

**MINUTES OF A MEETING OF  
NELSON, BRIERFIELD AND REEDLEY COMMITTEE  
HELD AT NELSON TOWN HALL  
ON 3<sup>RD</sup> JULY, 2023**

*PRESENT –*

*Councillor F. Ahmad (Vice-Chair - in the Chair)*

**Councillors**

*M. Adnan  
S. Ahmed  
Z. Ali  
M. Ammer  
R. Anwar  
M. Hanif  
M. Iqbal  
Y. Iqbal  
M. Kaleem  
Y. Tennant*

**Co-optees**

*H. Ahmed (Brierfield Town Council)  
N. Emery (Nelson Town Centre Partnership)  
S. Munir (Reedley Hallows Parish Council)*

*(Apologies for absence were received from Councillors N. Ashraf, M. Aslam and A. Mahmood)*

**Also in attendance:**

*Pauline McCormick*

**Officers in attendance:**

*Alex Cameron      Planning Officer/Area Co-ordinator  
Jessica Robinson   Committee Administrator*



*The following person attended the meeting and spoke on the following item:*

<i>Alan Kinder</i>	<i>23/0048/FUL Full (Major): Erection of building to form a function venue with associated car parking and landscaping on Land at Alder Bank, Manchester Road, Nelson</i>	<i>Minute No. 34(a)</i>
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**29. DECLARATION OF INTERESTS**

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

**30. PUBLIC QUESTION TIME**

There were no questions from members of the public.

**31. MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 5<sup>th</sup> June, 2023 be approved as a correct record and signed by the Chair.

**32. PROGRESS REPORT**

A progress report on actions arising from the last meeting of the Nelson, Brierfield and Reedley Committee was submitted for information.

**33. POLICE ISSUES**

In the absence of the Police no issues were raised. Members had hoped that the Police would be in attendance and said they wanted to see them at the next meeting.

**RESOLVED**

That the Police be requested to attend the next meeting of this Committee.

**34. PLANNING APPLICATIONS**

**(a) Applications to be determined**

**22/0549/HHO Full: Erection of a porch at 5 Chatburn Park Drive, Brierfield for Mr. Aamir Khan**

This application had been deferred from the meeting of this Committee on 9<sup>th</sup> May, 2023 to allow for a site visit which was undertaken prior to the last meeting.

**RESOLVED**

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

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

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

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

## **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.***

**22/0641/FUL Full (Major): Erection of DIY Superstore with on site parking, delivery facilities and associated site works on Land to the North of 1 to 23, Richard Street, Brierfield for Greycliffe Commercial**

An update had been circulated prior to the meeting reporting that amended plans had been submitted which had satisfactorily resolved the highway safety concerns. Lancashire County Council Highways now had no objection to the application subject to conditions for construction management, off-site highway works, a scheme for retaining structures, parking, cycle storage and electric vehicle charging. The recommendation to delegate grant consent remained but was now subject to the receipt of an acceptable bat survey only.

## **RESOLVED**

That the Assistant Director, Planning, Building Control and Regulatory Services be granted **delegated authority to approve** the application, in consultation with the Chair of this Committee and the Case Officer, subject to the receipt of an acceptable bat survey and subject to additional conditions for access to the site and the erection of a 2m soundproof fence and also the following conditions and reasons: -

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 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-](https://www.gov.uk/guidance/flood-risk-activities-environmental-permits)

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.

## **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.***

**23/0048/FUL Full (Major): Erection of building to form a function venue with associated car parking and landscaping on Land at Alder Bank, Manchester Road, Nelson for H S Developments (NW) Ltd**

An update had been circulated prior to the meeting reporting that the highways, noise and landscaping concerns raised in the report had been satisfactorily resolved with the submission of additional details, subject to conditions. This did not resolve the reason for refusal set out in the report and, therefore, the recommendation to refuse the application remained.

## **RESOLVED**

That the Assistant Director, Planning, Building Control and Regulatory Services be granted **delegated authority to approve** the application subject to the following conditions and reasons agreed in consultation with the Chair of this Committee: -

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: 211-001, 211-002, AHMED-S/01 DWG-01, 20016-02-A, 20016-04

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

3. Samples of the external materials of construction to be used on the roof and walls of the development shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The development shall thereafter be carried out in accordance with the approved details.



**Reason:** In order for the Local Planning Authority to control the external appearance.

4. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:
- o 24 Hour emergency contact number.
  - o Details of the parking of vehicles of site operatives and visitors.
  - o Details of loading and unloading of plant and materials.
  - o Arrangements for turning of vehicles within the site.
  - o Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
  - o Measures to protect vulnerable road users (pedestrians and cyclists).
  - o Wheel washing facilities.
  - o Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction.
  - o Measures to control the emission of dust and dirt during construction.
  - o Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
  - o Construction vehicle routing.
  - o Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

**Reason:** In the interests of the safe operation of the adopted highway during the demolition and construction phases.

5. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

**Reason:** To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

6. No building (or use hereby permitted) shall be occupied (or use commenced) until visibility splays 2.4 metres back from the centre line of the access and extending 43 metres on the nearside carriageway edge in both directions have been provided at the access, as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility thereafter for the lifetime of the development.

**Reason:** To ensure adequate intervisibility between highway users at the street junction or site access, in the interests of highway safety.

7. No part of the development hereby approved shall be occupied or use commenced until all the highway works (site access including right turn provision and improvements to footways)

have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority.

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

8. No building or use hereby permitted shall be occupied or the use commenced until the car parking area has been surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan. The car parking area shall thereafter be kept free of obstruction and available for the parking cars at all times.

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

9. The development shall be 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). 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.

10. 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 (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;
- 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.

11. 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.

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

- (i)** An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii)** A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);
- (iii)** Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv)** Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v)** Foul and surface water shall drain on separate systems.

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

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

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

- 13.** 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 sustainable drainage.

14. The development shall be undertaken and thereafter maintained in strict accordance with the Ecology Appraisal received 24.01.2023.

**Reason:** In the interests of protected species.

15. No events shall take place outside of the function building hereby approved and no fireworks shall be discharged from the site and there shall be no fireworks displays in association with the use at any time.

**Reason:** To preserve the residential amenity of neighbouring properties.

16. Events held at the venue shall cease outside of the hours of 09:00 and 23:00 Monday to Saturday and 09:00 and 18:00 on Sundays, Bank or Public Holidays. Unless otherwise agreed in writing by the Local Planning Authority no customers or guests shall remain on the site for more than 30 minutes beyond the specified hours.

**Reason:** In the interests of neighbouring amenity.

17. The Noise Impact Assessment, NP-009473, must be adhered to at all times.

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

18. Alder House shall be used only for accommodation in association with the use of the site and shall not be used as an independent dwelling.

**Reason:** In order to protect the amenity of the occupier.

19. 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.

**Reason:** In the interests of human health and safety.

**20.** No development shall commence until;

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

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

**Reason:** In the interests of human health and safety.

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

**Reason:** In the interests of human health and safety.

**22.** Full details of all fencing, screen walls or any means of enclosure to be erected or planted on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the erection or planting thereof. The planting and fencing shall thereafter be completed in the first planting season after commencement of development. Any plant/shrubs/trees becoming dead dying or diseased in the first 5 years after planting shall be replaced with plants of similar sizes and species.

**Reason:** In the interests of visual amenity.

**23.** The development hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning

Authority. The scheme shall include the following:

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

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

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

## INFORMATIVES:

### 1. Highways LCC

#### Construction Management Plan

- o There must be no reversing into or from the live highway at any time - all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
- o There must be no storage of materials in the public highway at any time.
- o There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- o Vehicles must only access the site using a designated vehicular access point.
- o There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations - all of which must be managed within the confines of the site.
- o A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk). All references to public highway include footway, carriageway and verge.
- o The granting of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the County Council for further information by telephoning the Development Control Section on 0300 123 6780 or email [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

Please be aware that the demand to enter into Section 278 agreements with Lancashire County Council as the highway authority is extremely high. Enquiries are being dealt with on a first come first served basis. As such all developers are advised to seek to enter into

Section 278 agreements at a very early stage.

## **2. Lead Local Flood Authority**

### **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 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.



### 3. Environmental Health

(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.

### REASON FOR DECISION

***Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would raise no adverse planning policy issues and there are no issues that would warrant refusal of the application. 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.***

**23/0225/HHO Full: Erection of prefabricated porch canopy to front and the reconfiguration of door and window at 39 Charles Street, Nelson for Mr. Ejaz Ahmed**

### RESOLVED

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

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Plans received 13.04.2023.

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

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

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

## **REASON FOR DECISION**

***Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of policy, design, amenity and highway safety. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.***

**23/0226/FUL Full: Erection of two-storey and single storey extensions to residential care home (Use Class C2) at Hulton Care Nursing Home, Halifax Road, Nelson for Diamond Care Homes**

An update had been circulated prior to the meeting reporting that should this application be approved additional conditions would be required by United Utilities. The recommendation to delegate grant consent remained but was now subject to the receipt of a satisfactory Coal Mining Risk report and also additional foul and surface water drainage, sustainable drainage management and maintenance conditions.

## **RESOLVED**

That the Assistant Director, Planning, Building Control and Regulatory Services be granted **delegated authority to approve** the application subject to the receipt of a satisfactory Coal Mining Risk report and 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, 06, 07, 08, 10, 11, 12, 13 and Location Plan.

**Reason:** For the avoidance of doubt.

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

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

4. All windows to the first floor of the two storey 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

The CMS, when approved, shall be complied with for the full construction period.

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

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

**Reason:** In the interests of human health and safety.

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

**Reason:** In the interests of human health and safety.

10. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by

the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

#### **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.

#### **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.***

**23/0340/NMA 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 for Mr. Mehmood Hassan**

#### **RESOLVED**

That determination of the application be **deferred** to the next meeting to give the Applicant the opportunity to withdraw the application and submit a more appropriate type of application.

**(b) Planning application for comment**

The Assistant Director, Planning, Building Control and Regulatory Services submitted a report which invited comments on the following planning application which would be determined by Burnley Borough Council: –

**FUL/2023/0332 Erection of solar farm comprising 19780 panels, transformer housing, CCTV and boundary fencing at Crow Wood Hotel, Crow Wood, Holme Road, Burnley**

**RECOMMENDED**

That the Officer's comments as set out in the report be fully endorsed and be included in the final response to Burnley Borough Council.

**REASON FOR RECOMMENDATION**

***There is no evidence of the public benefit to the local communities of Nelson, Brierfield and Reedley.***

**(c) Planning Appeals**

The Assistant Director, Planning, Building Control and Regulatory Services reported that, as at 1<sup>st</sup> June, 2023, there were no new or outstanding appeals.

**35. ENFORCEMENT ACTION**

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

**36. AREA COMMITTEE BUDGET 2023/2024**

The Head of Housing and Environmental Health reported that £36,776 of the Committee's 2023/24 Budget was uncommitted.

The following bids totaling £18,623 were considered: -

Pendle Council – Premises Improvement Grants	£15,000
Pendle Council – Litter and Dog Waste Bins	£1,000
Pendle Council – Heyhead Park Improvements	£2,623

**RESOLVED**

- (1) That it be noted that £36,776 of the Committee's 2023/24 Budget was uncommitted.
- (2) That Pendle Council's bid for £15,000 for Premises Improvement Grants be noted.
- (3) That the Head of Housing and Environmental Health be requested to allocate the following amounts from the 2023/24 Budget: –

Pendle Council – Litter and Dog Waste Bins	£1,000
Pendle Council – Heyhead Park Improvements	£2,623
<b>Total</b>	<b>£3,623</b>

**REASON**

***To enable the Committee's Budget to be allocated effectively.***

**37.**

**OUTSTANDING ITEMS**

- (a) Meeting with Barnfield Construction to discuss problems with flooding in the Wharfedale Avenue, Reedley area (09.05.2023)
- (b) Petition from residents of 42-62 Albert Street and 43-69 Stanley Street, Nelson (05.06.2023)
- (c) Condition of back Burnley Road, Brierfield (numbers 31-41) (05.06.2023)

Chair \_\_\_\_\_