A Heritage Statement was submitted at outline stage which set out the heritage significance of Further Clough Head Cottage and the Southfield CA and the contribution made by their settings to this significance. The Statement also assessed key views in the area that may be affected by the development, with particular reference to the CA and the public footpaths within it. The Heritage Statement does not appear to have been submitted with this application and is not referred to in the DAS; it would be useful to revisit and update this to indicate how the historic environment and in particular the designated heritage assets have been taken into account in the proposed design and layout of the site, and any potential harm mitigated. Some archaeological interest has also been identified on the site and this should be assessed in accordance with NPPF 189 and 199, with a desk-based archaeological assessment to be submitted and, if shown to be necessary, a field evaluation and recording.

The layout plan shows an existing area of woodland along Clough Head Beck, at the northern edge of the site, to be retained as a green corridor. This would effectively act as a buffer zone which would largely screen views between the listed Cottage and the housing development on the site. The LB is a typical vernacular farmhouse of the early 18thC; it does retain some feel of its original landscape setting with the mature trees around it, although modern housing development to the edge of Nelson has extended to its northern side. This has already compromised and curtailed its previously open rural setting. However the existing mature trees and proposed green corridor will screen views between the development site and the Cottage, and there is therefore likely to be little additional impact on its setting.

Southfield CA is a collection of historic farming hamlets situated on a shelf of the valley slope, and set within an attractive pastoral landscape. It is a locally valued heritage landscape containing a number of listed former farm buildings and quarry workers' cottages, characterised by dry stone walls and hedgerow field boundaries, with taller and more mature trees surrounding the individual settlements. The use of local stone and stone slate - quarried from the immediately surrounding hillsides - adds greatly to the heritage significance. The CA boundary has been widely drawn to include the open fields which contain the historic farming settlements, giving a sense of the original character of the area prior to the industrial expansion of Nelson.

The land rises significantly towards the east of the site where it adjoins the CA, and this change in levels will go some way to screening the Southfield CA hamlets from the development site, as do the trees along field boundaries. However at this detailed design stage it is necessary to consider the height, massing and materials for the houses, particularly at the edges of the site closest to the CA boundary to ensure that the setting of the CA and the LB's within it are not compromised. Landscaping and boundary treatments will be particularly important to this eastern edge of the site to ensure that views and rural/urban transitions are softened, and in this regard the proposed open spaces around the road access from the NE will assist in preserving the setting of the CA at this point. The proposed Phases 1, 2 and 3 would be located further from the CA boundary, and it therefore appears that later phases 4 and 5 might have more impact on the setting of the CA than the current phases. If the later phases are not to proceed for some time it is recommended that additional open space and landscaping be provided along the eastern edge of the site in order to soften the transition to open countryside.

With respect to design and materials, contemporary house designs are generally supported, however it is recommended that these could appear more appropriate to the local context by including some consideration of local character and distinctiveness (NPPF 192) and to better enhance or reveal significance as per NPPF 200. This could include use of salvaged stone from dry stone walls, buff toned materials to reflect the local stone and slates, and relatively simple building and roof forms.

PBC Public Rights of Way – Footpath No.65 would form an important pedestrian access point to the site a suitable condition should be attached for improvements to the footpath from the end of Southfield Street. A 2m surfaced footpath should be constructed on the line of footpath 65 within

the site. Please attach a note making the developer aware that the grant of permission does not include the right of obstruct or interfere with a right of way.

Coal Authority – No objection. It is noted that the submission is a reserved matters application in respect of outline planning approval reference 17/0427/OUT and that the proposed built development layout is unaffected by the two recorded mine entries.

On the basis that content of the submitted Phase 2 Geo-Environmental Assessment (August 2019, prepared by PWA Geo-Environmental Ltd) meets some of the criteria of Condition 20 (i.e. proposes what could be broadly considered an acceptable scheme of investigations for the mine entries) and that the remaining elements of the condition are able to be addressed as part of the discharge of condition application, which ultimately may ensure the investigation and treatment of the mine entries.

Environment Agency – No objection. Note that additional information will be required at the conditions discharge stage in relation to condition 7 of the outline approval. Concerns are raised in relation to this regarding the provision of a SUDS pond in the public open space area as this could mobilise contamination from the former Messenger Street landfill.

Lancashire Constabulary Architectural Liaison – Recommend that the following security measures are incorporated: cul-de-sac layout, reorientation of layout to improve natural surveillance of the emergency access road and adequate bollards, natural surveillance of open spaces and footpaths, back to back gardens, avoiding windowless elevations, external lighting, consideration of maintaining street lighting in landscaping, in-curtilage car parking, communal parking close to properties with good natural surveillance and lighting, boundary treatments to deter intruders, lockable gates, removal of potential climbing aids, secure window and door glazing and locks and restrictors, no windows to garages, utility meters close to the front elevations and intruder alarms.

Throughout the construction phase with adequate security measures, including; 2.4m anti-climb fencing with lockable gates, intruder alarm, CCTV, security lighting, security patrols and plant machinery must be immobilised when not in use and fitted with location tracking technology.

Natural England – No comments.

PBC Public Rights of Way – Objects on the basis that the development cannot be carried out without altering the ground levels to an extent that two public footpaths which cross the site will be made inconvenient for public use. The applicant should provide supplementary plans as part of the planning application which modify the proposals, if these show the current elevation profile of the affected footpaths through the site, an equivalent plan showing the proposals, and I am satisfied that the impact will not make the footpath inconvenient to the public. Alternatively a plan will need to be submitted to show how the footpaths can be diverted to a more commodious route.

LCC Highways

Lead Local Flood Authority

United Utilities

Nelson Town Council

Public Response

Site and press notices posted and nearest neighbours notified by letter. Responses received objecting on the following grounds:

- Brownfield sites should be developed before this greenfield site.

- No need for new housing in the area.
- Traffic congestion and highway safety.
- Lack of turning provision for large vehicles.
- Marsden Hall Road South is inadequate to accommodate the additional traffic from the development.
- Additional vehicle emissions.
- The land is used by walkers, dog walkers and for other public amenity uses.
- Added strain on local education, health and other facilities.
- Additional strain on utilities.
- Harm to the open countryside
- Risks of contamination and to children from the proposed SUDS pond.
- Impacts on public rights of way from levels changes.
- The development is contrary to current views on combating climate change.
- Impacts of wildlife and the natural environment.
- The design does not reflect the heritage of the area.
- Insufficient information provided to determine the application.
- Noise, dirt and dust impacts during construction.
- If built in phases it could take up to ten years to complete.
- Increase risk of off-site flooding.
- The escape road will be used as a short cut.
- High levels of anti-social behaviour and crime in the area.
- The land is unstable and unsuitable for development.
- This is not affordable social housing.
- The site is of archaeological value.
- Impact on the value of nearby dwellings.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 sets out the roles each settlement category will play in future growth. Nelson is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Brierfield would be expected to provide, as a minimum, over the plan period.

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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 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 requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the target for 15 or more dwellings is 0%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework (The Framework)

Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Council's most recent monitoring figures have established a housing supply figure of 4.6 years. This is below the 5 year threshold and therefore paragraph 11(d) applies to this development.

Principle of the development

The principle of the acceptability of developing the land for up to 200 houses, including the impacts on services, facilities and infrastructure, has been established by the outline approval.

Visual Amenity and Landscape Impact

The development would be of relatively low density with a green spaces throughout. The design of the dwellings would be contemporary. The surrounding housing is a mixture of styles and in this context the proposed design of the development is acceptable.

The site is located on sloping rural land which rises from Clough Head Beck sloping up to the south east, the most prominent public view across the site would be from Windsor Street / Messenger Street, the approach to the site from the main entrance off Marsden Hall Road South and the public footpaths between the site and Barkerhouse Road to the east. Beyond these points the site would be likely to be completely screened by the existing landform, trees and buildings.

The existing trees and proposed open space to the north would provide a visual buffer and some level of screening with appropriate landscaping in views from the north. In views from the east the development would appear as a natural extension of the existing development, set against existing adjacent residential and industrial development.

The proposed development does not result in any unacceptable landscape or visual amenity impact.

Heritage Impact

The settings of two designated heritage assets are potentially affected by this application. The northern boundary of the development site lies close to the Grade II listed Further Clough Head Cottage, and the eastern site boundary adjoins the Southfield Conservation Area. The Conservation Area at this point consists of open fields which provide a farmland setting for the historic hamlets at the heart of the Conservation Area. There are several listed buildings within these small historic farming hamlets but these are located at some distance from the development site.

The open space area to the north of the site and surrounding trees would act as a buffer and screen views of the development site from the setting of Further Clough Head Cottage. This would ensure that the development would not result in harm to the significance of the Listed Building.

The eastern boundary of the site abuts fields falling within Southfield Conservation Area. Taking into account that the application site rises steeply up to this eastern boundary the proposed development would not be visible/prominent in views from the wider Conservation Area. Appropriate boundary treatments and use of sympathetic materials on the plots adjoining the Conservation Area could be ensured by condition.

Some archaeological interest has been identified on the site. A desk-based archaeological assessment and, if shown to be necessary, a field evaluation and recording are required in relation to this and have been requested.

Residential Amenity

The proposed development would not result in any unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings. An acceptable degree of residential amenity could also be assured for future residents of the proposed dwellings.

Concerns have been raised in relation to residential amenity impacts of construction works. These would be acceptably controlled by the construction management conditions of the outline permission.

Ecology

An additional bat survey has been submitted with the application, this identifies that the site is frequently used for commuting and foraging bats. Mitigation measures are proposed including limiting external lighting, installation of bat roosting features and surveys of trees before removal. The mitigation measures can be ensured by condition.

Landscaping

Full details of proposed landscaping have not been submitted, it is proposed for landscaping to be conditioned.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The proposed layout plan shows public open space areas throughout the site, the proposed public open space provision is in accordance with policy LIV5.

A sustainable urban drainage system (SUDS) pond is proposed within the area of open space to the north of the site. This would not unacceptably impact upon the amenity value of that designated open space.

Concerns have also been raised regarding the safety of SUDS in relation to children. SUDS are an established form of urban drainage and, implemented in accordance with the relevant guidance, do not raise unacceptable safety issues.

Drainage and Flooding

Flood risk was assessed at the outline state and conditions attached to that permission to control foul and surface water drainage.

Contamination

Concerns have been raised by the EA in relation to the potential for the SUDS pond to mobilise contamination from a former landfill site. The applicant has been made aware of this, however, this is a matter that is ultimately controlled by the contamination and drainage conditions on the outline permission.

Education

It was demonstrated at the outline stage that a contribution towards the provision of school places would unacceptably impact upon the viability of the development. A condition was attached requiring this to be periodically reassessed. This is a matter controlled under the outline permission.

Affordable Housing

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the target for 15 or more dwellings is 0%. There is therefore no requirement for affordable housing to be provided on this site.

Highways

The principle of the acceptability of the development in terms of access and its residual impacts of the highway network has been established by the outline approval.

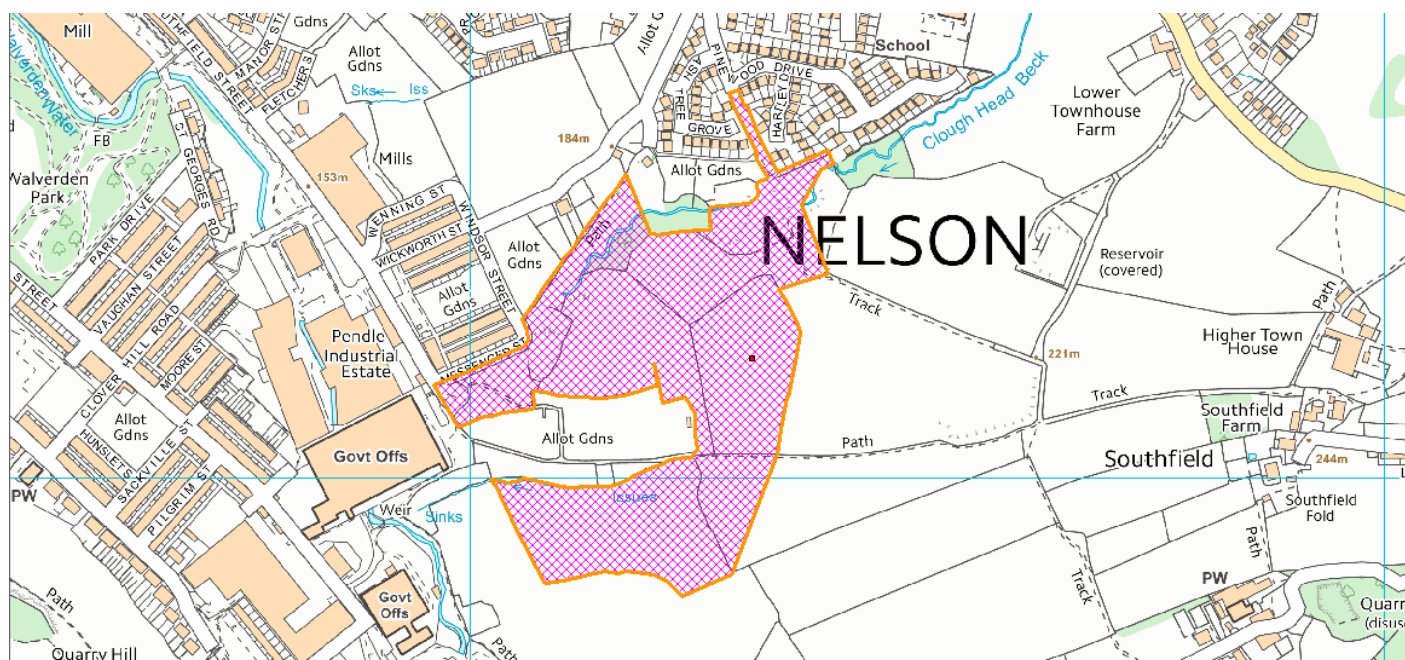
The highway matters to be considered in this application relate to the design of the internal roads and car parking layout. Detailed comments from LCC Highways on this matter are awaited.

Public Rights of Way

Concerns have been raised by the Council's Countryside Access Officer in relation to the public rights of way through the site being affected by the proposed changes to levels. This has been raised with the applicant to address.

Recommendation

The application is brought before the Area Committee for comment. Those comments will be included in the final report which will make a recommendation to the Policy and Resources Committee. Members are asked therefore to make a resolution incorporating the Committee's comments on the application.



Application Ref: 19/0740/REM

Proposal: Reserved Matters: Major: Erection of 98 dwelling houses (Phases 1-3), with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road (Appearance, Layout, Landscaping and Scale) of Outline Planning Permission 17/0427/OUT.

At: Land At Further Clough Head, Bamford Street, Nelson

On behalf of: PEARL Together Ltd

REPORT TO NELSON AREA COMMITTEE ON 06TH JANUARY 2020

Application Ref: 19/0776/HHO

Proposal: Full: Erection of dormer to the front roofslope.

At: 9 Chatham Street, Nelson

On Behalf of: Mr Khadim Hussain

Date Registered: 21 October, 2019

Expiry Date: 16 December, 2019

Case Officer: Christian Barton

This application has been brought before Committee as requested by the Chairman.

Site Description and Proposal

The application site is a mid-terrace dwelling located in the settlement of Nelson. It is surrounded by similar housing to three sides with a car park to the west. The dwelling has natural stone elevations, a slate roof, brown uPVC windows and a walled yard to the rear.

The proposed development involves the erection of a front roof dormer. The proposed dormer would have a depth of 4.4m, a width of 4.6m and a rubber flat roof 2.3m in height. It would have a central uPVC window and grey slates to the front and sides.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways – The Highway Development Support Section would raise no objection to the proposal on highway safety grounds.

Nelson Town Council

Public Response

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

Officer Comments

The main considerations for this application are the design, residential amenity and highways.

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

- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of

quality and design in new development. It states that the siting and design of development should be in scale, context and harmony with the wider locality.

Other policies and guidance's are also relevant:

- The Design Principles Supplementary Planning Document (SPD) applies to domestic developments and sets out the aspects required for good design;

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.'

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

2. Design and Visual Amenity

The Design Principles SPD states that the style, design and scale of domestic developments should respect the existing character of the location. Roof dormers should be exercised in a way that ensures their design is in keeping with the dwelling and their volume does not dominate the roof slope. Such developments are only acceptable where they are existing features of other similar properties in the locality. The materials used for cladding should match the main roof coverings and grey slates are proposed here which is acceptable.

The housing stock of the surrounding area is predominantly characterised by traditional terraced dwellings located on to or immediately adjacent to the public footway. The application site and the properties within this row have an attractive uniformity with bay windows and walled front terraces. No other dormers are visible to the front of this terraced block and it is clear that they are not traditional or intrinsic features of the locality. The untouched slope of the slate roof and stone chimneys are an essential part of the visual harmony of the terrace. This appearance is of importance accounting for the traditional character of terraced rows in the general context of mill town townscapes.

The proposed dormer window would be of a modern 'box' style'. It would cover the majority of the roof slope rising up to the ridge height and would appear as a dominant feature. Its bulk and scale would be out of keeping and would appear as an incongruous addition within the terrace, being immediately visible from a number of public vantage points along Chatham Street. The proposal to erect a front dormer here would be inharmonious in relation to the terraced row and would fail to improve the character and quality of the area. Therefore, the proposed development would represent poor design which would be detrimental of the visual amenity of the location thereby failing to comply with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130 of the Framework.

3. Residential Amenity

The Design Principles SPD states that development proposals must adequately protect neighbours enjoying their homes. The proposed dormer would have no overbearing impacts on the immediate neighbours. The proposed bedroom window would face a car park and motorway and would have no impacts on domestic privacy. The proposal would therefore be acceptable in relation to residential amenity.

4. Highways

The proposed development would not increase the parking demands of the site. LCC Highways have raised no objection and I concur with their findings. The proposal would have no unacceptable impacts on the safety of the highway network.

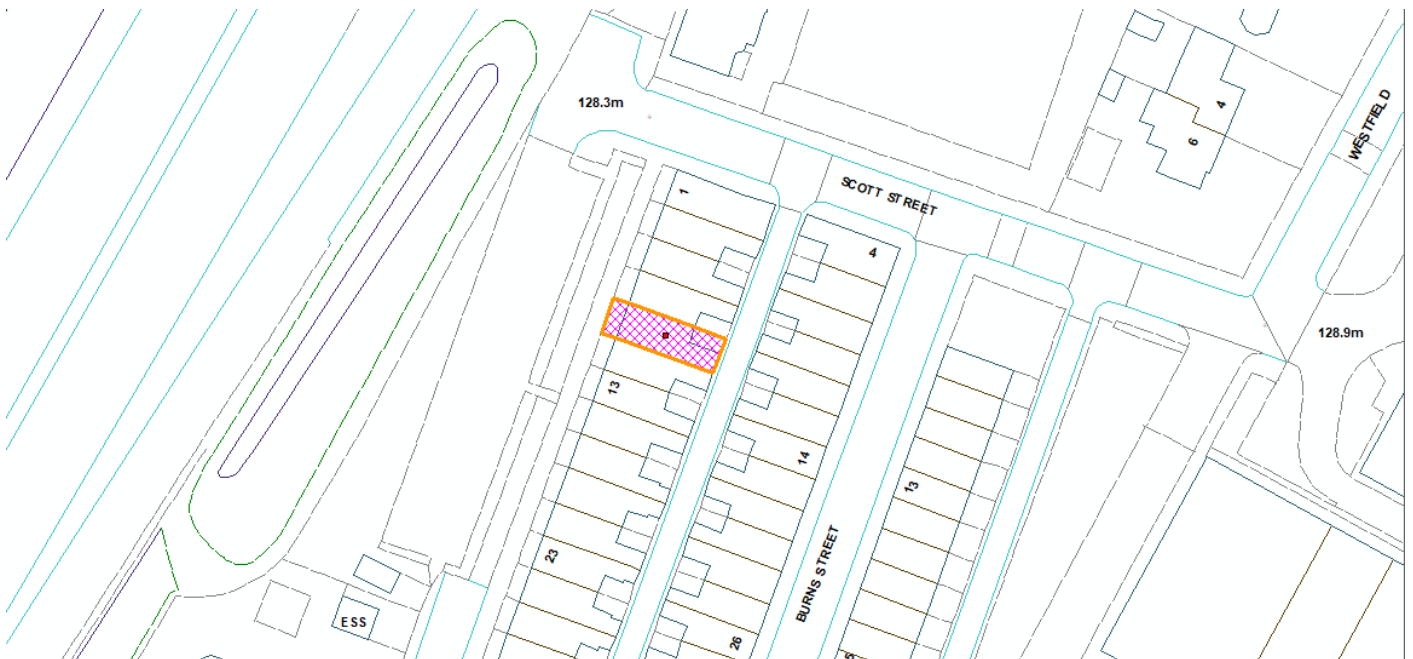
5. Summary

The proposed development involves the erection of a front roof dormer. The proposal would have no detrimental impacts on residential amenity, or the road network. However, front dormers are not existing and regular features of terraced houses in the locality. The proposal therefore represents poor design and fails to accord with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130.

RECOMMENDATION: Refuse

For the following reason:

1. The siting of a front roof dormer on this dwelling would be of detriment to its Victorian façade and the proposal would be harmful to the visual amenity of the location and would fail to improve the character and quality of the area thereby failing to accord with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030), the guidance of the Design Principles Supplementary Planning Document and Paragraph 130 of the National Planning Policy Framework.



Application Ref: 19/0776/HHO

Proposal: Full: Erection of dormer to the front roofslope.

At: 9 Chatham Street, Nelson

On Behalf of: Mr Khadim Hussain

REPORT TO NELSON AREA COMMITTEE ON 06TH JANUARY 2020

Application Ref: 19/0802/HHO

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

At: 70 Fleet Street, Nelson

On Behalf of: Mr Rashid

Date Registered: 23 October, 2019

Expiry Date: 18 December, 2019

Case Officer: Christian Barton

This application has been brought before Committee as requested by the Chairman.

Site Description and Proposal

The site is an end-terrace dwelling located in the settlement of Nelson. It is surrounded by similar housing to all sides. The house has natural stone elevations, a slate roof, white uPVC windows and a walled yard to the rear.

The proposed development is a single-storey rear extension and roof dormers to the front and rear. The proposed extension would adjoin an existing outrigger and would have a depth of 2.3m, a width of 2.5m and a dual-pitched roof 3m in height. It would have pebbledashed elevations and a slate roof. The rear dormer would have a depth of 4.1m, a width of 4.4m and a flat roof 2m in height. The front dormer would have a depth of 3.8m, a width of 4.4m and a flat roof 2m in height. Both dormers would be clad with slates and white uPVC windows are proposed throughout.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways – We note there is a proposed increase in bedrooms from the existing 3 to 5. Pedestrian access to the rear of the property will be maintained and there will be sufficient area within the remaining yard to store refuse bins. The Highway Development Control Section is concerned about the cumulative effect of the increasing numbers of terraced homes being extended to increase bedroom space without providing any additional parking facilities.

From observations on site on-street parking in this area of Fleet Street and surrounding streets is at a premium. Any increased demand for on-road parking is difficult to absorb without causing additional loss of amenity. We will therefore, object to this application.

Nelson Town Council

Public Response

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

Officer Comments

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

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

- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that the siting and design of development should be in scale, context and harmony with the wider locality.

Other policies and guidance's are also relevant:

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

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

7. Design and Visual Amenity

The Design Principles SPD states that the style, design and scale of domestic developments should respect the existing character of the location. Roof dormers should be exercised in a way that ensures their design is in keeping with the dwelling and their volume does not dominate the roof slope. Such developments are only acceptable where they are existing features of other similar properties in the locality. The materials used for cladding should match the main roof coverings and slates are proposed here which is acceptable.

The extension and rear dormer would be clearly seen from a number of public vantage points given the end terrace nature of the site. However, subject to the quality of the external materials of those elements being controlled through condition, they would have no unacceptable impacts on the character of the area, or uniformity of the terraced row.

The surrounding area is exclusively characterised by traditional terraced dwellings located on to or immediately adjacent to the public footway. The application site and the properties within this row have an attractive uniformity with walled front terraces and stone chimney stacks. Only two other front dormers are visible to the front of this terraced block, at 18 Fleet Street and 16 Rook Street, and no planning permissions have been issued for those installations. It is clear that they are not traditional or intrinsic features of the wider locality. The untouched slope of the slate roof and stone chimneys are an essential part of the visual harmony of the front of the terrace. This appearance is

of importance accounting for the uniformity of the row within the wider street scene and the traditional character of terraced rows in general context of mill town townscapes.

The proposed front dormer window would be of a modern 'box' style'. It would cover the majority of the roof slope rising up to just below the ridge height and would appear as a dominant feature. Its bulk and scale would be out of keeping and seen as an incongruous addition within the terrace, being immediately visible from public vantage points along both Fleet Street and Rook Street. The proposal to erect a front dormer here would be inharmonious in relation to the terraced row and would fail to improve the character and quality of the area. Therefore, the proposed development would represent poor design which would be detrimental of the visual amenity of the location thereby failing to comply with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130 of the Framework.

8. Residential Amenity

The proposed rear extension would be built to the south of an existing outrigger of the same depth at the adjoining property. The proposal would have no overbearing impacts on the immediate neighbours. The extension window would not directly face any main habitable room windows in the adjacent property. Bedroom windows are proposed to the front and rear within the dormers. However, the house has existing main habitable room windows in those elevations and the distances involved are characteristic of other dwellings in the area. The proposal would therefore have no unacceptable impacts on domestic privacy and would be acceptable in relation to residential amenity.

9. Highways

The proposed development would add two bedrooms to the site increasing parking demand. The site has no off-street parking and no appropriate land to provide parking. LCC Highways have objected on parking grounds. However, domestic parking for the dwellings in the area is predominantly provided by on-street provisions. Therefore, a relaxation in parking requirements is acceptable in this instance. The proposal would have no unacceptable impacts on the safety of the highway network.

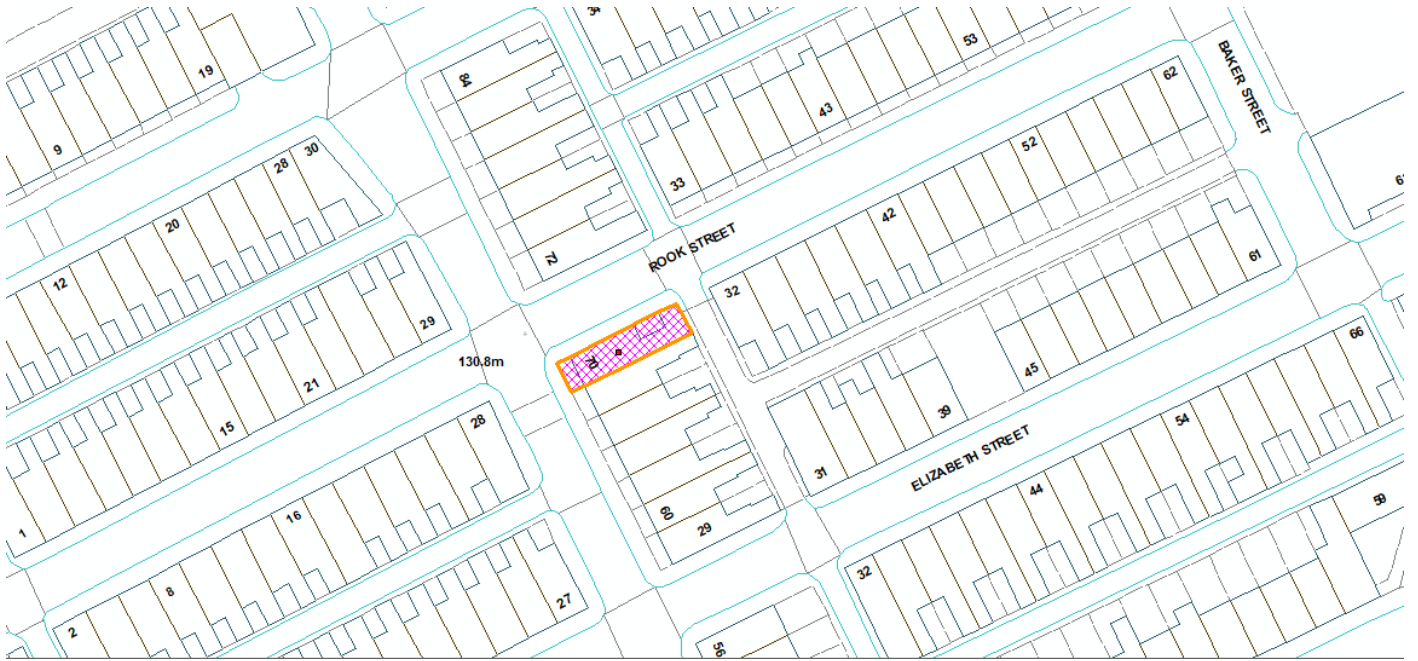
10. Summary

The proposal seeks to erect a single-storey rear extension and roof dormers to the front and rear. The development would have no detrimental impacts on residential amenity or the road network. However, front dormers are not existing and regular features of terraced houses in the locality. The proposal therefore represents poor design and fails to accord with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130.

RECOMMENDATION: Refuse

For the following reason:

1. The siting of a front roof dormer on this dwelling would be of detriment to its Victorian façade and the proposal would be harmful to the visual amenity of the location and would fail to improve the character and quality of the area thereby failing to accord with Policy ENV2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011-2030), the guidance of the Design Principles Supplementary Planning Document and Paragraph 130 of the National Planning Policy Framework.



Application Ref: 19/0802/HHO

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

At: 70 Fleet Street, Nelson

On Behalf of: Mr Rashid

REPORT TO NELSON COMMITTEE ON 6th JANUARY, 2020

Application Ref: 19/0810/FUL

Proposal: Full: Major: Erection of light industrial and warehouse units (Use Classes B1 and B8) (3, 640 sq.m) access, parking and associated works.

At: Site of former Parkfield Mills, Railway Street, Nelson.

On behalf of: Mr Brian Foster

Date Registered: 06 November 2019

Expiry Date: 05 February 2020

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is part of the vacant former Parkfield Mill located with the settlement boundary of Nelson in a mainly residential area.

The site is bounded by residential properties to the north and south, allotments and residential units to the west and the remainder of the site to the east which has permission for B8 storage and distribution.

The site is not designated as any specific use in the Local Plan and lies outside of the town centre boundary.

The proposal is to erect 18 units of 3,640sq.m. for B1 light industrial and B8 storage and distribution uses.

There is a steep difference in levels between the site and adjacent land users including Railway Street to the south therefore the access is proposed off Cloverhill Road to the east which has already been approved under 17/0712/FUL.

It is proposed that the development would create employment for 70 Full Time Equivalent posts.

Relevant Planning History

17/0712/FUL – Full: Major: Erection of storage and distribution unit (Use Class B8)
1,640 sq.m. – Approved 6th February, 2018.

17/0412/FUL - Full: Major: Erection of storage and distribution unit (Use Class B8)
1,640 sq.m. – Withdrawn.

13/07/0740P – Reserved Matters: Erect 25 houses and 24 apartments – Approved.

13/04/0630P – Outline: Major: Residential development (1.4ha) – Approved

13/04/0367P – Outline: Major: Residential development (1.4ha) – Withdrawn

Consultee Response

Lead Local Flood Authority (LLFA) – No objection subject to conditions being attached to any grant of permission relating to drainage.

Environment Agency – This development could potentially be impacted by contaminated land. The previous use of the proposed development site as a cotton mill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary aquifer B.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy, carried out by a competent person in line with paragraph 178 of the National Planning Policy Framework.

LCC Highways – Having considered the information submitted, please find below my initial comments, together with a request for further information, including an amended parking and site layout plan which should take these comments into account.

Whilst we have no objection in principle to the proposed development this would depend on the applicant demonstrating that the site operation would not have an adverse impact on the surrounding highway network.

Response on Amended Plans

Further to our initial response of 20 November 2019 to the above application, and the receipt of an amended Proposed Site Plan (Drawing No FOSTER/01 Dwg 03A dated 2.12.19), the Highway Development Support Section considers that the applicant has satisfactorily addressed the points raised. We therefore make the following comments.

The construction of the amended access to Clover Hill Road was covered by condition in planning permission 17/0712/FUL granted for Phase One of the site. However, should Phase Two be developed first the same condition should be applied to ensure that a properly constructed access to the site from the adopted highway network is provided, prior to first use of the site.

Works to create/improve the site access on Clover Hill Road would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, provision of radius kerbs, tactile paved dropped pedestrian crossings, and the re-location of the highway gully on Clover Hill Road due to the intensification of use.

Any surface water drainage from the site should not connect into the existing highway drain on Clover Hill Road. Any formal planning approval granted does not give consent to make any connection to Lancashire County Council's highway drainage system

We consider that the level of parking provision and layout for cars, motorcycles, cycles and vehicle charging bays as shown on the revised site plan (Drawing 03A) are acceptable, with the following comment being noted.

The hatch markings for disabled bays 11, 61, 62, 74 and 75 need amending slightly. The markings shown adjacent to the buildings should be moved to the back of the bays.

Given the development site's location within a residential estate, and close to a number of bus routes on Railway Street and Brunswick Street, we would ask that a condition is applied restricting the times of deliveries by HGV construction vehicles to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times. Therefore no deliveries should be made before 9.00 am and after 3.00pm.

The applicant should also provide a construction method statement.

The Highway Authority has a right of support from the boundary walls owned and maintained by a third party in this case. No works should commence which will cause instability to the public highway without first contacting the Highway Authority to discuss the necessary arrangements to ensure public safety is maintained at all times.

The two existing access points to the rear of Brunswick Street should be physically and permanently closed up prior to the formation of the amended access to Clover Hill Road. This is to ensure that there is only one access point to the site in the interest of highway safety.

As the internal road, footways and retaining structures would remain private the developer should provide details of the proposed arrangements for the future management and maintenance of the road. These should include the establishment of a private management and maintenance company.

If the local planning authority is minded to approve this application then conditions relating to site access, construction method statement, retaining structure, management and maintenance of internal roads, closure of existing accesses, parking areas and cycle and motorcycle storage should be attached to any grant of planning permission.

United Utilities – Drainage

Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and therefore should planning permission be granted we request appropriate conditions are attached to any subsequent Decision Notice.

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

Water Supply

United Utilities can readily supply water for domestic purposes, but for larger quantities for example, commercial/industrial we will need further information.

The applicant has not stated whether provision of a new water supply is required. Use of the existing metered supply may be considered if it meets United Utilities standards. If not, a separate metered supply will be required at the applicant's expense.

The applicant must undertake a complete soil survey, as and when land proposals have progressed to a scheme design i.e. development, and results submitted along with an application for water. This will aid in our design of future pipework and materials to eliminate the risk of contamination to the local water supply.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

United Utilities' Property, Assets and Infrastructure

A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

The applicant must comply with our 'Standard Conditions' document. This should be taken into account in the final site layout, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense. If considering a water mains diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that the cost of mains diversion is prohibitive in the context of their development scheme. The Water Industry Act 1991 affords United Utilities specific rights in relation to the maintenance, repair, access and protection of our water infrastructure;

Sections 158 & 159, outlines the right to inspect, maintain, adjust, repair or alter our mains.

This includes carrying out any works incidental to any of those purposes. Service pipes are not our property and we have no record of them.

Under Section 174 of the Act it is an offence to intentionally or negligently interfere with any resource main or water main that causes damage to or has an effect on its use or operation.

It is in accordance with this statutory provision that we provide standard conditions to assist developers when working in close proximity to our water mains.

Both during and post construction, there should be no additional load bearing capacity on the main without prior agreement from United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles.

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

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

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

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.

Should this planning application be approved the applicant should contact United Utilities regarding a potential water supply or connection to public sewers. Additional information is available on our website <http://www.unitedutilities.com/builders-developers.aspx>

National Grid – There is operation gas apparatus within the application site boundary which may restrict activity. The applicant must ensure that proposed works do not infringe on any such restrictions.

Architectural Liaison Unit – In relation to the above 'Major' planning application, it is important that the Applicant and case Planning Officer consider the specific risks to the site, buildings and end users in relation to crime and disorder e.g. burglary, criminal damage, vehicle crime, potential lucrative gain by criminals etc. Therefore, appropriate security measures should aim to prevent crime and ensure each business is resilient enough to withstand any attempts of criminal activity or disruption and also detect intrusion at an early stage.

Rationale: to keep people safe and feeling safe by reducing crime and anti-social behaviour across Lancashire.

The submitted Design & Access Statement does not make any reference to local crime issues and/or mitigating security measures, in accordance with the following legislation and policies, and should be considered and incorporated into the final scheme before planning consent is granted.

Crime risks and security measures

Over the past 12 months, a high number of crimes and incidents have been recorded within the Police Incident location that encompasses the proposed development, including burglary (smashing glazing, prising open doors and windows, via the roof to steal lead), vehicle crime (theft of and from), criminal damage to buildings and vehicles, arson, theft, assault and antisocial behaviour, such as nuisance. Therefore, to mitigate against these risks, Lancashire Constabulary would advocate that security measures be implemented.

Lancashire Fire & Rescue – The development should meet the required Building Regulations Approved Documents B,

PBC Environmental Health – response awaited.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Two responses received to date raising the following issues:

- This is a residential area and surrounded by residential dwellings;
- There is no access for transport and there is too much heavy transport moving up and down Brunswick Street which causing serious disturbance to the roadway;
- There would be serious implications for water supply and drainage;
- The environment would be seriously affected and the eco system in the neighbouring park would be seriously compromised;
- The noise level would be in excess of the level allowed for residential dwellers;

- Concerned over noise levels for both construction and operation of the units and potential smells by rubbish disposal as the houses immediately behind the site are only separated by a narrow back street within 4/5m of these operations; and
- There is already a safety issue and significant noise generated from vehicles which exceed the speed limit. This will be exacerbated should these plans go ahead.

Officer Comments

The main issues are impact on amenity including potential noise issues, design and materials and highway issues.

Policy

The relevant policies are:

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

ENV5 seeks to minimise pollution including noise.

ENV7 deals with water drainage and management.

WRK1 seeks to strengthen the local economy and encourage expansion and growth within the area especially regeneration in the M65 corridor.

WRK2 states Key Service Centres will be the main focus for new employment initiatives in Pendle and seek to develop the role of Nelson as the core location for employment and facilitate mixed use development in Nelson and Colne town centres and where appropriate Brownfield sites.

Policy 31 'Parking' requires new development to provide sufficient off street car parking.

Impact on Amenity

Whilst the site is not allocated for employment use its last use was for engineering over eleven years ago. The site is previously development albeit in a mainly residential area therefore subject to potential impacts being acceptable this use would not be unacceptable here.

There are substantial changes in levels from the adjacent highway on Railway Street and the site with has an existing access from Cloverhill Road. The existing c2m high stone wall running along Railway Street and Cloverhill Road would effectively screen the site from properties on Railway Street and Hunslett Street as well as the properties at Quarry Hill Fold.

Whilst the development would be clearly visible from the rear windows and back yards of 138 – 168a Brunswick Street and 3 – 33 Hawarden Street the site has an existing lawful use as B2 General Industry which is generally not acceptable in residential area. Whilst this would have been an historic use as no other lawful use has been implemented on the site this would be the fall back position. This proposal is for B1 (office) and B8 (Storage and Distribution uses which are general found to be acceptable in residential area. Concerns regarding noise levels from vehicles using the access road into the site were raise don the previous application and subject to acceptable attenuation measure this was considered to be acceptable. This is still the case for this application.

There will also be views for the rear windows and back yards of 239 – 251 Railway Street the differences in levels will mean the view would be restricted to the upper first floor and roof.

The properties in Cloverhill House would have limited views due to the previous permission separated by the access road into the site.

The proposed windows are small scale and restricted to the ground floor only with vehicular access doors are proposed to face inwards to the site and away from residential properties.

Proposed hours of operation have not been given and the agent has been requested to consider similar hours approved on the previous application which would also be appropriate here.

These are 7am until 9pm Monday to Sundays including Bank Holidays.

A noise assessment has been submitted and comments from Environmental Health are expected to raise concerns over the proposed boundary fence and noise from loading and unloading. Restrictions on hours would be appropriate in this case.

The recommendation of approval is predicated on there being an acceptable solution to the noise concerns.

Design and Materials

Materials proposed are steel roller shutters (blue) aluminium doors, profile sheet cladding to walls (blue) and roofs (grey) and powder coated black aluminium windows.

The design is that of a standard industrial unit and is similar to others to the area.

The site well screened by an existing stone wall and therefore this proposal is acceptable in terms of design and materials.

The proposed development would accord with Policy ENV2.

Highway Issues

The carriageway width of the access way along the front of Units 1 and 3 has been increased to a minimum of 6m. The footways at either side could be reduced to a width of 1.8m to accommodate this increase.

With regard to on-site parking provision, the applicant's Transport Assessment has assessed the site as having a medium level of accessibility. Whilst we consider that the site has low accessibility and therefore parking standards should be applied for level of centre 3 (Nelson) on this basis.

Policy 31 parking sets out the maximum required parking for B1(c) and B8 uses over 500 sq.m. is 1:210-1:235 which equates to 70-79 spaces and 5 – 6 spaces respectively.

A total of 88 car parking spaces including 9 disability spaces, 8 cycle spaces and 4 motorcycle spaces are proposed within the site which is acceptable.

The provision of an appropriate style/level of covered cycle and motorcycle stores may off-set a lower level of on-site parking provision.

Vehicle charging points have been shown on the revised plan.

The amended site layout plan shows internal manoeuvring for large service vehicles and swept path drawings have been submitted.

The access into the site would be from an existing vehicular access off Cloverhill Road.

LCC Highways have no objection to the scheme subject to appropriate conditions. Subject to the parking be laid out as per the plan then the site has adequate parking provision and accords with policy 31.

Flooding and Drainage Issues

The low area of the site will be infilled to match the surrounding site levels with the building floor levels set 300mm above the proposed ground levels in order to mitigate against surface water flooding. Surface water drainage will drain the development site and be attenuated prior to discharge into the culverted watercourse. The retaining wall along the southern boundary will prevent any surface water entering the site.

LLFA have reviewed the submitted FRA and subject to appropriate conditions this is acceptable.

Appropriate conditions to control the proposed drainage system will be attached to any grant of planning permission in order to ensure that an acceptable drainage scheme is provided for the site as well as compliance with the mitigation measures set out in the FRA.

Summary

The proposal would bring a vacant site back into use and the use as storage and distribution would be acceptable and would accord with policy subject to appropriate conditions to mitigate any potential noise nuisance.

There may also be additional conditions needed to address the noise concerns which will be updated to Committee at the meeting.

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 development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

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

FOSTER/01/Dwg 01, DWg 02, Dwg 03A, Dwg 04, Dwg 05, Dwg 06, DWg 07, Dwg 08, Dwg 09 & Dwg 10.

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

3. The external materials to be used on the proposed building shall be as stated on the application form and submitted plans unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. The use hereby approved shall not commence unless and until the parking space indicated on FOSTER/01 Dwg 03A have been fully laid out, surfaced and made available for use. The layout shall thereafter be retained at all times whilst the use is operative.

Reason: In order to allow for the effective use of the parking areas.

5. There shall be no external lighting on site without the prior written consent of the Local Planning Authority as to its type, intensity and location. Any lighting thereafter installed shall comply strictly with the details agreed in writing by the Local Planning Authority.

Reason: In order to prevent light pollution to nearby residents in the interests of amenity.

6. The development permitted by this planning permission shall be carried out in accordance with the following recommendations, as detailed within the submitted flood risk assessment and outline drainage strategy (by REFORD Consulting Engineers Limited, dated May 2019):

- a) Surface water runoff is to drain to the 850mm diameter surface water sewer at a maximum rate of 10.7l/s;
- b) The proposed building floor levels are to be set 300mm above the proposed ground levels within the development site to mitigate against surface water flooding. These measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site; to ensure that there is no flood risk on or off the site resulting from the proposed development

7. No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include: a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD); b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus a 30% allowance for climate change. The calculations must also demonstrate that the post development surface water run-off rate shall not exceed 10.7l/s. c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network; d) Confirmation of how surface water will be managed within any non-drained areas of the site, i.e. grassed areas or public open space; e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site; f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved units, 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, to ensure that there is no flood risk on or off the site resulting from the proposed development, To ensure that water quality is not detrimentally impacted by the development proposal; and to ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development.

8. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere; to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:

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

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

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

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

10. No operations shall take place within the site outside the hours of 7.00am and 9.00pm at any time.

Reason: In the interests of aural and residential amenity.

11. No part of the development hereby approved shall commence until a scheme for 2m high close boarded timber fencing to the boundary of the site has been submitted to, and

approved in writing by, the Local Planning Authority. The approved fencing shall thereafter be installed in accordance with the approved details prior to any of the units hereby approved being brought into use.

Reason: In order that the proposed operations do not result in unacceptable noise levels in the interest of aural and residential amenity.

12. All vehicles used in relation to the site shall be fitted with white noise reversing alarms and not beeping reversing systems.

Reason: In the interest of aural amenity.

13. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the timing of its provision has been submitted to, and approved in writing by, the Local Planning Authority. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, provision of radius kerbs, tactile paved dropped pedestrian crossings, and the re-location of the highway gully on Clover Hill Road.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

14. No development shall commence unless and until a scheme for the retaining structure adjacent to the highway has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the retaining structure are acceptable before work commences on site.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities
- vi) Routing of delivery vehicles to/from site.

Reason: In the interest of highway safety.

16. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: To prevent vehicles having to reverse to and from the highway potentially causing a hazard to other road users.

17. The existing accesses to the rear of Brunswick Street shall be physically and permanently closed prior to the formation of the amended access to Clover Hill Road.

Reason: To limit the number of access points to and from and the highway.

18. The car parking spaces shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas laid/marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

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

The cycle and motorcycle storage facilities shown on plan FOSTER/01 Dwg 03A shall be provided in accordance with these details prior to any of the premises being brought into use.

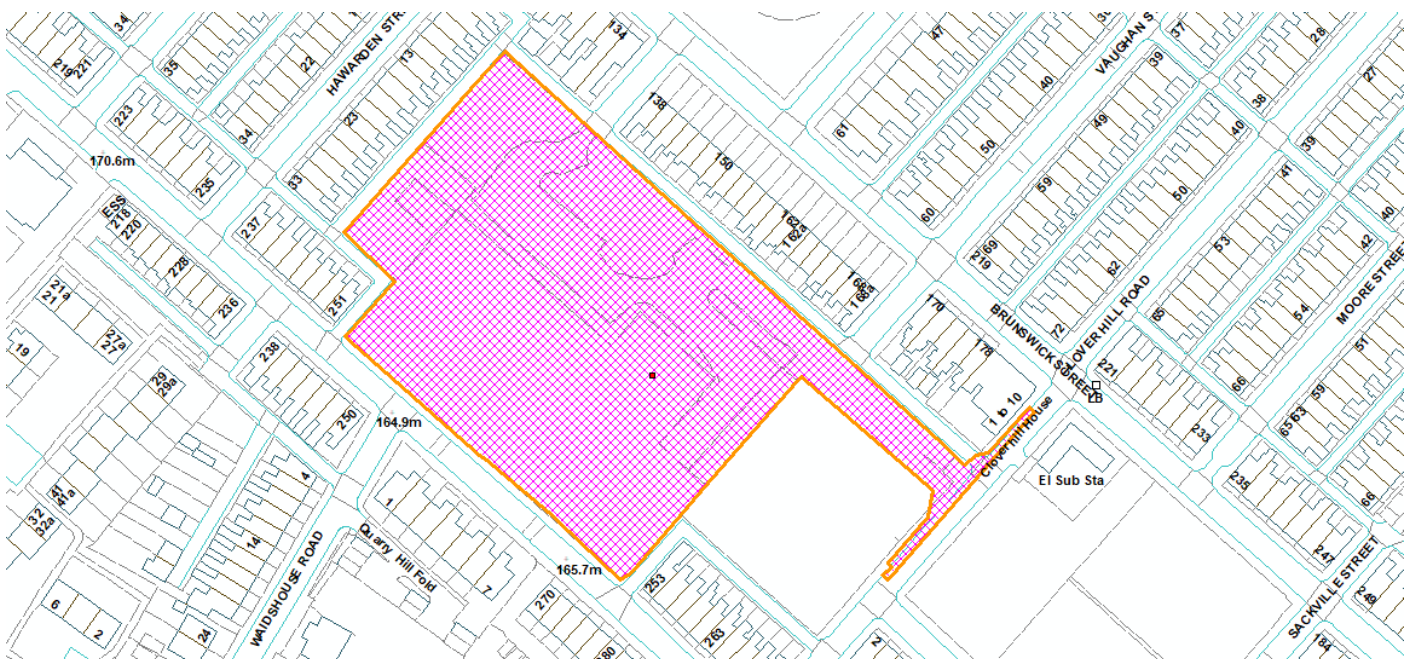
Reason: To allow for the effective use of the parking areas and promotion of sustainable forms of transport.

Notes

1. Being proceeding with the scheme preparation the developer should consult with LCC for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing and new highway structures included in, or affected by, the proposed scheme. This includes any retaining wall supporting the highway and any retaining wall supporting land or property alongside the highway.

2. The grant of planning permission will require the applicant to enter into an appropriate Section 278 Legal Agreement, with Lancashire County Council as Highway Authority prior to the start of any development. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

3. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.



Application Ref: 19/0810/FUL

Proposal: Full: Major: Erection of light industrial and warehouse units (Use Classes B1 and B8) (3, 640 sq.m) access, parking and associated works.

At: Site of former Parkfield Mills, Railway Street, Nelson.

On behalf of: Mr Brian Foster

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 10th December 2019