

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

TO: NELSON, BRIERFIELD & REEDLEY COMMITTEE

DATE: 30TH JUNE 2025

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

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:
- a. Hours of operation
 - b. Hours of deliveries
 - c. Construction site noise and vibration
 - d. Control of Dust
 - e. 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:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;

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

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

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

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

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 30th June 2025