

**MINUTES OF THE COUNCIL MEETING
HELD AT NELSON TOWN HALL
17th NOVEMBER, 2022**

PRESENT –

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

Councillors

<i>M. Adnan</i>	<i>M. Iqbal</i>
<i>F. Ahmad</i>	<i>M. Kaleem</i>
<i>N. Ahmed</i>	<i>K. McGladdery</i>
<i>S. Ahmed</i>	<i>N. McGowan</i>
<i>M. Ammer</i>	<i>A. Mahmood</i>
<i>N. Ashraf</i>	<i>B. Newman</i>
<i>M. Aslam</i>	<i>J. Purcell</i>
<i>N. Butterworth</i>	<i>M. Stone</i>
<i>R. Carroll</i>	<i>A. Sutcliffe</i>
<i>C. Church</i>	<i>D. Whipp</i>
<i>D. Cockburn-Price</i>	<i>T. Whipp</i>
<i>S. Cockburn-Price</i>	

(Apologies for absence were received from Councillors D. Albin, Z. Ali, R. Anwar, M. Goulthorp, M. Hanif, D. Lord, P. McGladdery and K. Salter.)



55. DECLARATIONS OF INTEREST

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

56. 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.

PART 1

20/0047/LBC Listed Building Consent: Conversion of the mill to 36 residential apartments (Use Class C3) and external alterations at Brierfield Mill, Brierfield for Barnfield Construction

(Councillors D. Whipp and A. Mahmood declared a personal interest in this item.)

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

RESOLVED

That Listed Building Consent be **granted** subject to the following conditions –

1. The works approved shall be begun before the expiration of three years from the date of this consent. No later than three days after works first begin on site, written notice shall be given to the Local Planning Authority of the date on which works are first commenced.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

2. The works hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans: Roof layout & sections, 19012_A_Rev D, Ground floor plan lighting layout, First floor plan lighting layout, second floor plan lighting layout, third floor plan lighting layout, 857.01-10, 857.01-11, 857.01-12, A1118-LIB-B3-A1 20-ZZ-XX-E2-003-P3, A1118-LIB-B3-A1 20-ZZ-XX-E2-004-P3, A1118-LIB-B3-A1 20-ZZ-XX-E2-002-P2, A1118-LIB-B3-A1-31-ZZ-XX-AA-001-P2, A1118-LIB-B3-A131-ZZ-00-AE-007-P1, A1118-LIB-B3-A1-31-ZZ-00-AE-008-P3, A1118-LIB-B3-A1-31-ZZ-XX-SC-003-P7, A1118-LIB-B3-A1-31-ZZ-XX-SC-004-P5, A1118-LIB-B3-A1-31-ZZ-XX-SC-005-P5, A1118-LIB-B3-A1-31-ZZ-XX-SC-006-P6, A1118-LIB-B3-A1-20-Z4-00-S1-003-A, A1118-LIB-B3-A1 20-ZZ-00-P2-001-P4, A1118-LIB-B3-A1 20-ZZ-01-P2-001-P2, A1118-LIB-B3-A1 20-ZZ-02-P2-001-P2, A1118-LIB-B3-A1 20-ZZ-04-P2-001-P2, A1118-LIB-B3-A1 20-ZZ-B1-P2-001-P2, A1118-LIB-B3-A1-20-ZZ-LL-E2-002-P3, A1118-LIB-B3-A-20-ZZ-LL-S2-001-P4, A1118-LIB-B3-A1-20-ZZ-LL-S2-002-P4, A1118-LIB-B3-A1-39-Z4-00-P2-001-P1, A1118-LIB-B3-A1 39-Z4-01-P2-001-P1, A1118-LIB-B3-A1 39-Z4-02-P2-001-P8, A1118-LIB-B3-A1 39-Z4-03-P2-001-P6, A1118-LIB-B3-A1-39-ZZ-XX-AA-001-P1, A1118-LIB-B3-A1 42-Z4-00-P2-001-P1, A1118-LIB-B3-A1 42-Z4-01-P2-001, A1118-LIB-B3-A1 42-Z4-02-P2-001, A1118-LIB-B3-A1 42-Z4-03-P2-001, A1118-LIB-S1-S1-90-XX-00-P2-010.

Reason: For the avoidance of doubt

3. The windows to be used in the development shall be as set out in the replacement window strategy.

Reason: The windows are acceptable on the listed building.

4. The replacement pointing shall match in colour, profile and composition the existing pointing on the building.

Reason: These materials will match that on the existing building and is appropriate.

5. Prior to the installation of the new ground floor openings details of the finishes to the openings shall be submitted to an approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: In order to control the details of the openings to protect the fabric of the listed building.

REASON

In accordance with Section 66 of the Planning (Listed Buildings and Conservation) Act 1990, special regard has been made to the desirability of preserving the special historic or architectural interest of the building. The proposal does not materially affect the special

historic or architectural interest of the Listed Building or the AONB and as such there is no reason to refuse consent.

22/0222/FUL Full: Major: Proposed development of B2/B8 commercial units with associated parking, infrastructure and altered access following from the previous approved phase at former Spring Gardens Mill, Spring Gardens Road, Colne for Mr Mark Taylforth

It was moved by Councillor K. McGladdery, seconded by Councillor A. Sutcliffe 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: 18.162.001Q, 18.162.002A, 18.162.02.001C, 18.162.02.002C, 18.162.03.001B, 18.162.03.002C, 18.162.04.001B, 18.162.04.002D, 18.162.05.001B, 18.162.05.002C, 18.162.06.001B, 18.162.06.002C, 1000 Rev P01.

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

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

Reason: In the interest of visual amenity.

4. The access, parking and manoeuvring areas for each unit shall be laid out in accordance with the approved plans and surfaced in a bound material prior to the commencement of the use of the unit they serve. The parking spaces and manoeuvring areas shall at all times remain free from obstruction and available for parking and manoeuvring.

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

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

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

6. Prior to the commencement of the use of each unit cycle storage facilities for that unit shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

7. Prior to the commencement of the use of each unit electric vehicle charging points shall be installed accordance with details submitted to and approved in writing by the Local Planning Authority and thereafter retained in accordance with the approved details.

Reason: To ensure that the development provides sustainable transport options.

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

Reason: In the interests of visual amenity.

9. The development shall be carried out and operated in strict accordance with the recommendations of the ecological appraisal Ref: BOW17.1053. Prior to the commencement of the use of the development a scheme of ecological mitigation and enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance prior to the commencement of the use of the development or an alternative timescale approved as part of the scheme.

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

10. No external lighting shall be installed unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.

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

11. Details of any external plant or mechanical ventilation relating to units 5, 6 and 7, including noise levels and attenuation, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation and it shall thereafter be operated and maintained in strict accordance with the approved details.

Reason: In the interests of residential amenity.

12. Prior to the commencement of the use of units 5, 6 and 7 an assessment of indoor and outdoor activity noise following BS 4142:2014 shall have been submitted to and approved in writing by the Local Planning Authority. Any noise attenuation shall be fully installed in accordance with the recommendations of the approved assessment for that unit prior to the commencement of the use of that unit and the unit shall be operated in accordance with the approved assessment at all times thereafter unless an alternative assessment is submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the vitality and viability of town centres.

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

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities
- v) A scheme for recycling/disposing of waste resulting from clearance and construction works
- vi) Details of working hours

- vii) Timing of deliveries
- viii) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- ix) Measures to control construction noise and vibration
- x) Measures to control dust.

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

14. No development shall commence 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.

Advisory Notes:

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

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

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

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

15. The use of 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 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 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.

16. Compensatory storage shall be implemented prior to the construction of the built development in accordance with the drawings set out within Appendix IV of the FRA. The compensatory storage scheme as detailed within appendix IV shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

17. 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 (June 2021/Old Spring Gardens Mill/David Goodger & Associates) The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

18. No development shall commence in any phase unless and 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 (1 in 1, 1 in 30 and 1 in 100 + 30% climate change).

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site watercourse/culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

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

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

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

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

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield 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.

20. The use of the development shall not commence unless and 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.

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

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

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

Notes: 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 a 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. Enquiries about permanently diverting or closing the footpath may be made to Pendle Council.

The grant of planning permission will require the applicant to enter into an appropriate Legal 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 the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or email developeras@lancashire.gov.uk .

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

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, highways impacts and all other relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

22/0283/HHO Full: Erection of a single storey rear extension at 5 Beckside Close, Trawden for Mrs Nicola Rowlandson

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

RESOLVED

That consideration of the planning application be **deferred** for a site visit –

22/0424/FUL Full: Major: Demolition of existing buildings and erection of 12 dwelling houses with associated infrastructure at former Roaming Roosters, Fence for Mr Charles McDermott

Barrowford and Western Parishes Committee at their meeting on 2nd November had recommended that this application be refused.

The planning update reported that a revised drainage arrangement had been considered by the Lead Local Flood Authority. Their objection had been withdrawn subject to a number of drainage conditions being included. The recommendation in the report had now been changed to approve.

It was moved by Councillor B. Newman, seconded by Councillor D. Whipp and –

RESOLVED

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

1. The proposed development would not preserve the openness of the Green Belt and would amount to inappropriate development. The development does not accord with any exceptions set out in the Framework or with Policy ENV2 which requires new development to maintain openness.
2. The development would create an urbanising feature which would erode the visual qualities of rural character and open countryside contrary to Policy ENV1.
3. The proposed layout, use of materials and overall design approach is not appropriate to the surrounding area contrary to Policy ENV2.

22/0428/ADV Advertisement Consent: Erection of 1 fascia sign installed to the shopfront of the property (non-illuminated) at 16 Fernlea Avenue, Barnoldswick for Watson Ramsbottom Limited

It was reported at the meeting that this application had been withdrawn.

22/0430/HHO Full: Erection of a pair of semi-detached dwellings at Dam Head Studio, Blacko Bar Road, Roughlee for Mrs Moira Mortimer

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

RESOLVED

That consideration of this application be **deferred** for a site visit.

22/0495/REM Reserved Matters: Major: Application for the erection of 19 dwellings (appearance, landscaping and scale) of Outline Planning Permission 19/0900/OUT on land to the east of Bowland View, Brierfield for Cross Construction Limited

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that this application be refused. The planning update reported receipt of amended plans substituting

the proposed three storey houses with two storey houses. The officer's recommendation had therefore been changed to approve.

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

RESOLVED

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

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No.19/0900/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 19/0900/OUT.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 00, 02D, 03, 06, 08, 09, 10A, 11, 12, 13.

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 external materials / finishes of the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development.

4. The landscaping scheme hereby approved 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. Notwithstanding any indication in the submitted plans and details the 'footpath link' shall be surfaced in a bound porous material unless alternative details, including proposals for drainage, have been submitted to and approved in writing by the Local Planning Authority.

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

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 details submitted for reserved matters of appearance, scale and landscaping are acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

22/0580/FUL Full: Erection of a two storey rear extension with attic conversion, dormer extension to the front and side dormers to the rear within the roof space of the new proposed extension and alterations to vehicular access changes at 213 Hibson Road, Nelson for Mr Azhar Rahman

It was moved by Councillor F. Ahmad, seconded by Councillor A. Mahmood 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 HAD3382-05, Proposed Site Plan HAD3382-09 Rev A, Proposed Ground Floor Plan HAD3382-07, Proposed Sections HAD3382-08, Visibility Splays HAD3382-10, Proposed Boundary Treatment HAD 3382-12.

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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 first floor side elevation windows closest to number 215 (serving bedroom 5) of the development hereby permitted shall, at all times, be fitted with obscure glazing to at least level 4 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

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

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.

22/0590/HHO Full: Erection of single storey extension to the rear with flat roof and roof lantern at 5 Wharfedale Avenue, Reedley for Mrs S. Hussain

The planning update reported that this application had been withdrawn by the applicant.

22/0591/HHO Full: Erection of two storey side extension and single storey extension to rear with roof lantern at 181 Regent Street, Nelson for Mr Z. Ali

The planning update reported receipt of an amended plan which had changed the design of the proposed two storey side extension and single storey rear extension. The design was acceptable and the officer was now recommending approval.

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 plan: Existing & Proposed Drawings - Drawing Number: 2139/01-REV A.

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

3. The external materials used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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 external roofing materials to the single storey rear extension 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.

5. Prior to the first use of the single storey extension hereby permitted a 1.8m high fence or wall shall be erected along the joint boundary with No. 1 Swinden Hall Road. The fencing or wall shall not be see through. Whichever of the fencing/wall or obscure glazing is provided it shall thereafter be permanently retained.

Reason: In order to prevent any loss of privacy to the occupants of the adjacent 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 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.

22/0598/HHO Full: Demolition of existing single storey outriggers and erection of single storey extension to south elevation (resubmission) at Cross Lane Farm, Cross Lane, Barley for Sarah Spencer

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

RESOLVED

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

1. The proposed development would result in a modern bulky extension to the front elevation of the existing traditional two storey dwelling which does not result in a development which would be sympathetic to the character and appearance of the wider visual amenity within the AONB. It takes a prominent position within the surrounding context and views of the proposed development can be seen from key public rights of way. By virtue of the positioning of the extension to the front elevation, resulting in a new building being positioned in front of the existing original dwelling, combined with the scale, massing and choice of glazed fenestration to the rear, the proposed development would be uncharacteristically modern in its design and would not relate well to the position in which it is located, contrary to paragraph 134 of the Framework. The proposed development would result in a development which is out of character with the area, contrary to Policies ENV1 and ENV2 of the Local Plan Part 1: Core Strategy, the Design Principles SPD and the Open Countryside SPG.

22/0660/FUL Full: Erection of perimeter fencing (2.4m height) and entrance gates on the garage site to the north of 203 to 205 Barkerhouse Road, Nelson for Mr Wajed Iqbal

(Councillor M. Iqbal declared a personal interest in this item.)

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that this application be approved.

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

RESOLVED

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

Council (17.11.2022)

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: AB0103

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

3. The gates shall not at any time open outwards onto the public highway.

Reason: In order to ensure the development does not lead to a danger on the highway.

4. The materials shall at all time be as detailed on the submitted 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.

22/0673/CND Approval of Details Reserved by Condition: Discharge of Condition 11 (Retaining Structure details) and 13 (Landscaping) of planning permission 13/15/0178P on land to the west of Knotts Drive, Colne for Persimmon Homes

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

RESOLVED

That Conditions 11 and 13 be discharged as follows –

Condition 11 (Retaining Structures) – The submitted alterations to approved details of retaining structures are acceptable, the condition is therefore discharged subject to implementation.

Condition 13 (Landscaping) – The submitted alterations to the approved landscaping scheme is acceptable, the condition is therefore discharged subject to implementation.

22/0372/VAR Full: Variation of Condition: Vary Condition 4 (Retention of stone wall) of planning permission 20/0488/VAR at 18-19 School Lane, Colne for Mr R. Singleton

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

RESOLVED

That the proposed variation be **refused** for the following reason –

1. Due to substandard visibility for vehicles turning out onto 18-19 School Lane. The proposed variation would result in an unacceptable highway safety impact contrary to Policy ENV4 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 108 and 109 of the National Planning Policy Framework.

21/0481/FUL Full: Erection of six detached dwellings and garages with new estate road and associated landscaping on land to the rear of 8 Birch Hall Lane, Earby for Pretty Perfect Properties Ltd

West Craven Committee at their meeting on 1st November had recommended that this application be approved.

It was moved by Councillor D. 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: 041 Rev B, 042 Rev A, 043 Rev A, 044, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069 Rev A, 070, 071, 072 Rev A, 073 Rev A, 074, 101 SK2 Rev A, 103 Rev A.

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

3. Unless alternative materials have been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the materials approved by the discharge of conditions letter dated 22/03/2021.

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

4. The dwellings hereby approved shall not be occupied unless and until the parking for a minimum of three cars per dwelling has been laid out and surfaced in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The parking spaces, including those in garages, shall remain available free from obstruction and available for parking purposes at all times thereafter.

Reason: In the interests of highway safety and to provide suitable off-street parking

provision.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E of Part 1 of Schedule 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 safeguard the character and amenity of the area and impacts on neighbouring properties and in order to ensure the trees retained on the site are not adversely affected.

6. No dwelling shall be occupied unless and until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority. The road shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980, or a private management and maintenance company has been established.

Reason: In the interest of highway safety.

7. Unless an alternative Construction Method Statement have been submitted to and approved in writing by the Local Planning Authority the development shall be carried out in accordance with the Construction Method Statement approved by the discharge of conditions letter dated 22/03/2021.

Reason: In the interest of highway safety.

8. Prior to the occupation of the dwellings hereby approved a scheme for the construction of the site access including visibility splays shall be submitted to and approved in writing by the Local Planning Authority and subsequently constructed.

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

9. Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.

10. No deliveries shall be made before 9.00 am and after 3.00pm to avoid conflict with traffic (vehicular or pedestrian) entering or leaving the estate.

Reason: In the interest of highway safety.

11. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the

approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

12. The garages hereby approved shall be maintained free from obstruction and shall not be used for any purpose that would preclude their use for car parking purposes.

Reason: In order to ensure that sufficient off-street parking can be accommodated within the site.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) 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 2.4m measured along the centre line of the proposed access road from the continuation of the nearer edge of the carriageway of Birch Hall Lane to points measured 25m in each direction along the nearer edge of the carriageway of Birch Hall Lane.

Reason: To ensure adequate visibility at the site access.

14. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately paved in bound porous material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

15. Before a dwelling unit is occupied waste containers shall be provided in the designated storage areas on each plot.

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

16. The recommendations detailed in Part 3 of Extended Phase 2 Habitat Survey undertaken by Pennine Ecological dated May 2014 shall be carried prior to any building work at the site. Any further, necessary mitigation measures identified should be submitted to and approved in writing by the local planning authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect species and their habitats.

17. No vegetation or tree clearance work shall take place during the bird breeding season. Such activities shall be confined between the months of October (start) to February (end) unless a bird breeding assessment and is undertaken by a suitably qualified ornithologist along with a report of the findings to identify if any breeding birds would be affected. Any clearance outside of the period between October to February (inclusive) must be agreed in writing by

the Local Planning Authority and clearance thereafter shall be undertaken in strict accordance with the approved details.

Reason: To ensure that suitable habitats for breeding birds are not harmed.

18. No dwelling hereby approved shall be occupied unless and until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority, those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;

b) the drainage strategy should demonstrate that the surface water run-off must not exceed 5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

19. No dwelling hereby approved shall be occupied unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
i. on-going inspections relating to performance and asset condition assessments
ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

20. The upper floor window in the north elevation of Plot 1 and all windows in the west elevation of Plot 6 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. No additional windows or doorways shall be installed in the in the west elevation of Plot 6 without the prior written approval of the Local Planning Authority.

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

21. The development shall be carried out in accordance with the submitted flood risk assessment (titled "Birch Hall Lane, Earby, Fluvial flood risk" reference "PPP-JBAU-XX-XX-RP-HM-0001-S3-P02" revision "P02", dated August 2022 compiled by JBA consulting) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 300mm above the adjacent ground levels.
- The flood wall along the East boundary, the new precast channel and widening of the existing channel, shall be constructed in accordance with Fig 5-1 "Proposed development site plan".

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

Notes:

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard and 6m radius kerbs. The newly formed verges within the visibility splays to be surfaced in an approved bound porous material. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , quoting the relevant planning application reference number.

The grant of planning permission does not include the right to either permanently or temporarily obstruct or interfere with the right of way. If part or all of the public right of way needs to be permanently closed or diverted to allow the development to be carried out, then a formal order made by the Council will first need to come into operation in accordance with the appropriate legislation. Details of how to apply for a diversion are available from Pendle Borough Council. If it is proposed temporarily to close the right of way, then an application should be made to the public rights of way

section at Lancashire County Council.

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.

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

It was moved by Councillor N. Ashraf, seconded by Councillor A. Mahmood 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: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

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

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

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

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

4. Prior to the commencement of development, a scheme of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The

development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interest of highway safety.

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

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities. Unless otherwise agreed this shall include 24 replacement trees for the removed highway trees of species 50/50 mix of *Parrotia persica* "Venessa" and Liquidamber "Worplesdon", stock sizes to be minimum of extra heavy standards and replacement of the trees removed within the site.
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

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

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

submitted to and approved by the Local Planning Authority, prior to the commencement of works.

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

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

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

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

Reason: To ensure adequate provision for sustainable transport.

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

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

15. No development shall commence until;

- a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure that the risks resulting from former coal mining activity are acceptably mitigated.

16. Prior to the first occupation of the development a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: To ensure that the risks resulting from former coal mining activity are acceptably mitigated.

Notes:

Council (17.11.2022)

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the reference 13-3-FP24 Brierfield, Pendle and planning application number, to discuss their proposal before any development works begin.

REASON

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

22/0167/CEU Certificate of Lawful Use (S191 Existing Development): Use of agricultural building for livestock at Tower Farm, Gisburn Road, Blacko for Mr J. Kay

Barrowford and Western Parishes Committee at their meeting on 2nd November had recommended that this application be refused.

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

RESOLVED

That the Certificate of Lawful Use be **refused** for the following reason –

1. On the balance of probabilities the existing use of the building for accommodation of livestock is in breach of the condition set out at Schedule 2, Part 6, Class A.2(1)(a) of the General Permitted Development Order 2015 (as amended) and therefore is not lawful.

22/0201/HHO Full: Erection of roof lift to alter dormer bungalow to two storey house at 110 Castle Road, Colne for Mr M. Birtwistle

Colne and District Committee at their meeting on 3rd November had recommended that this application be approved.

It was moved by Councillor S. Cockburn-Price, seconded by Councillor D. 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: 01A, 02, 03, 04A, 05A

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

3. The material to be used externally shall be as stated on the approved plan 05A.

Reason: These material match with those on the exiting dwelling and are acceptable for the design of the 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 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.

22/0202/HHO Full: Erection of a first floor rear extension at 151 Regent Street, Nelson for Mr Tanveer Hussain

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that this application be approved.

It was moved by Councillor M. Iqbal, seconded by Councillor A. Mahmood 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: Reg 02-20, Site Location Plan

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 match in colour form and texture the external facing materials on the existing dwelling.

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

4. The development hereby approved shall not be brought into use unless and until three car parking spaces are provided to the front of the dwelling. They shall be surfaced in a bound porous material before first used and shall be thereafter retained for the parking of domestic vehicles associated with the house.

Reason: In order to ensure the development does not lead to on street parking which would be inimical to 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.

22/0241/HHO Full: Erection of a single storey rear extension at 10 Edge End Avenue, Brierfield for Miss Shanaz Latif

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that this application be approved.

It was moved by Councillor N. Ashraf, seconded by Councillor S. Ahmed 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: A303/A, A3/002 A, A3/001/A

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

3. No windows other than those shown on the approved plans shall at any time be inserted into any part of the extension hereby permitted.

Reason: In order to prevent loss of privacy to the neighbouring property.

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.

22/0265/HHO Full: Demolition of existing kitchen and erection of single storey rear extension at 31 Farrer Street, Nelson for Mr Adeel Mirza

It was moved by Councillor A. Mahmood, seconded by Councillor F. Ahmad 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: U143 – P01, U143 – P03A

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

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 proposal is acceptable in terms of design and materials and would not unduly adversely impact on amenity. 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.

22/0276/HHO Full: First floor extension and internal alterations at 144 Langroyd Road, Colne for Mr A. Cragg

Colne and District Committee at their meeting on 3rd November had recommended that the application be approved subject to receipt of amended plans to include a pitched roof of acceptable design. The planning update reported receipt of amended plans for a pitched roof extension which was acceptable. The officer's recommendation had been changed to approve.

It was moved by Councillor A. Sutcliffe, seconded by Councillor D. 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 plan: A1.4

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

3. The external materials used in the proposed development shall match in colour form and texture the facing materials on the existing dwelling.

Reason: These materials are appropriate to the locality.

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.

22/0277/HHO Full: Proposed single storey rear extension, first floor side rear extension and first floor front balcony and rear Juliet balcony at 6 Wharfedale Avenue, Reedley for Mr Ejaz Ahmed

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that the application be approved.

It was moved by Councillor Y. 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: PP001, PP003,

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

3. The windows in the side elevation facing number 4 shall at all times be obscurely glazed to level 5 on the standard scale.

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

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

Reason: These material are an acceptable design solution.

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.

22/0280/HHO Full: Proposed front and rear dormer and rear extension at 22 Stone Edge Road, Barrowford for Jane Davies

Barrowford and Western Parishes Committee at their meeting on 2nd November had recommended that the application be refused.

It was moved by Councillor N. Ahmed, seconded by Councillor A. Sutcliffe and –

RESOLVED

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

1. The development would result in dormers that would be disproportionate to the scale of the existing house and which would be poorly designed and out of character with the host dwelling. The development would thus be contrary to policy ENV2 of the adopted part 1 Local Plan and to paragraph 134 of the National Planning Policy Framework.

22/0282/HHO Full: Proposed part two storey and single storey side extension at Harpers House, Harpers Lane, Fence for Mr Wiles

Barrowford and Western Parishes Committee at their meeting on 2nd November had recommended that the application be approved.

It was moved by Councillor K. McGladdery, seconded by Councillor N. Butterworth 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: 22018-SP, 22018-LP, 22018-04,

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 drawings.

Reason: These materials are compatible to the existing house and would be an appropriate 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.

22/0286/FUL Full: Installation of 295kw biomass boiler and associated flue at Knarrs Hill Cottage, Warley Wise Lane, Colne for Mr Binns

It was moved by Councillor D. Cockburn-Price, 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 Plans 22041, Drawing L(90)101 Rev B' Proposed Biomass Boiler 22041, Drawing L(0)101 Rev A

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

3. All materials to be used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

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.

22/0288/CND Approval of Details Reserved by Condition of discharge of Condition 3 (Materials) Condition 4 (Drainage) and Condition 6 (Landscaping) of planning permission 21/0216/FUL at 534 Colne Road, Reedley for Cross Construction Ltd

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that the application for Conditions 3, 4 and 6 of this planning permission be discharged subject to implementation.

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

RESOLVED

That Conditions 3, 4 & 6 relating to materials, drainage and landscaping be discharged, subject to implementation.

22/0292/FUL Full: Demolition of shed and erection of a domestic workshop and landscaping, including groundworks and timber decking at 3 Ousel Rock, Roughlee for Mr Scott Gordon

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: 2022/29-03 D

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

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written consent of the Local Planning Authority.

Reason: Those materials are appropriate for the development and site.

Informative:

United Utilities-

1. Any construction activities in the vicinity of United Utilities' sewer must comply with national building and construction standards and where applicable, our 'Standard Conditions for Works Adjacent to Pipelines'. This includes United Utilities' assets which is located close to the applicant's red line boundary. Care must be taken from the applicant given the proposed decking is close to the existing sewer. There must not be any posts or supporting structure over or within the 3 metre easement of the sewer. The applicant will need to contact the team at United Utilities responsible for building over matters to discuss your proposal and proximity to the existing public sewer prior to commencing development by emailing

WastewaterDeveloperServices@uuplc.co.uk

2. Further to point 1, the applicant is responsible to ensure that United Utilities' has a required access to the sewer infrastructure and that it is appropriately protected during or post construction. The applicant would be liable for the cost of any damage to United Utilities' assets resulting from the activity. The applicable would also be liable for costs to replace any decking should that part of the sewer need to be accessed by United Utilities during or post construction.

3. The waste management facility north of the site, Ousel Rock Wastewater Treatment Works, is an industrial operation which can result in emissions. These emissions include odour and noise. The wastewater treatment works is also subject to vehicle movements from takers which need to access the facility and this must not be compromised at any time during or post construction.

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.

22/0327/HHO Full: Retrospective application for single storey extension to rear at 154 Halifax Road, Brierfield for Mr I. Hussain

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that the application be approved.

It was moved by Councillor N. Ashraf, seconded by Councillor M. Aslam 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: 2138/01.

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

3. The materials to be used externally on the development hereby approved shall at all times match in colour form and texture the facing materials on the existing dwelling.

Reason: These material would result in 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.

22/0335/HHO Full: Erection of a single storey extension to rear at 77-79 Pendle Street, Nelson for Mr Syed Kazmi

It was moved by Councillor A. Mahmood, 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: A3/002, A3/003, A3/005, A3/006A

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

3. The external materials used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

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.

22/0348/HHO Full: Proposed external amendments and rear canopy at 147 Wheatley Lane Road, Barrowford for Mr and Mrs M. Yates

It was moved by Councillor N. Ashraf, seconded by Councillor K. 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: 6200 – P10, 6200 – E10, Amended Cladding Material received 27.06.22

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

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

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

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.

22/0370/FUL Full: Erect a detached dwelling house on land adjacent to Castercliffe Cottage, Walton Lane, Nelson for Mr Michael Coyne

It was moved by Councillor F. Ahmad, seconded by Councillor M. Ammer 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 22/46/7 dated June 2022
- Proposed Site Layout Plan 22/46/7
- Proposed Floor Plan 22/46/6
- Proposed Elevation Plan 22/46/8

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. 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.

9. A Construction Method Statement shall be submitted to the Local planning authority and approved prior to commencement of the development. The Method statement must cover the topics detailed below, including:

- Hours of operation
- Hours of deliveries
- Construction site noise and vibration
- Control of Dust

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

10. No development shall commence until: a) a scheme of intrusive investigations has been carried out on site to establish the risk posed to the development by past coal mining activity, and; b) any remediation works / or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented in site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigation and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: In the interests of public safety

11. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason: In the interests of public 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 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.

22/0374/HHO Full: Proposed first floor extension over existing garage and internal alterations at 1 Becks Close, Trawden for Mr Michael Crewe

It was moved by Councillor S. Cockburn-Price, 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 received 8.6.2022, 22/015/2A

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

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written consent of the Local Planning Authority.

Reason: Those materials are appropriate for the development and site.

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.

22/0377/ADV Advertisement Consent: Display of 2 illuminated fascia signs, 31 non-illuminated fascia and direction and information signs at B&Q, Churchill Way, Brierfield for Ruth Amis

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that the application be approved.

It was moved by Councillor A. Mahmood, 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: B&Q\#SITES\SITES M TO R\NELSON (24.08.2021) Rev G (Rev Date 7.6.22), B&Q\#SITES\SITES M TO R\NELSON (24.08.2021) Rev G (Rev Date 7.6.22).

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

3. 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

4. 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.

5. 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.

6. 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.

7. 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.

22/0396/FUL Full: Front and rear dormer extension with associated internal works and site alterations at 77 Reedley Road, Reedley for Mr Mohammad Adeel Quadri

It was moved by Councillor N. Ashraf, seconded by Councillor Y. Iqbal 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, Drawing Number: - 2144/100.
- Drawing Number 2144-01
- Site Plan, Drawing Number 2144-02
- Proposed Site/Block Plan [1:200 at A3] Drawing Number 2144-03
- Existing Floor Plans [1:100 at A3] Drawing Number 2144-04
- Proposed Floor Plans [1:100 at A3] Drawing Number 2144-05
- Elevations [1:100 at A3] Drawing Number 2144-06
- Elevations [1:100 at A3] Drawing Number 2144-07

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

3. The external materials used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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 window to the gable end hereby permitted shall at all times be glazed only with obscure glass of a type and degree of obscurity to be Level 5. Any replacement glazing shall be of an equal degree of obscurity. The window shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To ensure the development does not adversely affect the privacy and amenity 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 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.

22/0401/CND Approval of Details Reserved by Condition: Discharge of Condition 22 (Landscape Management Plan – Open Space Areas) of Planning Permission 19/0901/FUL on the housing development on the site of the former J. Nelson Sports Club, Wickworth Street, Nelson for MCI Developments

It was moved by Councillor M. Ammer, seconded by Councillor M. Adnan and –

RESOLVED

That Condition 22 (Landscape Management Plan) be discharged subject to implementation.

REASON

The submitted Landscaped Management Plan is acceptable.

22/0406/CND Approval of Details Reserved by Condition: Discharge of Conditions 4 (Landscape Management and Maintenance) 7 (Foul and Surface Water Drainage) 12 (Car Parking) and 18 (Footpath Lighting Scheme) of Planning Permission 19/0801/FUL on the development site at the former recreation ground Harrison Drive, Colne for Barnfield Construction

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

RESOLVED

That Conditions 4, 7, 12 and 18, be discharged subject to implementation.

REASON

Satisfactory information has been submitted in relation to each of the conditions.

22/0409/HHO Full: Erection of single storey extension to the rear at 48 Lowthwaite Drive, Nelson for Mr Nasir Abbas

An amended report for this application was submitted with altered approved plan details.

It was moved by Councillor N. Ashraf, seconded by Councillor A. Mahmood 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 strict accordance with the following approved plans:
LD01A, Location and Site Plan, received 20.06.22

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

3. The external materials to be used for the construction of the development hereby approved shall be as stated on the application form and approved drawings and shall not be varied without the prior written consent of the Local Planning Authority.

Reason: Those materials are appropriate for the development and site.

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. Subject to appropriate conditions, the development would be acceptable in terms of design and residential amenity. 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.

22/0417/FUL Full: Conversion and extension of existing outbuilding to create a single dwelling at 147 Wheatley Lane Road, Barrowford for Mr and Mrs Yates

Barrowford and Western Parishes Committee at their meeting on 2nd November had recommended that this application be approved.

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

RESOLVED

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

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

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

Location Plan 6200-E20

Proposed Site plan, Elevation Plans and Floor Plans 6200-P20 Rev B

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

3. Prior to the commencement of the development samples of all the external materials to be used in the development, including roofing, elevations, doors and windows shall be 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 enable the Local Planning Authority to control the materials to be used on the proposed development and ensure that they are appropriate for this location.

4. Prior to the commencement of development details of a scheme of disposal of foul and

surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the unit is first occupied.

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

5. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development as specified in Classes A,B,C,D and F of Part 1 and Classes A,B and C of Part 2 of Schedule 2 of that Order shall be carried out without the 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 protect residential amenity.

6. The side elevation windows (closest to No. 149 Wheatley Lane Road) of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

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

7. The development hereby approved shall be carried out in strict accordance with the arboricultural impact assessment prepared by Lakeland Tree Consultancy (February 2021) and Tree Protection plan (received on 23/06/2022).

Reason: In order to provide appropriate protection to the trees on site, during the construction process.

8. Prior to occupation of the development hereby approved, provision shall be made for the secure storage of cycles.

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

9. All off-street parking shall include provision of an electrical supply suitable for charging an electric motor vehicle.

Reason: To support sustainable transport objectives and to contribute to a reduction in harmful vehicle emissions.

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 erection of a holiday let is acceptable in this location in terms of impact on the open countryside subject to appropriate 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.

22/0454/CND Approval of Details Reserved by Condition: Discharge of Condition 3 (Materials) of Planning Permission 19/0752/FUL at the Markazi Jamia Ghosia Mosque, Clayton Street, Nelson for the Ghosia Jamia Mosque Committee

(Councillor M. Aslam declared a personal interest in this item.)

It was moved by Councillor M. Iqbal, seconded by Councillor A. Mahmood and –

RESOLVED

That Condition 3 be discharged.

REASON

Details of the intended materials for the extension have been submitted, reviewed and are acceptable.

22/0486/FUL Full: Reconfiguration and removal of holiday restrictions to allow residential occupation (part retrospective) at Prospect Farm Caravan Site, Lenches Road, Colne for Mr Culligan

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

RESOLVED

That consideration of this application be **deferred** for a site visit.

22/0503/CND Approval of Details Reserved by Condition: Discharge of Conditions 5 (Site Access and Off-site Highway Improvements), Condition 6 (Construction Method Statement), Condition 7 (Height of Obstacles within the Visibility Splay), Condition 14 (Tree Protective Fencing), Condition 15 (Landscaping Scheme) at Spencer House Farm, 262 Wheatley Lane Road, Fence for Dalfour Limited

The planning update reported comments from LCC Highways confirming that the highway details were now acceptable as amended. The recommendation was now to discharge all conditions.

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

RESOLVED

That consideration of this application be **deferred** for a site visit.

22/0513/NMA Non-Material Amendment: Change to timing of off-site highway works of planning permission 19.0901/FUL on the housing development on the site of the former J. Nelson Sports Club, Wickworth Street, Nelson for MCI Developments

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that this application be approved.

It was moved by Councillor A. Mahmood, seconded by Councillor F. Ahmed and –

RESOLVED

That the proposed amendment to the wording of Condition 9 be **approved** as follows –

Condition 9 - No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority. These shall include:

- Installation of parking bays along the frontage of 184-204 Barkerhouse Road to formalize parking and maximize visibility splays at the junctions;
- Installation of 2 tarmac round top humps in the vicinity of 27 & 49 Priory Chase.

All the off-site highway works shall have been constructed in accordance with a scheme prior to the occupation of the 50th dwelling unless details of a legal agreement for construction of the works at a later date has been submitted to and approved in writing by the Local Planning Authority.

REASON

The proposed amendment to the wording of condition 9 in accordance with the Non-Material Amendment Practice Note and is acceptable as a non-material amendment.

22/0519/FUL Full: Change of use of part ground floor and first floor to two flats (Use Class C3) insertion of dormer to rear roof slope and three roof lights to front roof slope at 61-63 Colne Road, Brierfield for Mr Saeed Ahmed

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 and a further condition requiring the use of slate tiles to match the existing roof tiles –

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:

- Block Plan 61-63 Colne Road
- Existing Floor Plans and Elevations, Project number 22/301
- Proposed Floor Plans and Elevations, Project number 22/301

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

3. All the external materials to be used in development hereby permitted shall match those of the existing building in colour, form and texture and there shall be no variation without the prior 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. No part of the development shall be commenced unless and until details for the storage of refuse bins for the residential and business uses has been submitted to and approved in writing by the Local Planning Authority and such storage facilities shall be retained at all times thereafter that the development is in use.

Reason: To ensure that refuse bins are not stored on the unadopted backstreet or the adopted footway on Every Street and that there are no obstruction and potential hazard to pedestrians.

5. Prior to first occupation of any approved residential unit, cycle storage details should be submitted to and approved by the Local Planning Authority and such storage facilities shall be retained at all times thereafter that the development is in use.

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

Informative Note:

Environmental permit - advice to applicant

The property to be altered is located within 8metres of Hollin Mill Watercourse which is designated as a Main River. Whilst no external alterations are proposed at ground floor level, the applicant should be aware that if any alterations are intended within 8metres of Hollin Mill Watercourse, they may require an environmental permit to be obtained from the Environment Agency.

The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

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

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should

not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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.

22/0532/CND Approval of details Reserved by Condition: Discharge of Condition 13 (Drainage) of Planning Permission 18/0903/FUL on the site of the former bus station, Broadway, Nelson for McDonald's Restaurants Ltd

It was moved by Councillor M. Iqbal, seconded by Councillor F. Ahmad and –

RESOLVED

That Condition 13 (Drainage) be discharged, subject to implementation.

REASON

The submitted foul and surface water drainage details (Drawing No. 4220118-1200 Rev C5) are acceptable.

22/0537/CND Approval of Details Reserved by Condition: Discharge of Condition 7 (Drainage) and Condition 8 (Drainage) 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 Councillor J. Purcell and –

RESOLVED

That Conditions 7 & 8 be discharged, subject to implementation.

REASON

The information submitted by the applicant is acceptable.

22/0542/HHO Full: Erection of a single storey extension to the side at 19 Whitworth Way, Barnoldswick for Mr and Mrs Robertson

At West Craven Committee on 1st November Members had recommended that this application be approved.

It was moved by Councillor D. Whipp, seconded by Councillor T. 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:

- Existing Site Location Plan: drawing no. 376:3, 27 July 2022.
- Proposed Elevations and Plans: drawing no. 376:2, 27 July 2022.
- Existing elevations and Plans: drawing no 376:1, 27 July 2022.

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

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.

22/0548/CND Approval of Details Reserved by Condition: Discharge of Condition 8 (Estate Street Phasing and Completion Plan) of Planning Permission 19/0901/FUL on the housing development on the site of the former J. Nelson Sports Club, Wickworth Street, Nelson for MCI Developments

It was moved by Councillor M. Iqbal, seconded by Councillor F. Ahmad and –

RESOLVED

That Condition 8 (Estate Street Phasing & Completion Plan) be discharged, subject to implementation.

REASON

The submitted Estate Street Phasing & Completion Plan is acceptable.

22/0553/HHO Full: Erection of a single storey rear extension at 79 Knotts Mount, Colne for Miss Daisie Nutter

It was moved by Councillor A. Sutcliffe, seconded by Councillor N. Butterworth 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:

- Proposed Site Plan, project number 2022.07. Drawing number 0004 Revision A.
- Proposed Ground Floor Plans & Elevations, project number 2022.07. Drawing number 0002.

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

3. The external materials used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

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.

22/0558/HHO Full: Erection of a single storey rear extension at 163 Halifax Road, Brierfield for Miss Nigat Sultana

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that the Planning, Economic Development and Regulatory Services Manager be delegated authority to grant this application subject to an acceptable design. The planning update reported receipt of an amended plan which had changed the design of the extension which was acceptable. The officer was now recommending approval.

It was moved by Councillor N. Ashraf, seconded by Councillor F. Ahmad 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 plan: Location Plan – U154-P01; Proposed Plans – U154-P03B Rev B 15/11/22.

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

3. The external materials used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

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.

22/0562/FUL Full: Change of use of the unit to bakery (Use Class E) external alterations and installation of plant at Unit 2, North Valley Road, Colne for Greggs PLC

Colne and District Committee at their meeting on 3rd November had recommended that this application be approved.

It was moved by Councillor A. Sutcliffe, seconded by Councillor D. 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
- Proposed Plans: RPEN/S5977/09 A

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

3. All materials to be used for the proposed development hereby approved shall be as stated on the application form and approved drawings and they shall not be varied without the prior written permission of the Local Planning Authority.

Reason: Those materials are appropriate for the development and site.

4. Prior to occupation of the development hereby approved, an outside bin to collect customer's rubbish shall be installed to the front elevation and shall remain in place for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that facilities are available for customers to dispose of waste packaging and prevent litter from accumulating on the street in the surrounding area.

5. Prior to the approved development first opening for trading signage for the off-road parking area shall be provided in line with a scheme to be approved by the Local Planning Authority.

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

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.

22/0566/VAR Full: Variation of Condition: Vary Condition 6 (Window Frames) of Planning Permission 21/0541/FUL at Lower Broach Farmhouse, Skipton New Road, Foulridge for Mr Shaun Haycock

Colne and District Committee at their meeting on 3rd November had recommended that this application be approved.

It was moved by Councillor M. Iqbal, seconded by Councillor M. Aslam 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 05/11/2021.

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, Site Plan & Existing Plans - 08/2021 1 001, Proposed Plans 02/2022 1 002 Rev F, received on 28/09/2022

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

3. At no time shall any openings be formed within the north east and south east elevations nor shall any additional openings, other than hereby approved, in the south west and north west elevations the without the prior written permission of the Local Planning Authority.

Reason: In order to ensure that no overlooking or loss of privacy occurs to the adjacent Lower Broach Farm and to retain the integrity of the building.

4. The material samples approved in application reference 22/0373/CND shall be implemented and shall not be varied, unless agreed in writing by the Local Planning Authority.

Reason: These materials have been assessed as being appropriate to the location of the application site.

5. 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 Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

D) no porches

E) no curtilage buildings

Reason: To enable the Local Planning Authority to control any future development on the site and safeguard the openness of the Greenbelt and impacts on neighbouring properties.

6. The proposed development shall not be brought into use unless and until at least two car parking spaces and turning areas have been provide and marked out within the site. The parking spaces and turning area shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to provide sufficient off street parking for the development 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 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.

22/0569/FUL Full: Insertion of dormer to east elevation, relocation of fire exit from the south elevation to east, insertion of a window to the south elevation and new drain to east elevation at the Lighthouse Christian Centre, 15a Halifax Road, Brierfield for Mr Richard Halstead

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that this application be approved.

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:

- Location Plan, 042 / 01 / 001 Rev A
- Existing and Proposed Floor Plans 042 / 01 / 003 Rev A
- Existing and Proposed Elevation Plans 042 / 01 / 006 Rev A
- Existing and Proposed Elevation Plans 042 / 01 / 005 Rev A
- Existing and Proposed Elevation Plans 042 / 01 / 004 Rev A
- Existing and Proposed Elevation Plans 042 / 01 / 007 Rev A

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

Note

The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lanashire.gov.uk or on 01772 533433.

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 access and principle of the proposed development accord with the policies of the Replacement Pendle Local Plan and National Planning Policy Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

22/0572/RTD Prior Approval Notification: Change of use from office (Use Class E) to 1 dwelling (Use Class C3) at 11 Market Square, Nelson for YB Partnership Ltd

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that this prior notification submission be accepted subject to conditions.

It was moved by Councillor M. Iqbal, seconded by Councillor A. Mahmood and –

RESOLVED

1. That the development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan LU244-P01, Proposed Floor Plans LU244-P03

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

REASON

Based on the information provided, the development subject to this prior notification submission would meet the criteria detailed within Class MA of the GPDO and is acceptable with regard to transport impacts, contamination, flood risk, noise and natural light. Therefore, prior approval is not required.

22/0576/FUL Full: Erection of an extension to the front elevation and alterations to the front of an existing outbuilding (resubmission) at the Red Lion Inn, 70 Red Lion Street, Earby for The Red Lion Earby Ltd

It was moved by Councillor D. Whipp, seconded by Councillor R. Carroll 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, 1461-3C, 1461-4C, 1461-5A, 1461-6, 1461-7.

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

3. Unless otherwise approved in writing by the Local Planning Authority the development shall be carried out in accordance with the details of materials received 01/11/2022.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area and character and appearance of the Conservation 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 is acceptable in terms of design, amenity, highway safety and heritage impact. 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.

22/0583/HHO Full: Erection of a single storey rear extension at 17-19 Ethel Street, Barnoldswick for Mr Naeem Shazada

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

RESOLVED

That consideration of the planning application be **deferred** for a site visit.

22/0584/FUL Full: Demolition of an existing agricultural building and erection of a replacement agricultural livestock building and yard area at Spring Garden Villa, Skipton Road, Trawden for Mr Kevin Guy

It was moved by Councillor S. Cockburn-Price, 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, Site Plan, Proposed Elevation, Roof Plan and Floor Plans, Drawing No. Guy.1050.3160.01, Level Sections Plan Drawing No. Guy.1050.3160.02

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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 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.

5. Within one month of the commencement of development on site the existing building edged in magenta on the Proposed Site Plan + Topo (1:200) on plan reference: Guy.1050.3160.01 shall have been demolished and the building material removed from site and the land restored to its former condition.

Reason: In order to preserve the openness of the Green Belt and reduce the amount of built form on the site.

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.

22/0585/FUL Full: Change of use of first floor office accommodation to 1 bedroom flat and ground floor garage workshop to store, with external alterations at ground and first floor at Store 2, Essex Street, Nelson for Mr Khaliq Mohammed

It was moved by Councillor M. Iqbal, seconded by Councillor F. Ahmad 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 & Site Plan, received on 26/08/2022, Proposed Floor Plans and Elevation Plans, received on 26/08/2022

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 is acceptable in terms of scale and amenity, thereby complying with Local Plan policies. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

22/0586/HHO Full: Erection of a single storey extension to the rear of 384 Gisburn Road, Barnoldswick for Miss Morag Davis

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 384 Gisburn Road.
- Proposed Single Storey Rear Extension to Rear, Drawing no. 2/21/2022 (Date August 2022).

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.

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.

22/0589/FUL Full: Change of use from office (Use Class E) to house in multiple occupation and management office/on-site accommodation (Use Class C4) at 1 Carr Road, Nelson for Mrs N. Azam

It was moved by Councillor A. Mahmood, seconded by Councillor F. Ahmad 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, Block Plan and Proposed Floor Plans 2151-01-Rev A

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

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

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

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.

22/0592/CND Approval of Details Reserved by Condition: Discharge of Condition 3 (Material Samples) of Planning Permission 22/0082/FUL at the Red Lion Inn, 70 Red Lion Street, Earby for the Red Lion Earby Ltd

It was moved by Councillor D. Whipp, seconded by Councillor R. Carroll and –

RESOLVED

That Condition 3 (Materials) be discharged subject to implementation.

REASON

The submitted details of samples of natural stone and slates received on 1st November are acceptable.

22/0593/HHO Full: Insertion of rooflight windows to front and rear at 1 North View Trawden for Mr Paul Verity

It was moved by Councillor S. Cockburn-Price, seconded by Councillor D. 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 1000, Block Plan 1001, Proposed Elevation Plans 1002

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

3. All materials to be used in the proposed development shall be as stated on the approved drawings and shall not be varied without the prior written permission 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.

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.

22/0602/FUL Full: Change of use from residential dwelling (Use Class C3) to residential institution (Use Class C2) to provide care for up to 4 children, replacement windows and erection of a single storey rear extension at 196 Halifax Road, Nelson for Thrive Residential Properties Ltd

It was moved by Councillor A. Mahmood, seconded by Councillor F. Ahmad 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, GL452F/00, received on 30/09/2022
- Proposed Floor Plans, GL452F/31
- Proposed Elevation Plans, GL452F/71

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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 development hereby approved shall be carried out in accordance with the survey details for trees, prepared by Christians Environmental “Site Report, Appraisal & Plans” 196HR-BS-001 Rev A, dated July 2022

Reason: To ensure the trees 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.

22/0605/FUL Full: Change of use of ground floor (Use Class E) to one bed flat (Use Class C3) (retrospective) at 265 Leeds Road, Nelson for Legacy Property Investors Ltd

It was moved by Councillor M. Iqbal, seconded by Councillor M. Aslam 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 DEAN/04 Dwg 00, Proposed Site Plan DEAN/05 Dwg 03, Proposed Elevation and Floor Plans DEAN/05 Dwg 02

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.

22/0612/SCREEN Screening opinion request regarding proposed development of a 50MW battery storage facility with associated infrastructure on land to the south west of the Old Vicarage, Greenhead Lane, Reedley for European Energy

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

RESOLVED

That an Environmental Impact Assessment is not required.

REASON

The development would not result in significant effects requiring an EIA.

22/0615/HHO Full: Part first floor extension to front, insertion of two new dormers to front roof slope and one new window to first floor side elevation at 17 Highgate, Nelson for Mr Atiq Rehman

It was moved by Councillor N. Ashraf, seconded by Councillor M. Aslam 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 LU279-P01
- Proposed Elevation and Floor Plans LU279-P02

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, there shall be no variation without the prior 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 proposed driveway shall be 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 the interest of highway safety in order to ensure satisfactory levels of off-street parking are achieved within the site and to prevent loose surface material from being carried onto the public highway.

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.

22/0617/FUL Full: Creation of additional car parking and turning head for goods vehicles at County Brook Mill, County Brook Lane, Foulridge for Mitchell Interflex Ltd

It was moved by Councillor D. Cockburn-Price, seconded by Councillor A. Sutcliffe 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 20.40 EX00, Proposed Site Plan 20.40 PL.01 Rev C

Reason: For the avoidance of doubt and in the interests of proper planning.
3. All the external materials to be used in 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 first use of the approved development the car and motorcycle parking bays shall be laid out to the approved plans and the bays and manoeuvring areas maintained free from obstructions for the lifetime of the development.

Reason: To ensure the effective use of the parking and manoeuvring areas.
5. Prior to first use of the approved development an electric vehicle charging point shall be installed in line with the approved documents. The charge point must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

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

Informative note

The setting of Public Footpath 20a Foulridge (ref 13-12-FP 20a) may be affected by the proposed development. The grant of planning permission does not entitle a developer to obstruct a right of way. Any proposals for the temporary diversion or closure of the above footpath should be made to Lancashire County Council's Public Rights of Way team before any development works begin. They can be contacted by email at PROW@lancashire.gov.uk – the location, district and planning application number should be included in any correspondence.

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.

22/0618/CEU Certificate of Lawful Development (S192 Proposed Use): the siting of a caravan for ancillary residential use at Jerusalem Farm, Skipton Old Road, Colne for Mr Norman Bowker

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

RESOLVED

That the Certificate of Lawful Development (S192 Proposed Use) be granted.

REASON

On the basis of the submitted details and on the balance of probabilities, the siting and occupation of the proposed caravan would not result in a material change of use of the land.

22/0622/ADV Advertisement Consent: Display of non-illuminated vinyl sticker to front elevation of building at Nelson and Colne College, Scotland Road, Nelson for Nelson and Colne College Group

It was moved by Councillor M. Iqbal, seconded by Councillor A. Mahmood 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: A(00)400, 1418(00) 02,

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

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

Reason: Condition required by the advertisement regulations.

4. 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 required by the advertisement regulations

5. 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 required by the advertisement regulations

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

Reason: Condition required by the advertisement regulations

7. This permission shall inure for a maximum period of 5 years after which the advertisement shall be removed from the building in its entirety.

Reason: Condition required by the advertisement regulations

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.

22/0625/CND Approval of Details Reserved by Condition: Discharge of Condition 4 (Materials), Condition 7 (Estate Road Management) and Condition 12 (Landscape Management) of Planning Permission 21/0358/REM on land to the north west of Laneshaw Bridge Methodist Church, Keighley Road, Laneshaw Bridge for Beck Homes Ltd

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

RESOLVED

That Conditions 4 (Materials), 7 (Estate Road Management) and 12 (Landscape Management) be discharged.

REASON

The submitted details of materials and samples of natural stone and slates received on 3rd November, of private estate road management and maintenance and of management and maintenance of landscaped areas are all acceptable.

22/0630/ADV Advertisement Consent: Installation of 2 fascia signs (one illuminated and one non-illuminated) and 1 illuminated totem sign at Unit 2 North Valley Retail Park, North Valley Road, Colne for Greggs PLC

Colne and District Committee at their meeting on 3rd November had recommended that this application be approved.

It was moved by Councillor D. Cockburn-Price, seconded by Councillor A. Sutcliffe 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: RPEN/S5977/01, RPEN/S5977/09.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. 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.
4. No advertisement shall be sited or displayed so as to:
 - a) Endanger persons using the 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.
5. Any advertisement displayed, and any site used for the display of advertisement, shall be maintained in a condition that does not impair the visual amenity of the site.
Reason: Condition imposed by the Regulations
6. 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

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

Reason: Condition imposed by the Regulations

8. The limits of the illuminance shall not exceed those described in paragraph two of Schedule 3 Part II of the Town and Country Planning Act (Control of Advertisements) Regulations 1992.

Reason: To avoid glare, dazzle or distraction to passing motorists.

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.

22/0639/HHO Full: Erection of a single storey side and rear extension, front porch and detached garage/store at Pinfold Barn, Southfield Lane, Nelson for SAJ

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that the Planning, Economic Development and Regulatory Services Manager be delegated authority to grant consent provided that satisfactory plans for the porch were submitted. The planning update reported receipt of amended plans which detailed a much improved simple design for the front porch. The officer's recommendation had now changed to approval.

It was moved by Councillor M. Ammer, seconded by Councillor M. Adnan 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: 66B2, 66B3, 66B4B, 66B5, 66B1

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

2. The materials to be used externally on the development hereby permitted shall be as stated on the approved 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.

22/0653/CND Approval of Details Reserved by Condition: Discharge of Condition 9 (Site Access) of Planning Permission 21/0583/FUL (Appeal Reference: APP/E2340/W/21/3289117) at land adjacent to Whitewalls Drive, Colne for Monte Blackburn

The planning update reported that this application had been withdrawn.

22/0656/CND Approval of Details Reserved by Condition: Discharge of Condition 3 (Material Samples) and Condition 4 (Surface Water Drainage) of Planning Permission 22/0465/FUL at Broom House Farm, Bleara Road, Earby for D. E and M. A. Booth

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

RESOLVED

That Conditions 3 (Material Samples) and 4 (Surface Water Drainage) be discharged, subject to implementation.

REASON

The information submitted is satisfactory.

22/0658/SCREEN Screening Opinion request for outline residential development of up to 140 dwellings on the site of the former Riverside Mill, Reedyford Road, Nelson for Foxfield

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

RESOLVED

That an Environmental Impact Assessment is not required.

REASON

The development falls below the thresholds set out in Schedule 2 of the Regulations and would not result in significant effects requiring an EIA.

22/0659/FUL Full: Remodelling of land surrounding the mosque, including the provision of 49 additional car parking spaces and associated landscaping works, a fenced children's play area, access paths with lighting, steps within the woods, a water fountain a 3G sports pitch and a retaining wall at Madina Mosque, 144 Manchester Road, Nelson for Mr Ishtiaq Mohammed

The planning update reported that the applicant had requested that consideration of this application be deferred to address issues relating to TPO trees on the site.

It was moved by Councillor M. Iqbal, seconded by Councillor A. Mahmood and –
RESOLVED

That consideration of this application be **deferred** for a site visit.

22/0662/NMA Non-Material Amendment: Alteration of name of property referred to in Condition 6 of Planning Permission 13/12/0121P at The Haybarn, Gisburn Old Road, Blacko for Mr and Mrs Lang

Barrowford and Western Parishes Committee at their meeting on 2nd November had recommended that this application be approved.

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

RESOLVED

That the planning permission be altered to refer to the Haybarn and not to Lower Sandyford Farm with all other conditions remaining as approved.

REASON

There are no planning implications for this and the change is a non-material one that can be dealt with under Section 96A of the Town & Country Planning Act 1990.

22/0667/FUL Full: Insertion of dormers to front and rear roof slopes at 208 Every Street, Nelson for Mr Nisar Ahmed

Nelson, Brierfield and Reedley Committee at their meeting on 31st October had recommended that this application be approved.

It was moved by Councillor M. Iqbal, seconded by Councillor T. Whipp and –

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be granted delegated authority to grant this application subject to the use of appropriate materials and appropriate conditions and reasons.

22/0689/CPO Full: (County Consultation): Construction of a motor control centre kiosk at the Sewage Treatment Centre, Barnoldswick for United Utilities Water Limited

Council (17.11.2022)

West Craven Committee at their meeting on 1st November had recommended that the Planning, Economic Development and Regulatory Services Manager raise no comments or objections to the proposal.

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

That Pendle raises no comments or objections to the proposal.

REASON

The development does not raise any issues in terms of landscaping or impact on neighbours.

22/0690/CND Approval of Details Reserved by Conditions: Discharge of Condition 11 (Site Access and Off-site Highways Works) of Planning Permission 18/0903/FUL on the site of the former Bus Station, Broadway, Nelson for McDonald's Restaurants Ltd

It was moved by Councillor M. Iqbal, seconded by Councillor F. Ahmad and –

RESOLVED

That Condition 11 (Site Access & Off-Site Highways Works) be discharged subject to implementation.

REASON

The submitted details of site access and off-site highway works are acceptable.

22/0693/CEA Certificate of Lawfulness (S192 Proposed Development): Installation of 15 replacement UPVC windows at Pinfold Cottage, Fence for Miss Siobhan Murphy

Barrowford and Western Committee at their meeting on 31st October had recommended that the Certificate of Lawfulness be issued.

It was moved by Councillor D. Whipp, seconded by Councillor M. Iqbal and –

RESOLVED

That the Certificate of Lawfulness be issued.

REASON

On the balance of probability the installation of 15 windows would be lawful, as it would be permitted development under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) and listed building consent is not required as the building no longer forms part of the curtilage of a listed building.

22/0587/FUL Full: Major: Re-roof building with Tata Trisomet 120mm Merlin Grey HPS200 Ultra steel sheet roof at Graham Engineering Ltd., Edward Street, Nelson for Graham Engineering Ltd

It was moved by Councillor K. McGladdery, seconded by Councillor M. Aslam 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 (1:1250), Proposed Elevation Plans and Roof Plan: P8/2201/22 Rev A

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission 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.

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.

57. ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

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

58. 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.

59. ENFORCEMENTS

The Planning, Economic Development and Regulatory Services Manager submitted a report on the condition of 3 different properties and asked whether enforcement action should be taken to remedy the breaches.

Property 1

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

RESOLVED

That a Notice be served pursuant to Section 171A(1)(a) of the Town and Country Planning Act 1990 requiring remedial action as set out in the report.

Property 2

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

RESOLVED

That a Notice be served pursuant to Section 171A(1)(a) of the Town and Country Planning Act 1990 requiring remedial action as set out in the report.

Property 3

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

RESOLVED

That a Notice be served pursuant to Section 171A(1)(a) of the Town and Country Planning Act 1990 requiring remedial action as set out in the report.

60. OUTSTANDING ENFORCEMENTS

The Planning, Economic Development and Regulatory Services Manager submitted a report giving the up-to-date position on outstanding enforcement cases which was noted. There was a request that the report be noted and an enforcement case that was previously on the list and still outstanding be put back on the list.

61. LOCAL GOVERNMENT ACT 1972

In accordance with the provisions of Section 100(B)(4) of the Local Government Act 1972, as amended, His Worship the Mayor agreed that the following item should be considered as a matter of urgency, the ground being that a decision was needed prior to the next Council meeting due to the impact a development without planning permission and of poor design was having on the appearance of an Area of Outstanding Natural Beauty (AONB) in Pendle.

62.

ENFORCEMENT ISSUE

The Planning, Economic Development and Regulatory Services Manager submitted a report on the condition of land at a site which was causing significant harm to the AONB.

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

RESOLVED

That delegated authority be given to the Planning, Economic Development and Regulatory Services Manager to negotiate the reinstatement of the land at this site and, if this was not successful, that authority be given to take enforcement action to require the breach to cease and the land be returned to its former condition.

His Worship the Mayor _____