

Agenda

MUNICIPAL YEAR 2016-2017



HYNDBURN

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Planning Committee

Wednesday, 16th November 2016 at 2.00 pm,
QE Room, Scaitcliffe House, Ormerod Street, Accrington

Membership

Chair: Councillor Bernard Dawson
Vice-Chair: Councillor Loraine Cox

Councillors Judith Addison, Mohammad Ayub, Stephen Button, Stewart Eaves, Melissa Fisher, June Harrison, Eamonn Higgins, Abdul Khan, Kath Pratt, Paddy Short and Paul Thompson

AGENDA

1. **Apologies for Absence, Substitutions, Declarations of Interest and Dispensations**

2. **Minutes of the Last Meeting** (*Pages 3 - 4*)

To submit the minutes of the Planning Committee meeting held on the 19th October 2016 for approval as a correct record.

Recommended - **That the minutes be received and approved as a correct record.**

3. **Town and Country Planning Act 1990- Planning Applications for Determination**
(*Pages 5 - 34*)

The attached report sets out recommended action on the following planning applications:-



3A - 11/16/0243: Major Full: Change of use of church to 11 no apartments, 1 no 9 bed HMO with associated external changes
Cannon Street Baptist Church, 14 Cannon Street, Accrington

3B - 11/16/0352: Major- Change of use of former brickworks to a builders merchants, erection of office and storage building, layout of storage, parking and turning areas and access alteration (resubmission of 11/15/0349)
Accrington Nori Factory, Whinney Hill Road, Altham Accrington

Recommended - That the applications be determined as set out in the report.

PLANNING COMMITTEE

Wednesday, 19th October 2016

Present: Councillor Bernard Dawson (in the Chair); Councillors Judith Addison, Mohammed Ayub, Stephen Button, Clare Cleary, Loraine Cox, Stuart Eaves, June Harrison, Abdul Khan, Kath Pratt and Paddy Short.

Apologies for Absence

Apologies for absence were submitted by Councillors Melissa Fisher and Eamonn Higgins. There was no apology for absence submitted by Councillor Paul Thompson.

Substitutions

Councillor Clare Cleary acted as substitute representative for Councillor Fisher.

There was no substitute representative for Councillors Higgins and Thompson.

Declarations of Interest and Dispensations

There were no declarations of interest.

Minutes of the Last Meeting

The minutes of the last Planning Committee held on the 21st September 2016, were submitted for approval as a correct record.

Resolved - That the Minutes be received and approved as a correct record.

Town and Country Planning Act 1990 Planning Applications for Determination

The Chief Planning and Transportation Officer submitted a report setting out recommended action on the following planning application.

Resolved - That the following planning permission be approved subject to the conditions as per the report:-

11/16/0333 Change of use from A3 (Restaurant) to A3 and A5 (Hot food take-away)
Units 23-25 Arndale Centre, Union Street, Accrington

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed.

REPORT TO: PLANNING COMMITTEE, 16th NOVEMBER 2016, 2.00PM

REPORT BY: CHIEF PLANNING & TRANSPORTATION OFFICER

APPLICATIONS SUBMITTED UNDER THE TOWN AND

COUNTRY PLANNING ACT 1990 FOR DETERMINATION

Purpose of Report: To present planning applications for determination as set out in the report

3A	11/16/0243	Major Full: Change of use of church to 11 no apartments, 1 no 9 bed HMO with associated external changes Cannon Street Baptist Church, 14 Cannon Street, Accrington
3B	11/16/0352	Major- Change of use of former brickworks to a builders merchants, erection of office and storage building, layout of storage, parking and turning areas and access alteration (resubmission of 11/15/0349) Accrington Nori Factory, Whinney Hill Road, Altham Accrington

NOTE: The policies referred to under “Relevant Policies” are set out in the Hyndburn Borough Local Plan, Hyndburn Core Strategy and National Planning Policy Framework.

A list of the above documents and background papers relating to each planning report can also be inspected at Scaitcliffe House, Accrington, upon request or via the HBC website:

<http://planning.hyndburnbc.gov.uk/WAM/searchsubmit/performOption.do?action=search&appType=Planning>

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Application Number: 11/16/0243

Full Application: Major Full: Change of use of church to 11 no apartments , 1 no 9 bed HMO with associated external changes.

Address: Cannon Street Baptist Church, 14 Cannon Street
Accrington

Determination by: 16th November (extension agreed)

Applicant: Miss I Enyi

Agent: Mr Chris Wilkinson

Application Site: The former Cannon Street Baptist Church is located in the centre of Accrington and occupies a prominent location on the north side of Cannon Street. It is a substantial building that makes the building a distinctive landmark in the street scene and the town centre generally. The building is designated Grade II listed, and is denoted as a building of special architectural and historic interest in the national interest.

The church has been closed as a place of worship since 2006 and has been unoccupied since that time which has left the building to decline.

Proposal: To convert the existing church into 1 x 4 bed roomed apartment, 9 x 2 bed roomed apartments, 1 x 1 bed roomed apartment and 1 x 9 bed roomed HMO with swimming pool and storage space in the basement.

There will be very few changes to the external appearance of the building, with additional windows and doors which will be framed in stone to match the existing and a small wind turbine and solar panels to the south facing roof. New floors will be created within the building to accommodate the new accommodation.

Vehicular access will be from the front off Cannon Street with 16no car parking spaces on a tarmac surface. There will also be vehicular access to the basement and parking for 5no cars. Pedestrian access would be separate off Cannon Street.

Consultations

Public consultation: Site notices displayed and neighbour letters dispatched. No comments have been received.

LCC Highways: No objections provided the parking layout is adjusted and the following conditions are attached to the planning permission:

- Construction Management Plan
- Visibility Splays
- Boundary wall at a max of 1m

- Car park surfacing
- Parking layout to ensure enter and leave in forward gear
- S278 agreement for vehicular access, modification of TROS and potential moving of the street light.

LCC Education: No observations have been made

United Utilities: No objections

Police Liaison Officer: No objections raised but recommendations have been made. An informative to be attached to the permission.

HBC Parks and Open Space: Request for £6482 through S106 for offsite open space provision.

HBC Regeneration and Housing: Support the proposal.

HBC Environmental Health: No objections provided conditions are attached relating to

- Development and construction phase
- Mechanical ventilation

Waste Services: No observations have been made.

Relevant Planning History

11/16/0244: Listed Building Consent: Internal and external alterations to facilitate the conversion of church to 1 x 4bedroomed apartment, 9 x 2 bedroomed apartments, 1 x 1 bed apartment, 1 x 9 bed HMO, with swimming pool and storage space to the basement. Currently being considered

11/12/0288: Listed Building Consent: Change of use from D1 place of worship to D2 gymnasium Approved

11/12/0227: Full change of use form D1 place of worship to D2 Gymnasium Approved

11/07/0694 Listed Building Consent: Conversion of church to 16 no residential apartments, including internal and external alterations (Resubmission 11/07/0390) Approved

11/07/0692: Conversion of church into 16 residential apartments (Resubmission 11/07/0388) Approved.

11/07/0390: Listed Building Consent: Conversion of church to 16 no residential apartments. Withdrawn

11/07/0388: Conversion of church to 16 no residential apartments. Withdrawn

Relevant Policies

Development Plan check

Hyndburn Borough Local Plan Saved Policies

- Policy E.10 Development
- Criteria

Hyndburn Core Strategy

- Policy BD1 The Balanced Development Strategy
- Policy H1 Housing Provision
- Policy H2 Affordable Housing
- Policy HC4 Community Benefits/Planning Obligations
- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity

Accrington Area Action Plan

- *Policy ATC7* Housing
- *Policy AT11* Design Quality in the Town Centre
- *Policy ATC13* Accrington Town Centre Conservation Area
- *Policy AQ3* Cannon Street Quarter

Material considerations

- National Planning Policy Framework
- Planning Practice Guidance (PPG)
- Hyndburn Borough Council Car Parking and Access Standards (2010)
- Householder Design Guide (SPD) 2009

Observations

Key issues for consideration in relation to this application are 1) Principle of the development, 2) Housing supply, 3) Housing mix, 4) Design, scale and layout/Development in a Conservation Area, 6) Residential amenity, 7) Traffic and highways, 9) Sustainability.

Principle of development:

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of applications under the Planning Acts should be in accordance with the Development plan unless material considerations indicate otherwise. In this instance the Development Plan comprises the saved policies of the Hyndburn Council Local Plan (1996) and the adopted Core Strategy.

Policy H1 of the Hyndburn Core Strategy supports the development of flats and apartments within the Town centre. As such Officers are satisfied that the principle of this development is acceptable.

Housing supply

Within the Framework (para 47) there is a requirement on local planning authorities to identify and maintain a five year supply of housing development sites with an additional buffer to ensure there is choice and competition in the housing market. Where this cannot be demonstrated, para 49 of the Framework says relevant planning policies for the supply of housing should not be considered unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The implications of this are considered in the 'Sustainability' section later in this report.

Housing mix

Core Strategy Policy H1 states that new housing development will aim to provide a mix of house types based on the following proportions:

- Detached 26%
- Semi-detached 49%
- Terraced 5%
- Bungalows 8%
- Flats 12%

The proposed development would provide 11 apartments and one House in Multiple Occupation (HMO) which would accommodate nine bedrooms. As the development is located within the town centre, apartments and one HMO are considered acceptable and in line with the relevant planning policy. No objections have been received to the proposal from the Council's Regeneration Officer. As such the proposal is considered acceptable in relation to Policy H1 of the Core Strategy.

Design, scale and layout/Development in a Conservation Area.

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape, and is supported by the provisions of Core Strategy Policy Env 7. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance. This is supported by Policies AT11 and ATC13 of the Accrington Area Action Plan.

At national level in the National Planning Policy Framework (NPPF) also puts a strong emphasis on design. Paragraph 17 of the NPPF states: *'...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'*. Paragraph 56 goes on to state: *'The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'*.

In addition, section 12 of the NPPF Paragraphs 131, 132 and 134 provide detail on what local planning authorities should take into account when determining planning applications in relation to Conserving and Enhancing the Historic Environment.

As the development is located within a Conservation Area and is a listed building, heritage and design are key to the acceptability of the proposal. (The Listed Building Consent is being dealt with under a separate application, and as such is not considered in detail here).

The applicant has submitted a Heritage Statement with the application which considers the impact the development would have on the wider Conservation Area.

As there would be very few changes to the exterior of the building, with the only additions being windows and doors which would be framed in stone to match the existing, a small wind turbine and roof garden to the rear, the proposed conversion leaves the form of the building unaltered and involves only minimal changes to the exterior. (There would be new conservation roof lights to the aisles and nave, along with additional windows in the apse to illuminate the introduced second floor within, the introduction of a garage door on the ground floor of the apse to provide access to the proposed car parking area within). The public visibility of these works will be limited with only the roof lights to be evident in the key views from Cannon Street.

The Council's Conservation Officer has considered the proposal and made some suggestions which have been accommodated into the design via the submission of amended plans: these included slight changes to the roof lights, the removal of solar panels from the scheme and removing the marking out of three of the parking spaces by the road side to reduce the visual impact of parked cars and try to encourage these bays to be used last. He has also suggested various conditions which have been incorporated into the scheme. These conditions are attached to this permission and the Listed Building Consent as relevant.

As the proposed conversion will leave the form of the building unaltered and will involve only minimal changes to the exterior Officers consider that the scale, design and layout of the development is acceptable and in line with the relevant planning policies.

Residential amenity:

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising my reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or

loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. The Councils Householder Design Guide SPD also provides guidance in relation to separation distances.

The development would be located within the Town Centre, in an area which is occupied by both commercial and residential properties. The distances between main habitable windows is considered acceptable and in line with the relevant planning policies.

The Council's Environmental Health Officer has considered the scheme and is of the opinion that subject to certain conditions detailed in the consultation section of this report, the proposal is acceptable. As such Officers are satisfied that impact on residential amenity would not be a suitable reason to refuse the application.

As such it is considered that the proposal meets with the relevant planning policies in terms of residential amenity discussed within this section of the report.

Traffic and Highways

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic, Policy T2 deals with the provision of cycle and footpath networks and Policy HC3 deals with the design of residential roads.

The applicant has submitted amended plans to comply with the requirements of the Highways Authority. They have asked that the car park layout is marked out in full, however Officers are satisfied that the three spaces at the front of the car park can remain unmarked in order to protect the heritage of the building as discussed above. Other conditions have also been suggested which have been incorporated into the scheme, including a S278 agreement being entered into for the entrance to the site. These conditions have been attached.

As such, in the absence of an objection from the statutory consultee, Officers are satisfied that once satisfactory plans are received, or an appropriate condition is attached, the relevant planning policies will be met in terms of traffic and highways safety.

Provision of Public Open Space

Policy HC1 of the Hyndburn Core Strategy requires that: *'Major housing development (10 or more houses) will contribute towards the provision and maintenance of good quality, accessible, multi-functional greenspace. If it is demonstrated that it is not possible to make a provision on site, then a financial contribution in lieu of actual provision will be provided by the developer that will be used to improve or maintain nearby areas of greenspace and improve pedestrian or cycleway facilities'*.

A request has been made by the Council's Parks for £6482 to be contributed via a S106 agreement for public open space. However, the applicant has stated that he is unable to make this payment due to the viability of the site and that he considers that as the development would cater for young professionals and couples it is unlikely that they would use the nearby open space provision which has been identified as needing upgrading. As this contribution has not been agreed, Officers consider that Policy HC1 of the Hyndburn Core Strategy is not met and as such this weighs against the granting of planning permission.

Sustainability

Resolution 24/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that the specific policies within the NPPF (paragraphs 18-219), taken as a whole, constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: economic, social and environmental and these require the planning system to perform a number of roles.

Officers have considered the proposed development against the three dimensions of sustainable development below:

Economic role – this is a full planning application which can be developed over a 1-2 year period, (at an average build out rate of 35 houses per year). The conversion of the church will also perform an economic role by generating jobs, and boosting the local economy by providing additional spending local shops and businesses and bringing people into the town.

Social role – a key aspect of the social role of sustainable development is providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services. The development is submitted in full and the applicant aims to develop the site within 1-2 years. The development will provide high quality accommodation which is likely to be aimed at young professionals and will make a contribution of 12 units towards the undersupply of housing within the Borough. Lack of contribution towards public open space weighs against the development.

Environmental role – The development will help result in a secured future for a key listed building in Accrington Town Centre and will enhance the Conservation Area; helping to conserve and enhance the historic environment.

Conclusion

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account. Officers consider that overall; the proposal is sustainable in terms of the social, economic and environmental aspects of sustainable development. However, it is acknowledged that the lack of contribution towards public open space weighs against the development.

On balance however, the development would facilitate the enhancement of a Conservation Area and help to secure the future of a listed building which is currently in disrepair. It would also help to bring people into the town for accommodation which would be of a high standard and is not provided readily elsewhere in the town centre.

In conclusion therefore, Officers consider that the development is acceptable in terms of the development plan and local and national planning policy and recommend approval of the planning application.

Recommendation

That planning permission is GRANTED subject to the following conditions:

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following plans and documents:

Application forms dated 27/6/16

Location Plan dated 27/6/16

Heritage Assessment dated 27/6/16

Design and Access Statement dated 27/6/16

Existing F and S Elevations 1219 ACC 04 PLANNING dated 27/6/16

Existing Rear and Side Elevations 1219_ACC_05_ Planning received 27/6/16

Existing Plans 1219 ACC 09 PLANNING dated 27/6/16

Proposed Basement and GF Plans 1219.ACC.01 Rev Q dated 15/10/16

Proposed FF and SF Plans 1219 ACC 02 Rev L dated 15/10/16

Proposed F and S Elevations 1219 ACC 06 Rev G dated 15/10/16

Proposed Rear and Side Elevations 1219.ACC.07 Ref G dated 15/10/16

Proposed TF and Site Plans 1219.ACC.03 Rev T dated 15/10/16

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

Heritage

Building/Conservation Methodology

3. Prior to the commencement of development a Building/Conservation Methodology shall be submitted to and approved in writing by the local planning authority. The works shall then be implemented in accordance with this methodology unless otherwise prior approved in writing by the local planning authority.

Reason: to ensure the quality of the development of a listed building in a Conservation Area in line with the provisions of Policy Env 6 of the adopted Core Strategy and the National Planning Policy Framework.

External works

4. All external works approved under the planning permission shall be implemented and completed in full and written confirmation as such received from the local planning authority, prior to the first occupation of any part of the development hereby approved.

Reason: To ensure a quality development to a listed building, within a Conservation Area in line with the provisions of National Planning Policy Framework

Materials

5. Prior to the commencement of development, full details of bin storage, covered cycle bays, wrought iron gates, boundary treatment, roof lights (including cross sections), wind turbine and materials to be used in the development for new windows and doors, shall be submitted to and approved in writing by the local planning authority. The works shall then be implemented in accordance with these approved details and retained thereafter unless otherwise prior agreed in writing by the local planning authority.

Reason: To ensure quality materials and design for development to a listed building and within a Conservation Area in line with the provisions of National Planning Policy Framework.

6. Prior to the first use in the development, and in line with the Building/Conservation Methodology agreed under condition 3, a scheme for a) the conservation and design of the church windows and their leaded lights and any secondary glazing or new windows, and b) all facing materials, colour schemes and ground/first floor surfacing materials to be used inside and out the building, shall be submitted to and agreed in writing with the local planning authority.

Then approved scheme shall then be implemented in full prior to the first occupation of the development hereby approved, in line with condition 4 of this planning permission.

Reason: To ensure quality materials and design for development to a listed building and within a Conservation area in line with the provisions of National Planning Policy Framework.

7. The reconstruction of the entrance hereby approved and all pointing work to be carried out shall be done so in a lime-sand mortar. Details of which shall be submitted to and approved in writing by the local planning authority and work carried out in accordance with the approved details, in line with the provisions of condition 4 of this planning permission.

Reason: To ensure quality materials and design for development to a listed building and within a Conservation area in line with the provisions of National Planning Policy Framework.

Landscaping and maintenance plan

8. Prior to the commencement of development a satisfactory programmed landscaping scheme which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include replacement tree planting at a minimum ratio of 3:1. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, willfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with Policy Env 7 of the Hyndburn Core Strategy.

Tree protection measures

9. No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been erected around the trees to be retained on site. All existing trees shown on the plans hereby approved as being retained on site shall be protected by fencing in accordance with BS5837:2012 'Trees In Relation To Construction', in accordance with a scheme and specification which shall have been submitted to and approved in writing by the local planning authority. Within the protected area(s) there shall not be carried out or permitted, during the construction period, access of any kind unless authorised in writing by the local planning authority.

Reason: To ensure that the trees on the site are protected during construction works in the interests of local amenity, and in order to comply with saved Policy E3 of the Hyndburn Borough Local Plan and Policy Env 7 of the Hyndburn Core Strategy

Highways

Construction Management Plan

10. Prior to the commencement of development a construction management plan shall be submitted to and approved in writing by the local planning authority. The plan shall include details of how deliveries will be managed and where workers will park during construction Works. All works shall be carried out in accordance with the construction management plan unless otherwise prior agreed in writing by the local planning authority.

Reason: In the interest of safety of users and surrounding properties in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy.

11. The car parking area shall be surfaced or paved in accordance with a scheme to be submitted to and agreed in writing by the local planning authority (which includes details of the surface materials), and the car parking spaces and manoeuvring areas shall be marked out in accordance with the approved plan (not including the spaces adjacent to the highway), prior to the first use of the development hereby permitted.

Reason: In the interest of safety of users and surrounding properties in accordance with the provisions of saved Policy E.10 of the Hyndburn Local Plan and Policy Env7 of the Hyndburn Core Strategy.

Section 278 agreement

12. No part of the development hereby approved shall commence until a scheme and programme for
 - a) Modification of Traffic Regulation Orders
 - b) Vehicular access

c) Any necessary relocation of street lighting

has been submitted to, and approved, by the Local Planning Authority as part of a Section 278 agreement, under the Highways Act 1980.

The highway works shall be implemented in accordance with the approved details prior to the occupation of the first unit and retained thereafter.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on the development hereby approved, in accordance with Policy E10 of the Local Plan Policy Env7 of the Core Strategy

Environmental Health

Site preparation and construction phase

13. Construction deliveries to and from the site and works should be restricted to between 0800 and 1800hrs Monday to Friday and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays. Works should not take place on Sundays and bank holidays. All works should be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

Effect of Noise/dust /fumes/ vibration on neighbouring premises during the development works.

14. Measures should be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works.

There should not be any burning of construction waste on site, appropriate provisions should be made for its disposal.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

Informatives

13a, 14, 15, 16, 17

Coal low risk area

Bats advisory

The applicant is advised to take note of the comments made by Lancashire Constabulary, Electricity Northwest and United Utilities available on the website.

All mechanical ventilation should be so designed and located so as not to be detrimental to the amenity of other residents by means of noise and or odour.

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Report For: Planning Committee

Application Number: 11/16/0352

Full Application: Major- Change of use of former brickworks to a builders merchants, erection of office and storage building, layout of storage, parking and turning areas and access alteration (resubmission of 11/15/0349).

Address: Accrington Nori Factory Whinney Hill Road, Altham Accrington BB5 6NR

Determination by: 1st December 2016

Applicant: Greengates Builders Merchants Ltd

Agent: Mr Alan Kinder

Application Site

The application site is situated on the eastern fringe of Clayton le Moors in the Enfield area. The site fronts onto the North West side of Whinney Hill Road and extends along the back street of the properties that front onto the North East side of Whalley Road as far as Frank Street. The application site is approximately rectangular in plan, with some kinks along the North East boundary, and extends to 1.95ha. The eastern boundary of the site abuts the former Enfield Quarry which forms part of the wider Whinney Hill complex.

The land is currently vacant and overgrown but has previously been used as a brickworks. There is evidence of hardstanding and low brick walls remaining from that use. Generally, across the site the land slopes towards the North East but locally there are variations and the site has an uneven surface.

Proposed Development

The proposal is made in respect of Greengates Builder's Merchants, a family owned independent builder's merchants that supplies building and timber materials to trade and DIY customers. The business currently operates from a site off Whalley Road, Accrington. That site is triangular in shape, bordered by Owen Street, Ramsbottom Street and Haywood Road and thus hemmed in on all sides by residential property and with a difficult, substandard vehicular access utilising a back street. In addition to the unsuitable location of the premises there is no scope for expansion, and these two issues have given rise to the proposed development.

Planning permission is sought for the change of use of the whole site to a builder's merchants yard; a sui generis use not falling within any of the Use Classes defined by the Use Classes Order. The development will require some levelling of the site in order to provide a suitable surface on which to erect the buildings and the layout of the storage, parking and turning areas. A scheme was previously approved under 11/15/0349; however

the applicant has resubmitted the scheme as he needs to make amendments to the location of the SUDS pond and the parking.

Two buildings are proposed at the site; both buildings would be constructed from rustic red brick in the lower section, with green profile sheeting upper walls and roof, and yellow trim to windows and doors. The building at the front of the site is now moved closer to the highway (as the wetlands have been relocated) and this building is proposed to be slightly larger than the previous one, stretching further along the boundary with the neighbouring houses on Whalley Road). The larger storage building would also be slightly larger than previously approved. In addition, outside areas of storage, staff and customer parking, along with delivery and turning facilities will be laid out. Fencing would enclose the site.

The existing access on to Whinney Hill Road is to be altered and a new access created onto Frank Street, the latter for emergency use. Planting would be incorporated along the boundaries and there would be an area of wetland which would be in the mid-section of the site. This is amended from the previous application which proposed three areas of wetland with two at the entrance.

A Screening opinion under the Town and Country Planning (Environmental impact assessment) Regulations has been undertaken for the previous application and although the development falls within Schedule 2 of the Regulations, it is not considered necessary for the applicant to submit an Environmental Impact Assessment in support of the planning application.

Consultations

Public consultation: Site notice affixed and letters sent to surrounding properties. 3 letters of objection have been received and the following issues have been highlighted:

1. Heavy traffic not suitable for the area
2. Object to a transport operating licence being issued
3. House prices and standards of living will drop.

LCC Highways: No objections but still require a S278 agreement to cover the TROS at the site, the provision of new site access and traffic signal survey. It was also highlighted that internal changes need to be made to the parking layout and crossing and conditions relating to the following to be attached to the planning permission:

- Surfacing of car parking area
- Wheel washing
- Scheme for the construction of the site access and off site works of highway improvement to be submitted and approved by the local planning authority
- Development not open to public until the site access and off site works for highway improvements are completed
- Restrict the use of the secondary highway access to situations where the main access becomes unavailable

Lead Local Flood Authority (LLFA): An objection to the scheme due to the fact that a Flood Risk Assessment has not been submitted for the new located SUDS.

United Utilities: No objection to the development provided conditions are attached relating to the disposal of foul and surface water and management and maintenance of sustainable drainage systems. The applicant is also directed to consider the full response from the UU as an informative

Electricity Northwest: Comments have been received which highlight the development could have an impact on their infrastructure. The applicant is directed to the comments via an informative.

HBC Trees and Woodlands Officer: Initial comments have been received and the following issues have been raised:

Removal of the SUDs the entrance of the site will limit the opportunities for bats to negotiate their way around the site. The buildings should be set back and the area landscaped. Objection is maintained and the request for £27000 as per the previous application towards tree planting off site is also maintained.

HBC Environmental Health: No objection to the application provided conditions are attached relating to the following:

- Site preparation and construction phase; dust management plan
- Contaminated land
- Lighting
- Operational hours

Relevant Planning History

11/09/0252: Outline planning permission (all matters reserved apart from access) for B1 and B8 Business Park (Resubmission 11/08/0622) Approved

11/15/0349: Change of use of former brickworks to a builders merchants, erection of office and storage building, layout of storage, parking and turning areas and access alterations. Approved

Relevant Policies

Development Plan

Hyndburn Borough Local Plan Saved Policies

- Policy I1 Development of Employment Sites
- Policy E10 Development Criteria

Hyndburn Core Strategy

- Policy BD1 The Balanced Development Strategy
- Policy E1 Future Employment Provision
- Policy E2 Protection, Modernisation and Development of Employment Sites
- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity

National Planning Policy Framework

- Section 1 Building a strong, competitive economy
- Section 4 Promoting sustainable transport
- Section 7 Requiring good design
- Section 10 Meeting the challenge of climate change, flooding and coastal change.
- Section 11 Conserving and enhancing the natural environment.

Other material considerations

- Employment Land Study 2016
- Hyndburn Borough Council Car Parking and Access Standards (2010)
- Planning Practice Guidance (PPG)
- House of Commons: Written Statement – Sustainable Drainage Systems

Observations

Principle of development

The principle of the development has been established with the permission granted under 11/15/0349. Since this approval the Council has published a new Employment Land Study (2016). In this study the site is considered to be an 'adequate' employment site and as such the considerations of this in relation to currently planning policy acceptable as with the previous approval. Officers therefore still consider the principle of development is still in line with relevant planning policies.

Impact on neighbouring amenity

Policy Env7 of the Hyndburn Core Strategy states that proposals for new development will only be permitted only if it is demonstrated that the material impacts arising by reason of traffic, visual impact, noise, dust, emissions, pollution, odour, over-looking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. Policy E10 of the Hyndburn Local Plan also seeks to ensure that proper consideration is given to the impacts associated with development.

Heights and dimensions of the buildings remain the same, as does the fencing along the boundary. It is not considered that the changes would have a further significantly detrimental impact on neighbouring properties than the previous permission and as such Officers are

satisfied that the development complies with the provisions of the relevant planning policies in this regard.

As with the previously approved scheme, suitable conditions are attached to the permission which:

- Detail the phasing of the development
- Ensure the acoustic fencing is erected prior to the development of phase two of the development.
- No windows on the elevations facing the properties on Whalley Road
- Delivery and operational times
- Hours of construction

As such, Officers are satisfied that the use of relevant conditions will mitigate any issues in relation to noise and disturbance and that the proposal meets with the provisions of relevant policies in relation to residential amenity.

Traffic and Highways Safety

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic.

The Highways Authority has considered the proposal and raised some concerns with regards to the internal layout of the parking area. The applicant has amended this and provided plans which are considered to be acceptable.

The Highways Authority has also requested testing of the signal junction at Whinney Hill Road is carried out, along with works to the access and the provision of TROs under a S278 agreement; as per the previous approval (11/15/0352). This has been agreed with the applicant and a condition attached.

Neighbours have objected to the scheme on the grounds that traffic will increase in the area. The applicant has submitted a Transport Statement with the application which has been considered by the Highways Authority. They are satisfied that the increase in traffic would not be significant. However, they have requested that the traffic lights to be tested and amended if necessary at the bottom of Whinney Hill Road. As this would be carried out as part of a S278 agreement with the Highways Authority and in the absence of their objection to the application, Officers are satisfied this would not be a reason to refuse the application.

As such it is considered that the proposal would comply with the provisions of the relevant planning policies in regards to traffic and highways safety.

Design and visual amenity

Policy Env6 of the Hyndburn Core Strategy seeks to ensure that the character and quality of Hyndburn's urban and rural environments will be conserved and enhanced through high quality design. Saved Policy E.10 of the Hyndburn Local Plan has similar aims.

The proposed development would provide some levelling of the site in order to accommodate the erection of buildings and storage facilities in order to provide accommodation for the business needs. There would be fencing around the site, with acoustic close boarded fencing to the rear portion of the site adjacent to the residential properties on Whalley Road. There would also be planting on the site adjacent to Whinney Hill Road and along both boundaries to the rear of the site. This would provide an attractive appearance from Whinney Hill Road and help to shield the buildings from view. The materials proposed are considered to be acceptable for a commercial business and would provide an attractive visual improvement to the area.

As such it is considered that the proposal would be acceptable in terms of visual amenity and in accordance with the relevant planning policies.

Trees and Ecology

Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by, if significant harm resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by minimising the impacts on biodiversity and providing net gains 'where possible'.

The site is currently largely covered with trees and scrub which has self-seeded over the years. Although these trees are not of a particularly high standard, there is an associated biodiversity habitat value (due to bats using them for foraging and commuting) and amenity value to the neighbouring houses.

The proposal requires the removal of 750 Category C trees and 2 Category B trees. These trees are not protected under Tree Preservation Orders or located within a Conservation Area and as such it is acceptable to remove them for development needs. However due to the high quantity of trees to be removed, the Council's Trees and Woodland Officer considers there is a need to replace and mitigate for their loss in line with the provisions of the NPPF. As such a request has been made for 0.8ha to be planted on site and £27000 contribution to be made for planting off site in the local area (1.2ha).

The applicant has included a significant amount of this required planting around the periphery of the site (1.2 acres). He has also submitted evidence of the full cost of the project prepared by Glovers of Accrington (Quantity Surveyors) for the previous approval 11/15/0349). Officers are therefore still satisfied that the payment of £27000 would add an additional cost of development, which would not be acceptable to the applicant and would 'tip the balance' of a development which is already costing much more than anticipated and, as such, in this case 'net gain' in biodiversity terms, is not possible.

The objection to the scheme is maintained from the Council's Trees and Woodlands Officer due to the lack of provision of the off-site payment. He also highlighted the loss of the SUDS and planting at the Whinney Hill Road side of the site, meant that the bats would not have a foraging path around the site. As such the applicant has agreed to amend the plans to provide sufficient planting at this location. An update will be provided on this matter prior to Planning Committee.

On balance, it is considered therefore that the development is acceptable in terms of the provisions of the NPPF in relation to biodiversity.

Drainage

Paragraph 103 of the Framework requires local planning authorities, in decision making, to ensure flood risk is not increased elsewhere. At the local level Core Strategy Policy Env4 encourages the incorporation of sustainable drainage systems where possible; this is reflected in the hierarchy detailed within the NPPG.

The site is not located within an area at risk of flooding. The applicant has submitted a Flood Risk Assessment for the previous application which was considered acceptable. However this has not been updated for this application and as such there is an outstanding objection from the LLFA to the application which needs to be considered.

Officers consider that as there is a principle agreed on the site and that what is required from the agent is an updated FRA, a suitable condition can be attached to the permission which would allow the FRA to be updated prior to any development on the site, and agreed with the LLFA. In this case, it is therefore considered that despite the outstanding objection from the LLFA, this is not a reason to refuse the application as it is considered that this issue can be resolved satisfactorily prior to development starting.

Officers are satisfied that subject to the submission of the outstanding information prior to the commencement of development, the proposal is acceptable in terms of flood risk and is in accordance with the NPPF and Policy Env 4 of the Core Strategy.

Other Objections

Objections have also been raised to the application on the grounds that a transport operating licence should not be issued and that the development will negatively impact on house prices and standards of living. These are not planning considerations.

Conclusion

In assessing this application, the relevant policies of the development plan and other local and national policy considerations have been taken into account and the proposed development is considered to be acceptable in terms of its principle of development, impact on neighbouring amenity, traffic and highways safety, design and visual amenity.

An outstanding objection is made by the LLFA to the application on the grounds that an updated FRA has not been submitted. Officers are satisfied that as the principle is

established under planning permission 11/15/0349 a suitable condition can be attached to deal with this prior to commencement of development.

Although the Council's Trees and Woodlands Officer also continues to raise objection to the proposal in terms of the lack of off site planting (through a payment of £27000), Officers are satisfied that the applicant has provided sufficient planting on site to continue to support the foraging and commuting bats in the area, and that the conditions attached will ensure that the landscaping potential on the site is maximised and managed in the future, in line with the provisions of the NPPF.

Recommendation

That planning permission is GRANTED for the change of use of former brickworks to a builders' merchant, erection of office and storage building, laying out of storage and turning areas and access alterations at Accrington Nori Factory, Whinney Hill Road, Altham subject to the conditions set out below.

1. The development hereby approved shall be commenced before the expiration of three years from the date of this permission.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

2. The development shall be carried out in accordance with the following documents:

- (a) The planning application received with the application
- (b) Submitted Plans:
 - Site Location Plan GREENG/01 Dwg 01A
 - Existing Topo 01-05
 - GREENG/01 Dwg 03 Proposed Plans and Elevations of Warehouse Building
 - GREENG/01 Dwg 02 Proposed Plans and Elevations of Showroom
 - 01-02 C Boundary Assessment Sections
 - GREENG/01 Dwg 05 Existing Topo Survey
 - C Boundary Assessment Layout (To be updated)
 - GREEN/G 01 Dwg 04H Proposed Site Plan (To be updated)
 - 01-04 Preliminary Levels
 - 01-05 Preliminary cut and fill
 - Surface and Water connections
 - GREENG-01 Dwg 02 Phase 1 Plan
- (c) And supporting information:
 - Nova Acoustics Noise Report Nov 15
 - Bowland Tree Consultancy Ltd Tree Report
 - The Tryer Partnership Bat Survey
 - DTPC Transport Statement Sept 2015
 - Pennine Ecological extended Phase 1 Habitat and Protected Species Survey
 - Pennine Ecological Great Crested Newt Survey May 2015
 - Design and Access Statement

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

3. No development shall commence unless and until an updated Floor Risk Assessment (from that agreed under 11/15/0349, has been submitted to and agreed in writing by the local planning authority, in conjunction with the Lead Local Flood Authority. Any conditions which are received in relation to that Flood Risk Assessment from the LLFA shall be adhered to and may overrule conditions 9, 10, 12 and 12 of this permission, if necessary.

Reason: To secure ensure the proposed development can be adequately drained, there is no flood risk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal in accordance with the provisions of National Planning Policy Framework and National Planning Practice Guidance.

4. No part of the development hereby approved shall commence until a scheme and programme for the following has been submitted to, and approved, by the Local Planning Authority as part of a Section 278 agreement, under the Highways Act 1980:
 - (i) The improved access to the site from Whinney Hill Road as detailed on the submitted plans,
 - (ii) The extension of the existing TROs to beyond the proposed access from Whinney Hill Road.
 - (iii) Signal testing at Whinney Hill Road and Whalley Road junction
The highway works shall be implemented in accordance with the approved details prior to the occupation or first use of the approved development for trading.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on the development hereby approved, in accordance with Policy E10 of the Local Plan Policy Env7 of the Core Strategy.

5. The retail element of the development hereby approved is restricted to retail sales only in connection with the operation of the site as a builder's merchant.

Reason: In the interest of the vitality and viability of town centres and nearby local centres in accordance with the provisions of the National Planning Policy Framework.

Prior to the commencement of development a Phasing Plan shall be submitted to, and approved in writing by the Local Planning Authority which will detail the phasing of the construction of the site, including the erection of the acoustic fencing. The

phasing of the development shall then be implemented in accordance with the details contained within the plan.

Reason: In the interests of residential amenity and to accord with Policy Env 7 of the Hyndburn Core Strategy.

6. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority for approval in writing:
 - (a) A desk top study which assessed the risk of the potential for on-site contamination and ground gases and migration of both on and off-site contamination and ground gases has been submitted and satisfies this section of the contaminated land condition. Thereafter sections (b), (c) and (d) remain to be complied with.
 - (b) If the desk study identifies potential contamination and ground gases, a detailed site investigation shall be carried out to address the nature, degree and distribution of contamination and ground gases and shall include an assessment of the risk to receptors as defined under the Environmental Protection Act 1990, Part 2A, focusing primarily on risks to human health and controlled waters. The investigation shall also address the implications of the health and safety of site workers, of nearby occupied buildings, on services and landscaping schemes, and on wider environmental receptors including ecological systems and property. The sampling and analytical strategy shall be submitted to and be approved in writing by the LPA, prior to the start of the site investigation survey.
 - (c) A remediation statement, detailing the recommendations and remedial measures within the site.
 - (d) On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed Remediation Statement.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

Reason: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both off and on site, and to ensure that the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990 and in accordance with the provisions of the NPPF.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of National Planning Policy Framework and National Planning Practice Guidance.

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice

Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the LPA. The surface water drainage scheme must be in accordance with the Non statutory Technical Standards for Sustainable Drainage systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public sewer, the pass forward flow rate to be public sewer must be restricted to 22 l/s.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with the provisions of National Planning Policy Framework and National Planning Practice Guidance.

9. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
 - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

10. Prior to the commencement of development, a Landscaping, Tree Planting and Management Plan for areas of planting indicated on the approved Site Plan GREENG/01 Dwg 04D (to be updated), including maintenance schedules for replacement planting, shall be submitted to and approved in writing by the Local Planning Authority. The Landscaping, Tree Planting and Tree Management Plan shall be implemented as approved.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with Policy Env 7 of the Hyndburn Core Strategy.

11. During the first planting season following the commencement of development hereby approved the tree planting as indicated on the approved plans and detailed in the Landscaping, Tree Planting and Management Plan shall be carried out to the satisfaction of the Local Planning Authority. Any trees, plants or shrubs so planted which die or are felled, uprooted, willfully damaged or destroyed within five years of the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with Policy Env 7 of the Hyndburn Core Strategy.

12. Measures should be in place to prevent nuisance being caused to residents from noise, dust, fumes and or vibration arising from the building works.
There should be no burning off on site of construction waste.

Reason: To protect the amenities of existing occupiers at nearby premises from any nuisance from construction/development activities in accordance with Policy Env7 of the Hyndburn Core Strategy.

13. Prior to the commencement of development, a Dust Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Dust Management Plan shall identify all areas of the site and site operations where dust maybe generated and further identify control measures to ensure that dust does not travel beyond the site boundary. Once in place, all identified measures shall be implemented and maintained at all times. Should any equipment used to control dust fail, the site shall cease all material handling operations immediately until the dust control equipment has been repaired or replaced.

Reason: To protect the amenities of existing occupiers at nearby premises from any nuisance from construction/development activities in accordance with Policy Env7 of the Hyndburn Core Strategy.

14. Prior to its use in the development, details of proposed CCTV shall be submitted to and approved in writing by the Local Planning Authority. The CCTV shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing with the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy Env 7 of the Hyndburn Core Strategy.

15. Prior to its use in the development, details of external lighting have been submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the approved details and thereby retained as such unless a variation is subsequently submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy Env 7 of the Hyndburn Core Strategy, and BATS- in accordance with the NPPF.

16. Construction deliveries to and from the site shall be restricted between 0800 and 1800hrs

Monday to Friday and 1300hrs on Saturdays. Deliveries shall not take place on Sundays and bank holidays.

All works shall be undertaken in accordance with BS5228:2009.

Reason: In the interests of residential amenity and to accord with Policy Env7 of the Hyndburn Core Strategy

17. Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1700 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In the interests of residential amenity and to accord with Policy Env 7 of the Hyndburn Core Strategy.

18. The specified boundary treatment of the development hereby approved (including siting, height and materials) shall be as described on the approved plans 10 J6-01060, J6/04031, GREENG/01 Dwg 04D (to be updated) and application form, and retained thereafter, unless any variation is first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development will be of a satisfactory appearance and to accord with Policies Env 6 and Env 7 of the Hyndburn Core Strategy.

19. No window openings shall be inserted in the elevations of the approved buildings facing the residential properties on Whalley Road unless otherwise first agreed in writing with the Local Planning Authority.

Reason: in the interest of residential amenity of the of the occupiers of the nearby properties on Whalley Road in accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

20. Before the development hereby approved is first brought into use the car parking area shall be hard surfaced and marked out as indicated on the approved plan to the satisfaction of the Local Planning Authority. The car park shall be made available at all times that the premises are in use for the parking of staff and visitors' cars.

Reason: In order to ensure that there is adequate car parking provision clear of the public highway in the interests of the safety of users of the highway and in order to comply with Policy Env 7 of the Hyndburn Core Strategy and the Hyndburn car parking and access standards.

21. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not be undertaken between March and July inclusive, unless the absence of nesting birds has been confirmed by further surveys or inspections approved by the Local Planning Authority.

Reason: To ensure that birds are protected and their habitat enhanced, in accordance with Circular 06/05, the Wildlife and Countryside Act 1981 (as amended)

and the Conservation (Natural Habitats, &c.) Regulations 1994 and to accord with Policy Env 2 of the Hyndburn Core Strategy and the NPPF.

22. Before any construction or engineering works commence on site details of facilities for the washing of the wheels of vehicles before leaving the site shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed before any engineering or construction work commences on site and shall be retained for the full construction period.

Reason: To avoid the public highway being affected by the deposit of mud and/or loose materials which could create a potential hazard to road users and to comply with Policy Env 7 of the Hyndburn Core Strategy.

23. There shall be no noise generated from on-site activities, which is detrimental to the amenity of residents on Mondays to Fridays before 8.00 and after 18.00 and on Saturdays before 09.00 and 17.00 and at no time on Sundays and bank holidays.

Reason: To safeguard the amenities of the occupiers of adjoining properties and to comply with Policy Env 7 of the Hyndburn Core Strategy.

24. The use hereby permitted shall not be open to customers except between the hours of 8.30am and 8.00pm on Mondays to Fridays, 07.30 – 18.00 on Saturdays, 07.30 – 17.00 on Sundays and not at any time on Bank or Public Holidays.

Reason: in order to protect the residential amenities of the occupiers of the nearby properties and to comply with Policy Env7 of the Hyndburn Core Strategy.

Informatives

13a, 14, 15, 16, 17 and:

The level of cover to water mains and sewers must not be compromised either during or after construction. The applicant should contact United Utilities on 03456 723723 regarding connection to the water mains or public sewers. The applicant must contact United Utilities water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact Property Searches Team on 03707 510101 to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.