

**MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT COMMITTEE  
HELD AT NELSON TOWN HALL  
ON 25<sup>TH</sup> JANUARY, 2016**

*PRESENT –*

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

**Councillors**

*M. Adams (substitute for D. Whipp)  
E. Ansar  
L. Crossley (substitute for S. Cockburn – Price)  
M. Iqbal (substitute for M. Arshad)  
Y. Iqbal  
D. Lord (substitute for G. Roach)  
M. Sakib (substitute for N. Younis)  
J. Starkie  
C. Wakeford (substitute for M. Goulthorp)  
G. Waugh*

**Officers in attendance**

<i>Neil Watson</i>	<i>Planning, Building Control and Licensing Services Manager</i>
<i>Kathryn Hughes</i>	<i>Principle Planning Officer</i>
<i>Howard Culshaw</i>	<i>Solicitor</i>
<i>Sarah Waterworth</i>	<i>Committee Administrator</i>

*(Apologies for absence were received from Councillors M. Goulthorp, S. Cockburn-Price, M. Arshad, D. Whipp and G. Roach and Y. Younis)*



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

<i>Christine Clinch</i>	<i>13/15/0327P Outline: Major: Residential</i>	<i>Minute No.21</i>
<i>Ken Turner</i>	<i>development of up to 500no.</i>	
<i>Ron Bolton</i>	<i>dwellinghouses with associated</i>	
<i>Gavin Murray</i>	<i>infrastructure, open space and landscaping</i>	
<i>Rod Marsden</i>	<i>(access only off Barrowford Road) at Land</i>	
<i>John Endersby</i>	<i>at Through Laithe, Barrowford, Nelson</i>	
<i>Susan Nike</i>		
<i>Mick Waddington</i>		
<i>Robert Oliver</i>		
<i>Christopher Webster</i>		
<i>Andrew Bickerdike</i>		

**18.**

**COLIN SIMMONDS**

The Chairman made reference to the recent death of Colin Simmonds. Mr Simmonds had been Town Clerk and then Chief Executive from 1974 to 1987.

**19. DECLARATION OF INTERESTS**

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

**20. MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 21<sup>st</sup> December, 2015 be approved as a correct record and signed by the Chairman subject to the inclusion of Cllr E. Ansar's apologies.

**21. PLANNING APPLICATIONS REFERRED FROM AREA COMMITTEES**

***13/15/0327P Outline: Major: Residential development of up to 500no. dwellinghouses with associated infrastructure, open space and landscaping (access only off Barrowford Road) at Land at Through Laithe, Barrowford, Nelson for Peel Investments (North) Ltd.***

At a meeting of Barrowford and Western Parishes Committee on 21<sup>st</sup> December, 2015 the decision to refuse this application was referred as a recommendation to this Committee as the decision represented a significant risk of costs.

A petition was handed in with approximately 400 signatures objecting to the planning application.

**RESOLVED**

That planning permission be **granted** subsequent to the applicant entering into a section 106 agreement for the provision of an education contribution with the following conditions and reasons:-

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

**Reason:** This condition is required to be imposed by the provision of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 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, landscaping, layout, and scale (hereinafter called the 'reserved matters') for each individual phase of development shall be submitted to and approved in writing by the local planning authority before any development on that phase 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 following approved plans:

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

4. Prior to the commencement of development, a plan and written-brief detailing the proposed phasing of the overall site shall have been submitted to and agreed in writing by the Local Planning Authority. No development shall thereafter commence on any individual phase unless and until a scheme for that phase has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads, building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the approved details.

**Reason:** To order to ensure the site is developed in a way that protects the visual amenity of the area and the amenity of residents on the site adjoining it.

5. The development shall not begin unless and until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet that definition of affordable housing in the National Planning Policy Framework. The scheme shall include details of:

- i) the numbers, type and tenure of the affordable housing provision to be made;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of any affordable housing to an affordable housing provider or the management of the affordable housing if no RSL involved.

The provision of affordable housing shall not be altered unless with the written approval of the Local Planning Authority.

**Reason:** In order for the development to contribute to the supply of affordable housing needed in the Borough.

6. No individual phase of development shall commence part of the development hereby permitted shall be commenced unless and until a Construction Code-of-Practice proposal for that phase has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures to be implemented during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) The hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including locations.

- f) for the piling details, including likely vibration and noise levels at site boundaries during those operations.
- g) Measures related to construction waste management.
- h) Pollution prevention to include odour suppression, temporary drainage measures, control on re-fueling activities and measures such as cut-off trenches to control gas migration.
- i) Soil resources management including stock-pile management.
- j) Compliance with BS5228: Part 1 1997 to minimise noise.
- k) Measures to ensure that there is no burning of waste.
- n) Location and details of site compound
- o) Hoarding details during construction
- p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress is targets/standards breached.
- q) Noise-monitoring to be carried out for the construction period.

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed methods statements, such as the Site Waste Management Plan and Demolition Method Statement. All works as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate measures are in place to protect the environment during construction phase(s)

7. As part of the Reserved Matters application(s) and prior to the commencement of any development hereby permitted, the following details shall be submitted to and approved in writing by the Local Planning Authority:

Surface water drainage systems which as a minimum shall include:

Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharge from the site., and measures taken to prevent flooding and pollution of the receiving groundwater and /or surface waters, including watercourses, and details of flood levels in AOD;

The drainage scheme should demonstrate that the surface water run-off must not exceed greenfield run-off rates (evidence based). The Scheme shall subsequently be implemented in accordance with a phasing to be agreed in accordance with condition 4.

Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which would include survey of existing culverts, refurbishment of existing culverts and headwall or removal of unused culverts where relevant);

- Flood water exceedance routes, both on and off site;
- A timetable for implementation, including phasing where applicable;
- Site investigation and test results to confirm infiltration rates;
- Details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing/ phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing, by the Local Planning Authority.

**Reason:** To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

8. The Foul and Surface Water Drainage Strategy submitted pursuant to condition 7 shall include the following details as a minimum:
- a. unless otherwise agreed in writing, the foul connection point shall be to the 450mm combined sewer that runs parallel to Pendle Water which is located to the south east of the development at the end of Riverside Way, for the entire site;
  - b. the details of any additional off-site drainage infrastructure required as a result of the entire development; and
  - c. any drainage infrastructure connections (foul and surface water) between the different phases of the development defined by condition 4. Where drainage infrastructure connects development from different phases, it will be necessary to show how much development will be served by the connecting drainage infrastructure.

At the same time as the submission of each subsequent Reserved Matters application for a phase or part of a phase, an updated Foul and Surface Water Drainage Strategy shall be submitted to the Local Planning Authority for approval, such Strategy to include as a minimum the details listed above.

**Reason:** To ensure a holistic approach to the construction of the detailed drainage infrastructure of the site so that the drainage infrastructure which is constructed is able to cope with the foul and surface water discharges from the entire development site.

9. For the avoidance of doubt, surface water shall drain separately from the foul. Unless otherwise agreed in writing, no surface water shall discharge directly or indirectly into any public foul sewer, any combined sewer or existing surface water sewer in accordance with the Foul and Surface Water Drainage Strategy submitted and approved pursuant to condition 7 above and with the details contained in the submitted Utilities Statement prepared by RPS on behalf of Peel Holdings dated July 2015 Ref: RCEU32765 and submitted Flood Risk Assessment prepared by RPS on behalf of Peel Holding dated July 2015 Ref: RCEF31726

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

10. Prior to the approval of the surface water drainage scheme a condition survey of the culvert identified within the FRA (appendix G, Conceptual Drainage Strategy) should be undertaken and submitted to and approved in writing by the Local Planning Authority. Any remedial work needed to that culvert shall be undertaken in accordance with a timetable to be submitted to and agreed in writing by the Local Planning Authority.

**Reason:** To ensure a satisfactory condition of a discharge point and to ensure flood risk is not increased within the site and elsewhere.

11. No individual phase of development shall commence unless and until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority. The development shall at all times be undertaken in accordance with the approved details.

**Reason:** To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere; and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

12. No development shall commence unless and until details of the provision of a shuttle bus service or diversion of an existing bus service operating for five years and connecting with the site to local amenities has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include the routing of the bus services and a timetable for its operation.

The new/diverted bus service shall thereafter be carried out in strict accordance with the approved phasing details, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** In order to provide a sustainable transport link for this strategic housing site and service provisions in Barrowford and Nelson town centres.

13. Prior to the occupation of the 200th house on the site or an alternative number to be agreed in writing by the Local Planning Authority the highway improvement work to Junction 13 of the M65 phase1 scheme as shown on the LCC Highway plan M65 J13 Phase 1 shall have been completed in their entirety. Any modifications to the works as shown on the drawings shall be agreed in writing by the Local Planning Authority prior to that work being undertaken.

**Reason:** In order to ensure that capacity at Junction 13 is sufficient to cater for the increase in traffic generated by this development and in order to ensure that the site has sustainable transport links to it from the main settlement of Nelson.

14. No dwellinghouse on the site shall be occupied unless and until all of the highway work shown on drawing SCP/12218/D01 C have been provided and completed in their entirety in strict accordance with the approved details. This shall include the Toucan crossing on Barrowford Road.

**Reason:** In order that the site is served by safe and sustainable transport links to the road network.

15. No development shall commence unless and until details of a crossing to be provided on Riverside Road and the timing of this work have been submitted to and approved in writing by the Local Planning Authority. The approved crossing shall be implemented in accordance with the approved details and timing.

**Reason:** In order that the site is served by safe and sustainable transport links to the road network.

16. The new estate road for each phase shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level in accordance with details of the timing of the provision of the base course as agreed in accordance with condition 4. The highway to each plot shall be fully completed to full adoptable standard within one month of the substantial completion of that phase or within 2 years of the commencement of the phase whichever shall occur sooner or in accordance with an alternative timescale to be agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that the site is serviced by an adequate estate road and in the interests of the amenity of residents of the development.

17. Prior to the first use of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and information will be made available within 3 months of the use commencing and audited and up-dated at intervals not greater than eighteen months to ensure that the approved Plan is carried out.

**Reason:** To reduce dependence on car-borne travel.

18. No tree within the site shall be cut down, up-rooted, topped, lopped, destroyed or in any other way damaged, nor any hedge within the site cut down or grubbed out, without the prior written approval of the Local Planning Authority.

**Reason:** To protect trees and shrubs as essential elements in the development.

19. The development shall be carried out in strict accordance with the mitigation plan set out in the Ecological Baseline Survey dated July 2015 by ESL (Ecological Services) Ltd.

**Reason:** To ensure no net loss of biodiversity as a result of this 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 housing development is acceptable in terms of highways capacity and improvements, education contributions, impact on landscape, adjacent conservation areas, and nearby listed building and protected trees. Appropriate provision for open space and sustainable drainage systems can accommodated on the site. The site is designated as the Strategic Housing site in the adopted Core Strategy. The development therefore complies with development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.***

*Immediately following the vote Councillors Crossley, Wakeford, Starkie and Waugh requested that it be recorded in the minutes that they voted against the motion to grant permission.*

CHAIRMAN \_\_\_\_\_