

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

*PRESENT –*

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

**Councillors**

<i>E. Ansar</i>	<i>J. Starkie</i>
<i>M. Arshad</i>	<i>G. Waugh</i>
<i>T. Cooney</i>	<i>D. Whalley</i>
<i>M. Goulthorp</i>	<i>D. M. Whipp</i>
<i>Y. Iqbal</i>	<i>N. Younis</i>

**Officers in attendance**

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



The following people attended the meeting and spoke on the following item –

<i>Peter Crompton</i>	<i>13/16/0054P Outline: Major: residential development (5.07ha) of upto 148 dwelling houses with access from Long Ing Lane and new access via footpath 10 (Access only) (re-submission) at Former Barnsey Shed and adj Field, Long Ing Lane, Barnoldswick.</i>	<i>Minute No. 10(a)</i>
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<i>Mr Bancroft</i> <i>Catherine Coulthrad</i> <i>Victor Maw</i> <i>Kathryn Robertshaw</i> <i>Steve Marshall</i> <i>Thomas Hanforth</i> <i>Alan Kinder</i>	<i>16/0329/OUT Outline: major; Erection of 34 dwellinghouse (1.26ha)(Access and Layout only) at Land at field number 0087, Earby Road, Salterforth</i>	<i>Minute No. 10(b)</i>
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**8. DECLARATION OF INTERESTS**

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

**9. MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 27<sup>th</sup> June, 2016 be approved as a correct record and signed by the Chairman.

10.

**PLANNING APPLICATIONS  
REFERRED FROM AREA COMMITTEES**

- (a) **13/16/0054P Outline: Major: Residential development (5.07Ha) of up to 148 dwellings houses with access from Long Ing Lane and new access via footpath 10 (Access only) (Re-Submission) at Former Barnsay Shed and Adjacent Field, Long Ing Lane, Barnoldswick for Mr R. Sutton**

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

This item was considered at the previous meeting on 1st June 2016 and deferred to allow further information to be sought with regards –

1. The traffic study and its outcome
2. Education contributions
3. Comments from the Earby and Salterforth Internal Drainage Board

The Planning, Building Control and Licensing Services Manager submitted an update at the meeting.

**RESOLVED**

That the Planning, Building Control and Licensing Services Manager in consultation with the Chairman of the Committee be delegated authority to grant consent subject to the following conditions and reasons and to negotiation on the items listed below:-

1. An application 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 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 (10 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') 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 2004.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 07.113 01A, 07.113 08E.

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

4. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by the, the local planning authority, in consultation with the Lead Local Flood Authority.

1. Surface water drainage scheme which as a minimum shall include:
  - a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access or maintenance and easement where applicable, the method employed to delay and control surface water discharge from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/ or surface waters, including watercourses, and details of flood levels in AOD:
  - b) The drainage scheme should demonstrate that the surface water run-off must not exceed the peak greenfield runoff rate for same event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  - c) Any works required of-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - d) Flood water exceedance routes, both on and off site;
  - e) A timetable for implementation, including phasing where applicable;
  - f) Site investigation and test results to confirm infiltrations rates:
  - g) 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.

5. No development hereby permitted shall be occupied unless and until the sustainable drainage scheme for the site had been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with agreed management and maintenance plan.

**Reason:** To ensure that the drainage for the proposal development can be adequately maintained and to ensure that there is no flood risk on-or-off-site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

6. No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
  - a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
  - b) arrangements concerning appropriate funding mechanism for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i. on-going inspections relating to performance and asset condition assessments
    - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime:
  - c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the proposal dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

**Reason:** To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organization/ body/ company/ undertaker for the sustainable drainage system.

7. No development shall commence unless and until details of how surface water and pollution presentation will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the construction phase(s) of the 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.

8. No development shall take place until further investigations are carried out to establish the location, capacity, condition and discharge point of the culvert referred to in Section 5.3 of the location FRA (Ref: '15196'; dated: 'October 2015'; By: 'David Emmott'). The surface water drainage strategy and FRA should be revised to accommodate findings as appropriate. Prior to commencement of development, the revised surface water drainage strategy should be submitted to and approved by the Local Planning Authority in consultation with Lancashire County Council in their role as Lead Local Flood Authority.

**Reason:** To ensure that the watercourse does not pose a flood risk, on-site or off-site,

9. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged 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) A programme of works including phasing, 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 location
- f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
- g) Measures related to construction and demolition waste management.
- h) Pollution prevention to include odour suppression, temporary drainage measures, control on re-fueling activities and measures, control on re-fueling activities and measures such as cut-off trenches to control gas migration.
- i) Soil resource management including stock-pile management.

- j) Compliance with BS5228: Part 1 1997 to minimise noise.
- k) Measures to ensure that vehicles access of adjoining access points are not impeded.
- l) Measures to ensure that there is no burning of waste.
- m) Demolition management Plan/ Programme.
- n) Location and details of site compounds.
- o) Hoarding details during construction.
- p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/ standards breached.
- q) Vibration monitoring to be carried out for the construction period.
- r) Noise-monitoring to be carried out for the construction period.
- s) A construction and Demolition Waste minimization Strategy.
- t) A Construction-Risks Education plan/ programme.
- u) Parking area(s) for construction traffic and personnel.
- v) Routing of construction vehicles.

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site managers(s), all contractors and sub-contractors working site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed 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 the construction phase(s)

10. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

**Reason:** In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

11. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, 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 shall be submitted to and approved in writing by the Local Planning Authority. 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. The development shall be completed in accordance with the approved details.

**Reason:** To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

12. No development shall commence unless and until details of the proposed foundations and excavation have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in strict accordance with the agreed details.

**Reason:** In order to determine the impact of the works on canal infrastructure.

13. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

**Reason:** To prevent stones and mud being carried onto the public highway to the detriment of road safety.

14. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provision shall be carried out in accordance with the approved plans and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

**Reason:** Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

15. The new estate road for the development shall be constructed in accordance with the

Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extended before any development commences fronting the new access road.

**Reason:** To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

16. No part of the development hereby approved shall commence unless and until a scheme for the construction of the site access and the off-site works of highway improvements has been submitted to, and approved by, the Local Planning Authority.

**Reason:** In order to satisfy the Local Planning Authority and the Highways Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

17. The development shall not commence unless and until a Traffic Management Plan for the construction works has been submitted to be approved in writing by the Local Planning Authority. The Traffic Management Plan shall include:
- The parking of vehicles of site operatives and visitors;
  - Loading and unloading of plant and materials used in the construction of the development;
  - Storage of such plant and materials;
  - Wheel washing facilities;
  - Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
  - Routes to be used by vehicles carrying plant and materials to and from the site;
  - Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be carried out in strict accordance with the approved Traffic management Plan.

**Reason:** To protect existing road users.

18. No development shall commence unless and 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 had been established.

**Reason:** In the interest of highway safety.

19. 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 Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe of first occupation, the development being brought into use

or other identifiable stage of development.

Where the Local Planning Authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used/for a minimum of at least 5 years.

**Reason:** To ensure that the development provided sustainable transport options.

Off-site Highways works;

- Road narrowing at the corner with Long Ing Lane and Coates
- 3.5m wide off road cycle path for the full frontage of the site with Long Ing Lane

S106 Contributions:

- Provision of MOVA signals at the B6283/ Rainhall Road junction.
- A contribution of £125,000 to support bus service B1/B2 Barnoldswick for 5 years the S106 contributions would be subject to a viability test at the Reserved Matters stage.

## **REASON**

***Section 38 of the Planning and Compulsory Purchase Act 2004 required that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing 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.***

**(b) 16/0329/OUT Outline: Major: Erection of 34 dwellinghouses (1.26ha) (Access and layout only) at Land at field number 0087, Earby Road, Salterforth for Cross Construction.**

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

At a meeting of West Craven Committee on 5<sup>th</sup> July 2016 the decision to refuse this application on the following grounds was referred as a recommendation to this Committee as the decision represented a significant risk of costs.

1. No safe pedestrian access to/from the site and
2. Salterforth has exceeded the 10% required for housing development in Rural Pendle

A petition signed by 144 residents objecting to the application was submitted at the meeting.

The Planning, Building Control and Licensing Services Manager submitted an update at the meeting.

## **RESOLVED**

That the planning permission be **refused** due to it having a severe detrimental impact on highway safety and this significantly and demonstrably outweighs the benefit of the development.

CHAIRMAN \_\_\_\_\_