



REPORT FROM: ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL AND REGULATORY SERVICES

TO: NELSON, BRIERFIELD AND REEDLEY COMMITTEE

DATE: 3RD JULY 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3RD JULY 2023

Application Ref: 22/0549/HHO
Proposal: Full: Erection of a porch.
At 5 Chatburn Park Drive Brierfield Nelson
On behalf of: Mr Aamir Khan
Date Registered: 15/08/2022
Expiry Date: 10/10/2022
Case Officer: Joanne Naylor

This application is put before the Committee due to the level of objections.

Site Description and Proposal

The application site is a single storey bungalow facing a recreation area on the edge of Brierfield. The Bungalow is modest under a tiled roof. The porch has been substantially built.

Relevant Planning History

22/0323/HHO: Full: Proposed Porch to Front Elevation (part retrospective). Refused (15/07/2022)

Consultee Response

None received.

Public Response

3 Letters of objection:

The porch does not fit in with the look of the area.

The Porch building has already been built so a tad late for asking for permission or expression of concerns. The entire construction of all the extensions on no 5 Chatburn Park Drive are not in keeping with the properties in the area.

The Bungalow no longer resembles a Bungalow. In fact the additional homes that have been built recently in the area have had to follow and adhered to strict planning regulations & construction to give a desirable outcome to the properties in the area. No5 Porch is a huge construction jutting out significantly into the front garden restricting views of neighbours both sides. The main roof is collapsing inwards, the back dormer extensions has created two further bedrooms with a 3rd further

extension out into the rear garden that actually looks like it's about to fall down. The remains of their garage attached to ours is sodden with no full intact roof just corrugated dangerous asbestos causing our garage to be riddled in damp on the adjacent wall.

Surely Pendle council have better standards that should be followed to the letter to ensure one building application is finished to the highest standard possible before allowing the next to be passed?

Allegedly work of a standard that Pendle Council has passed as fit for purpose already is barely standing will it survive winter? This dwelling is going to house 6 people it was a simple Bungalow never intended to have all the land it sits on used for so many extensions, double dormer, orangery, porch. No thought has gone into the adjacent neighbouring properties outlooks. It's an eyesore a disgrace and has been deemed as acceptable by yourselves.

Pendle/ Brierfield Council and councillors should be ashamed of themselves letting such a beautiful well-kept area be dragged down with what they've allowed to be built. This will now be the precedents that all other future building work in the area can set the bar at.

The porch is too big, sits out across the garden and is not in keeping with all other properties on the drive. Not that this will make any difference whatsoever it will like the rest of the builds on the property be passed as you have passed all the other plans that's been submitted its a disgraceful derelict tipping ground that looks worse with every building erected on to it. Perhaps try viewing it, and whilst doing so take into account the neighbours and residents views on living with it.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Saved Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

Officer Comments

The development has been substantially completed. The porch sits to the front of the property and extends 2m from the front wall.

The development will leave adequate car parking spaces for the property. There would be no overlooking of neighbours' windows although the garden of the neighbour could be seen. It can in any event be seen from the existing windows and the porch will not be a room used as permanent living accommodation. The development is thus acceptable in terms of the impact on neighbours both in loss of privacy and the relationship of the porch on living conditions.

The main issue here is whether the development is acceptable in design terms. There is one other front porch in the row which is a upvc one but which is modest in scale and relatively unobtrusive.

The porch proposed would be made of stone and have roof materials to match the existing property. Whilst it would protrude to the front of the house and is on the margins of what would be acceptable, the design is in scale with the main dwelling and would not unacceptably affect the street scene that would lead to the conclusion that it was poor design.

Reason for Decision

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

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2020-11-26_100552, Drawing 2 Proposed Plans (received by Pendle on 23/2/2023).

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

3. The material to be used on the roof shall match the existing roof materials and the materials to be used on the external walls shall be natural stone.

Reason: These materials are acceptable in the area.

Application Ref: 22/0549/HHO

Proposal: Full: Erection of a porch.

At 5 Chatburn Park Drive Brierfield Nelson

On behalf of: Mr Aamir Khan

REPORT TO NELSON, BRIERFIELD AND REEDLEY AREA COMMITTEE ON 3RD JULY 2023

Application Ref: 22/0641/FUL

Proposal: Full (Major): Erection of DIY Superstore with on site parking, delivery facilities and associated site works.

At: Land To The North Of 1 To 23, Richard Street, Brierfield

On behalf of: Greycliffe Commercial

Date Registered: 23/09/2022

Expiry Date: 06/07/2023

Case Officer: Alex Cameron

Site Description and Proposal

The application site is an existing DIY store and vacant land within the settlement of Brierfield and adjacent to the boundary of Brierfield Local Shopping Centre. There are dwellings to the north south and east and a car wash fronting Burnley Road to the west.

This application is to demolish the existing DIY store building and erect a DIY superstore with 1650m² of retail floorspace.

Relevant Planning History

None

Consultee Response

LCC Highways – Do not support the proposed site access arrangement due to highway safety concerns on Burnley Road due to the close proximity of Richard Street and the car wash access. Burnley Road is A classified and carries a significant volume of traffic, including pedestrians and cyclists and the development is anticipated to generate a significant volume of traffic which would cause a severe impact to highway users under the current proposal.

PBC Environmental Health – Raised concerns about the methodology of the noise assessment however a condition to restrict the opening and delivery hours to those proposed and for loading cages to have pneumatic tyres would acceptably protect the surrounding residents from unacceptable noise impacts.

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

Environment Agency – No objection subject to compliance with the FRA.

United Utilities – No objection subject to foul and surface water drainage condition.

Brierfield Town Council

Public Response

Press and site notices posted and nearest neighbours notified. Responses received raising the following concerns:

- Brierfield already has two DIY superstores and does not need another one in a residential area.
- Highway safety including concerns about HGVs accessing the site from surrounding streets passing a primary school and where children play.
- Noise impacts on local residents.
- The land should be used for a social housing development.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

Policy SDP1 (Spatial Development Principles) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 (Settlement Roles) sets out the roles each settlement category will play in future growth. Brierfield along with Nelson is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) of the Replacement Pendle Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

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

Policy ENV7 (Water Management) does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy WRK4 (Retailing and Town Centres) states that applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.

2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Replacement Pendle Local Plan

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework

Paragraph 87 of the Framework requires that. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan.

Paragraph 90 states that when assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace)

Principle of the Development

The proposed development is a main town centre use for the purposes of the Framework and Policy WRK4, it is not located within a town centre and therefore it must be demonstrated that it cannot be accommodated on a sequentially preferable site. A sequential assessment has been submitted and this acceptably demonstrates that there are no viable sequentially preferable site available.

The proposal is below the threshold of 2500m² for a retail impact assessment and the proposed use as a DIY superstore would not result in an unacceptable impact on the vitality and viability of the town and local shopping centres.

Visual Amenity

The proposed DIY superstore is of a high quality modern design, it would be set down into the sloping land and would not appear excessively prominent. It is acceptable in terms of design and visual amenity.

The existing building is a traditional stone built former public house, however it is not a designated or non-designated heritage asset and could be demolished with a notification in any case.

Residential Amenity

The proposed development would not result in any overbearing impact, unacceptable loss of light or unacceptable privacy impact.

There is potential for the operation of the superstore to generate noise from servicing, deliveries and plant impacting the residents of surrounding properties. A noise assessment has been submitted and concludes that the proposal would not result in unacceptable noise impacts on surrounding residential properties. Environmental Health have raised concerns about the methodology of the assessment, however, they have advised that with the hours of operation and deliveries limited to 8am to 8pm and 8am to 6m Sundays and Bank Holidays and a condition to

ensure that loading cages have pneumatic tyres the development would not result in unacceptable noise impacts.

Ecology

A bat survey was submitted with the application this finds that the site is of low quality as a foraging habitat for bats. Whilst the building is also found to offer a low quality potential roost a further survey visit in May-August is required to determine whether it is used as a roost. The survey is being carried out and to be submitted prior to determination.

Highways

The site would provide an acceptable level of car parking and would be adequately accessible by foot and public transport. The level of traffic generated would not result in unacceptable impacts on the highway network.

LCC Highways objected to the original proposal for a shared access with the car wash as this could have led to conflict between vehicles accessing the site in situations where there are vehicles queueing for the car wash.

Amended plans have been received for a separate access at the north end of the site. It appears likely that this will resolve LCC Highways objection, they have been reconsulted and their response will be reported to Committee.

Summary

It is recommended that the approval of the application and any conditions necessary be delegated to the Assistant Director, Planning, Building Control and Regulatory Services subject to confirmation that LCC Highways objection has been resolved and satisfactory further bat survey/s.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and the saved policies of the Replacement Pendle Local Plan. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2017/01A, 2017/03, 2017/04, 2017/05A, 2017/06A, 2017/07, 2017/08, 2017/103.

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 use shall not operate and there shall be no deliveries taken to or from the site or other external loading and unloading outside of the hours of 8am to 8pm on Monday to Saturday and 8am to 6pm on Sundays and Bank Holidays.

Reason: In the interest of residential amenity.

4. All roll cages used for loading and unloading within the site shall be fitted with pneumatic tyres.

Reason: In the interest of residential amenity.

5. The acoustic fence detailed on the approved plans shall be installed prior to the commencement of the use of the development and maintained in place at all times thereafter.

Reason: In the interest of residential amenity.

6. The use of the building and land hereby permitted shall be confined to that of DIY retail and use ancillary to that use only and for no other purpose, including any other retail use or other use within Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: To protect the vitality and viability of town centres.

7. 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 (6th January 2023 / QFRA 2271 / Flood Risk Consultants). The measures shall be fully implemented prior to the first use of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

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

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

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (6th January 2023 / QFRA 2271 / Flood Risk Consultants) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

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

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

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

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

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

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

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

- 9.** No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority. The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

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

10. 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 the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- 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.

11. The use of the development shall not be 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.

12. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence

of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) No surface water will be permitted to discharge to the public sewer network;

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

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

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

13. Prior to the commencement of the development a Construction Method Statement shall have been submitted to and approved in writing by the Local Planning Authority. The Method statement must cover the topics detailed below:

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

The development shall be carried out in strict accordance with the approved details.

Reason: In the interest of residential amenity

Notes:

The culverted watercourse (Sefton Street Watercourse) north or the norther boundary of the site is a designated statutory main river. It is the responsibility of the developer to ascertain the exact location of any underground services.

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 (16metres 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 the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a 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.

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.

Application Ref: 22/0641/FUL

Proposal: Full (Major): Erection of DIY Superstore with on site parking, delivery facilities and associated site works.

At: Land To The North Of 1 To 23, Richard Street, Brierfield

On behalf of: Greycliffe Commercial

REPORT TO NELSON, BRIERFIELD AND REEDLEY AREA COMMITTEE ON 3RD JULY 2023

Application Ref: 23/0048/FUL

Proposal: Full (Major): Erection of building to form a function venue with associated car parking and landscaping.

At: Land at Alder Bank, Manchester Road, Nelson

On behalf of: H S Developments (NW) Ltd

Date Registered: 04.04.2023

Expiry Date: 04.07.2023

Case Officer: Neil Watson

This application is brought to Committee as it is a Major development.

Site Description and Proposal

The application site is along the canal site at Alder Bank, Manchester Road, adjacent to three Conservation Areas: Lomeshaye Industrial Hamlet; Brierfield Mills and Whitefield. The application site is located within a commercialised setting close to the motorway network and at the 'gateway' to Nelson. The application site comprises land and buildings off Manchester Road located at the 'gateway' to Nelson, just off the M65 motorway. The site is located within the settlement boundary. The Leeds/Liverpool canal is to the immediate north of the site and further north is Lomeshaye Industrial Estate. B&Q and Pendle Village Mill is to the west. The site is within a mixed commercial and residential area, with dwellings located to south and east. There is an substation to the south east of the site.

The application seeks the redevelopment of the former site Springbank Works, which had been stood empty for some time. The proposed development would be a venue for weddings and a banqueting facility. The premises would measure circa 84m x 25m x 7m in height. The walls and roof would be composite panels and the fenestration would be powder coated aluminium.

The site is 1.7ha. The floorspace would be 2590m² the Use Class would be for Assembly and Leisure and would be Sui Generis. There would be 173 parking spaces, 10 of which would be for disabled parking. The venue would accommodate circa 600 people and would be used for events such as weddings.

Access to the site would be via Manchester Road, adjacent to the Esso Garage.

There is a landscaping plan and planting would soften the access highway and parking areas

Relevant Planning History

21/0809/DEM - Demolition Determination: Demolition of Mill Building - Prior Approval Not Required

Consultee Response

Highways LCC –

PBC Engineering and Drainage

Architectural Liaison Unit

Environmental Health –

With regards to this development, we have two main concerns, potentially contaminated land, and noise from the venue from music and noise from the people outside and when they come to leave (especially if it has been a late event).

We would therefore recommend the following conditions:

H21

Noise Assessment for the control of noise from the proposed development

Details of a noise assessment of the proposed development to BS 4142 carried out by a suitably qualified person (Institute of Acoustics) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall not be carried out otherwise than in complete and full accordance with the specifications, recommendations and noise attenuation measures contained within the approved assessment/report.

Reason: To safeguard a satisfactory standard of amenity for neighbouring properties.

CL

Contaminated Land (Environmental Services Standard)

Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority 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. 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 1: In order to protect the health of the occupants of the new development.

Reason 2: In order to prevent contamination of the controlled waters.

Local Plans

United Utilities

Environment Officer – Trees

In principle I have no objection to the proposals, however, there are implications for the TPO trees on site as seen in the image attached below. The applicant has submitted a good quality tree survey that grades the trees correctly, but the next stage information is missing. I will need to know where the 'Tree Protective Fencing' (TPF) is to be located and how they are going to construct car parking spaces within proximity to trees and any impact on roots, for completeness, an Arboricultural Impact Assessment is required that includes a Method Statement.

Ideally, the car parking spaces need to be removed outside of the trees' Root Protection Area and TPF shown on a plan, otherwise further information is required prior to the determination of this application.

PATHS Public Rights of Way

Cadent Gas –

Informative Note: into the Decision Notice: 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.

The Coal Authority –

Substantive Concern:

I have reviewed the site location plans, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the site falls within the defined Development High Risk Area. The Coal Authority records that the south western portion of the site is in an area of likely historic unrecorded coal workings at shallow depth. If shallow coal workings are present then these pose a potential risk to surface stability and public safety. Protecting the public and the environment in mining areas 2 We note that this application is accompanied by a Phase 1 – Preliminary Risk Assessment report prepared by the Bek Enviro Ltd, dated July 2021; however, we do not consider that this adequately addresses the impact of coal mining legacy on the proposed development and we therefore object to the proposal. Whilst the Coal Authority notes the professional opinions expressed in the Phase 1 – Preliminary Risk Assessment, we must highlight that the report refers to the a planning application for the demolition of the smaller building in the north-east of the site, part demolition and refurbishment of the current works building on site and construction of two large car parks and associated infrastructure at the site. As such this clearly does not relate to the development currently proposed for the erection of a function venue building. In light of the above and in accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report to support the current planning application proposal. This assessment should be prepared by a suitably qualified person. Without such a risk assessment, the Coal Authority does not consider that the LPA has

sufficient information to determine this planning application. The Coal Authority would be very pleased to receive for further consultation and comment any additional information submitted by the applicant.

On 14.05.2023 an updated Risk Assessment was sent to the Coal Authority, undertaken by Worms Eye, addressing the issues raised in the objection.

Environment Agency –

We have no objection to the proposed development but we wish to make the following comments:-

Contaminated land

The previous use of the proposed development site as a Mill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a surface watercourse, and located upon a secondary A aquifer.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

Condition

No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A site investigation scheme, based on the submitted Phase 1 report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons

To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework. To prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the underlying water course.- Edge Brook

Land contamination: risk management and good practice – advice to applicant

We recommend that developers should:

- Follow the risk management framework provided in Land Contamination: Risk Management, when dealing with land affected by contamination

- Refer to our Guiding principles for land contamination for the type of information that we require in order to assess risks to controlled waters from the site - the local authority can advise on risk to other receptors, such as human health
- Consider using the National Quality Mark Scheme for Land Contamination Management which involves the use of competent persons to ensure that land contamination risks are appropriately managed
- Refer to the contaminated land pages on gov.uk for more information

Flood risk

The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by Flood Risk and Drainage Solutions Ltd. (ref: Report No: 2023-017; dated 30/03/2023). We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA

Environmental permit - advice to applicant

The FRA acknowledges the presence of Edge End Brook, which is a statutory designated Main Rive and that any works within 8 meters of the existing culverted watercourse will require an Environmental Permit issued by the Environment Agency prior to and works being undertaken.

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 the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-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.

Canal and River Trust

Lead Local Flood Authority –

Location:

The Lead Local Flood Authority is a statutory consultee for major developments with surface water drainage, under the Town and Country Planning (Development Management Procedure) (England) Order 2015. It is in this capacity this response is compiled.

Comments provided in this representation, including conditions, are advisory and it is the decision of the Local Planning Authority whether any such recommendations are acted upon. The comments given have been composed based on the extent of the knowledge of the Lead Local Flood Authority and information provided with the application at the time of this response.

Lead Local Flood Authority Position

The Lead Local Flood Authority has no objection to the above application subject to the

inclusion of the following conditions, in consultation with the Lead Local Flood Authority:

Condition 1 – Development is in accordance with the submitted Flood Risk

Assessment

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 (30th March 2023 / 2023-017 / Flood Risk and Drainage Solutions LTDS)

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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 in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems, Policy ENV 7 of the adopted Core Strategy 2011-2030, Pendle Local Plan Part 1.

Condition 2 – Final Surface Water Sustainable Drainage Strategy to be submitted

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

The detailed surface water sustainable drainage strategy shall be based upon the sitespecific flood risk assessment and indicative surface water sustainable drainage strategy submitted (30th March 2023 / 2023-017 / Flood Risk and Drainage Solutions LTDS) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly and shall be limited to a maximum peak flow rate of 15.5l/s. The details of the drainage strategy to be submitted for approval shall include, as a minimum;

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

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

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

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

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

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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 culverted watercourse to be used, to confirm that this system is in sufficient condition and has 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.
- f) Evidence of an agreement in principle with the third party asset owner to connect to the on-site culverted watercourse.

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

Reason

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems, Policy ENV 7 of the adopted Core Strategy 2011-2030, Pendle Local Plan Part 1.

Condition 3 – Construction Surface Water Management Plan

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

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

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

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- b) Measures taken to prevent siltation and pollutants from the site entering 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.

Reasons

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 in accordance with Paragraph 167 of the National Planning Policy Framework.

Condition 4 – Sustainable Drainage System Operation and Maintenance Manual

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

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

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and

their ownership;

- 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 pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

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Condition 5 – Verification Report of Constructed Sustainable Drainage System

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

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

Reason

To ensure that 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 development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

Reason for Pre-Commencement Conditions

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to all flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The National Planning Policy Framework considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the Lead Local Flood Authority needs to be confident that flood risk is being adequately considered, designed for and that any residual risk is being safely managed. To be able to do this the Lead Local Flood Authority requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition(s).

The proposed pre-commencement condition(s) allows for the principle of development to

be granted and full detailed drainage designs to be conditioned for approval via a discharge of condition application which could be more favourable to developers in terms of less delay and less financial outlay early in the process. Non-acceptance of the precommencement condition could lead the Lead Local Flood Authority to object to the principle of development until all residual risk issues are safely managed. The Lead Local Flood Authority asks to be consulted on the details submitted for approval to your authority to discharge these conditions and on any subsequent amendments/alterations.

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Informatives

Informative 01 – Connection to Main River

The applicant will require an environmental permit from the Environment Agency to discharge to the main river. Information on environmental permits is available at: <https://www.gov.uk/topic/environmental-management/environmental-permits>

Informative 02 – Permeable Paving

Where permeable paving is included in the hydrological calculations of a development proposal the Local Planning Authority is advised to consider the removal of permitted development rights for permeable paving. Should the Local Planning Authority not remove the permitted development rights for permeable paving on privately owned land, the Lead Local Flood Authority will consider the need to designate such areas under Schedule 1 of the Flood and Water Management Act 2010. The District Council, as a flood risk management authority in its own right, also has these powers to designate.

Lead Local Flood Authority - Site-Specific Advice

The following advice is provided to inform the applicant and the Local Planning Authority of our expectations at the discharge of conditions stage:

Given the nature of the development the applicant is advised to incorporate a variety of SuDS components, in order to implement the four pillars of SuDS as well as enhancing the development further, one such method, as mentioned in the Drainage Strategy is the use of rainwater harvesting gardens.

If the applicant wishes to discuss any aspects of this response with the Lead Local Flood Authority, they can do so through our planning advice service.

Lead Local Flood Authority – General Advice

The Lead Local Flood Authority's general advice is provided through the Lancashire SuDS Pro-forma and accompanying guidance. All applications for major development are expected to follow this guidance and submit a completed SuDS pro-forma.

What this response DOES NOT cover

This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the relevant highway authority.

The applicant is encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the relevant highway authority should they have the potential to impact the public highway network and/or public highway drainage infrastructure (either existing or proposed).

Material Changes or Additional Information to this Planning Application

If there are any material changes to the submitted information or additional information provided after this Lead Local Flood Authority response to the Local Planning Authority

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which impact surface water, the Local Planning Authority is advised to re-consult the Lead

Local Flood Authority. Please be aware this will be classed as a re-consultation with a full 21-day response time. Re-consultations should be sent to our identified mailbox. Please note that should the Local Planning Authority make a decision on this application contrary to our advice, then we will be unable to support this application in an appeal or at any future discharge of conditions stage relating to conditions that the Lead Local Flood Authority have not recommended. Please send a copy of the decision notice to our identified mailbox.

National Highways Agency –

National Highways has no comment to make on this application as, given its location adjacent to M65 Junction 12, is not relevant the operation of the strategic road network, which ends at Junction 10 of the M65 at Burnley that is approximately 3 miles further south of this location.

We do however recommend that LCC Highways are consulted on the proposals as the highway authority for this section of the M65.

Nelson Town Council

Public Response

Press and site notice placed and nearest neighbours notified by letter with 16 responses received, summarised below:

- The traffic statement has inconsistencies and is inaccurate/misleading
- No change of use application – some of the site was a home and garden. No plans for the Tarmac and tree removal
- The venue is not needed and would be overdevelopment
- Nightly nuisance of loud music, fireworks and large numbers of guests would cause loud noise
- Fireworks could disturb residents and cause explosions at the Esso garage and distract motorists on the M65
- Vehicular concerns related to noise, speeding vehicles, carbon emission pollutants and parking issues, increased traffic at peak times, J12 of M65 roundabout is accident hotspot that has raised insurance for the postcode.
- There have been near misses and traffic impact to safety would be severe and would have severe cumulative impacts
- Vehicular access to site altered – with entrance close to roundabout linking Colne Road, Manchester Road and Churchill Way and potential of blockage of the main busy junction for Brierfield, Burnley and Nelson
- Vehicular difficulties turning near the service station and bathroom showroom
- Ingress/egress of Esso Garage and the detached properties opposite the garage; drives of Ethadune and Glanravan; Manchester Road terraced properties.
- The Policing of parking on Manchester Road
- Traffic during peak arrival/departure times: late evening, early evening, weekends and Saturdays would potentially be problematic
- The presence of bus stops could be an added hazard to visibility and pedestrians
- The potential football pitch at Madina Mosque could add to traffic, already busy at prayer times, Ramadan and festivals
- Wedding guests unlikely to use public transport or bicycles, most likely cars
- Delivery vehicles bringing food and drink
- Pedestrian safety concerns and mental health impacts of local residents
- Double yellow lines on Manchester Road and Colne Road – potential overspill parking outside dwellings
- Noisy vehicles leaving and entering the site
- Lorries tipping waste material

- People might fall into dangerous waters and cars could fall into the canal
- Contaminated soil
- Light pollution, lit signage
- Food production - pollution and odours
- Trees felled already, removal of carbon-reducing plants/shrubs and loss of habitat that occurred prior to submission of application
- Water fowl and wildlife on Leeds/Liverpool Canal could be affected – loss of nesting birds herons, ducks, geese, deer, rabbits, badgers, dragonflies, moorhens, coots, frogs, toads, birds of prey, swans, newts, hawks and bats
- Impact of development on young children, elderly people and pets
- Indigenous species of Lomeshaye Nature Reserve could be impacted
- Burning of waste has taken place on the site
- Asbestos on site from the demolished buildings, such as the Old Bakery, and possible that asbestos in the hardcore could become airborne
- Land has been excavated and levelled
- The ecology report was made after vegetation and top soil had been removed, so hedgehogs, squirrels, bats and birds
- Surface water concerns
- Edge End Brook could be polluted
- Loss of light to property
- Concerns relating to 'backhanded decisions' the integrity of the planning notification process/approval process, based on previous applications at Nelson College for a digital display screen
- The illustration has capacity for 940 people, not 600. Capacity almost 1,000 people
- 200 vehicles carrying 4 people each would total 800, not 600
- Adverse impact to the visual amenity and character of the area, which is mostly residential, not commercial
- The plan has 180 spaces, not 200
- The re-graded driveway is still steep
- The arrival and departure of guests would not be spread over a long time
- Loss of privacy; roof terraces on top of venue overlooking dwellings
- Tree preservation, TPOs, tree roots and crowns
- Root growth could impact the building
- The impact of the works on neighbouring properties during the construction phase
- Human Rights Act Protocol 1 Article 1 – the right to peaceful enjoyment of possessions and Article 8 – Respect for private family life
- Restrictive covenant applied to the stretch of Leeds/Liverpool Canal 1929 abstract of conveyance from 12.11.1920 states that no building should be erected except a mill, weaving shed, works or other industrial purpose. An injunction could be pursued, should the scheme be approved.
- The land would be better used for a limited number of residential properties or for allotments
- Drainage issues, run-off
- Only 7 jobs would be created
- The venue would not boost commerce Pendle Borough Council
- Alder Bank has not been unused for many years – there has been a car workshop, winter storage of motor homes and caravans, Thomas Trailers and Sheds, a plastic and fibreglass business and some car repair businesses.
- There is no kitchen on the plans – (food would be unwrapped, heated, cooled)
- Should the proposal be approved a request for a stout metal fence to protect residents from intruders, protect nature corridor of the canal, the Health and Safety of users regarding the canal and access to Highways to protect the site from ingress of canal users and to protect pedestrians from ingress of Churchill Way. Also, there should be a firework ban, noise

restriction, Health and Safety measures for children leaving the site to go to ASDA at Esso Garage and there should be a link of flora and fauna; urban and rural environment

Comments non-material to planning

- Power outage
- Loss of views and devaluation of property
- Road rage

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV7 (Water Management) states that the principles from National Policy regarding flood risk will be applied in that development will be directed to the areas with the lowest probability of flooding. Further it states that proposed development should not increase the risk of flooding elsewhere.

Policy WRK1 Strengthening the Local Economy – New opportunities for economic development should help to strengthen and diversify the local economy. Proposals will be supported where they facilitate expansion, or support investment and promote entrepreneurial activity and new business formation.

Policy WRK2 (Employment Land Supply)

Policy WRK6 (Designing Better Placed to Work) encourages the provision of well designed workplaces that meet the needs of businesses and their employees and contribute towards the aim of low carbon growth in Pendle.

Replacement Pendle Local Plan

Policy SUP4 Designing Better Public Places sets out general principles to achieve well designed, high quality public buildings and spaces. Applications should have regard to the general design requirements set out in Policy ENV2.

Saved Policy 31 sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

Principle of Development

The application site was formerly a mill, Springbank Works. The proposal would erect a function venue, that would be Sui Generis for events, such as weddings.

The scheme includes car parking for 173 cars, including 10 spaced for disabled use.

There would be landscaping of the area including levelling and Tarmacing along with some tree removal and planting scheme. A Construction Method Statement would ensure that the site would be developed in an appropriate manner, and that the development addresses any environmental impacts in accordance with Policy ENV1.

Design & Visual Amenity

The Leeds/Liverpool canal is to the immediate north of the site and further north is Lomeshaye Industrial Estate. B&Q and Pendle Village Mill is to the west. The site is within a mixed commercial and residential area, with dwellings located to south and east.

The proposed function venue premises would measure circa 84m x 25m x 7m in height. The walls would be stone

The 2590m² function room would be erected within the 1.7ha site. The main structure would be a simple rectangular design with a flat roof. The materials would be stone to the height of 3.5m with K Render above. There would be stone quoins to the corners of the building the side elevation facing the canal would have glazing along circa 52m of the venue. The side facing south would have no openings.

The west elevation would have a patio door and a single glazed door.

There would be a circa 13m wide and 1m wide, circa 7m from the front (east) elevation. This would be covered, providing a sheltered area for cars to drop guests off. The wall would have a patterned design.

The design of the proposal does not reflect the proposed use and appears industrial in design. The design would cause less than substantial harm to the setting of the adjacent Conservation Areas. The scheme would therefore not accord with ENV1 and the Conservation Area Development Guidance SPD.

Residential Amenity

The application site has dwellings to the north east round to the east and south. The nearest dwellings are on Park View Close, at a distance of circa 40m. There are dwellings on Manchester Road. Brantwood is on the opposite side of the road to the proposed access highway adjacent to the Esso Garage. To the north east of the site are Ethandune and Glanarvon.

Providing that there are conditions imposed to protect the residential amenity of the neighbouring properties with regarding the landscaping scheme and restrictions for noise and opening hours, the scheme would be acceptable in regard to residential amenity.

Conservation Area, Setting

The application site is in prominent view from public vantage points, particularly from the Leeds/Liverpool Canal towpath and from Manchester Road and the roundabout at J12 of the M65.

The proposed function building would be made of composite materials that would not be in keeping with the three Conservation Areas adjacent to the site. The building is a large rectangular shape with a flat roof that would be detrimental to the setting and character of the Conservation Areas. The building would be constructed from composite materials that would be inappropriate and the flat-roofed rectangular building would constitute poor design.

Therefore the proposal would be contrary to Policy ENV1 of the Local Plan: Part 1 Core Strategy and the Conservation Area Design and Development Guidance SPD in this regard.

Trees

The proposal would be acceptable in regard to trees, provided there is adequate Tree Protective Fencing erected. The car parking area must be constructed in such a way as to not result in a harmful impact to the tree roots. An Arboricultural Impact Assessment is required that includes a Method Statement. (Alan Kinder is aware of the additional information required)

Ecology

The application is accompanied by an ecological survey which has assessed the site in relation to habitat for birds, bats, amphibians, reptiles, hedgehogs, water voles and otters. The appraisal has found some potential for birds, bats and invertebrates. Were the development to be approved, the works would have to be undertaken in strict accordance with the submitted Environmental Report.

Subject to a suitably worded condition confirming mitigation, the proposed development accords with Policy ENV1 in this regard.

Flood Risk

The Lead Local Flood Authority raise no objection subject to the imposition of conditions relating to the Flood Risk Assessment 30.03.2023 – Report No: 2023-017, compiled by Flood Risk and Drainage Solutions LTDS, along with conditions for surface water drainage, construction surface water management, sustainable drainage system operation and maintenance manual and the submission and approval. A Verification Report would be required for Sustainable Drainage. With the relevant reports and conditions in place, the proposed development would be acceptable and would accord with Policy ENV7 of the Local Plan: Part 1 Core Strategy in this regard.

Highways

There is also sufficient space on site for bin storage and for service vehicles to attend the premises. Externally, there is a vast tarmac surfaced area where guest vehicles would be parked. It is envisaged that around 7 jobs would be created as part of the proposals but with further employment created with the deployment of external caterers who would provide the food and drink at events. (we are awaiting a response from Rob Hancock, Highways LCC – he is doing this for Kelly Holt as she is off work).

Employment

It is envisaged that approximately 7 jobs would be created as part of the proposals but with further employment created with the deployment of external caterers who would provide the food and drink at events.

Hours of Opening

The proposed opening hours would be:

Monday – Friday: 09:00 – 23:00

Saturdays: 09:00 – 23:00
Sundays and Bank Holidays: 09:00 – 18:00

Other Matters

In terms of the construction phase of the proposed development a Construction Method Statement could be controlled by condition, to ensure there are no unacceptable impacts resulting from this.

A Noise Assessment will be carried out and the Council are awaiting the report on this, in order to establish that the proposed development would not result in any unacceptable impact upon neighbouring amenity.

(Alan Kinder said that the noise report has been commissioned. Monitoring is being conducted between the 25-30th May. The results will then be analysed and a final report prepared and issued which he will forward immediately).

RECOMMENDATION: Refuse

The proposed function venue would constitute poor design. It would result in an adverse impact on the visual amenity of the locality and the adjacent Conservation Areas, namely, Lomeshaye Industrial Hamlet; Brierfield Mills and Whitefield and would therefore be unacceptable, contrary to Pendle Local Plan Part 1: Core Strategy Policy ENV1, ENV2 and the Conservation Area Design and Development Guidance SPD.

Application Ref: 23/0048/FUL

Proposal: Full (Major): Erection of building to form a function venue with associated car parking and landscaping.

At: Land at Alder Bank, Manchester Road, Nelson

On behalf of: H S Developments (NW) Ltd

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3RD JULY 2023

Application Ref: 23/0225/HHO

Proposal: Full: Erection of prefabricated porch canopy to front and the reconfiguration of door and window.

At: 39 Charles Street, Nelson, BB9 7RS

On behalf of: Mr Ejaz Ahmed

Date Registered: 13.04.2023

Expiry Date: 08.06.2023

Case Officer: Yvonne Smallwood

This application has been brought to Committee as it has been called in by a Councillor.

Site Description and Proposal

The application site is a semi-detached two storey dwelling within the settlement boundary of Nelson. The house is finished in painted render with a slate roof and

The proposal seeks to erect a prefabricated porch canopy with hollow metal pillars in white. The width of the porch canopy is circa 4.65m, with a length of 2.35m. The height of the canopy roof is circa 2.65m. The French door to the ground floor of the front elevation would be circa 0.3m wider than existing. The window serving the living room to the front elevation would be circa 0.3m narrower than existing.

There would be three steps leading to the porch canopy, each circa 0.2m in height, running the width of the living room.

It is noted that this application is retrospective.

Relevant Planning History

20/0600/HHO – Full: Erection of a two storey side extension and single storey rear extension, with widening of the existing front driveway – Approved with Conditions, 09.12.2020

13/08/0463P – Full: Erect two storey domestic extension to side including basement garage under and part two storey part single storey to rear (re-submission) – Approved with Conditions, 06.08.2008

13/08/0305P – Full: Erection of two storey domestic extension to side, and part two storey, part single storey extension to rear – Refused, 2008

Consultee Response

Highways LCC –
No objection

Brierfield Town Council

Public Response

Nearest neighbour's notified by letter without response.

Relevant Planning Policy

Policy

Policy ENV1 of the Pendle Local Plan Part 1: Core Strategy requires that developments are in keeping with the townscape setting.

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy requires new development to be in scale and harmony with the surrounding area.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

Officer Comments

The main issues with this application are Compliance with Policy and Design.

Policy

Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy requires new development to be in scale and harmony with the surrounding area.

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

Design

Front extensions and porches can be particularly prominent in the street scene and should be carefully designed to retain the character of residential areas. Generally there will be a presumption against extensions at the front of a property due to the need to protect the character of existing street scenes. The most common of front extension is a porch which tends to be relatively small and in scale with the house.

The Design Principles SPD ("the SPD") guidelines state that front porches are normally acceptable if they do not extend forward more than 1.25m. They should be no more than 3m in height above ground level and the ground area should cover up to 3m². Front porches should be set back from the highway by at least 2m.

Extensions to the front of a property should be well designed, in materials that respect the main dwelling and be in character with the locality.

The proposed canopy would be circa 4.65m in width to the front elevation, with a length of circa 2.35m. The materials are prefabricated with hollow metal pillars. The roof of the canopy has the

appearance of coving and it circa 15cm deep. There are three steps leading to the porch canopy of the same width, each step is circa 20cm in height.

The canopy is larger than would be acceptable for a porch and in a prominent location to the front of the property. The materials do not match the existing property and appears to be disproportionately large and alien to the host dwelling and the streetscene.

The development would represent poor design, contrary to ENV2 and Design Principles SPD

Amenity

The proposed porch canopy and steps would not result in any detrimental impact to residential amenity.

The reconfiguration of the widened French window and narrowed window would not result in any additional adverse impact to residential amenity than existing.

As such, the development would be acceptable with regard to residential amenity and in this regard would accord with ENV2 and Design Principles SPD.

Summary

The proposed porch canopy would adversely affect the character of the street scene by introducing an overly large and intrusive extension into the area.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed development would by virtue of its size and design on the front elevation of the house adversely affect the character of the property and of the wider streetscene and would be poor design thus failing to accord with policy ENV2 of the adopted Pendle Part 1 Local Plan, paragraph 134 of the National Planning Policy Framework and the adopted Pendle Design Principles Supplementary Planning Document.

Enforcement

The development represents poor design and has an adverse impact on the street scene. It harms the character of the area. Unless there are mitigating circumstances that would merit not taking action it would be appropriate to serve an enforcement notice to require it to be removed.

The removal of the porch would interfere with the rights of the owner to enjoy his home and his possessions under the Human Rights Act 1994. That is not an unfettered right though and enforcement action can be taken where it is necessary in accordance with the law.

The development that has taken place is unlawful and that lessens the right of the person involved to be able to retain it. The removal of the porch canopy would not result in the owner not being able to enjoy the rest of the house. Poor design, if allowed across the whole country, would result in a poor environment for all people to enjoy and live in. Whilst the development itself would have only a local impact the repercussions for allowing poor design across the country would be great. Serving an enforcement notice would therefore be a proportionate and lawful way of dealing with this unlawful development.

Application Ref: 23/0225/HHO

Proposal: Full: Erection of prefabricated porch canopy to front and the reconfiguration of door and window.

At: 39 Charles Street, Nelson, BB9 7RS

On behalf of: Mr Ejaz Ahmed

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3RD JULY 2023

Application Ref: 23/0226/FUL

Proposal: Full: Erection of two-storey and single storey extensions to residential care home (Use Class C2).

At: Hulton Care Nursing Home Halifax Road Nelson

On behalf of: Diamond Care Homes

Date Registered: 13.04.2023

Expiry Date: 08.06.2023

Case Officer: Yvonne Smallwood

This application has been brought before Committee as it has received 3+ objections.

Site Description and Proposal

The application site is the Hulton Care Nursing Home, which is located off Halifax Road, within the settlement boundary for Nelson, in a residential area. The site area is 0.47ha.

Nelson is a Key Service Centre which forms the focus for growth for Pendle.

This proposal seeks the erection of a two storey extension to the west of the main building and a single story extension to the south east. There are 30 existing care home rooms on site. The proposed extension would increase the number of rooms to 46. The extension would also create a day room for residents.

The parking provision would be increased from No. 7 spaces to No.12.

It is noted that this application is the re-submission of the previous application Ref: 18/0591/FUL which was approved back in 2018. This application has been necessary, as work had not begun within the timescale of the conditioned commencement date.

Relevant Planning History

18/0591/FUL – Full: Erection of two-storey and single storey extensions to residential car home (Use Class C2) (Floor Area 607sqm) – Approved with Conditions – 06.11.2023

13/16/0031P – Major: Erect 'L' Shape building to form residential care home (Use Class C2) for elderly care facility with access from Hulton Drive – Withdrawn.

13/93/0475P – Amended Scheme for 30 bed nursing home – Approved with conditions.

13/93/0233P – Erect 30 bed nursing home – Approved with conditions.
Consultee Response

Consultee Response

LCC Highways –

Having reviewed the information submitted, the Highway Development Control Section does not raise an objection regarding the proposed development at the above location. The following comments should be noted and condition applied to any formal planning approval granted.

Planning history

18/0591/FUL - Erection of two-storey and single storey extensions to residential care home (Use Class C2) (Floor Area 607 sq.m). Approved

Proposal

The current application is a re-submission of the previous scheme approved under Planning Permission 18/0591/FUL, which had lapsed without implementation.

Car parking

In the highway authority's opinion the applicant has provided adequate on-site parking for the size and type of development proposed, and in line with Pendle Borough Council's Parking Standards. An appropriately sized and laid out disabled parking bay has now been included, together with an electric vehicle charging point.

The parking layout plan has also included appropriate road markings within the turning heads to keep these clear so maintaining access for refuse vehicles and emergency vehicles in particular. The following condition should be applied to any formal planning approval granted.

Condition

1. Prior to first use of the approved development the car parking and manoeuvring areas shall be constructed, surfaced with a bound porous material and road markings provided in line with the approved plans. The parking bays, turning heads and road markings shall be maintained for the lifetime of the development. Reason: To provide an adequate level of parking and manoeuvring areas within the site.

Coal Authority –

Thank you for your consultation letter of 14 April 2023 seeking the views of The Coal Authority on the above planning application.

The Coal Authority is a non-departmental public body sponsored by the Department for Energy Security and Net Zero (DESNZ). As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: **Substantive Concern**

I have reviewed the site location plans, the proposals and the supporting information submitted and available to view on the LPA website. I can confirm that the site falls within the defined Development High Risk Area and that a Coal Mining Risk Assessment is required to support this application.

The Coal Authority records indicate that the site is underlain by recorded shallow coal workings and probable unrecorded underground shallow coal workings. In addition, the records indicate that the application site is likely to have been subject to historic unrecorded coal mine workings at shallow depth associated with a thick coal outcrop. Voids and broken ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases. The site also lies within a Surface Coal Resource Zone.

The applicant has submitted some coal mining information to accompany the planning application; such as a Coal Mining Report, Consultants Report or Enviro All in One Report. However, these are factual reports only and this information does not provide any assessment of the potential risks posed to the development proposal by past coal mining activity. The Coal Authority therefore **objects** to this planning application.

In accordance with the agreed risk-based approach to development management in the defined Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report, or equivalent report, to support this planning application. This assessment should be prepared by a suitably qualified person. Without such a risk assessment, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application.

It is a requirement of the National Planning Policy Framework, paragraphs 183-184 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development.

The Coal Authority would be very pleased to receive for further consultation and comment any additional information submitted by the applicant.

Please do not hesitate to contact me if you would like to discuss this matter further.

The need for a Coal Mining Risk Assessment is set out in the National Planning Practice Guide at: <http://planningguidance.planningportal.gov.uk/blog/guidance/land-stability/land-stability-guidance/>

Guidance on how to produce a Coal Mining Risk Assessment is also contained at: <https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding

General Information for the Applicant

The coal mining information within the Coal Mining Report (such as a Non-Residential Coal Mining Report, an Enviro-All-in-One Report or other factual report) already obtained should be used as the basis for a Coal Mining Risk Assessment Report (CMRA). The CMRA should assess whether or not past mining activity poses any risk to the development proposal and, if necessary, propose mitigation measures to address any issues of land instability. This could include further intrusive investigation on site to ensure that the Local Planning Authority has sufficient information to determine the planning application.

The need for a Coal Mining Risk Assessment is set out in the National Planning Practice Guide at: <http://planningguidance.planningportal.gov.uk/blog/guidance/land-stability/land-stability-guidance/>

Guidance on how to produce a Coal Mining Risk Assessment is also contained at: <https://www.gov.uk/planning-applications-coal-mining-risk-assessments>

The Coal Authority's records indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related policy considerations. As part of the planning application decision making process consideration should be given to such advice in respect of the indicated surface coal resource.

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of the Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from the Coal Authority's website at: <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>

Disclaimer

The above consultation response is provided by the Coal Authority as a Statutory Consultee and is based upon the latest available coal mining data on the date of the response, and electronic consultation records held by the Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to the Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by the Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the applicant for consultation purposes.

Cadent Gas –

Your planning application – No objection, informative note required

We have received a notification from the LinesearchbeforeUdig (LSBUD) platform regarding a planning application that has been submitted which is in close proximity to our medium and low pressure assets. We have no objection to this proposal from a planning perspective, however we need you to take the following action.

What you need to do

To prevent damage to our assets or interference with our rights, please add the following Informative Note into the Decision Notice:

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.

Your responsibilities and obligations

Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

PBC Environmental Health –

With regards to this development we are concerned about nuisance through the construction stage and

would therefore recommend the condition below:

Construction Phase Nuisance Condition

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
- Burning onsite

Hour of Work – Operations

No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

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

Hours of Deliveries

No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

No Vehicles shall be left idling onsite with the engine running.

Reason: In the interests of the amenity of nearby properties.

Construction Site Noise/Vibration

Demolition or construction work shall not begin until a scheme for protecting the residential and business neighbours from noise and vibration from the site during these works has been submitted to and approved in writing by the Local Planning Authority. All measures which form part of the approved scheme shall be adhered to throughout the period of demolition and/or construction.

Note

1. The contractor shall have regard to the relevant parts of BS 5228 1997 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.
2. The local planning authority expects that the best practical means available in accordance with British Standard Codes of practice 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.
3. Reference should be made to the Council’s ‘Code of Practice for Construction and

Demolition Sites’.

Reason: To ensure a satisfactory standard of amenity for neighbouring properties.

Control of Dust

Details shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development for the suppression of dust from the site; all agreed details shall be implemented throughout the course of the development.

Note

1. The details of dust control measures for Haul Roads, the use of suitable wheel cleaning facilities and proposals for the sheeting of vehicles carrying dusty materials shall be included by the applicant.

2. Reference should be made to the Council’s ‘Code of Practice for Construction and Demolition Sites’.

Reason: To protect human health and the environment from adverse effects of air pollution.

Burning on site

The Borough of Pendle Council has announced a climate emergency, therefore to help improve air quality there should be no burning of any materials on site. Pendle Borough Council receives many complaints about smoke from bonfires, which are inappropriate in any area of the borough. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place during demolition, site clearance or construction. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.

Contaminated Land Informative

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.

Environment Officer – Trees

No objection to the proposal if there are no trees to be removed from the site.

United Utilities (have asked for an extension to comment and do not want this to be approved without their response)

Nelson Town Council

Public Response

Nearest neighbours notified by letter with six objections, summarised below:

Light

- There would be a large building in a small space
- The property would be close to neighbouring properties, causing impacts
- Overbearing
- Loss of privacy/overlooking
- Loss of sunlight/daylight
- Noise pollution – open windows, TV, Radio
- Light pollution
- Possible traffic generation

- Possible loss of trees
- Sounds of distress
- Construction phase could take a year or more - disturbance
- Storage of materials on the grassed area to the rear of neighbouring properties
- Disturbance to wildlife such as hedgehogs – Nature/Conservation issues
- There should be no access to the site from Broadness Drive or parking on Broadness Drive
- The site can be seen from the public road, contrary to the application form
- The design, appearance, materials, layout and density of the building
- Planning laws and policies, Local Plan – character of the locality
- Solar panels if placed
- The Council will gain revenue from the application
- Business will gain, but not neighbouring residents
- Mental health concerns
- Loss of view of scenery/brick gable
- Alterations to microclimate

Officer Comments

Policy

The Local Plan Part 1: Core Strategy has several relevant policies:

Policy ENV2 encourages good design which should be informed by the history and development of a place and supports contemporary design where this enhance the character and quality of the environment.

Policy LIV3 sets out the housing need for different groups in the Borough. This includes supported accommodation for older residents which has a growing aging population.

Policy SUP2 supports the provision of new or improved facilities for health, leisure and social care.

The following saved Replacement Pendle Local Plan policies are also relevant here:
Policy 31 sets the maximum amount of parking required for specific use classes.

The National Planning Policy Framework

The framework is the single composite national policy on planning matters in England. The Framework sets out that the purpose of planning is to contribute to achieving sustainable development. This comprises of three dimensions: social, environmental and economic. Good design is seen as an important element in the built environment.

The Pendle Design Principles SPD – provides guidance to planning and designing extensions, maintaining the character of the neighbourhood and the amenity of the neighbours.

Design and Materials

The proposed design would introduce a wing to the west, creating an additional 12 rooms. This scheme has a more vertical emphasis. To the east there would be a further 6 bedrooms created at ground floor level. The design of the proposed extensions would be similar to the host building.

The proposed materials are red/brown brick with cream brick details, tiled roof and brown UPVC fenestration to match existing.

The two storey element would be circa 24m in length and 8m in width. The height would be 4.8m to eaves height and 7m to eaves.

The site is within Nelson which is a Key Service Centre. The existing bin store would be relocated with sufficient turning provision on site to accommodate the refuse van. The existing concrete panel fence at the Broadness Drive turning head would be replaced with open mesh fencing which is more appropriate in this residential location. There is the potential to fulfil housing needs in accordance with LIV3. The site has existing access which can accommodate movement and the additional No. 5 car parking spaces. There would be two additional employees. The parking spaces would accommodate the additional staff.

The proposal is acceptable in regard to design and materials.

Impact on Residential Amenity

The proposed two storey element of the extension would project out at 90 degrees from the south corner of the west elevation of the host property. To the north west of the site are neighbouring properties on Waidshouse Close, numbers 22 and 9. The separation distance is circa 13m. There is a circa 3m projection to the north from the extension, with width of circa 6.5m which would accommodate a staircase. The two storey element would accommodate 12 additional bedroom units. There would be a corridor along the north of the extension. The ground floor element would be screened by the existing 2m wooden fencing and hedging. There would be obscure glazing, level 4, to all south facing windows of the extension, which would be protected by condition.

The proposed single storey extension would be located to the south east of the site to the side of No. 3 Broadness Drive, with a separation distance of circa 18m. The single storey element would accommodate six additional bedroom units as well as an additional lounge area. The day room element of the extension would project from the south west and the additional bedrooms would be located to the south east of the extension. There is existing 2m solid fencing along the north east boundary of the site. The single storey extension would not result in any unacceptable impacts to residential amenity.

A similar scheme was approved in 2018, Ref: 18/0591/FUL, but not built.

Overall the development would be acceptable in regard to design, materials, residential amenity and would meet criteria for LIV3 in regard to supported accommodation and Policy SUP for the provision of social care. The development would accord with Policies ENV2 and the Design Principles SPD.

Coal Authority

The coal authority raised substantive concern with regard to this application. A Coal Mining Risk Report has been requested from the agent.

Other Matters

There have been six objections received in response to this application, addressed below:

- The development would not result in an unacceptable adverse impact on the microclimate and wildlife.
- There is no access proposed from Broadness Drive.
- There are no solar panels proposed
- There is no restriction on the length of the construction phase, however the start date must be adhered to

- The site is visible from the public road, however there is an existing care home in operation The proposal is very similar in design and materials to the previously approved scheme, Ref: 18/0591/FUL
- There would be 5 additional parking spaces to accommodate the potential increase in vehicles
- The storage arrangements would be part of the agreed Construction Method Statement
- The building would not be disproportionately large within the plot The separation distances of the extension from the neighbouring residential properties, along with the conditioned obscure glazing to the first floor, would ensure that the proposal would not result in any unacceptable adverse impacts for the light and privacy amenity of neighbouring properties, nor would the development be overbearing.
- The noise would be of a residential nature and the lighting, also would be suitable for residential supported living. If noise or lighting levels were of an unacceptable level, Environmental Health could intervene
- This proposal does not include the removal of any trees

Non-material considerations

Mental health impacts - whilst important, are outside the remit of planning. The loss of a view, also, is not a planning consideration.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design and materials, impact on amenity therefore complying with policies of the Pendle Local Plan Core Strategy. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent subject to a satisfactory Coal Mining Risk Report

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 works hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans: SINGH/05.

Reason: For the avoidance of doubt.

3. The external materials used in the proposed development shall be as stated on the application from 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. All south facing windows to the first floor rear of the extension 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. The windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To avoid any potential loss of privacy to the occupants of the nearby residential properties.

5. The windows and doors shall be set back from the external face of the walls by at least 75mm in depth.

Reason: In the interest of the visual appearance of the development.

6. 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
- Burning onsite
- Storage of materials

Hours of Work – Operations

No machinery shall be operated nor any potentially noisy processes carried out at the site outside the hours of 08:00 and 17:30 on weekdays and 09:00 and 13:30 on Saturdays and there shall be no machinery operated or potentially noisy processes carried out at all on Sundays, Bank or Public Holidays.

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

7. Prior to first use of the approved development the car parking and manoeuvring areas shall be constructed, surfaced with a bound porous material and road markings provided in line with the approved plans. The parking bays, turning heads and road markings shall be maintained for the lifetime of the development.

Reason: To provide an adequate level of parking and manoeuvring areas within the site.

8. No development shall commence on site unless and until an assessment of the ground conditions and risks from previous coal mining activities has been submitted to and approved in writing by the Local Planning Authority. The assessment shall include full details of any remedial measures necessary to ameliorate any ground stability issues found as a result of the assessment. The mitigation measures proposed shall be implemented thereafter in accordance with a phasing of remedial work which shall form part of the assessment.

Reason: In order to further assess and mitigate the potential risks on the site arising from coal mining and ensure the stability of the land for future development.

Environmental Health

Contaminated Land Informative

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.

Application Ref: 23/0226/FUL

Proposal: Full: Erection of two-storey and single storey extensions to residential care home (Use Class C2).

At: Hulton Care Nursing Home Halifax Road Nelson

On behalf of: Diamond Care Homes

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 3RD JULY 2023

Application Ref: 23/0340/NMA

Proposal: Non-Material Amendment: Erection of additional door to front elevation and altering the position of the washroom to create a larger lobby of Planning Permission 20/0118/FUL.

At: Whitefield Community Centre, 212a Manchester Road, Nelson

On behalf of: Mr Mehmood Hassan

Date Registered: 26/05/2023

Expiry Date: 23/06/2023

Case Officer: Laura Barnes

Site Description and Proposal

The application site has planning permission for the erection of a front extension with a roof lantern and the installation of additional windows to the rear. At the time of the site visit, no roof lantern had been installed and the rear windows had not been altered but the erection of the front extension was complete. The proposed amendments are retrospective.

This application seeks to create an additional door to the front elevation on Manchester Road.

Relevant Planning History

17/0067/FUL: Full: Erection of entrance lobby to front elevation.
Approved with conditions

19/0518/FUL: Full: Proposed new fenestration inserted to the rear elevation.
Withdrawn

20/0118/FUL: Full: Erection of front extension with roof lantern and installation of additional windows to the rear elevation.
Approved with condition

23/0326/CND: Approval of Details Reserved by Condition: Discharge Condition 3 of Planning Permission 20/0118/FUL.
Pending consideration

Consultee Response

As necessary

Public Response

A site and press notice have been displayed, without response.

Officer Comments

In order for alterations to a proposed development to be considered as minor amendments they must comply with the criteria set out in the Council's Minor Amendment Practice Note which sets out the parameters for such alterations. These criteria are set out below:

1. There would be no alteration to the application site boundary.

The proposed amendments would not alter the site boundary.

2. The amendment would not conflict with Development Plan Policies.

The proposed amendments would not conflict with policy.

3. There would be no conflict with any conditions of the planning permission.

There would be no conflict with the conditions which were on the decision notice for application 20/0118/FUL.

4. There would be no conflict with any comment expressed by any party on the planning application.

The proposed amendments would not conflict with any comments on the planning permission.

5. No external wall will be moved outwards by more than 1m.

The proposed amendment would not result in any external walls being moved. The amendment involves the extension to the front of the building which has already been completed.

6. The height of the building or extension would not be increased.

There would be no increase in the height of any development.

7. The amendment would not result in any potential overlooking of any neighbouring property.

The amendments include the insertion of an additional doorway to the front elevation. This is the most prominent elevation of the building. The application site is located in a predominantly residential area but there are no dwellings directly opposite, on Manchester Road. There is a window approved in the position of the door, so there would not be any conflict with this point of the practice note.

8. The amendments must not result in a fundamental change in the design of the building.

Although the description of the non-Material Amendment only relates to the installation of the door and change to the layout of the washroom, the submitted plans are fundamentally different to the approved plans which were approved under application reference 20/0118/FUL.

The amendments would result in an additional doorway to the most prominent elevation of the building. This would result in a fundamental change to the external appearance of the frontage of the building. This had not previously been considered as part of the original application. Moreover, the application site is in a Conservation Area where it is particularly important that the external character and appearance of buildings is well designed in order to preserve the character and appearance of the Conservation Area.

As such, the proposed amendment is a fundamentally different design and is not a "non-material" matter. The amendments conflict with the practice note in this regard.

9. There are no other circumstances that would warrant refusal of the request.

The proposed changes are not "non-material" in nature, as such this change to the front elevation of the building cannot be considered using this procedure.

Summary

The proposed alterations would not result in a “non-material amendment” due to altering the external appearance of the building to the principle elevation, which fronts a major route through the Conservation Area. The additional doorway had not previously been considered as part of the original application for a front extension, roof lantern and rear windows. The amendments constitute a minor material alteration and would require planning permission.

RECOMMENDATION: Refuse

The proposed amendment to the doorway on the principle elevation of the building fails to fulfil the criterion of the Non-Material Minor Amendment Practice Note. The proposed amendment is not acceptable as a Non-Material Minor Amendment.

Application Ref: 23/0340/NMA

Proposal: Non-Material Amendment: Erection of additional door to front elevation and altering the position of the washroom to create a larger lobby of Planning Permission 20/0118/FUL.

At: Whitefield Community Centre, 212a Manchester Road, Nelson

On behalf of: Mr Mehmood Hassan