

Report Title	PLANNING APPLICATIONS
Meeting	DEVELOPMENT MANAGEMENT COMMITTEE
Meeting Date	23RD JUNE 2026
Report Author	NEIL WATSON
Directorate	PLACE
Lead Executive Member(s)	COUNCILLOR L. WHIPP
Wards Affected	BRADLEY
Public. Part Exempt, or Fully Exempt	PUBLIC
Appendices (if any)	NONE

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 23 JUNE 2026

Application Ref: 26/0221/REM

Proposal: Reserved Matters: Residential development of up to 113 dwellings (Appearance, Landscaping, Layout and Scale) of Outline Planning Permission 22/0774/OUT varied by 23/0557/VAR.

At: Site Of Former Riverside Mill And Land Bordering With Charles Street And Baker Street, Reedyford Road, Nelson

On behalf of: Westchurch Homes Limited

Date Registered: 01/04/2026

Expiry Date: 01/07/2023

Case Officer: Alex Cameron

This application is brought before Development Management Committee due to the number of objections received and it being for housing development of more than 60 houses.

Site Description and Proposal

The application site is in the former site of Riverside Mill, located to the south of Reedyford Road, with Charles Street to the west, Baker Street and Crawford Street to the south. There is an outline planning permission on the site for access only for up to 140 dwellings.

This application is for the remaining reserved matters of appearance, landscaping, layout and scale. The submitted layout proposed 113 dwellings. The proposed details include a mixture of house types from one to four bedroom and a central area of landscaped open space around the watercourse and the mill chimney which is proposed to be retained. The submitted details indicated that the proposed houses would be finished in a mixture of red and buff brick and render grey tile roofs.

Relevant Planning History

22/0774/OUT - Outline (Major): Residential development of up to 140 dwellings (access only). Approved

23/0557/VAR – Variation of Condition 24 (S.106 Obligation for education contribution) of Planning Permission 22/0774/OUT. Approved

Consultee Response

LCC Highways – Requested minor amendments to pedestrian/cycle linkages and refuse collection points and query about travel plan targets. No objection subject to those being addressed.

Lancashire Constabulary – Comments relating to secure by design.

PBC Environmental Health – No comments.

Environment Agency – No objection subject to the conditions of the outline permission remaining.

Lead Local Flood Authority – No objection subject to the conditions of the outline permission.

Lancashire Fire and Rescue – Comments relating to Building Regulations.

Nelson, Brierfield and Reedley Committee - The Committee commented that the redevelopment of the site would be beneficial but resolved to raise the following concerns:

- Roads should be of adequate width for parking
- Affordable housing should be provided
- Impact on capacity of schools and other services should be offset by Section 106 contributions

Public Response

Site and press notices posted and nearest neighbours notified by letter. Responses received objecting on the following grounds:

- Concerns relating to impacts of the proposed Crawford Street access on access to an adjacent business premises exacerbating existing traffic congestion and safety issues.
- Impacts from noise dust and disturbance on adjacent residents
- Impact on utilities infrastructure running adjacent to / within the site
- Highway safety and capacity impacts of construction traffic and traffic from the proposed dwellings
- Insufficient services and facilities to serve the residents of the proposed dwellings
- Existing buildings should be used if there is a housing shortage in Nelson
- Inconvenience and disturbance to existing residents of the area
- Impact on bats roosting in the mill chimney and other wildlife present on and around the site
- We believed that the site would be allocated for commercial use
- The potential impact on the adjacent commercial recycling use on the residents on the site and its ability of operate

- Poor condition of access on Charles Street

Officer Comments

This is a Reserved Matters application for the details of appearance, landscaping, layout and scale only, the principle of the development of up to 140 dwellings and access have been approved by the Outline Planning Permission and cannot be revisited in this application.

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SP01 (Presumption in Favour of Sustainable Development) echoes the presumption set out in National Policy and promotes the three strands of sustainable development: economic, social and environmental. Applications which accord with policies contained within the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SP13 (Transport and Connectivity) States that new development should have regard to the potential impacts they may cause to the highways network, particularly in terms of safety and the potential to restrict free flowing traffic, causing congestion. Where an adverse impact is identified, applicants should prepare a Traffic Impact Assessment and ensure that adequate cost-effective mitigation measures can be put in place. Where there is an unacceptable impact on highway safety, or the residual cumulative impacts of the development are severe and cannot be adequately mitigated, planning permission is likely to be refused. New developments should, wherever possible, exploit opportunities for walking and cycling by connecting to existing pedestrian and cycle routes. Where appropriate new links should be provided to help increase connectivity and close gaps in the network.

Policy SP09 (Water Management) Development should be delivered in an environmentally sensitive way (Policy DM02(a)), which: (a) Limits flood risk through careful location, design and surface water management. (b) Does not increase flood risk elsewhere. (c) Seeks to locate or relocate critical infrastructure and highly vulnerable uses in areas that are not at significant risk of flooding. (d) Improves the flood resistance and resilience of premises in areas at significant risk of flooding. (e) Protects, maintains and secures flood management infrastructure.

Policy DM02a (Flood Risk) The policy seeks to manage and reduce the risk of flooding. It also seeks to ensure that new development is not vulnerable to the impacts of climate change.

Policy DM02b (Surface Water and Foul Water Management) Requires that where appropriate, applications should be supported by a strategy for foul and surface water management. Any discharge should employ the most sustainable drainage option in

accordance with the drainage hierarchy, which should be demonstrated by the applicant.

Policy DM16 (Design & Place Making) seeks high quality design in all new developments. Proposals should promote local character and distinctiveness and demonstrate a good standard of amenity for existing and future occupants.

Policy DM23 (Affordable housing) sets a target of 0% affordable housing for developments within Nelson and Brierfield.

Policy DM31 (Open space, sport and recreation) states that the additional pressures arising from new development and/or any identified deficiencies in open space provision should normally be mitigated through the on site provision of open space.

Policy DM32 (Walking and cycling) states that development proposals will be required to maintain and where possible improve the existing pedestrian and cycling environment.

Policy DM37 (Parking) standards are set out in Appendix 5 of the plan, adequate parking provision is required to serve all new development.

Design and Visual Amenity

The proposed layout and design of the dwellings would be appropriate to the area and of good quality, the layout would provide an attractive landscaped area following the route of the watercourse and retain the central feature of the former mill chimney reflecting the site's industrial heritage. The submitted details of materials being a mixture of buff and red brick and grey tile roofs are generally acceptable and would be keeping with the mix of materials and character of the surrounding area.

The development would not result in any unacceptable design and visual amenity impacts and would overall be beneficial to the visual amenity of the area bringing a derelict site sensitively back into use.

Residential Amenity

Plots 1 and 2 would have rear windows separated from a habitable room window in the south elevation of No.72 Charles Street separated by approximately 18m.

A section plan has been provided showing the relationship between those plots and No.72, this shows that the plots would be at a significantly lower level, whilst the upper floor windows would have a limited view over the existing fence and into the window an fence of increased height by 0.3m would sufficiently preserve privacy. Whilst at this height there may still be a narrow view over the fence to the top part of the window, it would be so limited so as not to result in an unacceptable impact.

The increase in the height of the fence by 0.3m would also not result in any overbearing or otherwise unacceptable impact upon the residential amenity of the No.72 or the adjacent properties bounding the proposed fence.

The side elevation of plot 13 would be a minimum of approximately 12m from habitable room windows in the rear of No.6 Throup Place, this would accord with the spacing standards of the Design Principles SPD and the proposed boundary treatment would be sufficient to acceptably preserve privacy from the proposed ground floor side window. The development would not result in overbearing impact, unacceptable loss of privacy or otherwise unacceptable impact upon the residential amenity of that or adjoining properties.

There are windows in the side of No.64 Crawford Street including a habitable ground floor room window which would face the side elevation of plot No.62 separated by approximately 6m across the side street. Taking into account that this would be reflective of the established built pattern of this terraced area and relationship to the previously existing mill buildings, this would not result in an unacceptable impact upon that window.

There are habitable room windows in the side elevations of No. 63 Rook Street that windows in plots 85 and 86 would face separated by approximately 12m. taking into account that this would be across a highway and reflective of the tight knit pattern of terraced houses in the immediate area, this and other similar relationships with adjacent dwellings would not result in any unacceptable loss of privacy or other unacceptable residential amenity impacts.

The proposed development would otherwise be in excess of the separation distances set out in the Design Principles SPD guidance and would not result in any unacceptable loss of privacy or overbearing impacts upon any adjacent residential property.

There are commercial / industrial uses to the south and west including a recycling and waste transfer facility. An odour assessment was submitted in relation to those facilities and found that the impacts could be acceptably mitigated with a mechanical ventilation system from the plots closest to Charles Street. This is controlled by the existing conditions of the outline permission.

A noise assessment was also submitted with the outline and concluded that noise impacts can be mitigated with mitigation measures including the specification of the façade and mechanical ventilation of potentially affected dwellings. This is also controlled by the existing conditions of the outline permission.

The dwellings would also not be likely to be unacceptably impacted by noise from the adjacent primary school and other adjacent commercial uses which have existing close relationships with dwellings.

The proposed layout and design of the dwellings does not result in any unacceptable additional impacts and with the mitigation controlled by the conditions of the outline permission the development would provide an acceptable living environment for its residents without unacceptable impacts upon the operation of the adjacent uses.

Drainage and Flood Risk

The site includes a large area within flood zone 2 (medium risk) and a small area to the west of the site within flood zone 3 (high risk) associated with Walverden Water, which flows through the site. The outline permission includes conditions to ensure that the development would not be at unacceptable risk of flooding or increase risk of flooding elsewhere. The proposed layout does not raise any unacceptable flood risk issues and the Environment Agency and Lead Local Flood Authority have not advised that any additional conditions to those attached to the outline planning permission are necessary in relation to drainage and flood risk.

Contamination

The Environment Agency have requested a contaminated land investigation and remediation condition is attached, a suitable contaminated land investigation and remediation condition is attached to the outline planning permission and therefore it is not necessary to attach an additional condition to the reserved matters.

Highways

LCC Highways have raised a query about the submitted travel plan targets and requested minor amendments to pedestrian/cycle linkages and refuse collection points. Amended details have been submitted and LCC Highways reconsulted.

Nelson, Brierfield and Reedley Committee raised that the layout of the streets of the development should be of adequate width to allow for on-street car parking. The proposed streets are acceptable in accordance with LCC's standards and the proposed development would provide an acceptable level of off-street car parking.

Concerns have been raised regarding the proposed Crawford Street access and potential highway safety issues resulting from conflict between vehicles accessing and exiting the development and the vehicles accessing loading doors of the business opposite, which it is stated often has vans and lorries waiting to be offloaded on Crawford Street and operate forklifts on the road. This was also raised at the outline application stage, when access was considered, LCC Highways were made aware of the concerns but did not raise any highway safety objection. Crawford Street is a highway and therefore, irrespective of this proposed development, there are requirements to maintain the highway free from obstruction.

The acceptability of the access points has been established by the outline planning permission and the proposed reserved matters are acceptable in terms of parking

provision and highway safety subject to LCC's comments being satisfactorily addressed.

Ecology

The ecology report submitted with the outline application recommended further bat surveys related to the culvert and remaining features of the mill be carried out. These have been partially undertaken and whilst they have identified foraging activity and potential for roosting nearby, they do not indicate roosting within the site. Further surveys are to be carried out and this, and any mitigation necessary if a roost is discovered, is controlled by the conditions of the outline permission.

Provision for bat and bird boxes and biodiversity enhancements are proposed within the design and layout and can be ensured by condition.

Other matters

Nelson, Brierfield and Reedley Committee raised that there should be affordable housing provided and contributions made to offset impact on schools and other services.

There is no affordable housing requirement for housing development within Nelson and Brierfield set within the Pendle Local Plan Fourth Edition as viability appraisals have demonstrated that this would unacceptably impact upon the financial viability of housing developments in this area.

Contributions to offset impacts on schools and other services are a matter for the outline stage, this is a reserved matters application which cannot revisit such issues of principle. A contribution towards provision of school places was required by the original outline approval, a variation of condition application was then submitted including a viability appraisal which demonstrated this would unacceptably impact upon the financial viability of the development, national policy guidance is clear that contributions cannot be required in that circumstance and therefore the removal of the requirement for the contribution was removed.

In terms of impact on other services, similar population growth forecasts that are taken into account in the Council's requirement to provide a supply of new housing are taken into account in the provision of services and therefore, unless a specific impact has been identified and justified by those services, there would be no justification contributions to be required.

Furthermore, that and other public comments related to the principle of the development have been determined to be acceptable by the outline approval and/or are controlled by the conditions of that approval and cannot be revisited in this reserved matters application.

Summary

The details submitted for the reserved matters are acceptable in all material regards. It is recommended that the approval of the application, and any conditions necessary, is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to acceptable amendments to pedestrian/cycle linkages and refuse collection points and the expiry of the publicity period.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 2 of Planning Permission No. 22/0774/OUT (and as varied by 23/0557/VAR) and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 22/0774/OUT (and as varied by 23/0557/VAR).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 Rev A, AH01 Rev A, BT01 Rev B, HL01 Rev A, ML01 Rev A, SH01 Rev A, WM01 Rev A, BGC-PL-101 Rev P2, BGC-PL-102 Rev P2, BGC-PL-103 Rev P2, BCL-PL-D501 Rev P1.

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

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

Reason: To ensure that the materials are appropriate to the locality and in the interest of visual amenity

4. Plots 1 and 2 shall not be occupied unless and until a solid fence of height 0.3m greater than the existing boundary fence with No.72 Charles Street (as detailed on plan No. SEC001) has been erected along the full length of the rear boundary of plots 1 and 2, a fence shall be maintained in that position and at that height at all times thereafter.

Reason: In order to preserve the privacy of No. 72 Charles Street.

5. The submitted landscaping scheme (Drawing Nos. 7842.01, 7842.02, 7842.03, 7842.04, 7842.05, 7842.06, 7842.07, CS/7842/LMP) shall be implemented in its entirety within the first planting season following the substantial completion of the

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

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

6. The landscaped areas of the site (excluding domestic gardens) shall at all times be managed and maintained in accordance with the submitted Landscape Management Plan Ref: CS/7842/LMP or an alternative Landscape Management Plan that has been submitted to and approved in writing by the Local Planning Authority. Details of the arrangements for a management company for the management and maintenance of the landscaped areas of the site (excluding domestic gardens) shall be submitted to and approved in writing by the Local Planning Authority within six months of the substantial completion of the development.

Reason: To ensure that the landscaped areas of the site are acceptably management and maintained in the interest of visual amenity.

7. The development shall be carried out in accordance with the recommendations of the Report of Ecological Considerations Including an Updated Bat Survey and Assessment at Culvert and the bat and bird boxes and hedgehog highway shall be installed in accordance with Appendix 4 of that report prior to the occupation of the plots on which they are located and maintained thereafter.

Reason: To ensure the preservation or enhancement of protected species habitats.

Application Ref: 26/0221/REM

Proposal: Reserved Matters: Residential development of up to 113 dwellings (Appearance, Landscaping, Layout and Scale) of Outline Planning Permission 22/0774/OUT varied by 23/0557/VAR.

At: Site Of Former Riverside Mill And Land Bordering With Charles Street And Baker Street, Reedyford Road, Nelson

On behalf of: Westchurch Homes Limited