



REPORT OF:	ASSISTANT DIRECTOR PLANNING, BUILDING CONTROL AND REGULATORY SERVICES
TO:	DEVELOPMENT MANAGEMENT COMMITTEE
DATES:	19TH SEPTEMBER 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT
To determine the attached planning applications.

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 19TH SEPTEMBER 2023

Application Ref: 23/0475/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 22/0399/HHO.

At: 56 Carr Road, Nelson.

On behalf of: Mr Hussain.

Date Registered: 14/07/2023

Expiry Date: 08/09/2023

Case Officer: Joanne Naylor

The application has been referred to the Development Management Committee as Members were minded to approve the application which goes against the planning officers recommendation. The development is located within the Whitefield Conservation Area, the proposal seeks to vary the materials of the development from vertically hung grey roof slate to Cedral Fibre Cement Cladding colour slate grey. The variation would have a negative visual impact on the appearance of the building, the terrace row and the wider Conservation Area and would be a departure from planning policy.

Site Description and Proposal

The application site is a mid-terrace house located within the settlement boundary of Nelson and within the Whitefield Conservation Area. The existing house has natural stone walls with a pitched natural slate roof. To the rear roof slope there is a rear flat roof dormer, and to the front roof slope there is a front dormer with a pitched roof which was granted planning permission under 22/0399/HHO on the 19th October 2022, Plan HUS/02 Dwg 03 states the materials for the dormers would have vertically hung grey roof slate.

The proposal seeks to vary Condition 2 of planning permission 22/0399/HHO to vary the plans.

Condition 2

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

- o Site Location Plan, Project No: HUS/02 Dwg 01
- o Proposed Plans and Elevations, Project No. HUS/02 Dwg 03.

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

This planning application seeks to vary the materials for the dormers from vertically hung grey roof slate as shown on Proposed Plans and Elevations HUS/02 Dwg 03 (approved through planning application 22/0399/HHO) to Cedral Fibre Cement Cladding colour slate grey as shown on Proposed Plans and Elevations HUS/02 Dwg 03A of the planning application currently under consideration.

Relevant Planning History

13/93/0448P: Extended Kitchen. Approved with Conditions (20/09/1993).

22/0399/HHO: Full: Erection of a dormer on the front roof slope. Approved with Conditions (19/10/2023).

Consultee Response

LCC Highways

There are no objections to this proposal on highway grounds.

Parish/Town Council

No comment.

Public Response

A press and site notice were posted and the nearest neighbours have been notified by letter, no responses received.

Relevant Planning 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.

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

Paragraph 202 of the NPPF 2021 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Conservation Area Design and Development Guidance Supplementary Planning Document seeks to ensure that development within or adjacent to conservation areas preserves and enhances its character.

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

Conservation Area Appraisal: Whitefield Nelson 2005.

Officer Comments

The main considerations for this application are the materials and heritage and amenity.

Design and Heritage

The application site is located within the Whitefield Conservation Area. The purpose of the Whitefield Conservation Area Appraisal is to ensure the special architectural and historic interest are preserved or enhanced. The character appraisal of Whitefield Conservation Area notes the cumulative significance of the terraced housing and its positive contribution to the character of the conservation area and to the townscape.

The Conservation Area Design and Development Guidance SPD advises that alterations and extensions should not adversely affect the character or appearance of a building or conservation area, that inappropriate changes to the original roof structure, shape, pitch, cladding and ornament will have a detrimental impact on the character of the building and that new dormers on older buildings should be out of public view and to the rear elevation, that the design be sympathetic to the building in position, scale, design and materials.

The proposal seeks to vary condition 2 which states that the development hereby permitted shall be carried out in accordance with the approved plans of planning permission 22/0399/HHO, in particular plan Proposed Plans and Elevations HUS/03Dwg 03 which shows that the front and rear dormers will be clad in vertically hung grey roof slate and the main roof finished in natural slate.

The planning application seeks to vary the materials to Cedral Fibre Cement Cladding colour slate grey. The appearance of the proposed materials is that of long planks of grey material hung horizontally across the walls and cheeks of the dormers.

At the time of the site visit, the front and rear dormers were in place, the materials to the dormers were not as stated on the approved plans (HUS/03 Dwg 03).

The Conservation Area Design and Development Guidance SPD states that the design of dormers must always be sympathetic to the building in terms of position, scale, design and materials. The development approved under 22/0399/HHO required that the development be carried out in accordance with plans HUS/02 Dwg 01 and HUS/02 Dwg 03 which required vertically hung grey roof slate to the dormers which would match the existing roof material in design and material, these materials would be sympathetic to the dwellinghouse and the Conservation Area. It was particularly important that the material matched as the front dormer is a large structure located on the front roof slope of a busy road and is highly visible in the Conservation Area, the rear dormer is also a large structure but not readily visible from public vantage points due to it being located to the rear.

The proposed Cedral Fibre Cement Cladding materials are coloured grey which is a lighter colour than the existing roof tiles on the application site and the adjoining neighbouring properties. The proposed Cedral Fibre Cement Cladding runs horizontally across the dormer which appears out-of-keeping with the street scene on this terrace row which has natural slate tiles, and to the wider area of the Conservation Area. The proposed materials impact negatively on the roofscape, the dwellinghouse, the terrace and the Conservation Area due to the proposal being a lighter grey in colour and placed as horizontal planks of grey cement, and is clearly visible from public view points. From Carr Road the proposed front dormer would be clearly visible, the proposal would also be visible from Cuba Street and Every Street. The proposed materials would be prominent in the roof scape and the street scene and would not be sympathetic, it would be visually obtrusive and disrupt the uniformity and visual harmony.

The proposal would cause unacceptable harm to the character and visual amenity of the area and would have an impact on the conservation area. That would be due to the proposed material being out of character with the properties in the row, it would be poor design in relationship with the existing building. The development would harm the conservation area. That harm would be less than substantial.

The public benefits would be that of providing work and employment for those constructing the dormers. The scale of the scheme would mean that these benefits are small and this would have to be weighed against the less than substantial harm to the conservation area. The public benefits here would not outweigh the harm.

The proposed materials to the dormers would cause unacceptable harm to the character and visual amenity of the area, it conflicts with Policy ENV1 and ENV2 of the Local Plan:

Part 1 Core Strategy, the Design Principles SPD, the Conservation Area Design & Development Guidance SPD, and Paragraph 202 of the Framework.

Amenity

The proposal would have no unacceptable impact on residential amenity and would comply with Policy ENV2.

RECOMMENDATION: Refuse

1. The proposed materials and design to the dormers would be incongruous and out of keeping with its surroundings, it would result in unacceptable harm to the character and visual amenity of the area and would result in poor design. The proposal would be contrary to Policy ENV2 of the adopted Pendle Local Plan – Core Strategy and the Design Principles SPD.
2. The proposed materials would be an unsympathetic and unacceptable addition to the traditional terraced dwelling. It would have a detrimental impact on the character and appearance of the conservation area which is a designated heritage asset. Whilst that impact would be less than substantial it would not be outweighed by any public benefits. The development would thus be contrary to Policy ENV1 and Policy ENV2 of the adopted Pendle Local Plan – Core Strategy, to paragraph 202 of the National Planning Policy Framework, to the Conservation Area Design and Development Guidance Supplementary Planning Document and the Design Principles Supplementary Planning Document.

Application Ref: 23/0475/VAR

Proposal: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 22/0399/HHO.

At: 56 Carr Road, Nelson.

On behalf of: Mr Hussain

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 19TH SEPTEMBER 2023

Application Ref: 23/0425/FUL

Proposal: Full (Major): Erection of 1 no. industrial building split in 2 no. units with Mixed Use Class E(g), B2 (Industrial) or B8 (Storage or Distribution).

At: Land North East Of Vantage Court, Riverside Way, Barrowford

On behalf of: Barnfield Contractors UK Ltd.

Date Registered: 06/07/2023

Expiry Date: 05/10/2023

Case Officer: Alex Cameron

This application has been referred to Development Management Committee as Barrowford and Western Parishes Committee resolved to refuse the application on the ground of parking issues. This reason for refusal could not feasibly be defended at appeal and would result in a significant risk of costs being awarded against the Council.

Site Description and Proposal

The application site is open land to the north east of Vantage Court, the land is within the settlement boundary of Barrowford and designated as protected Employment Land (B1 only). To the north west is the Trough Laithe housing development, Pendle water and Nelson and Colne College to the north east and Barrowford Road and dwellings beyond to the south east. Footpath No.28 runs through the site from the south to link up with Footpath 2 following Pendle Water.

Planning permission was granted in 2022 for the erection of three industrial buildings, divided into eight units with a total floorspace of 3,577m² for business, industrial or storage and distribution uses.

This application proposes an alternative scheme for the north part of the site, replacing two of the approved buildings with one building comprising two units for business, industrial or storage and distribution uses. This would reduce the overall floorspace of the development to 3,291m².

Relevant Planning History

13/92/0216P - Business Park (Outline) - Approved on Appeal (Non-determination) January, 1993.

13/95/0637P - Business Park (Reserved Matters) - Consent Granted - September, 1996.

13/98/0213P - Modify landscape Conditions 1 and 2 13/95/0637 - Approved 1998.

13/03/0680P - Business Park (3.5 hect.) Housing (2.1 hect.) Outline - Withdrawn.

13/05/0944P - 9 two B1 units (Detailed); 17 B1 units (outline) - Revised Scheme - Appeal Against non-determination - Withdrawn, August, 2006.

13/06/0442P- Erect 9 two storey buildings (3,710 m²) for B1 use (Phase 1) and Outline application for erection of B1 office buildings (8 hectares) (Phase 2) - Approved September, 2006.

13/08/0218P - Outline;Major; erect B1 office accommodation including access and layout Approved July 2008.

13/09/0552P -Outline; Major; Develop land as a Business Park (8.86 hecets) to provide a maximum of 21,727 sq.m. B1 floorspace (access and layout details only) on land North of Barrowford Road, Barrowford - Approved 8th March, 2010.

13/10/0369P - Outline: Major: Erect 55 bedroomed hotel, Pub/Restaurant (768 sq m), Creche (500 sq m) and two office buildings (890 sq m each) (Access and Layout Only) Approved 14/9/2010.

13/13/0462P - Extension of Time: Extend time limit of Planning Permission 13/10/0369P for Major Outline development for a hotel/pub/restaurant, crèche and two office buildings - Approved 11th November, 2013.

13/15/0111P - Extension of Time: Major: Extend time limit of Planning Permission 13/09/0552P for Outline: Major: Develop land as a Business Park (8.86 hecets) to provide a maximum of 21,727 m² B1 floor space (Access and Layout details only). Approved.

21/0885/FUL - Full: Major: Erection of 3 No. Industrial Buildings forming 8 units (3,577sq.m.) (Mixed Use Classes E/B2/B8). Approved

Consultee Response

United Utilities – No objection subject to drainage conditions.

Lead Local Flood Authority – No objection subject to conditions for accordance with the Flood Risk Assessment, sustainable drainage strategy, construction surface water management plan, drainage operation and maintenance manual and verification report.

Environment Agency – No objection subject to a condition for compensatory flood storage and note relating to environmental permits.

LCC Highways – Requests additional assessment of nearby junctions to determine the highway capacity considering the committed development which has been approved in recent years, including Trough Laithe, Pendle Park and the Police Hub.

PBC Countryside Access - The proposed development is in close proximity to public footpath 13-2-FP 28, please attach an advisory note.

PBC Environmental Health – No objection subject to noise assessment and construction method statement conditions.

Cadent Gas – No objection subject to a note relating to development near Cadent Gas assets.

Lancashire Fire and Rescue – Comments related to building regulations.

Lancashire Constabulary – Provide guidance in relation to crime prevention for the applicant's reference.

Barrowford Parish Council - Concern which could be addressed by Conditions:

As the Highways consultation has not yet been submitted Barrowford Parish Council has grave concerns relating to the current on street parking problems along the route from the roundabout to the site.

The current problems are probably a direct result of the original business units having a small number of parking spaces which, although meeting the needs of the original owners/users, are totally inadequate for the current owners/users.

With this in mind the Council's opinion is that adequate off-road parking commensurate with the number of employees, visitors, deliveries etc. should be provided off road, to have no additional impact to the current on street parking problems.

The Parish Council would like to see some form of screening of the building from the PROW that follows the river. This should consist of indigenous waterside trees and shrubs that will improve the existing wild life corridor that follows the river and help screen the large industrial building for users of the PROW.

Public Response

Site and press notices posted and nearest neighbours notified – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) 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) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

Policy SDP2 (Spatial Development Principles) States that proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) states that support will be given to new employment development that helps to reinforce Barnoldswick's position as the focus for employment provision in the north of the borough and enhance the functionality of the area's existing specialism in advanced manufacturing.

Barrowford Neighbourhood Development Plan

Policy BNDP 01 (Travel and Transport) States that development which results in traffic impacts which are detrimental to people's living or working conditions or highway safety will be resisted, proposals should be assessed in relation to the need to reduce the need to travel by car, include sustainable transport, comply with parking standards or have adequate parking, improve connectivity and preserve and enhance existing street patterns.

Policy BNDP 09 (Green Infrastructure) States that Development proposals should seek to:

- a maintain this green infrastructure network and, where possible, should enhance the green infrastructure network by creating new connections and links in the network;
- b restore existing green infrastructure;

c introduce features that enhance the existing green infrastructure network.

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.

Principle of the development

This application proposes a mixed use of Class E, B2 and B8. The land is designated as a Protected Employment Area (B1 only) saved policy 22 of the RPLP states that within the Protected Employment Area (B1 only) planning permission will be granted for B1 development only, for other protected employment areas it states that permission will be granted for B1 use provided that it is not more than 25% of the total floorspace of the Protected Employment Area and B8 provided that it is not more than 10%.

Those restrictions are not included in policy WRK2, which simply states that within Protected Employment Areas Use Classes B1, B2 and B8 will be permitted.

Use Class B1 has since was replaced by Class E(g) in September 2021 and at the time of the adoption of the Replacement Pendle Local Plan there was a greater need for B1 office space in the Borough than there is now, with the changes in the demand for commercial office space since then there is no longer the necessity for this Protected Employment Area to be restricted to B1 only. In terms of the proportions of the uses within the protected employment area, the land has remained undeveloped despite application being granted in the past for its development, taking this into account and the economic benefits of the development a mixed use of Class E(g), B2 and B8 is acceptable.

Class E includes retail and other uses that should be accommodated within a town centre as a first order of priority. Therefore, in order to protect the viability and vitality of town centres, it is necessary to restrict the Class E use to E(g) only.

Therefore this is an acceptable location for the proposed development in accordance with policies SDP2, SDP4 and WRK2.

Visual Amenity

The proposed design of the buildings are typical of such commercial buildings seen elsewhere. The site is on low lying land sloping down to Pendle Water, it would be largely screened from view from the south and east by existing belts of trees, the development would not be prominent in the landscape and would not impact upon any of the important views and vistas identified in the Neighbourhood Plan. Where seen with be in the context of the existing commercial development to the south west. Although it would be opposite

to the Trough Laithe housing development it would be on lower land and distinctly separate from it. The land is designated for employment use and is of no special landscape or heritage value, taking this into account the proposed development is acceptable in terms of design and visual amenity impacts.

The proposed development is therefore acceptable in terms of visual amenity in accordance with Policies ENV1 and ENV2.

Residential Amenity

A condition was attached to the approved permission that before the commencement of the use of each unit that an assessment of the noise impacts of the proposed use are undertaken, and any necessary mitigations put in place before that use commences.

A noise assessment has been submitted which concludes that a proposed light industrial use would have no unacceptable impacts subject to operating hours of 7am to 7pm.

Details of external lighting are conditioned on the existing permission and an external lighting assessment has been submitted for the building.

These reports are to address the need for details to be submitted for conditions discharge, they are being assessed by Environmental Health and subject to no objection from Environmental Health the recommended conditions would reflect those details.

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

Highway Issues

The approved plans for this part of the development

The approved development would have a total of 55 car parking space, 35 within the current application site. The proposed development would increase the number of spaces within the site to 36 and also result in a reduction in floorspace of 167m². The proposed level of car parking is therefore acceptable.

It has been demonstrated that the development would have a negligible impact on the local highway network. The Framework states that development should only be refused on grounds of residual cumulative impacts on the road network where those impacts are severe, there would not be a severe impact on the local highway network.

A public right of way does run through the site but would not be obstructed.

The development is therefore acceptable in terms of parking provision and highway safety.

Drainage and Flood Risk

The submitted details satisfactorily demonstrate that the development can be acceptably drained and would not result in an unacceptable risk of on or off-site flooding.

Ecology

An ecology survey has been carried out and found that the site has limited ecological value, the development provides an opportunity in its landscaping to create species-rich habitats which will support a greater range of flora and fauna. The report recommends enhancement measures including bat and bird boxes landscaping wood piles and a wildlife pond (indicated to be located in the area of the exiting approval rather than this site). With a condition to control those measures the proposed development is acceptable in terms of its impact on ecology.

The report also recommends control over external lighting, details of which are conditioned in the existing permission. Further confirmation is being sought to establish whether the proposed external lighting complies with the recommendations of the ecology report, if it does not revised details can be required by condition.

Conclusion

The proposed development, which proposes a partially amended scheme to the previous approved development, would raise no unacceptable additional impacts and is acceptable. It is therefore recommended that the approval of the application, and any necessary conditions, be delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to no objection from the relevant consultees to the final conditions.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

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: 2020/31/LP Rev D, 2020/31/01 Rev S, 2020/31/02 Rev F, 2020/31/05 Rev J, 21110-PWA-00-XX-DR-C-2000 Rev P03, 21110-PWA-00-XX-DR-C-3000 Rev P05, 21110-PWA-00-XX-DR-C-1001 Rev P07, GAV 035-001 Rev v4.

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

3 Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the external materials of the walls and roof the development, including their colour and finish shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity.

4 There shall be no external storage within the application site unless otherwise approved in writing by the local planning authority. Any external storage thereafter shall at all times be carried out only in strict accordance with the approved details.

Reason: In the interests of visual amenity.

5 The development shall be carried out and operated in strict accordance with the recommendations of the Extended Phase 1 Report dated 16/02/2023. The recommended bat and bird boxes shall be installed prior to the commencement of the use of the development, unless and alternative timescale has been submitted to and approved in writing by the Local Planning Authority, and maintained thereafter.

Reason: To ensure the protection and enhancement of ecology and protected species habitats.

6 Prior to the commencement of the use of the buildings hereby approved details of any external lighting of the building and site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity, direction and timing of illumination of the lighting and shall include lighting of the diverted public right of way. Any external

lighting shall at all times be in strict accordance with the approved details and the diverted public right of way shall be illuminated at all times outside of daylight hours.

Reason: In the interest of residential amenity and to preserve the habitat of protected species.

- 7 The construction of the development shall be carried out in strict accordance with the submitted Construction and Environmental Management Plan.

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

- 8 The development shall be carried out in accordance with the recommendations of the Phase 2 Geo-Environmental Assessment Phase 2 Geo-Environmental Assessment Ref: 21110-PWAG-00-XX-RP-G-2000-P01.

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

Advisory Notes:

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

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

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

Reason: In order to protect the health of the users of the new development and in order to prevent contamination of the controlled waters.

- 9 The approved landscaping scheme ref: GAV 035-001 Rev v4, or an alternative landscaping scheme which has been submitted to and approved in writing by the Local Planning Authority, shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available

planting season following the date of loss or damage.

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

- 10 The use of the buildings and land hereby permitted shall be confined to that of Class E(g), B2 and B8 and uses ancillary to those uses only and for no other purpose, including any other use within Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: In order to protect the vitality and viability of town centres and in the interest of highway safety.

- 11 Unless otherwise approved in writing by the Local Planning Authority the units hereby approved shall be operated in strict accordance with the submitted Noise Assessment report ref: 102728-2. Prior to the commencement of any use other than the light industrial use assessed in the report of an assessment of indoor and outdoor activity noise and fixed mechanical plant noise following BS 4142:2014 shall have been submitted to and approved in writing by the Local Planning Authority. Any noise attenuation shall be fully installed in accordance with the recommendations of the approved assessment for each unit prior to the commencement of the use of that unit and the unit shall be operated in accordance with the approved assessment at all times thereafter unless an alternative assessment is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

- 12 The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (24th May 2023 / 75182.01R1 / GeoSmart Information)

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

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

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

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable

drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly, and shall be limited to a maximum peak flow rate of 6.7l/s.

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

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

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

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

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

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

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity

to accept surface water runoff generated from the development.

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

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

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

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

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

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

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

- 15 The use the development shall not commence unless and until a Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;

- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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

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

- 16 The use the development shall not commence unless and until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

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

17. No development approved by this planning permission shall commence until such time as a scheme for the provision and implementation of compensatory flood storage in accordance with the approved 'Flood Risk Assessment' by GeoSmart Information Ltd. referenced; 75182.01R1, and dated 24 May 2023 has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of dimensions, volumes, levels, gradients, profiles (including appropriate cross sections), method of construction (in consideration of

its function as a flood water retaining structure), timing/phasing arrangements, and future maintenance and operation arrangements. The scheme shall be fully implemented and subsequently maintained, in accordance with approved details and the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding elsewhere by ensuring that there is no net loss of floodplain storage.

- 18 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 21110 PWA 00 XX DR C 1001, Rev P07 - Dated 17.04.23. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

- 19 Within three months of the commencement of the development hereby approved details of works to form the access and access road shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the commencement of the use of the development hereby approved.

Reason: To ensure adequate access in the interest of highway safety.

- 20 The use of the development shall not commence unless and until the service yard, car parking and electric vehicle charging points have been constructed / installed in accordance with the approved plans and made available for use. The service yard, car parking and electric vehicle charging points shall thereafter remain free from obstruction and available for vehicle manoeuvring, parking and charging and the area shown on the swept path analysis drawings contained within the Transport Statement shall be kept clear of obstructions whilst service and delivery vehicles are operating.

Reason: in the interest of highway safety and to ensure adequate provision for sustainable transport.

- 21 The use of the development shall not commence unless and until a scheme for secure covered cycle parking has been submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved scheme. The cycle parking shall be maintained at all times thereafter.

Reason: To ensure adequate provision for sustainable transport.

- 22 The use of the development shall not commence unless and until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority the approved Travel Plan shall be implemented in accordance with the timetable contained within and adhered to thereafter.

Reason: To reduce reliance on private motor vehicles for access to the site in the interest of sustainability.

- 23 Any gates erected on the site accesses shall be set back from the highway by a minimum of 17m.

Reason: To allow the longest vehicles to clear the highway whilst the gates are operated.

Notes:

IMPORTANT!!!! Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Pendle Water is a designated Main River. The proposed drainage strategy drawing referenced Preliminary 21110-PWA-00-XX-DR-C-1001 P01 indicated a new outfall to the river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk . For the avoidance of doubt the off-site highway works shall include