

**MINUTES OF THE COUNCIL MEETING
HELD AT NELSON TOWN HALL
18th OCTOBER, 2022**

PRESENT –

His Worship the Mayor (Councillor Y. Iqbal – in the Chair)

Councillors

*M. Adnan
F. Ahmad
Nadeem Ahmed
D. Albin
Z. Ali
M. Ammer
R. Anwar
Naeem Ashraf
M. Aslam
N. Butterworth
C. Church
D. Cockburn-Price
S. Cockburn-Price
M. Goulthorp*

*M. Iqbal
M. Kaleem
D. Lord
K. McGladdery
P. McGladdery
N. McGowan
B. Newman
J. Purcell
K. Salter
M. Stone
A. Sutcliffe
D. Whipp
T. Whipp*

(Apologies for absence were received from Councillors S. Ahmed, R. Carroll, M. Hanif, and A. Mahmood.)



46. MINUTES SILENCE

Members paid tribute to Councillor Carlo Lioni following his recent death and the meeting stood in silence for one minute as a mark of respect.

47. DECLARATIONS OF INTEREST

Members were reminded of the legal requirements concerning the declaration of interests.

48. SUSPENSION OF COUNCIL RULES OF PROCEDURES

It was moved by Councillor D. Whipp and seconded by Councillor Z. Ali in accordance with Council Rules of Procedures 23.1 that Rules 12.1 and 16.1 be suspended to allow a motion to rescind the decision made at the Council meeting on 19th May to establish a Planning Committee.

Upon being put to the vote this motion was LOST.

49. SCHEME OF DELEGATION

The Planning, Economic Development and Regulatory Services Manager submitted a report with suggested amendments to the Constitution and the Scheme of Delegation for the central Planning Committee.



Following some debate, the time having reached 7.30 p.m. His Worship the Mayor declared the meeting adjourned and there was a break to allow the Mayor to take legal advice on procedural issues. The meeting reconvened at 8.30 p.m.



On reconvening, His Worship the Mayor announced that, as there were procedural issues and no overall agreement on the way forward, and members of the public present for the planning applications item, he was taking the decision to move onto planning matters.

50. PLANNING MATTERS

The Planning, Economic Development and Regulatory Services Manager submitted a report on the following planning applications for determination. A Planning update for a number of the applications was circulated at the meeting.

21/0817/OUT Outline: Erection of one dwelling house (access only) on land to the south of Rockwood Lodge, Halifax Road, Nelson for Mr Muhammed Younis Karim

Nelson, Brierfield and Reedley Committee at their meeting on 17th October had recommended that the application be approved.

It was moved by Councillor M. Iqbal seconded by Councillor N. Ashraf and –

RESOLVED

That planning permission be **granted** for the following reason –

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, layout, scale and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before Town & Country Planning Act 1990 Town & Country Planning (Development Management Procedure) Order (England) 2015 GRANT OF OUTLINE PLANNING PERMISSION any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: P01

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

4. No development shall take place, including any works of site clearance, until a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The approved plan 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 and means of mechanical road sweeping 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 interest of highway safety.

5. 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 in writing 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.

6. 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.

7. 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 in writing by the Local Planning Authority. The works shall be to Lancashire County Council's specification and include: i) new site access, ii) removal of 15 trees within the highway verge sited within the visibility splays on Halifax Road (removal of the trees includes the excavation of the trunk and root system below ground level and making good the ground following excavation) and reinstatement of adopted highway network, iii) re-location of highway gully, iv) street lighting assessment.

Reason: In the interest of highway safety and to protect the structural integrity of the public highway network.

8. The first submission of reserved matters shall include a landscaping scheme including (but not exclusively) details of the replacement of the highway trees required to be removed to provide adequate visibility splays at the access.

Reason: To mitigate the visual amenity impact loss of highway trees to facilitate the construction of the site access.

9. The development shall be carried out in strict accordance with the recommendations of the Preliminary Ecological Appraisal ref: 21-020_v1.0F. Reason: To ensure that protected

species are not harmed by the development. 10 The development shall not commence unless and until details of the foul and surface water drainage of the development has been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied unless and until the drainage has been installed in accordance with the approved details.

Reason: To ensure the provision of adequate drainage to avoid flooding and pollution risks.

REASON

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

21/0994/FUL Full: Major: Demolition of rear extensions and conversion of car home (Use Class C2) to 12 apartments (Use Class C3) reconfigure part of roof and two storey extensions to the rear at Belgarth Nursing Home, Wheatley Lane Road, Barrowford for Mr Omar Ahmad

The Planning update provided additional comments on residential amenity. Barrowford and Western Parishes Committee at their meeting on 12th October had recommended that the application be approved.

It was moved by Councillor N. Ahmed, seconded by Councillor S. Cockburn-Price and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

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

- Location Plan – 0001 Drawing Number 01
- Proposed Elevations P01-Rev B
- Proposed First floor P03-Rev B
- Proposed Soft Landscaping P05-Rev B
- Proposed Tree Protection Plan P07-Rev B
- Proposed Ground Floor Plan P02-Rev B
- Proposed Site Plan P04-Rev B
- Proposed Bedding Schedule P06-Rev B
- Proposed Hard landscaping P08-Rev B

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

3. The external facing and roofing materials shall match those of the existing building in terms of type, size, form, texture and colour and there shall be no variation without the prior consent of the Local Planning Authority.

Reason: In order to ensure that new material matches the existing.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

5. The development hereby approved shall be carried out in accordance with the survey details for trees, prepared by Iain Tavendale, dated 28/02/2022

Reason: To ensure the trees are adequately protected.

6. Prior to the commencement of development a survey shall be carried out to identify the presence of any asbestos on the site, either bonded with cement or unbonded. Where any asbestos cement is found it shall be dismantled carefully or otherwise collected without generation of dust, it shall be dampened down with water and removed from site in secure, sealed, air-tight containment. If unbonded asbestos is found the Health and Safety Executive shall be contacted and the asbestos shall be removed by a specialist licensed contractor.

Reason: To protect the health and amenity of people in the vicinity, including those working on the development.

7. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including location
- f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
- g) Measures related to construction and demolition waste management
- h) Pollution prevention to include odour suppression, temporary drainage measures, control on re-fuelling activities and measures such as cut-off trenches to control gas migration.
- i) Soil resource management including stock-pile management
- j) Compliance with BS5228: Part 1 1997 to minimise noise
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.

- l) Measures to ensure that there is no burning of waste.
- m) Demolition Management Plan/Programme
- n) Location and details of site compounds
- o) Hoarding details during construction
- p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- q) Vibration monitoring to be carried out for the construction period.
- r) Noise-monitoring to be carried out for the construction period.
- s) A Construction and Demolition-Waste minimisation Strategy.
- t) A Construction-Risks Education plan/programme
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

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

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

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.

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

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

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

10. The cycling facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative. Reason: To allow for the effective use of the premises hereby permitted becomes operative.

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

11. Two of the allotted parking bays shall have facility of an electrical supply suitable for charging an electric motor vehicle.

Reason: In order to promote sustainable transport as a travel option and reduce thereby carbon emissions.

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

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed 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 approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

13. The development hereby approved shall be carried out in strict accordance with the recommendations of the Ecology Surveys "Bats: Building and Activity Survey" Ref SE/KDGG063/02 and "Bats: Preliminary Roost Assessment" Ref: SE/KDG063/01.

Reason: To ensure that any protected species are adequately protected.

REASON

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.

22/0200/HHO Full: Erection of a porch to front elevation at 148 Reedyford Road, Nelson for Mr Alan Cross

It was moved by Councillor M. Iqbal, seconded by Councillor N. Ashraf and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing 1, Drawing 2, Drawing 3.

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

3. The external facing materials used on the development hereby permitted shall at all times match in colour form and texture the external facing materials on the existing dwelling. Town & Country Planning Act 1990 Town & Country Planning (Development Management Procedure) Order (England) 2015 GRANT OF PLANNING PERMISSION

Reason: In order to ensure the development is of an acceptable design.

4. The window in the east elevation of the extension hereby authorised shall at all times be glazed in obscure glass to level 5 on the standard scale. No other openings shall at any time be inserted into the east elevation.

Reason: In order to preserve the privacy of the occupants of the adjoining dwelling.

REASON

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.

22/0274/FUL Full: Change of use of ground floor from shop (Use Class E) to laundrette (sui generis) new shopfront and shutters and change of use of first floor and attic flat to 4 bed house of multiple occupation at 38 Colne Road, Brierfield for Mr Mohammed Arif

The Planning update reported Nelson, Brierfield and Reedley Committee at their meeting on 17th October had recommended that this application be approved.

It was moved by Councillor N. Ashraf, seconded by Councillor Z. Ali and –

RESOLVED

That permission be **granted** subject to the following conditions -

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

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

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

- D1 – Existing Cellar & Ground Floor Plan
- D2 – Location Plan, Existing Ground and First Floor Plan
- D3 – Proposed Cellar Plan & Proposed Ground Floor Plan
- D4 – Proposed Attic Plan and Proposed First Floor Plan, Proposed Shop Front and Shutters Plan

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

REASON

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.

22/0333/FUL Full: Erection of two detached dwellings on land to the west of Garfield, Keighley Road, Colne for DVL Properties Ltd

The Planning update reported receipt of a reptile survey report. The recommendation was to approve the application with an additional condition related to the recommendations of the ecology surveys. Colne and District Committee at their meeting on 13th October had recommended that the application be approved.

It was moved by Councillor D. Cockburn-Price, seconded by Councillor S. Cockburn-Price and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 22/33/1, 22/33/2, 22/33/5, 22/33/6A, 22/33/7, 22/33/10, 22/33/11A, 22/33/9B.

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 the external materials to be used in the elevations and boundary walls of the proposed development shall have been submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

4. The dwelling hereby approved shall not be occupied unless and until the car parking spaces shown on the approved plans have been surfaced in a bound material and made available for car parking purposes. The spaces shall thereafter at all times be maintained free from obstruction and available for car parking purposes.

Reason: To ensure adequate car parking provision in the interest of highway safety.

5. Prior to first occupation of the approved dwellings that part of the internal access road extending from the entrance gates for a minimum distance of 5m into the site shall be hard surfaced in bound porous material.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway, where it could pose a hazard to road users.

6. The demolition of the existing dwelling shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local planning Authority. The Method statement must cover the topics detailed below:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from clearance and construction works
- Details of working hours
- Timing of deliveries
- Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- Construction site noise and vibration
- Control of burning onsite

The development shall be carried out only in strict accordance with the approved Construction Method Statement.

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

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

Reason: To ensure that the development preserves and enhances the ecology of the site.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A & E of Part 1 and Class A or Part 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to preserve the openness of the Green Belt

9. The development hereby approved 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:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed boundary treatments with supporting elevations and construction details;
- v) All proposed hard landscaping elements and paving, including layout, materials and colours;
- vi) 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 agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

Reason: In the interest of visual amenity and to preserve the setting of the adjacent Listed Buildings.

10. There shall be no alterations to the levels of the site unless and until additional level or section plans detailing any alterations to land levels within the site, including details of any retaining walls proposed, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in strict accordance with the approved details.

Reason: In the interest of visual amenity and to ensure that trees to be preserved on site are not harmed.

11. Unless otherwise approved in writing by the Local Planning Authority no ground clearance, 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 service runs, 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 ensure that the trees are suitably protected throughout the construction process.

12. 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.

13. No development of each plot hereby approved shall commence until a scheme for the construction of the site access, including any off-site works of highway improvement, has been submitted to, and approved by, the Local Planning Authority.

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

14. Prior to first occupation of each approved dwelling visibility splays measured 2.4m back from the centre line of the access and extending 43m in both directions on the nearside carriageway edge on Keighley Road shall be provided as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splays. The visibility splays shall be maintained free from obstruction thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

15. Prior to first occupation of each individual plot the vehicular access shall be constructed to an appropriate standard and the driveway paved in a bound porous material.

Reason: In the interest of highway safety to ensure adequate vehicular access to the plot and to prevent loose surface material from being carried on to the public highway.

16. All windows and balconies in the south elevation shall be fitted with anti-reflective glazing the specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of approved anti-reflective specification.

Reason: In the interest of visual amenity.

17. The development shall be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal March 2022 and Reptile Survey Report October 2022. A scheme of ecological enhancement shall be submitted to and approved in writing by the Local Planning Authority and, unless otherwise approved, implemented prior to the occupation of the first dwelling and thereafter maintained in accordance with the approved scheme.

Reason: To ensure that protected species are not harmed by the development and biodiversity is enhanced.

Notes: If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278 short form), with Lancashire County Council as the

Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

The construction of the accesses to an appropriate standard, including the re-location of any highway gullies necessary.

Council (18.10.2022)

The existing dropped kerbs within the bus box carriageway markings adjacent to the access to Plot 2 shall be reinstated to full height.

The applicant should be advised to contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

REASON

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

22/0399/HHO Full: Erection of a dormer on the front roof slope at 56 Carr Road, Nelson for Mr Hussain

Nelson, Brierfield and Reedley Committee at their meeting on 17th October had recommended that the application be approved.

It was moved by Councillor M. Iqbal, seconded by Councillor Z. Ali and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: o Site Location Plan, Project No: HUS/02 Dwg 01 o Proposed Plans and Elevations, Project No. HUS/02 Dwg 03.

Reason: For the avoidance of doubt and in the interests of proper planning. Town & Country Planning Act 1990 Town & Country Planning (Development Management Procedure) Order (England) 2015 GRANT OF PLANNING PERMISSION

3. The materials to be used externally on the development hereby permitted shall at all times be as stated on the submitted plans and application forms.

Reason: In order to ensure that new material matches the existing.

REASON

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. The development would have a neutral impact on the conservation area and would not affect its significance. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

22/0416/HHO Full: Proposed single storey rear extension at 2 Rowland Avenue, Nelson for Mr Mohammed Fiaz

It was moved by Councillor S. Cockburn-Price, seconded by Councillor D. Whipp and –

RESOLVED

That planning permission be **refused** for the following reason –

1. The development would be poorly designed by virtue of its poor relationship with the adjoining property which would have an overbearing and detrimental impact on the ability to enjoy their outside area and the impact on the window at ground floor. In addition the extension would not reflect the proportions and design of the existing house. As such the development would not be well designed and would be contrary to policy ENV2 of the adopted Local Plan and to paragraph 134 of the National Planning Policy Framework.

22/0456/HHO Full: Insert dormer windows to front and rear roof slopes at 183 Leeds Road, Nelson for Mr Rana

RESOLVED

That planning permission be **granted** subject to the following conditions –

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, AB080
Reason: For the avoidance of doubt and in the interests of proper planning.
3. Before any cladding is put on any part of the exterior of the development hereby authorised samples of the materials proposed to be used shall be submitted to and approved in writing by the Local Authority. The materials used thereafter shall at all times strictly comply with the Town & Country Planning Act 1990 Town & Country Planning (Development Management Procedure) Order (England) 2015 GRANT OF PLANNING PERMISSION approved materials.

Reason: In order that the Local Planning Authority can control the external appearance of the extension in the interests of the visual amenity of the area.

REASON

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.

22/0461/FUL Full: Erection of detached three storey dwelling with detached double garage at Gordale, Manchester Road, Barnoldswick for Mr S. Mitchell

West Craven Committee at their meeting on 11th October had recommended that the application be approved.

It was moved by Councillor T. Whipp, seconded by Councillor J. Purcell and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, CAL 2021 014 001, CAL 2020 014 003 Rev C, CAL 2021 014 010 Rev B.

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

3. Unless alternative details are submitted to and approved in writing by the Local Planning Authority, the external materials of the development shall be in accordance with the approved plans and application forms and the Colour and Materials Schedule, Condition 3 and supporting information received 02/08/2021.

Reason: To ensure the use of appropriate material in order to protect the character and appearance of the Conservation Area.

4. Unless otherwise approved in writing by the Local Planning Authority the reveal depth from face of stonework to face of windows and doors shall be 75mm.

Reason: In order to protect the character and appearance of the Conservation Area.

5. The dwelling hereby approved shall not be occupied unless and until provision to allow a minimum of three cars to park, turn and exit the site in forward gear has been laid out, surfaced and made available in accordance with the approved plans. The car parking and turning areas shall thereafter be maintained free of obstruction and available for car parking and turning purposes.

Reason: In the interest of highway safety.

6. Prior to the occupation of the dwelling an electric vehicle charging point shall be installed accessible from the parking area.

Reason: To ensure that the development supports sustainable transport modes.

7. Prior to the occupation of the dwelling hereby approved a scheme of foul and surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall not be occupied until the drainage has been installed in accordance with approved scheme.

Reason: To control foul and surface water flow disposal and prevent flooding.

8. The landscaping scheme detailed on the approved plans 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.

9. The windows in the north elevation and upper floor windows in the north and south facing side elevations of the development hereby approved 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 windows 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 the adjacent residential properties.

10. The Construction Management Statement received 02/08/2021 shall be adhered to throughout the construction period unless an alternative Construction Management Statement has been submitted to and approved in writing by the Local Planning Authority and thereafter adhered to throughout the construction period.

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

Note:

1. If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of

Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity, highway safety and impact upon ecology. 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.

22/0473/FUL Full: Major: Demolition of existing buildings and erection of 17 residential dwellings with associated access, car parking and landscaping at Croft Mill, Lowther Lane, Foulridge for Skipton Properties Ltd

The Planning update explained that affordable housing contribution was not required and reported receipt of amended plans to address LCC Highway comments. Conditions had been revised to reflect the submitted landscaping scheme, landscape management plan, tree protection and biodiversity enhancement plans which were acceptable.

Colne and District Committee at their meeting on 13th October had recommended that the application be approved.

It was moved by Councillor D. Cockburn-Price, seconded by Councillor K. Stone and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL_102-P4, PL_200-P4, PL_201-P3, PL_202-P1, PL_203-P1, PL_204-P1, PL_205-P4, PL_206-P1, PL_300-P1, GL1871 01A.

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

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

Reason: To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

4. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

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

5. The development shall be carried out in strict accordance with the recommendations of the submitted Bat Activity Survey PC22025/BAS/1.1 and the Biodiversity Net Gain Assessment PC22025/BNG/1.2. The Landscape Management Plan ref: GL1871 and Biodiversity Enhancement Plan PC22025/BEP/1.2 shall be implemented in accordance with the ecological works schedule and thereafter maintained in accordance with the management measures therein.

Reason: To ensure that protected species are not harmed by the development and biodiversity is enhanced.

6. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority. Works shall include, but not be exclusive to:

- Construction of a new access to an appropriate standard, minimum 5.5m wide, radius kerbs both sides,
- A street lighting assessment,
- Construction of a new section of 2m wide footway (approx 24m long) to the South of the new access (dedicated as part of the adopted highway network under a Section 38 agreement),
- Localised widening of the carriageway on Lowther Lane to the North of the new access, constructed to the appropriate standard, and carriageway hatch markings (dedicated as part of the adopted highway network under a Section 38 agreement),
- Buff coloured, tactile paved dropped pedestrian crossings to the southern end of the new footway both sides of Lowther Lane with an additional dropped crossing to the southern side of the rear access to 6 Lowther Lane,
- The re-location to the back of the footway of street lighting column 1 on Lowther Lane,
- Junction of Lowther Lane/Skipton Road – extend the footway across the pedestrian gateway to 2 Alma Avenue; buff coloured, tactile paved dropped pedestrian crossings both sides of the junction; extend carriageway markings (double yellow lines) and amend any other carriageway markings, if necessary,
- Close up existing vehicular access on Causeway and re-instate footway to an appropriate standard including full height kerbs,
- The introduction of a Traffic Regulation Order for No Waiting At Any Time (double yellow lines) on both sides of Lowther Lane from its junction with Skipton Road to its junction with Causeway,
- Buff coloured, tactile paved dropped pedestrian crossings both sides of the Sycamore Rise junction to the North of the development to improve access between the development and the Towngate area.

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

7. No development shall take place until an Approval In Principle (AiP) Structural Report setting out how any structures within 6m of the edge of the adopted highway (and outside of this

measure where the failure of any structures would affect the safety of road users) will be assessed, excavated, constructed, strengthened or demolished has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the works safeguard the structural integrity of the adopted highway during the demolition and construction phases and in order to satisfy the Local Planning Authority that the final details of the retaining structure are acceptable before work commences on site.

8. 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) Timing of deliveries
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- xi) Measures to control construction site noise and vibration
- xii) Restriction of burning onsite

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

9. No development, excluding demolition, shall be commenced unless and until full engineering, drainage, street lighting and constructional details of the road and footways have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

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

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

11. Within 3 months of the commencement of the development details of the proposed arrangements for the future management and maintenance of the proposed road, footways and retaining structures within the development, including written confirmation that these will

not be offered to the highway authority for adoption, should be submitted to and approved by the local planning authority. These should include the establishment of a private management and maintenance company. The road, footways and retaining structures shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: To ensure that the internal road, footways and retaining structures serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, 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 2.4 m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Lowther Lane to points measured 30m to the north of the proposed access and 29m to the south along the nearer edge of the carriageway of Lowther Lane, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority.

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

13. The garage doors shall be of a type that enables a car to pull clear of the carriageway whilst these are opened/closed. Details of the garage doors shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The garage doors shall be installed and maintained thereafter in accordance with the approved details.

Reason: In the interest of highway safety.

14. Prior to first occupation of any dwelling the off-road parking provision, including garages, shall be constructed in line with the approved plans. The parking area, including any garage, shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

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

15. Prior to the occupation each dwelling the dwelling shall have a secure cycle storage provided at a ratio of 2 cycle spaces per dwelling.

Reason: To ensure adequate provision for sustainable transport.

16. Prior to the occupation of each dwelling the dwelling shall have an electric vehicle charging point installed. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

Reason: To ensure adequate provision for sustainable transport.

17. The submitted landscaping scheme detailed in drawing No. GL1871 01A & Landscape Management Plan ref: GL1871 shall be implemented in its entirety within the first planting

season following the commencement of the use 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.

18. The development shall not commence unless and until protective fencing has been installed in accordance with the submitted Arboricultural Impact Assessment report. The protective fencing shall be retained for the full period of construction.

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 those works.

Reason: To prevent trees on site from being damaged.

19. Unless otherwise agreed in writing by the Local Planning Authority the development shall not be commenced unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

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

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

20. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (5th July 2022 / 22-027-001 – Version 3 / Hill Cannon). The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

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

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

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

- a) Sustainable drainage calculations for peak flow control and volume control for the:
- i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep
- Calculations must be provided for the whole site, including all 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 proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;

- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an agreement in principle with the third party Water and Sewerage Company to connect to the off site surface water sewer, combined 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

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

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

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

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

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

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

24. The occupation 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 surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

Notes:

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk

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

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 Local Planning Policy and the guidance set out in the Framework, subject to compliance with planning conditions. 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.

22/0481/FUL Full: Erection of a two storey rear extension at 126 Brunswick Street, Nelson for Mr Faisal

Nelson, Brierfield and Reedley Committee at their meeting on 17th October had recommended that the application be approved.

It was moved by Councillor S. Cockburn-Price, seconded by Councillor D. Whipp and –

RESOLVED

That planning permission be **refused** for the following reason –

1. The development of the two storey extension would result in a significant and detrimental impact on the living conditions of the occupants of number 124. The development would be overbearing on number 124. This would be poor design and contrary to policy ENV2 of the adopted Local Plan and to paragraph 134 of the National Planning Policy Framework.

22/0485/FUL Full: Formation of a new access at field 3226 at the junction with Reedymoor Lane and Whitemoor Road, Foulridge for Mr T. Philpot

A revised report for this application had been circulated prior to the meeting. Colne and District Committee had seen this report at their meeting on 13th October and recommended that the application be approved.

It was moved by Councillor D. Cockburn-Price, seconded by Councillor K. Salter and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01a,11, 10

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

3. The materials to be used externally on the development hereby permitted shall be as stated on the application forms and plans.

Reason: These materials are appropriate and compatible with the existing development.

4. No part of the hedge shall be removed to provide for visibility splays unless and until a detailed plan showing precisely which parts of the hedge will be removed and which will be retained has been submitted to and been improved in writing by the Local Planning Authority. Thereafter only the hedge shown to be removed on the approved plan shall at any time be allowed to be removed. Further the sections of hedge removed up to the access shall be replaced with a hedge of similar species and composition as the hedge removed.

Reason: In order to preserve the rural character of the area and in order to preserve the visual amenity of the area.

5. The access hereby permitted shall only ever be used for agricultural vehicles and agricultural machinery and not by any other vehicles whatsoever.

Reason: The lane serving the site is not suitable for an increase in traffic that would be generated by the use of the access for non-agricultural activities.

6. The access and visibility splays shown on the approved plans shall be provided in their entirety prior to the first use of the access. This shall include surfacing the access for 10m into the site when measured from the running edge of carriageway. Nothing shall thereafter be allowed to grow in the visibility splays provided.

Reason: In order to ensure the access and visibility splays are provided to an acceptable standard in the interests of highway safety.

REASON

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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.

22/0497/FUL Full: Demolition of former poultry sheds, removal of silo feed hoppers and erection of agricultural building (resubmission) at Hilldene, Rock Lane, Keighley Road, Trawden for Mr Ian Barker

Colne and District Committee at their meeting on 13th October had recommended that the application be refused.

It was moved by Councillor S. Cockburn-Price, seconded by Councillor D. Cockburn-Price and –

RESOLVED

That planning permission be **refused** for the following reason –

1. The applicant has failed to adequately demonstrate that the size of the proposed building is commensurate to the agricultural needs of the land. The proposed building would cause harm to the character and appearance, and thus the significance, of the Trawden Forest Conservation Area, the harm would be less than substantial but would not be outweighed by public benefits contrary to policies ENV1 and ENV2 of the Pendle Local Plan Part 1: Core Strategy and section 16 of the National Planning Policy Framework.

22/0499/HHO Full: Demolition of garage, erection of a two storey side extension, bin store and landscaping at 10 Ashton Drive, Nelson for Mr Daniyal Ali

Nelson, Brierfield and Reedley Committee at their meeting on 17th October had recommended that the application be approved.

It was moved by Councillor N. Ashraf, seconded by Councillor Z. Ali and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 2120/100; Existing Site Plan 2120 – 02; Proposed Site/Block Plan 2120 – 03A; Existing Floor Plan 2120 – 04; Proposed Floor Plan 2120 – 05A; Existing Elevations 2120 – 06; and Proposed Elevations 2120 – 07.

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

3. The materials to be used externally on the development hereby permitted shall at all times match those of the existing building in terms of type, size, texture and colour and there shall be no variation without the prior written consent of the Local Planning Authority.

Reason: In order to ensure that new material matches the existing.

4. Prior to the first use of the extension hereby authorised the parking spaces shown on the approved plan shall be provided in their entirety. The parking areas must be constructed of a bound porous material and shall thereafter be retained for the parking of residential vehicles associated with the dwelling.

Reason: To ensure that satisfactory parking is provided before the dwelling hereby permitted becomes operative in the interest of highway safety by preventing on street parking.

REASON

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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.

22/0505/ADV Advertisement Consent: Various vinyl signage/branding (non-illuminated) on all elevations of pods at Morrisons Supermarket, Pendle Street, Nelson for Wm Morrison Supermarkets Plc

The Planning update reported the reason for the decision and the deletion of the first condition in the original report which was not necessary. Nelson, Brierfield and Reedley Committee at their meeting on 17th October had recommended that the application be approved.

It was moved by Councillor M. Iqbal, seconded by Councillor Z. Ali and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - a. Proposed Site Plan: 104_PL_02 Revision A
 - b. Option 02 + Windscreen Store 1300 x 4600, 4600 x 2400. Floor Plan & External Elevations. 18.01.003. 002 Revision C.
 - c. Option 02 + Windscreen Store 13000 x 4600, 4600 x 2400. Floor Plan & External Elevations. 18.01.003. 002 Revision C.

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

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations

3. No advertisement shall be sited or displayed so as to –
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Condition imposed by the Regulations.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Condition imposed by the Regulations.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in condition that does not endanger the public or impair visual amenity.

Reason: Condition imposed by the Regulations.

REASON

The proposed advertisement is acceptable in terms of amenity and highways safety.

22/0516/FUL Full: Erection of a dwelling with a detached annex on land to the north east of the Water Meetings, Gisburn Road, Blacko for Mr & Mrs Marsh

The Planning update reported receipt of amended plans. Barrowford and Western Parishes Committee at their meeting on 12th October had recommended that the application be approved.

It was moved by Councillor N. Ahmed, seconded by Councillor D. Whipp and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

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

- Location Plan, Ref: E00.01
- Proposed Site Plan UGF, Ref: P01.03 Rev C
- Proposed Site Plan LGF, Ref: P01.02 Rev C
- Proposed Elevations P03.01B
- Proposed Elevations P03.02B
- Proposed Elevations P03.03C
- Softworks Layout Rev 2 520-PO3
- Hardworks Layout Rev 2 520-PO2

- General Arrangements Plan Rev 2 520-PO1

-

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior written consent of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The dwelling shall not be occupied unless and until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme 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;

(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); and

(iii) A timetable for its implementation.

(iv) Details of how foul and surface water will be disposed of.

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

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. 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. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting including the replacement trees for those which have been removed, 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 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 that the development is adequately landscaped so as to integrate with its surroundings.

7. The proposed development should not be brought into use unless and until the parking area shown on the approved plans has 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.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C & D of Part 1 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the residential amenity.

9. Before any dwelling unit is occupied waste containers shall be provided and shall be stored to the rear of the property.

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

10. No part of the development shall be commenced unless and until a Construction Code-of-Practice statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including location
- f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
- g) Measures related to construction and demolition waste management

- h) Pollution prevention to include odour suppression, temporary drainage measures, control on re-fuelling activities and measures such as cut-off trenches to control gas migration.
- i) Soil resource management including stock-pile management
- j) Compliance with BS5228: Part 1 1997 to minimise noise
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- l) Measures to ensure that there is no burning of waste.
- m) Location and details of site compounds
- n) Hoarding details during construction
- o) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- p) Noise-monitoring to be carried out for the construction period.
- q) A Construction and Demolition-Waste minimisation Strategy.
- r) A Construction-Risks Education plan/programme
- s) Parking area(s) for construction traffic and personnel
- t) Routing of construction vehicles

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

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

11. No tree within the site shall be cut down, up-rooted, topped, lopped, destroyed or in any other way damaged, nor any hedge within the site cut down or grubbed out, without the prior written approval of the Local Planning Authority.

Reason: To protect trees and shrubs as essential elements in the development.

12. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway works has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. Works shall include, but not be exclusive to the re-instatement of the footway including full height kerbs outside the existing field access; construction of a new vehicular access to the appropriate standard onto Gisburn Road, including radius kerbs and buff coloured tactile paved dropped pedestrian crossings both sides of the new access; a street lighting assessment.

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 site.

13. 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.

14. Prior to first occupation of any approved dwelling visibility splays measuring 2.4m back from the centre line of the access and extending 43m on the nearside carriageway edge of Gisburn Road in both directions shall be provided, as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: To ensure adequate intervisibility between highway users at the site access, in the interest of highway safety.

15. Prior to first occupation of any approved dwelling all the highway works shall have been constructed and completed in accordance with the approved scheme.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

16. Before the access is used for vehicular purposes, that part of the internal access road extending from the rear of the adopted footway shall be appropriately paved in bound material for a minimum distance of 5m into the site.

Reason: In the interest of highway safety to prevent loose surface material from being carried on to the public highway.

17. The detached annex hereby approved shall only be used ancillary to the enjoyment of the main dwelling hereby approved and shall not be used by way of sale or sub-letting to form separate residential accommodation.

Reason: To avoid the creation of separate dwellings which may be sub-standard in terms of parking provision, vehicular manoeuvring area and/or vehicle access.

Informative note

The grant of planning permission will require the applicants to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

- reinstatement of footway, including full height kerbs, across existing field gateway;
- the construction of the new access to an appropriate standard, including radius kerbs, buff coloured tactile paved dropped pedestrian crossings on both sides of the new access and a street lighting assessment. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

REASON

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.

22/0521/ADV Full: Advertisement Consent: Installation of internally illuminated fascia advertisement above shop front (retrospective) at 98-100 Manchester Road Nelson for Mr Shehraz Aktar

Nelson, Brierfield and Reedley Committee at their meeting on 17th October had recommended that the application be approved.

It was moved by Councillor M. Iqbal, seconded by Councillor Z. Ali and –

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be delegated authority to grant planning permission subject to appropriate conditions including a condition on an appropriate lighting scheme.

22/0550/HHO Full: Erection of a 6 car garage (retrospective) at New Laund Farm, Greenhead Lane, Reedley for Mr and Mrs Balmer

Nelson, Brierfield and Reedley Committee at their meeting on 17th October had recommended that the application be approved.

It was moved by Councillor S. Cockburn-Price, seconded by Councillor N. Ashraf and –

RESOLVED

That planning permission be **refused** for the following reason –

1. The proposed development is not in conformity with national Green Belt policy and is not one of the exceptions allowed in the green belt. As such the development would harm the openness of the green belt and it conflicts with paragraph 149 of the National Planning Policy Framework and Policy SDP1 of the adopted Local Plan: Part 1 Core Strategy.

22/0555/FUL Full: Erection of an agricultural building (retrospective) and demolition of an existing agricultural building at New Laund Farm, Greenhead Lane, Reedley for Mr and Mrs Balmer

The Planning update reported receipt of further details regarding landscaping, drainage and tree planting. An additional plan needed to be added to condition 2 regarding the fencing and landscaping. A plan detailing drainage had also been submitted.

Nelson, Brierfield and Reedley Committee at their meeting on 17th October had recommended that the application be approved.

It was moved by Councillor S. Cockburn-Price, seconded by Councillor N. Ashraf and –

RESOLVED

That planning permission be **refused** for the following reason –

1. The proposed development is not justified or necessary for agriculture on the holding. The building would have an unacceptable impact on the visual amenity of the area contrary to Policy ENV2 of the Local Plan: Part 1 Core Strategy.

22/0169/HHO Full: Demolition of garage and erection of single storey side and rear extensions and porch to front elevation at 95 Waidshouse Road, Nelson for Mrs Nusrat Zahra

It was moved by Councillor M. Iqbal, seconded by Councillor N. Ashraf and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing drawing, proposed drawings,

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

3. The materials to be used externally on the development hereby permitted shall be as stated on the submitted application forms and plans.

Reason: In order to ensure the development is of an acceptable design.

REASON

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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.

22/0345/HHO Full: Demolition of existing outrigger and erection of a single storey rear extension at 62 Carr Road, Nelson for Mr Akhtar Ali

It was moved by Councillor M. Iqbal, seconded by Councillor N. Ashraf and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: D1, D2

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

3. The materials to be used externally shall be as stated on the submitted application forms and plans.

Reason: These materials are acceptable in the area.

REASON

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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.

22/0362/HHO Full: Proposed single storey extension at Stock Cottage Barn, Bracewell Lane, Bracewell for Mr Colin Richards

It was moved by Councillor T. Whipp, seconded by Councillor J. Purcell and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: P1906p/006.1, P1906p/001.1, P1906p/002.1, P1906p/003.1, P1906p/004.1

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

3. The material to be used on the extension hereby authorised shall match in colour form and texture the external facing materials on the existing barn.

Reason: These materials are appropriate for the extension and the design of the barn

4. No development shall take place on the extension hereby authorised unless and until the applicant has secured the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation which has been submitted to the Local Planning Authority and approved in writing and thereafter carried out in accordance with the approved scheme and timescales.

Reason: In order to ensure that any archaeological remains on site are properly recorded during the construction of the extension hereby authorized.

REASON

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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.

22/0533/HHO Full: Erection of a single storey front and rear extension and detached garage at 6 New Oxford Street, Colne for Emma Parker

It was moved by Councillor K. McGladdery, seconded by Councillor K. Salter and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan: DR-004.
 - Proposed Floor Plan, Elevations and Roof Plans: DR-002 Revision A.
 - Proposed Garage Plans and Elevations: DR-003 Revision A.

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

3. Prior to the first use of the extension hereby authorised the parking spaces shown on the approved plan shall be provided in their entirety. The parking areas must be constructed of a

bound porous material and shall thereafter be retained for the parking of residential vehicles associated with the dwelling.

Reason: To ensure that satisfactory parking is provided before the dwelling hereby permitted becomes operative in the interest of highway safety by preventing on street parking.

4. Prior to the commencement of development details of the materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority. The materials to be used thereafter shall strictly comply with the details so approved.

Reason: In order that the Local Planning Authority can assess the materials in the interest of visual amenity.

REASON

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 extension is acceptable in terms of policy, design, amenity and highway safety. 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.

22/0534/CND Approval of Details Reserved by Condition: Discharge of Condition 5 (details of stallriser) of planning permission 22/0135/FUL at 104 Green Road, Colne for Mr M. Arif

It was moved by Councillor K. McGladdery, seconded by Councillor N. Ahmed and –

RESOLVED

That condition 5 of the planning permission be discharged.

22/0539/CND Approval of Details Reserved by Condition: Discharge of Condition 4 (phasing) Condition 5 (contamination/remediation) Condition 14 (visibility splay) Condition 15 (landscaping scheme) and Condition 16 (landscaping management) of planning permission 21/0312/VAR at Black Carr Mill, Skipton Road, Trawden for CRS Plant Ltd

It was moved by Councillor S. Cockburn-Price, seconded by K. McGladdery and –

RESOLVED

1. That conditions 4, 14, 15 and 16 be discharged, subject to implementation.
2. That condition 5 be partially discharged, subject to the submission of a validation report and subject to implementation.

22/0547/FUL Full: Demolition of existing workshops and construction of 3 dwellings at Wellhouse Road Garage, Wellhouse Road, Barnoldswick for Harrison Engineering Ltd

It was moved by Councillor T. Whipp, seconded by Councillor J. Purcell and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

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

- Location Plan 1025 drawing 001
- Proposed Site Plan, Proposed Elevation Plans and Proposed Floor Plans 1025 drawing 002 Rev A

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

3. All the external materials to be used in the elevations and roof of the development hereby permitted shall be as stated on the application form and approved plans and there shall be no variation without the prior written consent of the Local Planning Authority.

Reason: These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme 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;
- (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); and
- (iii) A timetable for its implementation.
- (iv) Details of how foul and surface water will be disposed of.

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

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

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting including the replacement trees for those which have been removed, 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 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 that the development is adequately landscaped so as to integrate with its surroundings.

7. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority. The works should include, but not be exclusive to, the re-construction of the footway along the front of the site on Wellhouse Road (approximately 17m) to an appropriate standard, including full height kerbs; a dropped vehicle crossing with 'H' bar carriageway marking at the North of the site, and a street lighting assessment.

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 site.

8. No part of the development hereby approved, including any works of demolition shall commence until a scheme including full technical details for the retaining structure and parapet boundary treatment adjacent to the adopted highway network to the southeast of the site has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

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

9. No development shall take place, including any works of demolition, until a construction traffic management statement including plan 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) Timing of deliveries
 - x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety

10. Prior to first occupation of any approved dwelling all the off-site highway improvement works in the approved scheme referred to in Condition 7 shall be constructed and completed in accordance with the scheme details.

Reason: In the interest of highway safety and to maintain the proper construction of the adopted highway network.

11. Prior to first occupation of any approved dwelling details of the proposed arrangements for the future management and maintenance of the retaining wall and boundary treatments along the south-east of the site shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

12. Before any dwelling unit is occupied waste containers shall be provided and shall be stored to the rear of the property.

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

13. A Construction Method Statement shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of development. The Method statement must cover the topics detailed below, including:

- Parking of vehicles of site-operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development

- The erection and maintenance of security hoardings including decorative displays, where appropriate
- Hours of operation
- Construction site noise and vibration
- Control of Dust
- Wheel washing facilities
- A scheme for re-cycling / disposing of waste resulting from demolition and construction works

The development shall proceed strictly in accordance with that method.

Reason: To protect the amenities of occupiers of adjoining and nearby properties and in the interests of highway safety.

14. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken, which shall be submitted to and approved in writing by the Local Planning Authority. The site shall then be remediated in strict accordance with the approved scheme.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To identify contamination from previous uses, ensure any remediation is undertaken and safeguard future uses, occupiers and the environment beyond

Informative note

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the re-construction of the footway along the front of the site (approximately 17m) on Wellhouse Road to an appropriate standard, including full height kerbs, a dropped vehicle crossing with 'H' bar carriageway marking at the North of the site, and a street lighting assessment. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

No part of the development hereby approved shall commence unless and until a scheme for the construction of the site access, drive and internal parking has been submitted to, and approved by, the Local Planning Authority. This shall include details of surfacing, visibility splays and drainage. No dwelling shall be occupied unless the access and other works have been completed in their entirety in accordance with the approved details.

REASON

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.

22/0559/HHO Full: Demolition of existing swimming pool and erection of replacement dining/kitchen extension, internal layout reorganisation and alterations to existing fenestration (resubmission) at 11 Noyna View, Colne

It was moved by Councillor D. Cockburn-Price, seconded by Councillor P. McGladdery and –

RESOLVED

That planning permission be **granted** subject to the following conditions –

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 02, 03,

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

3. The materials to be used externally on the development hereby permitted shall be as stated on the approved plans and application forms.

Reason: In order to ensure the development is of an acceptable design.

4. The existing conservatory on the rear of the house shall be removed in its entirety prior to the first use of the extension hereby approved.

Reason: In order to ensure the cumulative extensions do not result in developments that are disproportionate to the original dwelling in the green belt.

REASON

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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.

51. REQUEST TO DETERMINE A PLANNING APPLICATION

The Planning, Economic Development and Regulatory Services Manager submitted a report on whether to decline to determine the following application or proceed to determine it -

Council (18.10.2022)

22/0544/FUL Full: Major: Erection of 57 No. dwellings with associated works including parking and landscaping (Resubmission of application 21/0564/FUL) at fields to the west of Foster Road, Barnoldswick

It was moved by Councillor D. Whipp, seconded by Councillor J. Purcell and –

RESOLVED

That the Council decline to determine the application.

52. ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

The Head of Legal Services submitted a report giving the up-to-date position on prosecutions.

It was moved by Councillor N. Ahmed, seconded by Councillor David-Cockburn Price and –

RESOLVED

That the report be noted.

53. EXCLUSION OF PUBLIC AND PRESS

Members agreed to exclude the public and press from the meeting during the following item of business in pursuance of the power contained in Section 100(A) (4) of the Local Government Act, 1972 as amended when it was likely, in view of the nature of the proceedings or the business to be transacted, that there would be disclosure of exempt information which was likely to reveal the identity of an individual.

54. OUTSTANDING ENFORCEMENTS

The Planning, Economic Development and Regulatory Services Manager submitted a report giving the up-to-date position on outstanding enforcement cases.

It was moved by Councillor D. Whipp, seconded by Councillor D. Cockburn-Price and –

RESOLVED

That the report be noted.

His Worship the Mayor _____