

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 6th JUNE, 2022**

PRESENT –

His Worship the Mayor – Councillor Y. Iqbal

Councillors

*M. Adnan
F. Ahmad
S. Ahmed
Z. Ali
M. Ammer
R. Anwar
M. Aslam
N. Ashraf
M. Iqbal
M. Kaleem
A. Mahmood*

Co-optees

N. Emery (Nelson Town Centre Partnership)

(Apologies for absence were received from Councillors M. Hanif and N. McGowan).

Officers in attendance:

<i>Julie Whittaker</i>	<i>Housing, Health and Engineering Services Manager/Area Co-ordinator</i>
<i>Alex Cameron</i>	<i>Planning Officer</i>
<i>Jane Watson</i>	<i>Head of Democratic Services</i>

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The following people attended the meeting and spoke on the following items:

<i>Brian Sumner Mujahaid bin Jamshaid Susan Woodward- Massey Spokesperson for residents</i>	<i>22/0047/TDC Technical Details Consent: Erection of 4 detached dwellings (Permission in Principle 20/0524/PIP) on land to the North of Rockwood, Halifax Road, Nelson</i>	<i>Minute No. 25(a)</i>
<i>Amjad Khan</i>	<i>22/0051/FUL Full: Change of use from shop car park (Use Class E) to car sales, the siting of a portacabin building and erection of a 2.4m high fence along the East and South boundaries at Global Foods, Railway Street, Nelson</i>	<i>Minute No. 25(a)</i>
<i>Brian Sumner</i>	<i>22/0148/REM Reserved Matters: (Major) Erection of light industrial and storage units, car parking and associated works (appearance, landscaping, layout and scale) of outline</i>	<i>Minute No. 25(a)</i>

permission 21/0427/OUT on land to the South West of Quarry Hill Fold, Waidshouse Road, Nelson

Scott Wilkinson

22/0150/FUL Full: Erection of a two storey building comprising of 8 supported living apartments with associated car parking and landscaping on land to the South of Chamber Hill Farm, Clitheroe Road, Brierfield

Minute No. 25(a)



20. DECLARATION OF INTERESTS

Members were reminded of the requirements of the Member Code of Conduct concerning the Declaration of Interests.

21. PUBLIC QUESTION TIME

A resident of Nelson explained that due to a water leak part of Every Street, Nelson had been closed whilst repairs were carried out. The resident explained that this was affecting his business as there was no through route. He had contacted the County Council to see when the street would be re-opened but he had not had a response. Councillor M. Iqbal said he had contacted the Director of Highways over the weekend and he would contact the resident as soon as he received a response.

22. MINUTES

RESOLVED

That the Minutes of meeting held on 9th May, 2022 be approved as correct records and signed by the Chairman.

23. PROGRESS REPORT

A progress report on actions arising from the last meetings of Nelson Committee and Brierfield and Reedley Committee were submitted for information.

24. POLICE ISSUES

In the absence of any Police representation no issues were raised.

25. PLANNING APPLICATIONS

(a) Applications to be determined

22/0047/TDC Technical Details Consent: Erection of 4 detached dwellings (Permission in Principle 20/0524/PIP) on land to the North of Rockwood Lodge, Halifax Road, Nelson for MA Holdings NW Ltd.

The Planning Officer circulated an update prior to the meeting. This provided details of additional public comments along with comments from LCC Highways who now accepted the proposed visibility splays and recommended conditions which included a Construction Method Statement.

RESOLVED

That delegated authority be granted to the Planning, Economic Development and Regulatory Services Manager to **grant** the application subject to receipt of final comments from the Coal Authorities final comments and no objection from those consultees.

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 03D, 06A, 08A, 09, 10A, 16.

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 samples of all the external materials to be used in the construction of the dwellings roof, walls, colour and finish of the windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

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

4. Prior to the commencement of development, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Prior to the occupation of the first dwelling an assessment of the risk from golf balls and a scheme of any mitigation measures necessary to address that risk shall have been submitted to and approved in writing by the Local Planning Authority. The mitigation measures may include, but not be limited to, catch fencing and/or restriction of the extent of domestic garden areas. The scheme shall be fully implemented prior to the occupation of the dwellings hereby approved and maintained at all times thereafter.

Reason: To mitigate risk from flying golf balls to residents and protect the viability of the adjacent golf club.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) Measures to control noise and vibration during construction.
- viii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- ix) Details of working hours
- x) Routing of delivery vehicles to/from site

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

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

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

8. All visibility splays at the construction site access to the development shall be cleared to ground level prior to the commencement of any works.

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

9. No part of the development hereby approved shall be commenced until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

The works shall be to LCC specification and include i) new site access, ii) removal of 12 trees within the highway verge sited within the visibility splays on Halifax Road.

Reason: In the interest of highway safety.

10. The development shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities. Unless otherwise agreed this shall include 24 replacement trees for the removed highway trees of species 50/50 mix of

Parrotia persica "Venessa" and Liquidamber "Worplesdon", stock sizes to be minimum of extra heavy standards and replacement of the trees removed within the site.

c. an outline specification for ground preparation;

d. all proposed boundary treatments with supporting elevations and construction details;

e. all proposed hard landscape elements and pavings, including layout, materials and colours;

f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and in the interest of visual amenity.

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

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

Reason: To prevent trees or hedgerows adjacent to the site from being damaged during construction works.

12. The development shall be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal.

Reason: To ensure that the habitats of protected species are not harmed by the development.

13. Each dwelling shall have an electric vehicle charging point and secure covered cycle store prior to first occupation.

Reason: To ensure adequate provision for sustainable transport.

14. No dwelling shall be occupied until the car parking area for that dwelling has been surfaced or paved in a bound porous material, unless otherwise approved in writing by the Local Planning Authority, and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking areas shall thereafter be kept free of obstruction and available for the parking cars at all times.

Reason: To allow for the effective use of the parking areas in the interest of highway safety.

NOTE

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278) with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the County Council for further information by telephoning the Development support Section on 0300 123 6780 or email developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.
2. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk quoting the reference 13-3-FP24 Brierfield, Pendle and planning application number, to discuss their proposal before any development works begin.

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 accords with the Local Plan and National Planning Policy Framework. 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.

22/0051/FUL Full: Change of use from shop car park (Use Class E) to car sales, the siting of a porta cabin building and erection of a 2.4m high fence along the East and South boundaries at Global Food Nelson, Railway Street, Nelson for Mr. B. Chaudhrey

The Planning Officer circulated an update prior to the meeting advising of an additional condition required to control the colour of the porta cabin building.

RESOLVED

That delegated authority be granted to the Planning, Economic Development and Regulatory Services Manager to **grant** the application subject to receipt of an amended car parking layout scheme for the existing Global Food Store being acceptable and subject to the following conditions and reasons:

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:

Location Plan received on 28th April, 2022

Proposed Site Plan and Porta Cabin Elevations: AB094 received on 10th May, 2022

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

3. No customer shall be allowed to remain on the premises outside the following hours:

08:00 – 22:00 Mondays to Saturdays and 08:00 – 22:00 Sundays and Bank Holidays.

Reason: To control the hours that customers remain on the premises in the interests of residential amenity.

4. The development hereby approved does not allow any washing and valeting of vehicles to take place on the site.

Reason: In the interests of neighbouring amenity.

5. Prior to operation of the proposed development, details of the proposed fencing shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in strict accordance with the approved details.

Reason: In order to allow the Local Planning Authority to control the materials and external appearance of the development, to ensure it is in keeping with the character of the property and surrounding area.

6. The car parking and turning areas shown on the approved plan 'Proposed Plan – AB094 dated 25th January, 2022' shall be marked out and maintained thereafter for the purposes of the development hereby approved and the adjoining Food Store for as long as they are trading.

Reason: To ensure adequate car parking and services are provided.

7. The area marked 'turning area for larger vehicles' on the drawing 'Proposed Plan – AB094 dated 25th January, 2022' shall be kept free of vehicles or any other external storage whilst the development hereby approved is trading.

Reason: To ensure that there are adequate turning areas for large vehicles.

8. Prior to commencement of the use hereby approved, details of the colour of the porta cabin shall be submitted to and approved in writing by the Local Planning Authority and shall remain as approved thereafter.

Reason: In the interests of visual amenity.

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The access and principle of the proposed development accord with the policies of the Replacement Pendle Local Plan and National Planning Policy Framework. 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.

22/0122/FUL Full: (Major) Change of Use of first and second floor from offices (Use Class B1(a) to 10 flats (Use Class C3) first floor roof extension and insertion of 6 roof lights at 28-34 Manchester Road, Nelson for YB Partnership Ltd.

The Planning Officer circulated an update at the meeting advising that amended plans had been received.

RESOLVED

That planning permission be **granted** subject to the following conditions and reasons:

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:

Location Plan – LU255-P01
Proposed Floor Plans – LU255-P02
Proposed Elevation Plans – LU255-P03B

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

3. Notwithstanding any indication on the approved plans and application form, prior to any external works commencing, samples of the external materials for the stone to match the existing stone and details of the proposed roof lights shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials.

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

4. Prior to commencement of the proposed development, the waste storage area shall be laid out in accordance with the site plan and wheeled waste disposal containers shall be kept

behind locked gates. This arrangement shall remain in place unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent any rubbish being left within the public highway.

5. Prior to occupation of the first residential unit the cycle storage facilities shall be provided in accordance with the approved plan and shall be permanently retained thereafter.

Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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.

22/0148/REM Reserved Matters (Major): Erection of light industrial and storage units, car parking and associated works (appearance, landscaping, layout and scale) of outline permission 21/0427/OUT on land to the South West of Quarry Hill Fold, Waidshouse Road, Nelson for Cross Construction Ltd.

The Planning Officer circulated an update at the meeting advising of an error in the 'residential amenity' section of the report which referred to Use Class B2 and B8. This was incorrect as the Outline Permission was for the Use Class formerly B1, which was now Use Class E. The decision notice for 21/0427/OUT allowed for the units to be used as the following: Class B8 of Schedule 1 and Class E(g)(ii) and (iii).

RESOLVED

That planning permission be **granted** subject to the following conditions and reasons:

1. This notice constitutes an approval of matters reserved under Condition 1 and 2 of Planning Permission 21/0427/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission 21/0427/OUT.

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

Location Plan Ref: CROSS0919/Dwg 01
Proposed Site Plan CROSS/0919/Dwg 03A
Proposed Block Plan CRO/0919 Dwg 04
Landscape Plan CRO/0919 Dwg 08
Building 1 Proposed Plans and Elevations CRO/0919 Dwg 05
Building 2 Proposed Plans and Elevations CRO/0919 Dwg 06

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

3. Notwithstanding any indication on the approved plans and application form, prior to the commencement of above ground works involved in the erection of the external walls of the development, samples of the external materials to be used in the construction of the walls, roof verges, fascias and soffits, rain water goods, pipes and flues, windows and door materials and finishes, window reveals and drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials.

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

4. The development hereby permitted shall not be commenced unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- (a) the exact location and species of all existing trees and other planting to be retained;
- (b) all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- (c) an outline specification for ground preparation;
- (d) all proposed boundary treatments with supporting elevations, materials and construction details;
- (e) all proposed hard landscape elements and pavings, including layout, materials and colours;
- (f) the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure appropriate landscape design and in the interests of the visual amenities of the area.

5. The proposed development should not be brought into use unless and until the parking and manoeuvring areas shown on the approved plans have been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

6. Prior to first occupation of the approved dwelling an electric vehicle charging point shall be installed.

Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

7. Prior to first occupation of the approved dwelling cycle storage facilities shall be provided in accordance with a scheme to be approved by the Local Planning Authority.

Reason: To ensure that the development provides the infrastructure for forms of sustainable transport.

8. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:
- i) the parking of vehicles of site-operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoardings including decorative displays, where appropriate;
 - v) wheel-washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for re-cycling/disposing of waste resulting from demolition and construction works the development shall proceed strictly in accordance with that method statement.

The development shall be carried out in accordance with the method statement.

Reason: In the interests of the amenity of the area during construction work.

9. Final Surface Water Sustainable Drainage Strategy to be submitted. 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 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.

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;
 - (iii) 1% (1 in 100-year) annual exceedance probability event +_ 40% climate change allowance. 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 infiltration rates and groundwater levels in accordance with BRE 365.
- (d) Evidence of an agreement in principle with the third Water and Sewerage Company to connect to the off-site surface water sewer.

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 in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

10. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and storm water 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 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 run-off 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 flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

11. The commencement of use of the development shall not be permitted until a site-specific Operation and 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 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 pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

12. The commencement of use of the development shall not be permitted 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 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 development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

13. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:
- (i) the parking of vehicles of site-operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) the storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoardings including decorative displays, where appropriate;
 - (v) wheel-washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for re-cycling of waste resulting from demolition and construction works.

The development shall proceed strictly in accordance with that method statement.

Reason: In the interest of the amenity of the area and highway safety during construction work.

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy. 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.

22/0150/FUL Full: Erection of a two storey building comprising of 8 supported living apartments with associated car parking and landscaping on land to the South of Chamber Hill Farm, Clitheroe Road, Brierfield for Consensus Support

The Planning Officer circulated an update at the meeting advising of LCC Highways recommending that a footway be provided along the full frontage to (this was secured by condition 7). The update also provided some amended wording for condition 12.

RESOLVED

That planning permission be **granted** subject to the following conditions and reasons:

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:

Location Plan – Dwg 000

Proposed Site Plan – Dwg 102 Rev P3
Proposed Landscaping Plan – Dwg 106 Rev 3
Proposed Cross Sections, including FFLs – Dwg 107
Proposed Ground Floor Plan – Dwg 103
Proposed First Floor Plan – Dwg 104
Proposed Roof Plan – Dwg 105
Proposed Front Elevation Plan – Dwg 110
Proposed Rear Elevation Plan – Dwg 111
Proposed Side Elevation Plans – Dwg 112

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

3. Prior to any external works commencing, samples of the external facing materials, including rainwater goods, verges, windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials.

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

4. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
- (i) an investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) a restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);
 - (iii) levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

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 promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. All windows shall be set back from the external face of the walls by a minimum of 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

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

- (i) the parking of vehicles of site operatives and visitors;
- (ii) the loading and unloading of plant and materials;
- (iii) the storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (viii) details of working hours;
- (ix) routing of delivery vehicles to/from site.

Reason: In the interests of neighbouring amenity and highway safety.

7. Prior to commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of the development:

- A new footway along the Clitheroe Road frontage of the development site.

Reason: In the interests of highway safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not, at any time in connection the development hereby permitted, be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, trees, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Clitheroe Road, to points measured 43m to both sides of the nearer edge of the carriageway of Clitheroe Road, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority, in conjunction with the Highway Authority.

Reason: To ensure adequate visibility at the street junction or site access.

9. Prior to the occupation of development the site access road, parking and turning areas shall be constructed in a bound porous material, marked out and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: In the interests of highway safety.

10. Prior to first occupation a secure covered cycle store and electric vehicle charging point shall be installed.

Reason: To ensure there are options available for sustainable travel.

11. The windows to the side elevations of the development hereby permitted shall, at all times, be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

12. The premises shall only ever be used for the provision of supported living accommodation and for no other purpose whatsoever.

Reason: The car parking is sufficient for a supported living use but alternative uses have not been assessed in this case.

13. Prior to the first occupation of the development all of the measures set out in the noise assessment shall have been carried out and completed in their entirety and shall thereafter be retained.

Reason: In the interests of residential amenity for future users of the development.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any other order revoking or modifying that Order) the development hereby permitted shall not at any time have any additional windows, doors, dormers or other openings inserted in the South elevation unless with the prior written consent of the Local Planning Authority as to the location, size, design and degree of obscurity of the glazing in the new opening and any window thereafter installed shall at all times comply with the details approved.

Reason: To safeguard residential amenity.

NOTE

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.

REASON FOR DECISION

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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.

22/0194/HHO Full: Roof dormers to front and rear roofslopes at 161 Chapel House Road, Nelson for Mr. Q. Ahmed

RESOLVED

That planning permission be **granted** subject to the following conditions and reasons:

****PLANNING TO ADD****

22/0223/HHO Full: Insertion of dormer window to front roof slope and single storey rear extension at 42 Beddington Street, Nelson for Mr. R. Ul-Haq

RESOLVED

That planning permission be **granted** subject to the following conditions and reasons:

****PLANNING TO ADD****

(b) Planning Appeals

The Planning, Economic Development and Regulatory Services Manager submitted, for information, a report on appeals submitted and any decisions received.

26. ENFORCEMENT/UNAUTHORISED USES

Update on Enforcement Matters

The Head of Legal Services submitted an update on enforcement matters.

27. CAPITAL PROGRAMME 2022/2023

The Housing, Health and Engineering Services Manager submitted a report on the Committee's 2022/23 Capital Programme.

The Committee were asked to consider deallocating £1,248 underspend from the Walverden Environmental Improvements and the following bid:

- (a) £121 to purchase and erect a dog waste bin at King Street Terrace, Brierfield

RESOLVED

- (1) That the budget committed to date be noted.
- (2) That the schemes listed in Appendix 1 attached to the report be noted.
- (3) That £1,248 underspend from the Walverden Environmental Improvements scheme be deallocated to the Capital Projects for Whitefield and Walverden Ward.
- (4) That £121 be allocated to purchase and erect a dog waste bin at King Street Terrace,

Brierfield.

REASON

To enable the capital programme to be allocated effectively.

28. TRAFFIC LIAISON MEETING

Minutes of a meeting of the LCC Traffic Liaison Meeting held on 12th May, 2022 were submitted for information.

29. ITEMS FOR DISCUSSION

(a) Cricket Pitch – Hard Platts/Bent Head, Brierfield

A request had been made that the cricket pitch behind St. Paul's school on the old Bent Head pitches be reinstated.

RESOLVED

That the Environmental Services Manager be requested to submit a report to a future meeting on the reinstatement of the cricket pitch on the Hard Platts/Bent Head, Brierfield with options for the works to be externally funded.

REASON

To bring back into use a sporting facility.

30. OUTSTANDING ITEMS

- (a) Junction of Scotland Road/Sagar Street/Broadway, Nelson (05.07.2021)
- (b) Speed Calming Measures on Chapel House Road, Nelson (05.07.2021)
- (c) Enforcement Item (29.11.2021)
- (d) Meeting with Transdev (28.02.2022)
- (e) Meeting with LCC re: access for residents/emergency vehicles at Victory Close, Nelson (09.05.2022)

Chairman _____