

**MINUTES OF A MEETING OF
NELSON, BRIERFIELD AND REEDLEY COMMITTEE
HELD AT NELSON TOWN HALL
ON 6TH JANUARY, 2025**

PRESENT –

Councillor F. Ahmad (Chair)

Councillors

*S. Ahmed
Z. Ali
M. Ammer
N. Ashraf
M. Hanif
M. Iqbal
Y. Iqbal*

Police

*PC M. Lunney
PCSO D. Waterworth*

Officers in attendance:

<i>Alex Cameron</i>	<i>Principal Planning Officer/Area Co-ordinator</i>
<i>Jessica Robinson</i>	<i>Committee Administrator</i>

(Apologies for absence were received from His Worship the Mayor – Councillor M. Aslam, Councillors R. Anwar, A. Mahmood and Y. Tennant and N. Emery, Nelson Town Centre Partnership).



114. DECLARATION OF INTERESTS

Members were reminded of the requirements of the Member Code of Conduct concerning the Declaration of Interests. There were no Declarations of Interest.

115. PUBLIC QUESTION TIME

There were no questions from members of the public.

116. MINUTES

RESOLVED

That the Minutes of the meeting held on 2nd December, 2024 be approved as a correct record and signed by the Chair.

117. PROGRESS REPORT

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

In a verbal update it was reported that the Nelson town centre clock was now fully operational.

118. POLICE ISSUES

PC M. Lunney gave thanks to Members for their assistance following the recent tragic fatal road traffic collision on Manchester Road, Nelson. The perpetrator had been apprehended and was now on remand and this was largely due to the assistance Members had provided. PC Lunney said Members and the community would now see more action and a higher rate of project work in that particular area of Nelson following the incident. Project work with partner agencies including Lancashire County Council (LCC) using a drone system was already planned. Members gave their express permission for the Police to use their names in any future campaigns that aimed to hit hard.

The recent incident at the Carr Road, Nelson junction was also being investigated.

PC Lunney then apologised for the Police's lack of attendance at previous meetings of this Committee but said that all efforts would be made for the Police to be represented at all future meetings. The Police needed to maintain its link with this Committee and also show respect to it.

Since the last meeting PC Lunney had made contact with LCC Highways about undertaking a joint evening (after 5pm) enforcement exercise to tackle inconsiderate and dangerous parking issues on Manchester Road, Nelson. It was now expected that some specific enforcement action could be undertaken in the coming weeks.

Road safety issues around the schools in the Nelson, Brierfield and Reedley area were raised. PCSO D. Waterworth said PCSOs did go into all schools in Pendle at least once a year to educate children on road safety, the use of seatbelts and correct car seats and this would be starting up again soon.

119. PLANNING APPLICATIONS

(a) Applications to be determined

The Assistant Director Planning, Building Control and Regulatory Services submitted a report of the following planning applications for determination: -

24/0452/FUL Full: Conversion and extension of an outbuilding to form 1 no. dwelling at 17 Highgate, Nelson for Mr. Atiq Rehman

Determination of this item was deferred from the last meeting to give the Applicant the opportunity to resolve the issues relating to privacy.

The Assistant Director Planning Building Control and Regulatory Services had circulated an update report prior to the meeting which advised that amended plans had been received altering the design and position of windows which, together with obscure glazing would resolve the privacy impact on No.19 and provide an acceptable living environment for residents. The recommendation had altered to delegate grant consent, as a result

RESOLVED

That determination of this application be **deferred** to the next meeting of this Committee to allow for a site visit.

24/0592/VAR Variation of Condition: Major: Vary Condition 2 (Plans) of Planning Permission 23/0301/FUL on Land at Further Clough Head, Bamford Street, Nelson for PEARL Together Ltd

RESOLVED

That the application be **approved** 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: 21073-ODA-SI-ZZ-DR-AL-90-300, 21073-ODA-SI-ZZ-DR-AL-90-100, 21073-ODA-SI-ZZ-DR-AL-90-115, House Type Name Changes, 8880-BOW-ZZ-00-DR-A-9010, 8880-BOW-00-ZZ-DR-A-9040 Rev P2, 8880-BOW-00-ZZ-DR-A-9041 Rev P2, 8880-BOW-00-ZZ-DR-A-9042 Rev P2, 8880-BOW-00-ZZ-DR-A-9043 Rev P2, 8880-BOW-01-ZZ-DR-A-1001 Rev P2, 8880-BOW-01-ZZ-DR-A-1002 Rev P3, 8880-BOW-03-ZZ-DR-A-1003 Rev P2, 8880-BOW-03-ZZ-DR-A-1004 Rev P3, 8880-BOW-04-ZZ-DR-A-1005 Rev P2, 8880-BOW-04-ZZ-DR-A-1006 Rev P3, 8880-BOW-06-ZZ-DR-A-1007 Rev P2, 8880-BOW-06-ZZ-DR-A-1008 Rev P2, 8880-BOW-08-ZZ-DR-A-1010 Rev P2, 8880-BOW-08-ZZ-DR-A-1011 Rev P2, 8880-BOW-08-ZZ-DR-A-1012 Rev P2, 8880-BOW-08-ZZ-DR-A-1013 Rev P3, 8880-BOW-08-ZZ-DR-A-1014 Rev P3, 8880-BOW-08-ZZ-DR-A-1015 Rev P1, 8880-BOW-12-ZZ-DR-A-1017 Rev P4, 8880-BOW-12-ZZ-DR-A-1018 Rev P4, 8880-BOW-14-ZZ-DR-A-1019 Rev P3, 8880-BOW-14-ZZ-DR-A-1020 Rev P2, 110.21001-ACE-00-ZZ-DR-C-3200 Rev P5, 110.21001-ACE-00-ZZ-DR-C-3201 Rev P4, 110.21001-ACE-00-ZZ-DR-C-3202 Rev P3, 110.21001-ACE-00-ZZ-DR-C-3203 Rev P4, 8880-BOW-00-00-DR-A-9020 Rev P2, 8880-BOW-00-00-DR-A-9021 Rev P2, 8880-BOW-00-00-DR-A-9022 Rev P2, 8880-BOW-00-00-DR-A-9023 Rev P2, 8880-BOW-00-00-DR-A-9024 Rev P2, 8880-BOW-00-00-DR-A-9025 Rev P2, 8880-BOW-00-00-DR-A-9026 Rev P2, 8880-BOW-00-00-DR-A-9027 Rev P2, 8880-BOW-00-00-DR-A-9028 Rev P2, 8880-BOW-00-ZZ-DR-A-9012 Rev P3, 110.21001-ACE-00-XX-DR-C-02000 Rev P3, 110.21001-ACE-00-XX-DR-C-02001 Rev P3, 2887-D-A0-01 Rev B, 2887-D-A1-01 Rev B, 101 Rev B, 102 Rev B.

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

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

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

4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

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

5. A scheme for the management (including maintenance) of the public open space areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the public open spaces shall thereafter be managed in accordance with the approved scheme.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

6. The development shall only be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal and Bat Survey and Badger Method Statement. Prior to the commencement of the development a scheme of ecological mitigation measures in accordance with the recommendations of the recommendations of the Ecological Appraisal shall have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented prior to the occupation of the first dwelling, or in accordance with phasing to be agreed as part of the scheme, and maintained thereafter.

Reason: To ensure protection and enhancement of ecology.

7. The landscaping scheme (Drawing Nos. 221212_21073-ODA-XX-XX-XX-DR-90-117 REV A, 221212_21073-ODA-XX-XX-XX-DR-90-116 REV A and supplementary drawing 8880-BOW-00-00-DR-A-9051 REV P3), or an alternative landscaping scheme that has been submitted to and approved in writing by the Local Planning Authority, 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.

8. No ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, in accordance with drawing No. 6196.07 and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with the Tree Protection Plan. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

9. The development shall not commence unless and until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme and methodology for site investigation and recording, a programme for post investigation assessment, the provision to be made for analysis of the site investigation and recording, the provision to be made for publication and dissemination of the analysis and records of the site investigation, the provision to be made for archive deposition of the analysis and records of the site investigation, and the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation. No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To ensure that archology is suitably investigated and recorded.

10. Prior to the commencement of development 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 shall have been submitted to and agreed in writing by the Local Planning Authority. The method statement shall detail how:-
- a) An investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
 - b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

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

Advisory Notes:

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

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

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

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

- 11.** 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.

- 12.** 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 (8th December 2022 / 110.21001-ACE-ZZ-ZZ-RP-C-0001 – Revision 3 / ADEPT).

The measures shall be fully implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

- 13.** 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 (8th December 2022 / 110.21001-ACE-ZZ-ZZ-RP-C-0001 – Revision 3 / ADEPT) 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 site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence of an assessment of the existing on-site watercourse and culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

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

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

- 14.** 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.

- 15.** The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:
- a)** A timetable for its implementation;
 - b)** Details of 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.

- 16.** The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a

suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

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

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

17. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
- i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) Measures to control noise and vibration during construction
 - viii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - ix) Details of working hours
 - x) Routing of delivery vehicles to/from site
 - xi) Control of burning on site

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

18. For the duration of the construction period the construction HGV traffic movements shall be prevented between 8-9am and 3-4pm Mon-Fri during term time to avoid school start and finish times.

Reason: In the interest of highway and pedestrian safety.

19. Prior to commencement of any development a scheme shall be submitted for the upgrade of the WB and EB bus stops on Barkerhouse Road (2500IMG2717 & 2500IMG2719) and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first occupation.

Reason: To ensure acceptable access to public transport and offset the impact of the development on public transport use.

20. The Framework Travel Plan shall be implemented in accordance with the timetable contained within.

Reason: To support sustainable travel modes.

21. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases (including the provision of the emergency access link) and the standards that estate streets serving each phase of the development will be completed.

Reason: In the interest of highway safety.

22. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Reason: In the interest of highway safety.

23. Prior to first occupation the garages, driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

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

24. Prior to the occupation of the first dwelling a scheme of improvement works to footpath No.65 within the site and to the point where it meets Southfield Street shall be submitted to and approved in writing by the Local Planning Authority, no dwelling shall be occupied unless and until the works have been completed in accordance with the approved scheme.

Reason: To ensure acceptable pedestrian access along the public right of way.

25. Prior to first occupation each dwelling shall have a secure cycle store in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for sustainable transport.

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

Reason: To ensure that adequate provision is made for sustainable transport.

27. No development shall commence unless and until;
- a) a scheme of further intrusive investigations has been carried out on site to establish the risks posed to the development by one recorded mine entry and;
 - b) any remediation works and/or further mitigation measures to address land instability arising from the mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

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

Reason: To ensure the stability of the site in the interest of public safety.

28. 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 further mitigation necessary to address the risks posed by the mine entry.

Reason: To ensure the stability of the site in the interest of public safety.

29. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the said obligation shall provide a contribution to support the development and implementation of the Travel Plan and for improvements to nearby public rights of way comprising surfacing, drainage, signage and the upgrade of stiles to accessible gates.

Reason: To support the implementation of the Travel Plan, accessibility and offset the impact of the development on the nearby public footpath network.

30. Prior to commencement of any development full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads shall have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

Notes:

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work. For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays. You should contact the Lead Local Flood Authority to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here:

<https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

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.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.

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

24/0681/FUL Full: Change of use from a place of worship to a large HMO comprising of 11 bedrooms and erection of a part storage unit at Methodist Church, Temple Street, Nelson for Mr. Mohammad Aslam

RESOLVED

That the application be **approved** subject to the following conditions and reasons: -

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

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

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

- Location Plan (received 17.10.24)
- TEM-02-20 Proposed

- TEM-03-20 Specification (received 27.11.24)

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

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

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

4. Prior to the occupation of the development hereby approved the access at the northwest of the site (former pedestrian access onto Temple Street) shall be physically and permanently closed up in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of highway safety.

5. Prior to the occupation of the development hereby permitted a detailed plan showing the parking and manoeuvring areas including the ground levels shall be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the development hereby approved the parking and manoeuvring areas shall be constructed, laid out and surfaced in bound porous materials (unless alternative drainage is approved and provided) in accordance with the approved details and thereafter always remain available for the parking of vehicles associated with the site's occupants and the manoeuvring area shall be kept free from obstructions in perpetuity.

Reason: In the interest of highway safety to ensure that satisfactory levels of parking and manoeuvring are provided within the site.

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.

24/0688/HHO Full: Erection of a gate and fencing to the front and side of property at 4 Vicarage Road, Nelson for Aisha Javed

RESOLVED

That the application be **approved** subject to the following conditions and reasons: -

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 3484-01.

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

REASON FOR DECISION

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

24/0704/HHO Full: Erection of a two-storey side and rear extension, part single storey rear extension and a front porch at 129 Marsden Hall Road North, Nelson for Mr. Muneeb UI Hassan

RESOLVED

That determination of this application be **deferred** to allow for further discussions with the Applicant.

24/0728/HHO Full: Erection of front and rear dormers with associated internal alterations at 57 York Street, Nelson for Mr. Shabbir Anwar

RESOLVED

That the application be **approved** subject to the submission of amended plans that incorporate a pitched roof front dormer in the design and the following conditions and reasons: -

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 2279/100, Existing and Proposed 2279/10 received 15th January 2025.

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 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.

24/0745/FUL Full: Change of use from a disused shop and industrial unit to an office (Use Class E) and 1 no. flat (Use Class C3) at 31 Elizabeth Street, Nelson for Mr. Adnan Shafait

RESOLVED

That the application be **approved** 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:

- AB0201 – 04 Site and Location Plans (received 28.10.24)
- AB0201 - 03B Existing and proposed Elevations
- AB0201 - 01A Proposed First and Loft floor Plans
- AB0201 - 02A Existing and Proposed Ground floor Plan

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

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

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

4. The commercial use hereby permitted shall only be conducted between the hours of 0800 and 1800 on weekdays and 0900 and 1800 hours on Saturdays and at no time on Sundays, Bank or Public Holidays.

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

5. Prior to first occupation of the approved development secure, covered cycle storage for at least four cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development supports sustainable forms of transport.

6. External access to the rear ground floor storage area from the unnamed street on the gable end of 31 Elizabeth Street shall be for pedestrian use only, there shall be no opening element other than the pedestrian doorways shown on the approved plans.

Reason: In the interest of highway safety to minimise the intensification in use of the unnamed side street.

7. The storage use detailed on the approved plans shall be ancillary to the Use Class E use of the building and shall at no time be used for Use Class B8 storage and distribution of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) (or equivalent class in any Order revoking and re-enacting that Order with or without modification).

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

REASON FOR DECISION

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

24/0747/HHO Full: Erection of dormer windows to front and rear roof slopes at 24 Cumberland Street, Nelson for Mr. Mohammad Rose Khan

RESOLVED

That the application be **approved** subject to the submission of amended plans that incorporate a pitched roof front dormer in the design 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: Site and Location Plan AB0206 – 06, Proposed Floor Plans AB0206 – 02, Existing and Proposed Side Elevation AB0206 - 04A, Existing and Proposed Roof Plan AB0206 – 05A, Existing and Proposed Front and Rear Elevation AB0206 – 03A.

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 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.

24/0763/HHO Full: Erection of a single storey rear extension, dormers to front and rear roof slopes including chimney removal at 20 Woodlands Road, Nelson for Mr. Ghazanfar Hussain

RESOLVED

That the application be **approved** subject to the submission of amended plans that incorporate a pitched roof front dormer in the design and the following conditions and reasons: -

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Plans and Elevations Amendment 1 A WOOD-02-20 (dated 07/01/2025).

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 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.

24/0782/HHO Full: Erection of dormer windows to front and rear roof slopes and the erection of a single storey rear kitchen extension at 14 East Street, Nelson for Mrs. Shahida

RESOLVED

That determination of this application be **deferred** to give the Applicant opportunity to reduce the height of the proposed single storey rear kitchen extension to 4m.

24/0802/HHO Full: Erection of a single storey rear extension with associated internal alterations and site works at 39 Elland Road, Brierfield for Mr. Muhammad Shehzad

RESOLVED

That determination of this application be **deferred** to allow for further discussions with the Applicant.

(b) Planning Appeals

The Assistant Director Planning, Building Control and Regulatory Services submitted a report, for information, on planning appeals, which was noted.

120. ENFORCEMENT ACTION

The Head of Legal and Democratic Services submitted an update on enforcement matters, which was noted.

121. AREA COMMITTEE BUDGET 2024/2025

The Head of Housing and Environmental Health reported that the Committee had allocated all its Budget. A full report would be submitted to the next meeting.

122. TRAFFIC LIAISON MEETING

The minutes of the Pendle Traffic Liaison Meeting held on 25th November, 2024 were submitted for information.

This Committee's requests for a one-way system on Hargreaves Street, Nelson and traffic calming measures on Greenhead Lane, Burnley had been considered at the meeting and it had been agreed that Lancashire County Council (LCC) would not progress either request.

Members expressed disappointment that LCC would not be progressing the introduction of a one-way system on Hargreaves Street.

123. EXCLUSION OF PUBLIC AND PRESS

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

124. BRUNSWICK STREET PUBLIC REALM IMPROVEMENTS

The Head of Economic Growth submitted a report to advise Members of the outcome of the investigations they had previously requested into potential breaches of the lease agreement for the car park on Brunswick Street, Nelson.

Members noted the covenants within the long lease for the car park and further noted that the Council's Property Services Department would monitor the situation going forward to ensure there were no breaches of the lease agreement in the future.

Members also noted that the installation of the bow top fencing to stop cars parking on the triangular piece of land on Brunswick Street had been delayed as Lancashire County Council had yet to provide the new fence line to ensure consistency with the rest of its Safer, Greener, Healthier Streets scheme.

Chair _____