

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

TO: NELSON, BRIERFIELD & REEDLEY COMMITTEE

DATE: 30TH JUNE 2025

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 30TH JUNE 2025

Application Ref: 24/0725/FUL

Proposal: Full: Erection of 3 no. residential bungalows (Use Class C3(b), additional car parking spaces, new access from the highway and associated works to provide assisted living accommodation.

At Land to the South of Chamber Hil Farm, Clitheroe Road, Brierfield

On behalf of: Consensus Support Services Ltd

Date Registered: 04.04.2025

Expiry Date: 30.05.2025

Case Officer: Athira Pushpagaran

This application has been called to committee by the Chair.

Site Description and Proposal

The application site is a piece of land adjacent to No.43 Clitheroe Road, situated within the settlement boundary of Brierfield. To the west of the application site is a block of supported living apartments which were granted permission in 2022. The application site is situated sandwiched between this block of apartments and no.43. The main access is from Clitheroe Road. The site is uneven with the lowest point at the access from Clitheroe Road.

The proposed development is the erection of 3 no. residential bungalows (Use Class C3(b), additional car parking spaces, new access from the highway and associated works to provide assisted living accommodation

Relevant Planning History

23/0532/VAR Variation of Condition: Vary Condition 7 (Footpath with crossing and street lighting) of Planning Permission 22/0546/VAR. Approved with Conditions. 2023

23/0411/CND Approval of Details Reserved by Condition: Discharge Condition 3 (Materials) of Planning Permission 22/0546/VAR. Conditions Discharged. 2023

23/0108/CND Approval of Details Reserved by Condition: Discharge Condition 3 (Materials) of Planning Permission 22/0150/FUL. Conditions Discharged. 2023

22/0546/VAR Variation of Condition: Variation of Conditions 4 (Foul & Surface Water Drainage), 7 (Updated Landscaping including footpath) and 8 (Updated Landscaping showing visibility splays) and Discharge of Conditions 3 (Materials), 5 (Window Reveal Details), and 6 (Construction Method Statement) of Planning Permission 22/0150/FUL. Approved with Conditions. 2022

22/0150/FUL Full: Erection of a two-storey building comprising 8 No. supported living apartments with associated car parking and landscaping. Approved with Conditions. 2022

19/0788/PIP Permission in Principle: Erection of five detached dwellings. Approved Unconditionally. 2019

Consultee Response

Highways

Initial comments (28.04.25): The proposed development as submitted raises highway safety concerns due to adequate visibility splays from the new access not being demonstrated together with the loss of measures to facilitate safe pedestrian movements. Lancashire County Council acting as the highway authority considers these are contrary to paragraphs 115 and 116 of the NPPF. However, if additional plans are submitted satisfactorily addressing the highway safety concerns raised then the highway authority will review the proposal and provide further comments, including any highway related conditions it considers necessary.

Further comments (21.05.25)

Further to our original comments dated 28th April 2025, the amended drawings have been reviewed, and the following comments are made.

The proposed development is for the erection of three x one bed/two people residential bungalows (Use Class C3(b)), provision of three car parking spaces, construction of a new vehicular access from Clitheroe Road and associated works to provide assisted living accommodation. The highway authority notes that on the Application Form submitted these are identified as Market Housing properties.

New site access

A new vehicular access is proposed onto Clitheroe Road approximately 6m from the access to the neighbouring supported living site and 7m from the vehicle access to 43 Clitheroe Road. The new access is proposed to be constructed within a section of new footway provided under planning permission for the adjacent development (22/0150/FUL - Condition 7). This was considered necessary to ensure that high quality pedestrian links to the surrounding highway network were provided.

A replacement crossing point with dropped kerbs and tactile paving is proposed on Clitheroe Road and is considered necessary.

Visibility splays

The section of Clitheroe Road outside the site is subject to a speed limit of 30mph for which visibility splays of 43m would be required (Manual for Streets). Whilst traffic may be travelling below this speed the principle of providing visibility splays of 43m has been established under planning permission ref 22/0150/FUL Condition 8.

Visibility splays measuring 43m x 2.4m x 0.9m would therefore need to be provided from the proposed new access. It is noted that although Clitheroe Road is subject to a 30mph speed limit, vehicle speeds and volume are low due to the geometry and number of dwellings of the road.

Off-site highway improvements

The existing stone boundary wall along Clitheroe Road will be set back within the site and a new section of 2m wide footway constructed from the new access up to the boundary with No 43. The wall should be no higher than 0.6m high. Dropped, tactile paved pedestrian crossings will be provided on both sides of the new access and new dropped pedestrian crossings on both sides of Clitheroe Road. The recently constructed dropped pedestrian crossing on the opposite side of Clitheroe Road will be removed and replaced and the footway reinstated to the highway authority's specification including full height kerbs. The locations of the new dropped pedestrian crossings, both within the access and on both sides of Clitheroe Road, are shown on the updated site plan drawing.

The above works, together with the construction of the new site access would need to be carried out under a new legal agreement (Section 278) with Lancashire County Council as the highway authority.

The amended landscaping plans do not reflect the site plan to show the 2m footway along the full frontage of the site on Clitheroe Road.

Car & cycle parking

Three car parking spaces are proposed. The Planning Statement submitted states that 'the proposal will provide new off-street parking for staff and visitors with no requirement for the residents' (page 1). No details have been submitted on how many employees will be on site at any one time.

Pendle Borough Council's Parking Standards would require one space per three dwellings for sheltered housing and one space per five residents for a nursing home. The proposed provision of three spaces is considered acceptable in principle.

A secure cycle store and electric vehicle charging point should be provided. 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. This is so the site supports sustainable forms of transport.

Conclusion

Lancashire County Council acting as the Highway Authority does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site.

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

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

2. Prior to commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.

- a. New site access on Clitheroe Road with a new footway along the full frontage of the site along Clitheroe Road.

- b. New uncontrolled crossing on Clitheroe Road, dropped kerbs and tactile paving to replace existing facility.

Reason: To mitigate the impact of the development traffic on the highway network.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2m measured along the centre line of the proposed site access from the continuation of the nearer edge of the carriageway of Clitheroe Road to points measured 43m to both sides along the nearer edge of the carriageway of Clitheroe Road, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

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

Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be 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 with the Highway Authority or a private management and maintenance company has been established. Reason: To ensure that the infrastructure is maintained in the future.

4. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure that the infrastructure is constructed to a suitable standard. 4

5. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority. Reason: To ensure that the infrastructure is completed in a timely manner.

6. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied. Reason: To ensure adequate parking provision is provided.

7. Prior to first occupation each dwelling shall have a secure cycle store for at a ratio of 1 cycle space per bedroom. Reason: To support sustainable travel.

8. Prior to the first occupation an electric vehicle charging point shall be provided. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently. Reason: To support sustainable travel.

PBC Environmental health

We are concerned about nuisance during the construction phase, and would therefore recommend use of the condition below:

Construction Phase Nuisance Condition

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

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

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

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.

Mining Remediation Authority

The Coal Authority Response: Material Consideration

The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal mine workings and a thick coal seam outcrop.

Voids and broken/disturbed ground associated with such workings can pose a risk of ground instability and may give rise to the emission of mine gases.

The Coal Authority notes the Phase II Ground Investigation Report prepared by CCG Ltd (dated June 2022), which accompanies the planning application and which confirms the results of an intrusive investigation. The Report confirms the mineral support conditions beneath the site to be satisfactory, specifically on the basis of the significant depth of superficial deposits lying above the coal measures strata. The Coal Authority therefore has no objection to this planning application.

United Utilities

Drainage

We request the following drainage condition is attached to any subsequent approval:

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. Pendle Borough Council Your ref 24/0725/FUL By email Our ref DC/25/856 Date 23-APR-25 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.

Management and maintenance of Sustainable Drainage Systems (SuDS)

Without effective management and maintenance SuDS can fail or become ineffective which may have a detrimental impact on the surrounding area. There is also a risk ineffective SuDS could impact the performance of the public sewer network where the two systems interact. Therefore, when SuDS is included in a proposed development, we recommend the Local Authority include a condition relating to SuDS management and maintenance in any subsequent Decision Notice. We provide an example condition below that may be suitable in many circumstances.

Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

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

National Grid

Caden Gas: Your planning application – No objection, informative note required

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

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

PBC Engineering

No response

Parish/Town Council

No response

Public Response

The nearest neighbours have been notified by letter, and two responses were received objecting to the proposal raising the following concerns:

- The existing supported living apartments impacting the privacy of neighbour
- Previous construction on site resulted in developers using the neighbour's driveway, destroying the fence panels.
- The existing new development on site next door has already resulted in an increase in traffic posing dangers to children and pedestrians using the road.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 sets out the spatial development principles for developments in Pendle. Proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SDP3 (Housing Distribution) sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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

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

Policy ENV4 (Promoting Sustainable Travel) seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

Policy ENV5 (Pollution and Unstable Land) concerns the risks of air, water, noise, odour and light pollution in addition to addressing the risks arising from contaminated land.

Policy ENV7 (Water Management) concerns the risk of flooding from flood or surface water. It requires flood risk to be assessed and sustainable drainage measures to be used.

Policy LIV1 (Housing Provision and Delivery) sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Para 139 of the framework states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

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

Officer Comments

The proposed development is in a residential area situated within the settlement boundary of Brierfield. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The proposal seeks to erect three pitched roof bungalows on site. Each bungalow would be 9mx 7.3m with a ridge height of 5m and eaves height of 2.7m. The proposed development would require some levelling groundworks in order to create a platform on which to construct the bungalows. The first bungalow to be located next to the access and parking would be set on higher ground level than the other two which would be on a lower level accessed by a short flight of garden steps.

The dwellings would have a brick plinth, rendered walls, UPVC/Aluminium glazed openings, and interlocking tiles on the roof. The design and scale of the proposed dwellings would be sympathetic of the size of the site and its surroundings. The area currently has a row of terraces, semi-detached dwellings and a block of apartments around the site which offers a varied mix of house types, scale and rooflines. Considering all these the proposed bungalows would not have any unacceptable impact on the character of the site or the neighbourhood.

Overall, the proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Residential Amenity

All the proposed bungalows would have their windows towards their front and rear elevations only, facing towards west and east. The southernmost bungalow would have the parking spaces to its immediate east and with its eastern elevation consisting of windows to the kitchen and bathroom. These windows would be circa 19.5m away from the ground floor windows and circa 22m from the first-floor windows of No.43. There is a cluster coniferous trees at the boundary blocking the ground floor windows of no.43 from the application site. Moreover, due to the difference in level between the two properties the proposed bungalow would not result in any unacceptable impact on the privacy of occupants of No.43.

The southern most bungalow would have its lounge and bedroom windows facing west towards the block of apartments. The proposed windows would be circa 19m away from the east facing windows of the block of apartments. The proposed dwelling would not result in any impact on the privacy of the occupants of the apartments however the first-floor windows of the apartments would look into the windows of this bungalow. However, this would be across a shared access road which would also have a level of visibility into the dwelling. In this case the proposal would not result in any unacceptable impact on the privacy of neighbours or future occupants.

The other two bungalows would be circa 24m from No. 37a to the east and at least 21m from the block of apartments. These bungalows would not result in any unacceptable impact on the privacy of inhabitants of any neighbouring properties or each other.

The development would not result in any overbearing impacts, unacceptable loss of light or privacy to any adjacent property.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

The development raises no issues of highway safety subject to their comments being noted and suggested conditions added to any approval. These conditions can be added to any approval and the proposal is acceptable in terms of impact on highway safety.

Drainage

United utilities have requested conditions for a drainage scheme and a SUDs management and maintenance plan to be added to any approval. This can be added to any approval to ensure that the drainage from the proposal is acceptable.

Coal Referral Area

The application site falls within the Coal Authority's defined Development High Risk Area. A ground investigation report was submitted along with the application which was assessed by the Coal mining remediation authority and found acceptable. A condition can be added to ensure the development takes place in accordance with the recommendations of the submitted report and along with a contaminated land informative added to any approval.

Biodiversity Net Gain

A main metric has been submitted with this application which shows that the development would result in a total of -4.61% net gain in BNG. The mandatory 10% uplift would need to be demonstrated at condition discharge stage. The applicant is aiming to achieve this through purchase of BNG credits or Off-site gains.

The applicant would have to enter into a s106 agreement in order to take care of the 30-year management and maintenance arrangements required for the proposed intervention. This would be subject to a condition as would other applications nationally.

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, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 103 Proposed Site Plan Rev.P10
 - 104 Proposed Landscaping Rev. P9

- 213 GA Side Elevation Type 2 Rev.P7
- 000 Location Plan Rev.P7
- 105 GA Ground Floor Type 1 Rev.P7
- 106 GA - First Floor Type 1 Rev.P7
- 107 GA - Roof Plan Type 1 Rev.P7
- 110 GA - Front Elevation Type 1 Rev.P7
- 111 GA - Rear Elevation Type 1 Rev.P7
- 112 GA - Side Elevation Type 1 Rev.P7
- 113 GA - Side Elevation Type 1 Rev.P7
- 120 Proposed Site Sections Rev.P7
- 191 3D Visual 001 Type 1 Rev.P7
- 192 3D Visual 002 Type 1 Rev.P7
- 195 3D Visual Proposed 001 Rev.P7
- 196 3D Visual Proposed 002 Rev.P7
- 205 GA Ground Floor Type 2 Rev.P7
- 206 GA First Floor Type 2 Rev.P7
- 207 GA Roof Plan Type 2 Rev.P7
- 210 GA - Front Elevation Type 2
- 211 GA - Rear Elevation Type 2
- 212 GA - Side Elevation Type 2
- 291 3D Visual 001 Type 2
- 292 3D Visual 002 Type 2

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

3. Notwithstanding any indication on the approved plans and application form Prior to any external works commencing, samples of the external facing materials including rainwater goods, verges, windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

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

Reason: To mitigate the impact of the construction traffic on the highway network.

5. Prior to commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.

- a. New site access on Clitheroe Road with a new footway along the full frontage of the site along Clitheroe Road.
- b. New uncontrolled crossing on Clitheroe Road, dropped kerbs and tactile paving to replace existing facility.

Reason: To mitigate the impact of the development traffic on the highway network.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2m measured along the centre line of the proposed site access from the continuation of the nearer edge of the carriageway of Clitheroe Road to points measured 43m to both sides along the nearer edge of the carriageway of Clitheroe Road, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority.

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

7. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be 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 with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure that the infrastructure is maintained in the future.

8. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the infrastructure is constructed to a suitable standard. 4

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

Reason: To ensure that the infrastructure is completed in a timely manner.

10. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate parking provision is provided.

11. Prior to first occupation each dwelling shall have a secure cycle store for at a ratio of 1 cycle space per bedroom.

Reason: To support sustainable travel.

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

Reason: To support sustainable travel.

13. 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:
1. 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;
 2. 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);
 3. Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 4. Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 5. 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.

14. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

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

- 15.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

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

- 16.No part of the development commences 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. The said obligation shall provide for monitoring of Biodiversity Net Gain over a 30-year period.

Reason: To ensure that the proposed development makes provision to enhance biodiversity on the site and that this can be monitored for a period no less than 30 years following completion of the development.

17. The development hereby approved shall be carried out in strict accordance with the submitted PHASE II GROUND INVESTIGATION (REPORT) REV.1 prepared by CC GEOTECHNICAL LIMITED. The development shall thereafter be carried out in strict accordance with the recommendations of this report.

Reason: To ensure the safe and proper operation of the development in the interests of public safety.

- 18.Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes, A, B and D of Part 1 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority. The development hereby permitted shall not at any time have any additional windows, doors or other openings inserted into any elevation unless with the prior written consent of the Local Planning Authority as to the location, size, design and degree of obscurity of the glazing in the new opening and any window thereafter installed shall at all times comply with the details approved.

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

- 19.The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- the exact location and species of all existing trees and other planting to be retained;
 - all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - an outline specification for ground preparation;
 - all proposed boundary treatments with supporting elevations and construction details;
 - all proposed hard landscape elements and pavings, including layout, materials and colours;

f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

20. The development hereby permitted shall not be commenced until a Validation Report has been submitted to and approved in writing by the Local Planning Authority. This should include but not necessarily be limited to:

- a. Tickets from waste removal contractor and receiving landfill.
- b. Photographs of excavation to confirm depth.
- c. Contamination test results for tests on imported soils.
- d. Photographs to confirm thickness of imported soil types.
- e. Document (receipt, delivery notes) to show soil types and sources.
- f. Independent inspection of gas membrane and report.

Reason: In the interests of public safety.

BNG Conditions

1. The development may not be begun unless—

- a. a biodiversity gain plan has been submitted to the planning authority and
- b. the planning authority has approved the plan

Phase plan

(b) the first and each subsequent phase of development may not be begun unless— (i) a biodiversity gain plan for that phase has been submitted to the planning authority and (ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

Informative Notes

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

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any

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

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

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

The contractor shall have regard to the relevant parts of BS 5228 1997 “Noise and Vibration Control on Construction and Open Sites” during the planning and implementation of site activities and operations.

The local planning authority expects that the best practical means available in accordance with British Standard Codes of practice 5228:1997 Parts 1 to 4 shall be employed at all times to minimise the emission of noise from the site.

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

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

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

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

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

Application Ref: 24/0725/FUL

Proposal: Full: Erection of 3 no. residential bungalows (Use Class C3(b), additional car parking spaces, new access from the highway and associated works to provide assisted living accommodation.

At Land to the South of Chamber Hil Farm, Clitheroe Road, Brierfield

On behalf of: Consensus Support Services Ltd

REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 30th JUNE 2025

Application Ref: 25/0179/HHO

Proposal: Full: Formation of a driveway to side of existing dwelling.

At 48 Halifax Road, Nelson, Lancashire

On behalf of: Mr Mohammed Raja

Date Registered: 13.03.2025

Expiry Date: 08.05.2025

Case Officer: Athira Pushpagaran

This application was deferred from the last committee on 2nd June to enable discussions with applicant to remove the access from Halifax Road and keep the access from side street only.

Site Description and Proposal

The application site relates to an end of terrace dwelling in a residential property within the settlement boundary of Nelson. The main access is from Halifax Road. The terraced houses have small gardens to the front bounded by approximately 0.45m stone retaining walls with a flight of 3 stairs up to the house. The access to the backstreet adjoins the side boundary of application site to the southeast. There is an existing outbuilding to the same side of the dwelling towards the rear. The driveway has already been constructed and tarmac surfaced at the time of the site visit.

The proposed development is the formation of a driveway measuring 10.4m x 2.85m constructed of tarmac to the side of the existing dwelling. A previous application for the same scheme was refused in 2024. The only difference in the current application is the proposed secondary access from the back street.

Relevant Planning History

24/0544/FUL Full: Formation of a driveway to side of existing dwelling. Refused. 2024

Consultee Response

Highways

The Local Highway Authority's advice is that the impacts of the development are severe in accordance with the National Planning Policy Framework (2024) and the Local Planning Authority is advised to consider refusal on highway grounds for the reason outlined in this report.

Advice to Local Planning Authority

The Local Highway Authority advises the following reason for refusal:

1. The proposal, if permitted, would lead to the use of an access which lacks the adequate width deemed safe and suitable for such a proposal. The proposal therefore is not in the interests of highway safety and is contrary to paragraph 115 the National Planning Policy Framework (2024).
2. The proposal, if permitted, would lead to the use of an access which lacks the adequate visibility deemed safe and suitable for such a proposal. The proposal therefore is not in the interests of highway safety and is contrary to paragraph 116 of the National Planning Policy Framework (2024).

Introduction

The Local Highway Authority (LHA) are in receipt of an application for the formation of a driveway to the side of the existing dwelling at 48 Halifax Road, Nelson, Lancashire. The LHA have considered a similar proposal previously, application 24/0116/HHO which was refused on the 25 March 2024. Since the proposal was refused, the LHA are aware that the applicant has moved forward with the construction of a driveway.

Site access

The proposal will result in a new access onto Halifax Road, Nelson which is a C-classified road, the C658, subject to a 30mph speed limit.

The Local Highway Authority have reviewed the Proposed Site Plan, Drawing No. RAJ/01 Dwg 02B. The proposed access is to be approximately 2.7m wide however as previously advised in our response to application 24/0116/HHO, the Local Highway Authority guidance requires vehicle access to be a minimum width of 3.2m, therefore the proposal is not in the interests of highway safety and is contrary to paragraph 115 the National Planning Policy Framework (2024).

The positioning of the access is a concern given its placement on the kerb radius and being situated directly next to the back street entranceway. Whilst no visibility splay drawings have been provided, given the access location the applicant will not be able to provide an acceptable visibility splay which does not cross third-party land. This means that the Applicant is unable to maintain the proposed access's visibility splay ensuring that there are no obstructions placed higher than 0.9m for the lifetime of the development.

Given the number of terrace properties along Halifax Road, on-street parking takes place close to the proposed access, therefore there is also a concern that vehicles trying to exit the site will have further reduced visibility of the highway and highway users travelling along Halifax Road will have limited view of vehicles trying to enter the highway from the proposed access.

Whilst the applicant has included an alternative option to exiting onto the back street by removing a section of wall, the concern remains the same as there is no option to control exiting the driveway in the usual manner in the future with an access also directly off Halifax Road as such the LHA would not support an access onto Halifax Road which could be used to enter and exit in the future.

The applicant has also suggested as part of this application to install a traffic mirror at the access onto Halifax Road to provide visibility along the road, this again raises concerns that the applicant is intending to enter and exit the driveway onto Halifax Road as well as showing that the applicant believes there is a need for a mirror due to poor visibility.

There is currently no evidence to suggest that traffic mirrors make a positive contribution to road safety and in certain circumstances, the presence of a mirror could be noted as a contributory factor in a traffic collision. The DfT strongly discouraged their installation in areas where identified road safety issues evidenced by recorded incidents were absent and this was clearly reinforced by their stringent assessment criteria.

This is due to a number of identified safety issues which may arise from their use, notably:

- Potential distortion of the reflected image;
- Potential for glare from sunlight or headlamps;
- Reduction in effectiveness during inclement weather conditions (rain, snow, frost);
- Difficulty in judging speed and distance of approaching vehicles via a mirror image;
- Potential maintenance issues due to vandalism mis-alignment which can affect the reflection of approaching vehicles;
- Reliance on the mirror's restricted image may compromise the safety of other road users (pedestrians and cyclists) whose image does not appear in the mirror.

As such the LHA would not support the use of a traffic mirror at this location and are of the view that the proposal is not in the interests of highway safety and is contrary to paragraph 116 of the National Planning Policy Framework (2024).

Internal layout

The Proposed Site Plan, Drawing No. RAJ/01 Dwg 02 states that the driveway is to be finished in tarmac which is an acceptable surface material to the LHA. The driveway is proposed to be 10m long. However, the proposal does not take into account that the driveway is restricted on both sides by the dwelling's wall and a retained section of the site's boundary as such, the walls are likely to prevent drivers from safely opening their vehicle doors without causing interference. The LHA guidance requires parking spaces to measure 2.4m wide x 5m long, however, where they are adjacent to a wall or similar obstruction, an additional width of 0.6m should be provided as such, the proposal is only likely to provide adequate space for the parking for one vehicle.

Conclusion

In conclusion, the proposed development fails to meet the necessary standards for highway safety due to insufficient access width, poor visibility splays, and inadequate internal layout. Furthermore, the reliance on a traffic mirror highlights the inherent safety issues rather than mitigating them. The proposal contravenes paragraphs 115 and 116 of the National Planning Policy Framework (2024) and poses a significant risk to road users. As such, the Local Highway Authority advises the Local Planning Authority to consider refusal on highway safety grounds.

Informative

The information above sets out why the Highway Authority advises the Local Planning Authority should be refused planning permission. However, should the Local Planning Authority be minded to grant planning permission, please notify the Highway Authority so that advice can be provided on appropriate conditions and contributions to minimise the impact of the development.

Further comments (9 June 2025):

With regard to your amended consultation, I have the following comments to make based on all the information provided by the applicant to date and after undertaking a site visit.

Lancashire County Council acting as the Local Highway Authority (LHA) does not raise an objection regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety or capacity in the immediate vicinity of the site subject to the following conditions being stated on any approval.

The proposal has been amended to address the concerns previously raised by the Local Highway Authority. The applicant has removed the proposed Halifax Road access and now provides access only from the back street.

The amendments, as noted from drawing number RAJ/01 Dwg 01C, show that the existing boundary wall is to be reinstated at the front of the driveway, following its previous removal. The wall will be finished in natural stone and will be 1m in height. The remaining boundary walls are also to be retained at 1m above the carriageway level to ensure that vehicles can clearly see movement along the back street and at the back street junction with Halifax Road before exiting the area.

A section of the boundary wall, which is situated next to the back street, will be removed to allow access to the driveway. This addresses the concerns previously raised regarding the width of the driveway and the obstructing nature of the walls, allowing for a more effective parking area.

There is evidence to suggest that there is existing vehicle movement within the back street, noting neighbouring dwellings have parking to the rear and given its limited width vehicle speeds are

likely to be low. Vehicles can also enter the back street and exit in a forward gear as such the LHA would not raise any concerns regarding access to the side.

The applicant is proposing access to the driveway over land which does not fall within the adopted highway and is also outside of the applicant's control. The applicant should check with their solicitor that they have vehicle rights over this land to access the site.

If the Planning Authority is minded to approve this application Lancashire County Council Highways requests the following conditions and informative notes are appended to the decision notice:

1. No use of the development hereby permitted shall commence until such time as the access arrangements shown on drawing number RAJ/01 Dwg 01C have been implemented in full. Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework.

2. The surface water from the approved driveway should be collected within the site and drained to a suitable internal outfall. Reason: In the interest of highway safety to prevent water from discharging onto the public highway.

3. Before the parking area is used for vehicular purposes, it shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority. Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to road users.

Informative notes:

- The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.
- This consent does not give approval to a connection being made to the County Council's highway drainage system. The applicant is further advised that the highway surface water drainage system must not be used for the storage of any waters from adoptable United Utility surface water systems or any private surface water drainage systems.

Final comments (11 June 2025)

The amended wall to be removed is very close to the existing access for the side/back street and could result in a conflict within the access/back street, particularly being that the side/back street is single track. I can't support an access in this location, for it to be a usable space a driver is likely to be reversing in to or from the back street/the highway to get in and out, which is a highway safety concern given the lack of visibility in the area and the nature of the back street.

The applicant should go back to the original design where the opening was large enough to enter and/or exit in a forward gear, it's a better usable design for the applicant.

Parish/Town Council

No response

Coal Remediation Authority

No response

Public Response

The nearest neighbours have been notified by letter with no response.

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Policy ENV4 seeks to ensure that new development promote sustainable travel, accessibility and highway safety.

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

Paragraph 115 outlines criteria for assessing applications for development, emphasizing the promotion of sustainable transport, ensuring safe access, adhering to national design standards, and mitigating transportation impacts effectively.

Paragraph 116 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.

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

Officer Comments

The proposed development is the formation of a driveway measuring 10.4m x 2.85m constructed of tarmac to the side of the existing dwelling. A previous application for the same scheme with different access arrangements was refused in 2024. The only change in the current application is that the proposal seeks to remove a portion of the side boundary wall to provide a second access. This access would be used for egress from the parking area.

The proposed development is in a residential area situated within the settlement boundary of Nelson. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The proposed driveway is proposed to the side of the dwelling where there was an existing garden. The proposal includes demolishing part of the existing stone retaining wall to the side and installing a sloping tarmac driveway. The driveway would measure 10.4m x 2.85m.

The design and materials of this development are acceptable in this location and as such comply with Policies ENV1 and ENV2 and the Design Principles SPD.

Residential Amenity

The proposed development due to its function and position would not result in any unacceptable impacts on residential amenity of neighbours.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

LCC highways initially objected to the proposal as the access was not deemed safe and suitable in terms of its width, position and visibility.

After the previous committee deferred the application for further discussions to remove the access from Halifax Road and keep the access only from the side road an amended plan was submitted which was assessed as acceptable by the Highways. However following this a superseded set of plans were submitted by the applicant, which were not acceptable considering it would not resolve the issues highlighted in the original scheme considered by the last committee. A recommendation has been made to the applicant to revert to the plan that was deemed acceptable (revisions C received on 06.06.25) by LCC. An amended plan has now been received that reflects the version deemed acceptable by LCC.

The proposal would be acceptable in regards of highway safety in accordance with policy ENV4 and paragraphs 115 and 116 of the NPPF.

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, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

21. 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.

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

- RAJ/01 Dwg 02E Existing and Proposed Site Plan
- RAJ/01 Dwg 01E Existing and Proposed Plans and Elevations
- RAJ/01 Dwg 03A Proposed Section Through Driveway
- RAJ/01 Dwg 00 Location Plan

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

23. All the external materials to be used on the exterior 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.

24. No use of the development hereby permitted shall commence until such time as the access arrangements shown on drawing number RAJ/01 Dwg 01E have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework.

25. Before the parking area is used for vehicular purposes, it shall be appropriately paved in tarmacadam, concrete, block pavements, or other hard material to be approved by the Local Planning Authority.

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

26. The development hereby permitted shall not be used unless and until details of the drainage from the driveway have been submitted to, approved in writing by the Local Planning Authority and installed. The drainage shall thereafter at all times be retained.

Reason: In the interest of highway safety.

Informatives

All construction work shall be carried out only within the hours of 8am – 6pm Monday – Friday, 9am – 1pm Saturday and no working Sundays and Bank holidays. Failure to work within these hours may result in a service of a notice under the Control of Pollution Act 1974, and potentially prosecution thereafter.

Application Ref: 25/0179/HHO

Proposal: Full: Formation of a driveway to side of existing dwelling.

At 48 Halifax Road, Nelson, Lancashire

On behalf of: Mr Mohammed Raja

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 30/06/2025

Application Ref: 25/0210/FUL

Proposal: Full: Insertion of new window, door and new shutter to shopfront.

At 54 Halifax Road, Brierfield, Lancashire, BB9 5BB

On behalf of: Mr Nasar Yassen

Date Registered: 02.04.2025

Expiry Date: 22.05.2025

Case Officer: Negin Sadeghi

This application has been called in to committee by the Chairperson.

Site Description and Proposal

The application site is a two-storey stone-built mid-terrace commercial property located on Halifax Road, Brierfield, within a mixed-use area comprising traditional commercial frontages at ground floor level with residential or commercial uses above. The property is situated within a prominent retail frontage in the local centre and contributes to the visual character of the streetscape.

The application is retrospective and seeks full planning permission for the replacement of a previously painted blue timber door and window with new black uPVC units, and the installation of a motorised galvanised steel external roller shutter.

The first floor of the premises is in non-residential use.

Relevant Planning History

- 13/98/0164P – *Approved*: Use as takeaway fish & chip shop.
- 13/08/0300P – *Approved*: Variation of opening hours condition (to allow opening from 11:00 AM).
- 24/0845/FUL – *Approved (Retrospective)*: Installation of front shutters.

Consultee Response

Highways

The plans and the highway related documents submitted have been viewed together with the history of the site; the following comments are made: There is no objection to the proposal, subject to the following informative note. Informative Note • The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lanashire.gov.uk or on 01772 533433.

Parish/Town Council: No answer received.

PBC Engineering: No answer received.

Environmental Services (Health): No answer received.

United Utilities: No answer received.

Public Response

The nearest neighbors have been notified by letter, and no responses have been received.

Officer Comments

Policies

Design Principles Supplementary Planning Document (SPD) Provides guidance on appropriate design for shopfronts, including criteria for security shutters.

Key points include:

- External solid roller shutters, particularly galvanised finishes with externally mounted boxes and guide rails, are strongly discouraged due to their detrimental impact on visual amenity.
- Security needs must be justified and alternative, more visually acceptable solutions should be considered.
- The SPD states that external roller shutters detract from the streetscape, contribute to a fortified appearance, and harm the character of retail areas.
- Any existing shutters on neighbouring properties pre-dating the SPD cannot be used as justification for new similar installations.

Design and Visual Impact

The replacement of traditional painted timber shopfront elements with modern black uPVC windows and door has introduced incongruous materials that fail to respect the architectural character and traditional design of the host building and terrace. The resulting appearance is discordant and visually harmful within the context of the historic street scene.

Additionally, the installation of a solid galvanised steel external roller shutter, including an externally mounted shutter box and guide rails, exacerbates the visual harm. The shutter presents a stark, fortress-like appearance when closed and is overly prominent within the façade. Such installations undermine the visual amenity and character of the local centre.

The Design Principles SPD is clear in discouraging the use of solid external shutters due to their detrimental effect on the vitality, attractiveness, and safety of shopping frontages. The existence of similar shutters on nearby properties (installed prior to the SPD) does not justify further harmful development.

The applicant has not provided adequate justification for the security needs of the premises, nor demonstrated that less visually intrusive options (e.g. internal lattice shutters or laminated glazing) would not be feasible.

As such, **both elements** of the proposal – the uPVC shopfront and external shutter – are considered unacceptable and contrary to Policy ENV2, the SPD, and Section 12 of the NPPF.

Residential Amenity

The surrounding properties are predominantly commercial, and there are no new openings or alterations that would result in overlooking, loss of light, or outlook. The development does not result in unacceptable harm to residential amenity.

Highways and Access

No changes are proposed to the access or parking arrangements. Lancashire County Council, as Highways Authority, has raised no objection.

Conclusion

The development, comprising the replacement of timber shopfront elements with black uPVC and the installation of an external galvanised steel roller shutter, results in visual harm to the character and appearance of the building and wider street scene.

Both elements are contrary to the guidance set out in the Design Principles SPD and Policy ENV2 of the Pendle Local Plan. The applicant has failed to demonstrate that the security needs could not be addressed through more visually appropriate measures.

Recommendation: Refuse

Reasons for Refusal

1. The replacement of traditional painted timber windows and door with black uPVC units results in a visually incongruous appearance that fails to respect the architectural character of the building or its context. This is contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, the Design Principles Supplementary Planning Document, and Section 12 of the National Planning Policy Framework.
2. The installation of a solid galvanised steel external roller shutter, including an externally mounted shutter box and guide rails, causes significant visual harm to the host property and the streetscene, creating a fortress-like appearance. This is contrary to Policy ENV2 of the Pendle Local Plan Part 1: Core Strategy, paragraphs 11.19–11.24 of the Design Principles Supplementary Planning Document, and Section 12 of the National Planning Policy Framework.
3. The applicant has failed to demonstrate a specific security need that cannot be met by more visually appropriate and less intrusive alternatives, such as internal lattice shutters or laminated glazing. As a result, the development results in unnecessary harm to the visual amenity of the area.

Application Ref: 25/0210/FUL

Proposal: Full: Insertion of new window, door and new shutter to shopfront.

At 54 Halifax Road, Brierfield, Lancashire, BB9 5BB

On behalf of: Mr Nasar Yassen

REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 30TH JUNE 2025

Application Ref: 25/0269/FUL

Proposal: Full: Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2) for one person and replacement of windows and doors from timber to UPVC.

At 25 Albert Street, Brierfield, Lancashire

On behalf of: Mrs S Ahmed

Date Registered: 15.04.2025

Expiry Date: 10.06.2025

Case Officer: Athira Pushpagaran

This application has been called to committee by the Chair.

Site Description and Proposal

The application site is a mid-terrace dwelling situated in a residential neighbourhood within the settlement boundary of Brierfield. The main access is from Albert Street. The dwelling has stone wall and Timber windows and doors. Most of the other dwellings on this row of terrace has white UPVC windows and doors.

The proposed development is the change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2) for one person and replacement of windows and doors from timber to UPVC.

Relevant Planning History

No relevant planning history.

Consultee Response

Highways

No objection

Architectural Liaison Unit

No objection. Provides recommends the 'Secured by Design' standards to be followed during construction.

PBC Environmental health

No response

Parish/Town Council

No response

PBC Engineering

No response

Public Response

The nearest neighbours have been notified by letter, with one objection received raising the following issues:

- Could lead to more noise and disturbances, particularly during late hour thus negatively impacting quality of life of neighbours
- Threatens to disrupt the harmony in the area
- Poses a threat to the safety and well-being of our community members by attracting a different demographic that does not align with the existing community's character

Relevant Planning Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Replacement Pendle Local Plan

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

National Planning Policy Framework

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

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

Officer Comments

The proposed development is in a residential area situated within the settlement boundary of Nelson. The proposed use would also be within a residential capacity, albeit of a care nature and not a typical family use, however it would still be an acceptable use in this location. There are no underlying policies which would prevent the development in principle. The principal material considerations for the application are as follows:

Design and Materials

The only external change proposed as part of the application is the replacement of the existing timber doors and windows with UPVC ones. Considering that most of the other dwellings on this

row of terraces have white UPVC windows and doors to their elevations the proposal would not have any unacceptable impact on the character of the dwelling or the area.

This aspect of the development is fully acceptable. The proposed development would be acceptable in terms of design in accordance with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Residential Amenity

The existing dwelling has three bedrooms one of which would be converted to a staff room as part of the proposal. The proposed use would have 2 bedrooms. The proposed C2 use would accommodate 1 young person over the age of 7 years. At any time, there will be 2-3 employees at the property working on a 24-hour rota shift pattern, with additional visits from social workers, nurses etc dependent on the needs of the cared for child.

Taking into account the details submitted, including the numbers of residents and carers proposed, the day to day living arrangements would not be materially different to a family home, nor would the level of comings and goings, noise or parking be materially greater than what could be expected if the dwelling were occupied by people living as a single household.

Therefore, the proposed development would be acceptable in terms of residential amenity in accordance with ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and the Adopted Pendle Design principles SPD.

Highways

The development raises no issues of highway safety.

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, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

27. 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.

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

- 25029 – 01 Proposed Plans

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

29. 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.

Application Ref: 25/0269/FUL

Proposal: Full: Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2) for one person and replacement of windows and doors from timber to UPVC.

At 25 Albert Street, Brierfield, Lancashire

On behalf of: Mrs S Ahmed

REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 30TH JUNE 2025

Application Ref: 25/0340/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2).

At 16 Hillside View, Brierfield, Lancashire

On behalf of: Baytamor Ltd

Date Registered: 21.05.2025

Expiry Date: 16.07.2025

Case Officer: Athira Pushpagaran

This application has been sent to committee due to the level of public interest received.

Site Description and Proposal

The application site is a detached dwelling situated in a residential neighbourhood within the defined settlement boundary of Brierfield. The main access is from Hillside View.

This proposal seeks to gain a Certificate of Lawfulness (Section 192 – Proposed Development) for a change of use of existing dwelling (Use Class C3) to a Residential Institution (Use Class C2).

Relevant Planning History

21/0865/CND Approval of Detail Reserved by Condition: Discharge of Conditions 3 (Materials), 4 (Boundary details) and 6 (Bin storage) of Planning Permission 21/0401/FUL. Discharged. 2021

21/0401/FUL Full: Sub-divide dwelling house into two dwellings. Approved with Condition. 2021

Consultee Response

PBC Legal

No response

Public Response

A number of comments were received from members of the public despite no notice being served as it is not necessary for applications of this type. These comments, raising objections to the proposal, are summarised below:

- Whether the home meets OFSTED requirements and whether the company is registered with OFSTED and a member of The Children's Home Association
- Whether LCC has been consulted
- Inadequate parking
- Will there be company cars / minibus for the staff to take the children out on trips
- Need enquiry into whether the management company has experience in running a children's home
- No Track Record or Experience for the company (applicant)
- disruptive to the community

- Lack of Transparency around Ownership and Qualifications. There is no evidence that the company or it's one Director has any contracts or track record of managing a facility for young people
- Exploiting Public Policy to Gain Private Footing
- Inappropriate Location
- No neighbourhood consultations
- Existing speeding problem on Pennine way would put young people at the proposed facility at risk
- The 1960s building does not have adequate sound proofing.
- not unreasonable to assume that there are plans to extend the facility in the future to the attached property
- The building and the neighbourhood are not a suitable place for vulnerable children. The site is architecturally and operationally unsuitable for such a use
- Other similar facilities in the area still unused.
- Shift-Based Staffing Model Inconsistent with Residential Use
- Leads to an operational model and level of care provision that amounts to a material change of use
- Potential Increase in Safety Concerns
- likely to impact upon the use of the close by green space due to feeling vulnerable
- Safeguarding concerns for the children due to the increased current anti-social behaviour in the street.
- Impact on Property Values
- Lack of Local Amenities
- Loss of Housing stock
- Risk of Setting a Precedent
- There is a restrictive covenant on the property against conducting business
- closing date for objections should be extended
- Severe parking and traffic problems would be caused on this narrow road

Officer Comments

Assessment

The consideration in determining this Lawful Development Certificate is whether the use proposed would constitute a material change of use requiring planning permission.

The existing residential property is lawful to be used as a house under Class C3. The proposed use would technically fall within Use Class C2 (residential institutions) as the only full-time residents would be children, and they cannot look after themselves as a single household. However, case law has established that in such circumstances where a C3 and a C2 use are indistinguishable from each other, it would not result in a material change of use.

The applicant has submitted a supporting statement which sets out their operational procedures. The proposed use would involve up to three children aged 8 to 18 living in the property with two full time staff present at all times working on a working on a 48-hour shift pattern, with staff handovers happening at 10.00 every two days. A registered manager and deputy manager will be responsible for ensuring compliance. There are no regular visitors to the property beyond a local authority social worker, who will visit for a one-hour session every six weeks. All other engagement with professionals or family members will be arranged virtually.

Taking into account the details submitted, including the numbers of residents and carers proposed, the day to day living arrangements would not be materially different to a family home, nor would

the level of comings and goings and parking be materially greater than what could be expected if the dwelling were occupied by people living as a single household. As detailed in the application, on the balance of probabilities, the proposed use would not result in a material change of use from use Class C3.

Other matters

No notice was served to any neighbours since this is an application for a certificate of lawfulness which is to determine whether the use proposed would constitute a material change of use requiring planning permission.

However, a number of comments were received from members of the public raising concerns on both planning and non-planning matters, which do not fall within the remit of this type of application as this application can only assess whether or not the proposed use is lawful.

Reason for Decision

On the balance of probabilities and in accordance with the submitted details the proposed use would not constitute a material change of use requiring planning permission.

RECOMMENDATION: Grant lawful development certificate

Application Ref: 25/0340/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2).

At 16 Hillside View, Brierfield, Lancashire

On behalf of: Baytamor Ltd

REPORT TO NELSON BRIERFIELD AND REEDLEY COMMITTEE ON 30TH JUNE 2025

Application Ref: 25/0341/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2).

At Rockwood Lodge Halifax Road, Nelson

On behalf of: Baytamor Ltd

Date Registered: 21.05.2025

Expiry Date: 16.07.2025

Case Officer: Athira Pushpagaran

This application has been sent to committee due to the level of public interest received.

Site Description and Proposal

The application site is a detached dwelling situated outside the defined settlement boundary of Nelson within the open countryside. The main access is from Halifax Road.

This proposal seeks to gain a Certificate of Lawfulness (Section 192 – Proposed Development) for a change of use of existing dwelling (Use Class C3) to a Residential Institution (Use Class C2).

Relevant Planning History

No relevant planning history.

Consultee Response

PBC Legal

No response

Public Response

A number of comments were received from members of the public despite no notice being served as it is not necessary for applications of this type. These comments are summarised below:

- Inadequate parking provided
- Impact on residential amenity
- Issues regarding the safeguard of children proposed to be accommodated
- Unsustainable location
- High number of similar institutions within Lancashire housing children from outside the county
- Misleading information about the company that would be operating the institution
- Existing parking provisions are not satisfactory
- The owner not qualified to manage the facility as stated in the planning statement
- The layout of the staff sleeping areas and office would compromise child safeguarding and data protection
- Inadequate Accommodation and facilities.
- will alter the character and rhythm of the semi-rural area

- Dangerous dog notices in close proximity to the proposed residential accommodation
- permanent loss of a residential family dwelling
- vehicles associated with the property are frequently parked on the pavement
- Availability of More Suitable Premises
- mission statement for the company is a complete fabrication as states its already providing care

Officer Comments

Assessment

The consideration in determining this Lawful Development Certificate is whether the use proposed would constitute a material change of use requiring planning permission.

The existing residential property is lawful to be used as a house under Class C3. The proposed use would technically fall within Use Class C2 (residential institutions) as the only full-time residents would be children, and they cannot look after themselves as a single household. However, case law has established that in such circumstances where a C3 and a C2 use are indistinguishable from each other, it would not result in a material change of use.

The applicant has submitted a supporting statement which sets out their operational procedures. The proposed use would involve up to three children aged 8 to 18 living in the property with two full time staff present at all times, with shift changes every 12 hours at 10.00 and 22.00. A registered manager and deputy manager will be responsible for ensuring compliance. Infrequent statutory visits by social workers would take place at the facility.

Taking into account the details submitted, including the numbers of residents and carers proposed, the day to day living arrangements would not be materially different to a family home, nor would the level of comings and goings and parking be materially greater than what could be expected if the dwelling were occupied by people living as a single household. As detailed in the application, on the balance of probabilities, the proposed use would not result in a material change of use from use Class C3.

Other matters

No notice was served to any neighbours since this is an application for a certificate of lawfulness which is to determine whether the use proposed would constitute a material change of use requiring planning permission.

However, a number of comments were received from members of the public raising concerns on both planning and non-planning matters, which do not fall within the remit of this type of application as this application can only assess whether or not the proposed use is lawful.

Reason for Decision

On the balance of probabilities and in accordance with the submitted details the proposed use would not constitute a material change of use requiring planning permission.

RECOMMENDATION: Grant lawful development certificate

Application Ref: 25/0341/CEA

Proposal: Certificate of Lawful Use (S.192 Proposed Development): Change of use from a dwelling (Use Class C3) to a Residential Institution (Use Class C2).

At Rockwood Lodge Halifax Road, Nelson

On behalf of: Baytamor Ltd

REPORT TO NELSON, BRIERFIELD AND REEDLEY COMMITTEE ON 30 JUNE 2025

Application Ref: 25/0149/FUL

Proposal: Full (Major): Town & Country Planning General Regulations 1992 -Regulation 3 -Change of use of land to cemetery; including car parking, maintenance area and landscaping.

At: Land To The South Of Halifax Road, Nelson

On behalf of: Pendle Borough Council

Date Registered: 05/03/2025

Expiry Date: 04/06/2025

Case Officer: Alex Cameron

Site Description and Proposal

The application site is an area of open land within the settlement boundary surrounded by residential properties on Halifax Road to the north, Kings Causeway to the south, Edge End Avenue to the west and allotments to the east. Public Right of Way 1306232 runs across the site from north to west and 13303016 / 13303017 from north to south.

The proposed development is the change of use of the land to a cemetery with associated developemnt including a car park, drainage and maintenance area.

Relevant Planning History

13/98/0027P - Residential development with access off Marsden Heights Close and/or Halifax Road (regulation 4 outline application). Approved.

13/01/0369P - Reserved Matters details of access, one dwelling, and landscaping following outline permission for residential development ref. 13/98/0027P (Reg 4). Withdrawn.

18/0501/FUL - Outline: Major: Residential development of 36 dwellings (Access only). Refused

Consultee Response

LCC Highways - no objection, the impact of the proposed development traffic can be adequately mitigated on the surrounding highway network with the off-site highway works detailed above. Amendments to the disabled parking provision and internal footpath/cycle links are requested together with details relating to the phasing of the infrastructure, long/cross sectional details of the access road, retaining wall ownership and Halifax Road speed cushion feedback from a funeral director. These are requested prior to the decision. Lancashire County Council would request an opportunity to provide a list of planning conditions before the decision.

Environment Agency - no objection to the proposed development, but we do wish to make the following comments:- The site is located in the area underlain by the Dandy Rock Sandstone of the Pennine Lower Coal Measures Formation designated as a Secondary A aquifer. The geological map indicates that till is overlying solid geology at surface, this provides some protection to the underlying aquifer. Superficial geology is designated as Secondary undifferentiated aquifer. The groundwater assessment produced as part of this application indicates that in areas where risk is considered high, mitigation measures are proposed to minimise this risk to water environment. It is recommended that if planning permission is granted for this development, it is operated in accordance with recommendations highlighted within the Groundwater Risk Assessment submitted as part of this application.

Please note that it is expected that this development will require an environmental permit.

Coal Authority - The application site does fall within the defined Development High Risk Area; however, I can confirm that the nature of development is exempt from the Coal Authority's Guidance for Local Planning Authorities.

Our records indicate the presence of one recorded mine entry (shaft) within, or within close proximity of the planning boundary. However, and in this regard, the Coal Authority welcomes the proposed layout, which appears to have been designed around the mine entry and its respective zone of influence. An untreated mine entry and its resultant zone of influence pose a significant risk not only to surface stability but also public safety. The applicant should be made aware of this by way of an informative note on any permission given and the Coal Authority.

LCC Archaeology - The Heritage Statement indicates the proposal will have minimal impact on designated heritage assets. The geophysical survey does record a number of areas where signals from the survey equipment indicate that there are deposits or remains below the surface which are probably the result of human activity, although that activity is uncertain and the interpretation of the results in the report suggest a number of possibilities, from the remains of former buildings which have been demolished, to capped mineshafts (although as mentioned the evidence of any shafts or other pit head installations or the site appears to be missing from map evidence), or to unknown and so far unexplained activities. We would advise therefore that at an early stage, and ideally prior to determination of the application, the site should be subject of an archaeological evaluation.

PBC Environmental Health –

Lancashire Fire and Rescue –

United Utilities –

Natural England –

Lead Local Flood Authority – No objection subject to conditions for final surface water drainage strategy, construction surface water management, surface water management and maintenance, surface water drainage verification report. Notes regarding ordinary watercourse consent, sewer connection and permeable paving.

Public Response

Press and site notices has been posted and nearest neighbours notified – Responses have been received objecting to the development on the following grounds:

- Highway safety and capacity impacts from increased traffic on surrounding roads
- Concerns about proposed parking restrictions of Halifax Road
- The site is poorly located for access by sustainable transport
- Insufficient car parking
- Concerns regarding visibility and gradient of the proposed access and lack of detail of the works required to form it
- Lack of detail of proposed site levels
- Impact on access to the allotment site
- Impact on the visual amenity of the area
- Impact on the views from surrounding dwellings
- Impact on the public rights of way through the site
- Lack of detail regarding maintenance
- Loss of light to adjacent dwellings from tree planting and fencing

- The site is too close to residential properties
- Loss of privacy to adjacent properties
- There should be additional landscaping to the boundary with Edge End Avenue
- Noise and disturbance
- Odour impact
- Risk to children and wildlife from the drainage pond
- Anti-social behaviour
- Environmental and wildlife impacts
- Loss of trees
- Loss of recreational green space
- Lack of bat survey
- Risk of contamination of groundwater and watercourses
- Risk of flooding from the site and lack of drainage details
- Existing surface water runoff issue from the site
- Land stability risk from coal mine works within the site
- Impact on archaeology on the site
- Impact of lighting at night
- Impact of construction traffic and noise
- Lack of sequential assessment
- The number of plots is incorrect
- Unsettling atmosphere for children from a cemetery in the area impacting on their wellbeing
- The use would cause distress to residents nearby
- Reduction in property values
- Impact on local businesses
- Concern regarding the viability of the cemetery and cost to the Council
- Concerns relating to the level of public consultation

Responses received in support:

- People who want their remains to be buried, need to have somewhere local they can be buried. As the local burial sites are almost full, this site provides a suitable location.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

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

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

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

Replacement Pendle Local Plan

Policy 12 (Maintaining Settlement Character) states that the development of land which contributes to the openness, character and local amenity of a settlement will not be permitted, unless the development proposal is for the enhancement or improvement of existing on site facilities. The validity of this policy is addressed below.

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

National Planning Policy Framework

The Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Principle of the Developmnet

The application site is within the settlement boundary of Brierfield in a sustainable location in terms of access for funeral services and visitors.

The land is designated as a Site of Settlement Character (Policy 12 of the RPLP). Policy 12 is not carried forward to the Local Plan Part 1: Core Strategy and is not proposed to be designated in the Local Plan Fourth Edition.

The intention of Policy 12 was to protect open spaces that were of value to the openness, character and local amenity of settlements but did not have the appropriate features to be designated as Open Space.

Cemeteries are a use that would be compatible with a formal Open Space designation and therefore, notwithstanding that the policy is now out of date, the use of the site as a cemetery would not conflict with Policy 12 in principle.

The impacts of the development of the land upon the character and visual amenity of the area are considered in the Landscape Impact and Visual Amenity section below.

Landscape Impact and Visual Amenity

The site is almost entirely screened in localised views from surrounding roads, in distant views where visible, such as from Barkerhouse Road, views are filtered through trees and against the dwellings above and below. The proposed use of the land as a cemetery would have little landscape impact as any structures would be low and the site would predominantly maintain a green open appearance.

The development would be publicly visible from the public rights of way running through the site, which would result in minor harm to visual amenity from development where there currently is none. However, this is a site within the settlement boundary and a use with benefits for public amenity and would result in overall benefit to the users of those public rights of way with improvements to surfacing.

The proposed developemnt would not result in unacceptable harm to the landscape character or visual amenity of the area.

Concerns have been raised regarding the visual impact on views from surrounding dwellings. Private views from dwellings are not a material consideration and, notwithstanding that, the development would not have unacceptable visual impacts.

The proposed development would not result in an unacceptable impact upon the landscape character or visual amenity of the area in accordance with policies ENV1 and ENV2.

Residential Amenity

There is the potential for the use of the site to result in a reduction in the level of privacy to the rear gardens and windows of properties on Halifax Road and Edge End Avenue backing onto the site. There are currently public rights of way and/or informal desire lines running to the rear of those properties, so they do not currently have absolute privacy from the existing use of the land by walkers etc. The potential for reduction in privacy would come from visitors and services at grave plots within close proximity to the boundaries which would potentially result in more intensive and prolonged views into the rear gardens and windows. A condition ensuring that no burial plots are located within 8m of the boundaries of Nos. 160-194 Halifax Road, Edge End Avenue and Brier Crescent unless acceptable boundary treatments to mitigate the potential loss of privacy are erected and maintained would ensure that an acceptable level of privacy is maintained.

The side and rear windows and garden of 194 Halifax Road are likely to be visible from the access road, however, this would be at an adequate distance from the footway to maintain an acceptable level of privacy and passing cars would not result in unacceptable impacts.

Other properties on Halifax Road have longer detached gardens separated by a back lane and are a sufficient distance from the site to ensure that it would not result in unacceptable loss of privacy, properties on Kings Causeway would also not be unacceptably impacted due to distance and topography.

Works on site can be controlled by condition, works for form burial plots would be small scale and dispersed across the site, they would not result in unacceptable impacts.

Burial services would also be dispersed across the site and be likely to be at daytime, they would not result in unacceptable residential amenity impacts subject to the above condition.

The proposed pedestrian access routes to the site would run past windows and gardens of properties. Taking into account that these are existing established pedestrian accesses to the site and back lanes this would not result in an unacceptable impact upon the residential amenity of the properties adjacent to the pedestrian access routes.

The main access would be set off the side of No. 194 Halifax Road an sufficient distance to ensure that its use by pedestrians and vehicles would not result in unacceptable impacts.

There would be potential for headlights of entering and existing the site to shine into windows, however, taking into account that the site is likely to be predominantly active in daylight hours that it is a busy road with street lighting and that the gradient of the access is likely to mitigate the impact to the houses opposite, this would not result in unacceptable impacts.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Trees

It is proposed to remove thirteen Category B trees, fourteen Category C trees, part of a Category C group of trees and one Category U tree. The removal of these trees is necessary to enable the proposed development and it is proposed that they are replaced within the site. The proposed

replacement planting scheme is acceptable and, taking into account the social benefits of the development, the removal of the existing trees is acceptable.

Ecology and Biodiversity

An ecology survey of the site has been submitted with the application. The site was found to comprise modified grassland, tree lines, scrub habitats running water and a small patch of woodland. The site was found to have value for or potential value for bats, birds, amphibians, reptiles and terrestrial mammals, although no notable species were identified. A Goat Willow tree on the western side of the site was identified to have potential as a bat roost, it is appropriate for that to be required by condition as it will be possible to provide mitigation if a roost is found to be present.

The report concludes that, subject to recommended mitigations the ecology of the site would be enhanced by the development.

It is proposed for the 10% biodiversity net gain (BNG) requirement to be met with on-site interventions which would result in an uplift in biodiversity of 33% in area habitat and 50% in watercourse habitat. This would exceed the 10% requirement and is in accordance with the BNG hierarchy.

A Section 106 agreement would generally be required by the Council for a contribution to cover the Council's costs of monitoring for 30 years. The Council cannot make a Section 106 agreement with itself and this is not necessary as the Council is the applicant and therefore will cover its own costs of monitoring.

Drainage and Flooding

The site is not identified by the Environment Agency as being at risk of flooding from either rivers or surface water.

The Applicant has submitted a flood risk assessment for the site. This concludes that the site is not at unacceptable risk of flooding and that with appropriate drainage the development would not increase the risk of off-site flooding. With conditions to requiring the submission and agreement of details of the drainage system and ensure its long term maintenance the proposed development is acceptable in terms of drainage and flood risk.

Images of pooling water on the site and runoff from the site onto Hallifax Road. It is natural for puddles to develop on land and for water to run off onto adjacent land, this is not something that needs to be specifically addressed by the application. The purpose of the assessment of flood risk in the planning process to ensure that a development does not either have an unacceptable risk from flooding or increase flood risk elsewhere. With an acceptable drainage scheme, which can be controlled by condition, the development would not increase the risk of off-site flooding. A formal, designed drainage scheme, rather than the natural runoff from the existing site, would be likely to resolve existing surface water runoff issues from the site and therefore provide a betterment.

Contamination

Concerns have been raised regarding contamination of ground water from the use. A groundwater risk assessment has been carried out and assessed by the Environment Agency. The assessment includes mitigation measures which include restriction of burials in areas of shallow bedrock, a 30m buffer to the stream running through the site.

Concerns have been raised that other drains running through the site have not been addressed, the agent has been requested to provide clarification on this, however, it is a matter that falls under

two control regimes both planning and Environment Agency permitting and can be controlled by condition.

Land Stability

The site is located within a high risk area for former coal mining works. The Coal Authority have responded raising no objection due to this being an exempt form of development.

The potential for mine works to be encountered by groundworkers is identified in the groundwater risk assessment and recommendations for mitigation measures made. With a condition to require those mitigations are followed the development is acceptable in relation to the risk from former coal mine works.

Archaeology

The geological survey of the site identified anomalies which had the potential to be archaeological in nature, including a square shaped anomaly which has the potential to be the foundations of a building.

An archaeological investigation of the site has been undertaken, including trenches in the identified areas and this has found no evidence of archaeological deposits within the site and concludes that the anomalies are likely to be geological.

A public response claims to identify evidence of archaeological finds on the surface of the site. The debris identified do not constitute archaeological artifacts and such debris could be found on any field across the country.

Highways

An application was submitted in 2018 for the erection of 36 dwellings on the adjacent allotment site using the same access point as is proposed here, whilst that application was refused the reasons for refusal did not include the proposed access and therefore it was accepted by the Council to be acceptable in principle for 36 dwellings.

A Transport Statement (TS) has been submitted, it is projected that the site would accommodate up to 150 burials per year after Nelson cemetery reaches capacity, the TS acceptably demonstrates that this would not result in unacceptable highway safety or capacity impacts.

The access would require engineering operations to create an acceptable gradient and visibility splays at the entrance to Hallifax Road where the land slopes steeply up. It has been demonstrated in previous applications that this is feasible to achieve and the full details could be controlled by condition.

Adequate car parking provision would be provided within the site car park and additional parking in bays along the access road which would give easier access to visitors with reduced mobility.

Queries have been raised regarding pedestrian accessibility to site, due to the sloping levels of pedestrian accesses from Hallifax Road. The site would be accessible by foot from the existing public rights of way, which are to be retained and upgraded. Whilst some parts the pedestrian accesses would be steeper than is ideal, it is relevant that the surrounding highway footways have comparable gradients. Taking that and the need to provide burial facilities into account, the accessibility of the site is acceptable.

Other matters

Concerns have been raised regarding the financial and technical viability of the use of this site as a cemetery and effect on house prices these are not a matter that is material to the determination of this planning application.

Concerns have also been raised regarding residents being uncomfortable with living near to a cemetery and this conflicting with cultural beliefs or being harmful to mental health and wellbeing. Whilst individuals may potentially feel uncomfortable with living close to a cemetery there is a social need for the provision of cemeteries and for cemeteries to be located in sustainably accessible locations and therefore, inevitably, cemeteries are likely to be located near to where people live. In this case there is no specific material reason that would make this site incompatible with use as a cemetery on material planning grounds.

Summary

The proposed development is acceptable subject to clarification over the access gradients and confirmation of necessary highways conditions, it is expected that this will be received prior to the committee meeting, if not it is recommended that the approval of the application and any necessary conditions be delegated to the Assistant Director Planning, Licencing and Regulatory Services.

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 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.

RECOMMENDATION: Delgate Grant Consent

Subject to the following conditions:

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

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

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

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

3. 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 (26th February 2025 / 204248-SWH-ZZ-01-DR-RP-0001 / Scott White and Hookins) and indicative surface water sustainable drainage strategy (26th February 2025 / 204248-SWH-ZZ-01-DR-RP-0001 / Scott White and Hookins) submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

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

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

- i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 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 deliver 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 infiltration rates and groundwater levels in accordance with BRE 365.

d) Evidence of an assessment of the existing on-site 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.

4. 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.

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

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

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements. Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

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

6. The commencement of use of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

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

7. The development shall be carried out and operated in strict accordance with the recommendations of the Tier 3 Groundwater Risk Assessment.

Reason: In order to mitigate the risk of pollution of the water environment and mitigate risks of land instability.

8. Notwithstanding any indication on the approved plans, there shall be no burial plots formed within 8 metres of the boundaries of Nos. 160-194 Halifax Road, Edge End Avenue and Brier

Crescent unless and until a scheme to mitigate the potential loss of privacy to those properties from visitors to those plots has been submitted to and approved in writing by the Local Planning Authority and the scheme has been implemented, the mitigation shall thereafter at all times be maintained in accordance with the approved details.

Reason: In order to acceptably preserve the privacy of adjacent dwellings.

9. Prior to the commencement of any works to alter the levels of the details of the existing and proposed levels and any retaining structures shall have been submitted to and approved in writing by the Local Planning Authority, the development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interest of visual and residential amenity.

10. The development shall be carried out in strict accordance with the recommendations of the Preliminary Ecological Appraisal, prior to the commencement of the development an ecological enhancement plan, including timescale for implementation, shall have been submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved timescale and maintained thereafter.

Reason: To ensure that ecology is preserved or enhanced by the development.

11. No works affecting the tree within TL3 identified in the Preliminary Ecological Appraisal as having bat roosting potential shall be carried out unless and until further surveys and, if necessary, a mitigation plan have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to protect the habitat of protected species.

12. 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.

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

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and that felled trees are adequately replaced.

14. Prior to the installation of any external lighting, details of the external lighting shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the positioning, direction and luminance and hours of illumination of the external lighting. The external lighting shall be installed, operated and maintained only in strict accordance with the approved details.

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

Biodiversity Net Gain Condition:

1. The development may not be begun unless—

- (i) a biodiversity gain plan has been submitted to the planning authority and
- (ii) the planning authority has approved the plan

Phase plan

(b) the first and each subsequent phase of development may not be begun unless—

- (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
- (ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

Notes:

Coal Authority records indicate the presence of a mine entry (shaft) within or in close proximity of the site. An untreated mine entry and its resultant zone of influence pose a significant risk to surface stability and public safety and should be taken account of in the development and operation of the site.

Ordinary Watercourse Consent - Under Section 23 of the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, there is a legal requirement to obtain consent from Lancashire County Council, as Lead Local Flood Authority, prior to undertaking certain works on ordinary watercourses. This includes permanent and/or temporary works and may also include repairs to certain existing structures and maintenance works. Consent is required irrespective of whether the watercourse is open or culverted (piped or otherwise enclosed) and notwithstanding of any planning permission. • In line with Lancashire County Council's Ordinary Watercourse Regulation Policy OWC2, applicants should avoid crossing, diverting and/or culverting an ordinary watercourse. • Written consent must be obtained before starting works on site. There is no legal means for Lancashire County Council to issue retrospective consent. • Consent applications take up to 2 months to process from the date on which the application is valid and payment of the correct fee has been received in full. • Consent applications may be refused if there is insufficient evidence to demonstrate compliance with Lancashire County Council's Ordinary Watercourse Policies OWC1, OWC2, OWC3, OWC4 and OWC5. • It is an offence to carry out works under Section 23 of the Land Drainage Act 1991 (as amended) without the appropriate consent. Unconsented works may be subject to enforcement action under Section 24 of the Land Drainage Act 1991 (as amended). • If the works include adoption of a new asset, such as a road or sewer, then applications for adoption may be refused by the adopting body without the appropriate consent for works to the ordinary watercourse. • Sites may be inspected before, during and after the issuing of consent. 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. Lancashire County Council's ordinary watercourse regulation policies, guidance, application validation checklist and pro-forma can be found at: <https://www.lancashire.gov.uk/flooding/ordinary-watercourse-regulation/>

Connection to Public Sewer - The applicant will require an agreement with the appropriate Water and Sewerage Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

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

Application Ref: 25/0149/FUL

Proposal: Full (Major): Town & Country Planning General Regulations 1992 -Regulation 3 -Change of use of land to cemetery; including car parking, maintenance area and landscaping.

At: Land To The South Of Halifax Road, Nelson

On behalf of: Pendle Borough Council

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 30th June 2025