

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT NELSON TOWN HALL
ON 23RD OCTOBER, 2017**

PRESENT –

Councillor K. Hartley - (Chairman – in the Chair)

Councillors

*E. Ansar
W. Blackburn
T. Cooney
Y. Iqbal
J. Starkie
K. Turner (Substitute for M. Goulthorp)
G. Waugh
D. Whipp
N. Younis*

Officers in attendance

<i>Neil Watson</i>	<i>Planning, Building Control and Licensing Services Manager</i>
<i>Barbara Kay</i>	<i>Solicitor</i>
<i>Sarah Waterworth</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillor M. Goulthorp)

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The following people attended the meeting and spoke on the items indicated –

<i>Andrew Walker</i>	<i>17/0468/FUL Full: Modifications to existing parish hall to form a day nursery with modified and new windows, ramp to side elevation at Church Hall, Church Street, Trawden</i>	<i>Minute No. 43(c)</i>
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41. DECLARATION OF INTERESTS

Members were reminded of the legal requirements concerning the declaration of interests.

42. MINUTES

RESOLVED

That the Minutes of the meeting held on 26th September, 2017 be approved as a correct record and signed by the Chairman.

43.

**PLANNING APPLICATIONS
REFERRED FROM AREA COMMITTEES**

- (a) **17/0337/ADV Advert Consent: Retain three illuminated signs – two fascia signs and one projecting sign to front and side elevations at 68-70 Manchester Road, Nelson for Mr N Naeem.**

At a meeting of Nelson Committee on 2nd October, 2017 the decision to refuse the application and not take enforcement action was referred to this committee, as not taking enforcement action would be a significant departure from policy and would be contrary to the decision of this committee.

It was reported that this application had been deferred prior to the meeting for further discussions with the owner and the Chairman of Nelson Committee.

- (b) **17/0427/OUT Outline: Major: Erection of up to 200 dwelling houses, with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road, (access only) (Re-submission) land at Further Clough Head, Bamford Street, Nelson for Liberata.**

(A site visit was carried out prior to the meeting)

The following application has been brought before this committee as it is a housing development of more than 60 houses. The application had been to Nelson Committee for comment.

RESOLVED

That the Planning, Building Control and Licensing Services Manager be delegated authority to **grant consent** after the expiry of the consultation period subject to the following conditions and reasons:-

1. An application for approval of the reserved matters (namely the appearance, scale, layout and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 195 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, scale, layout and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the approved plans: 00-ZZ-LL-P2-001 Rev P2, 00-ZZ-LL-P2-002 Rev P2, 11184_L01, E0444 D01A, E0444 D02B.

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

4. The development shall be carried out in strict compliance with the mitigation recommendations set out in the Extended Phase 1 Habitat Survey Report received 04/08/2017. Further bat surveys, in accordance with the recommendations of the report shall be submitted with or prior to the submission of the layout reserved matter.

Reason: To ensure protection of the habitat to species which are protected under the Wildlife & Countryside Act, 1981.

5. Development shall commence unless and until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions had been submitted to and approved in writing by the Local Planning Authority. This shall include foul and surface water drainage which shall be drained on separate systems.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No dwelling shall be occupied unless and until it is connected to the public foul and surface water system.

Reason: To promote sustainable development, secure proper drainage and to manage surface water systems.

6. 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 a minimum:

- a. Arrangements for the completion and 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 systems 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.

7. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place unless and until a scheme that included the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority:

- 1) a preliminary risk assessment which has identified:

- a. all previous uses;
 - b. potential contaminants associated with those uses;
 - c. a conceptual model of the site indicating sources, pathways and receptors;
 - d. potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan proving details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

No occupation of each phase of development shall take place unless and until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

No development should take place unless and until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reported. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent both the new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

8. No development shall take place, including any works of demolition unless and 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 construction 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 recycling/ disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety.

9. For the duration of the construction period there shall be no HGV traffic movements into or out of the site between 8-9am and 3-4pm Mon-Fri during term time to avoid school start and finish times.

Reason: In the interest of highway safety.

10. The development shall not be commenced unless and until a scheme of improvement works for the mini-roundabout junction Barkerhouse Road/ Marsden Hall Road including full engineering, drainage, street lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the first dwelling.

Reason: In the interest of highway safety.

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

Reason: In the interest of highway safety.

12. Prior to commencement of any development 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 and to at least base course level prior to the first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

13. No development shall commence until a Framework Travel Plan has been submitted to, and approved in writing by the Local Planning Authority. The provisions of the Interim Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

14. No development shall be commenced unless and until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases (including the provision of the emergency access link) and the

standards that estate streets serving each phase of the development will be completed.

Reason: In the interest of highway safety.

15. Following the occupation of the 50th dwelling or in accordance with the Estate Street Phasing Plan whichever comes soonest, the emergency access link onto Messenger Street/Windsor Street shall be completed to an adoptable standard in its entirety. A scheme for the signing and access controls at the emergency access link and the footpath link shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved scheme prior to the completion of the said links.

Reason: In the interest of highway safety.

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

Reason: In the interest of highway safety.

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

Reason: In the interest of highway safety.

18. Prior to first occupation each dwelling shall have an electric vehicle charging point.

Reason: To ensure that the development provides sustainable transport options.

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

Reason: To offset the impact of the increased use of the footpath resulting from the development and to ensure acceptable pedestrian access.

20. Prior to the submission of the first reserved matter a scheme of intrusive site investigations for the mine entries and for shallow coal workings shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be undertaken in accordance with the agreed details and a report of findings arising from both of the intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- the results of any gas monitoring undertaken;

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- a layout plan which identifies zones of influence for the recorded mine entries on site, and the definition of suitable 'no-build' zones;
- a scheme of remedial works for the shallow coal workings for approval.

The development shall not commence unless and until the remedial works have been implemented in strict accordance with the agreed details.

Reason: To ensure the site is made safe and stable for the proposed development.

21. Two years after the commencement of development, and every two years thereafter until the development is substantially completed, the developer shall submit a full viability appraisal to assess whether an education contribution could be made. Should scheme viability permit a contribution the developer shall then enter into a section 106 agreement with the Local Planning Authority for payment of that contribution.

Reason: In order that the education requirements resulting from the development can be met by future contributions should the scheme be viable enough to contribute.

Notes:

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.

REASON

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

- (c) 17/0468/FUL Full: Modifications to existing parish hall to form a day nursery with modified and new windows, ramp to side elevation at Church Hall, Church Street, Trawden for Mrs P Hargreaves.

At a meeting of Colne and District Committee on 5th October, 2017 decision to refuse this application was referred as a recommendation to this committee as the decision would represent a significant risk of costs

RESOLVED

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

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

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

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

2017/12/1, 2017/12/2D and 2017/12/3B.

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

3. Notwithstanding the submitted plan sampled of all the external materials to be used on the elevations of the proposed development including the ramp, handrail, and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the materials are appropriate to the locality and to control the external appearance of the development.

REASON

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 external alterations are acceptable subject to appropriate conditions. The development 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.

CHAIRMAN_____