

75. PROGRESS REPORT

A progress report on action arising from the meeting of this Committee held on 7th October, 2019 was submitted for information.

76. POLICE AND COMMUNITY SAFETY PARTNERSHIP

Sergeant Boast attended the meeting on behalf of Inspector Cartwright. He informed the committee of some of the work the Task Force had undertaken over the last few weeks. A number of warrants had been issued and drugs seized from properties within Nelson. Several individuals had been charged for money laundering and two known criminals sent back to jail for crimes committed.

The Task Force had been doing pre-empted work on the lead up to Bonfire night so as not to have a repeat of last year when a number of serious incidents took place in Tunstill Square, Brierfield and areas of Nelson. A number of road shows had taken place in schools, Mosques and Church Centres regarding the dangers of fireworks. Sargent Boast reported that the number of police on patrol were to be increased on 5th November, 2019.

Sergeant Boast informed members of the Mini Cadet Scheme which was currently being run for 10 weeks at Pendle Vale Primary School and was proving to be a huge success.

77. PLANNING APPLICATIONS

Applications to be determined

The Planning, Economic Development and Regulatory Services Manager submitted a report on planning applications to be determined as follows:

The Principal Planning Officer submitted an update to the meeting.

19/0601/FUL Full: Major: Erection of 20 dwellinghouses at Land to the North of 247 Barkerhouse Road, Nelson for Muir Housing Group and John Turner Construction.

RESOLVED

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

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirement of section 91 of the Town and Country Planning Act 1990 (as amended).

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

18-419-P01, 18-419-P02, 18-419-P03, 18-419-P04, 18-419-P05, 18-419-P06, 18-419-P07, 18-419-P08, 18-419-P09, 18-419-P10, 18-419-P11B, 3214 103b & 3214 201b & BAR-AJP-ZZ-OO-DR-C-1570 PO1.

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

3. No development shall take place unless and until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for education facilities and improvement of off-site open space.

Reason: To ensure that there are sufficient education places available in the area of these additional dwellinghouses and that open space in the vicinity is improved.

4. Prior to any above ground works commencing a plan and written-brief detailing the works and timescale in terms of the completion of roads , building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed prior to occupation of any dwellinghouse.

Reason: To secure the proper development of the site in an orderly manner.

5. 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 the contamination present on the site as set out in the recommendations of Desk Study and Phase II Site Appraisal Report by GRM Development Solutions dated May 2019. The method statement shall detail how:-

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 available to applicants/developers from the Council's Contaminated Land Officer. The leaflet 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 in order to prevent contamination of the controlled waters.

6. No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
- b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus a 30% allowance for climate change and a 10% allowance for urban creep. The calculations must also demonstrate that the post development surface water run-off rate shall not exceed 25 l/s;
- c) A final site plan showing all on-site surface water catchment areas i.e. areas that will contribute to the proposed water drainage network;
- d) Confirmation of how surface water will be managed within the non-drained areas of the site i.e. gardens and public open space;
- e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and or/surface waters, including watercourses; and
- g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

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

Reason: To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development, to ensure the water quality is not detrimentally impacted by the development proposal and to ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development.

7. No development shall commence until details of how surface water and pollution prevention will be managed during construction have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the construction phase of the development does not pose an undue flood risk on site or elsewhere and 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 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.
- e) Details of wheel-washing facilities including location
- g) Measures related to construction waste management
- i) Soil resource management including stock-pile management
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- 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
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

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 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 phases.

9. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

The scheme shall include (among other things) details of routes to be used by construction traffic and periods during the day when trips to and from the site may be undertaken.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

10. Within 3 months of commencement a scheme for the off-site highway works shall be submitted for approval and implemented before first occupation of any dwelling hereby approved.

The works shall include:-

- Pursue the implementation of double yellow lines at the site access junction of Barkerhouse Road to maximise the visibility splays.

Reason: In the interests of highway safety.

11. 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: In order to ensure that the estate roads are construction to an acceptable level.

12. 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 LPA. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: In order to ensure the effective future maintenance and management of the estate roads.

13. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837: 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

14. Notwithstanding the submitted landscaping plan, 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 hard landscape elements and pavings, including layout, materials and colours;
 - e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas;
 - f. All boundary treatments and hard surfaced landscaped area.

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 and retains existing trees and hedgerows where possible.

15. Notwithstanding the submitted plans details of the proposed land levels, finished floor levels, proposed rear boundary treatments and landscaping to the rear gardens of plots 14 and 15 shall be submitted to and approved in writing by the Local Planning Authority prior to any above ground works commencing on site for these two plots.

Reason: In order to protect the amenity of the adjacent property No. 245 Barkerhouse road in terms of privacy and outlook.

16. Prior to any above ground works samples of all materials to be used on the external elevations including window, doors, surfacing and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.

Reason: In the interest of the visual amenity of the area.

17. The windows and doors shall be set back from the external face of the walls by at least 75mm in depth.

Reason: To ensure the continuation of a satisfactory appearance to the development.

18. Prior to first occupation the 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: To ensure satisfactory off street parking arrangements do not lead to an increase in flooding.

19. Prior to the commencement of development details of any proposed earthworks and retaining wall to be erected shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the volume of material to be imported to/exported from the site, the proposed grading and mounding of land areas including the existing and proposed levels and contours to be formed, the exact position of retaining wall, heights and materials, the relationship of proposed mounding and retaining walls to existing vegetation and surrounding landform together with a management plan of the earthworks and the timing of the works and construction. The development shall be carried out in accordance with the approved details.

Reason: In the interest of maintaining the amenity value of the area

20. Prior to first occupation a scheme for electric charging points within the development shall be submitted and agreed by the Local Planning Authority.

Reason: To ensure that the development provides for sustainable modes of travel.

21. Before a dwelling unit is occupied waste containers shall be provided on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

Informative notes

The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with the County Council as Highway Authority. The applicant should contact Lancashire County Council, Highway Development Control email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.

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 accords with the Local Plan and National Planning Policy Framework. 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.

19/0656/HHO Full: Erection of front and rear dormers and single-storey rear extension at 51 Clover Hill Road, Nelson for Mr Paval Klys

RESOLVED

That planning permission be **granted** subject to 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 strict accordance with the following approved plans: Location Plan (1:1250) Site Plan (1:500) HAD3124, HAD3124(2) HAD3124-03 (Revision A) HAD3124-04 (Revision A) and HAD3124-05 (Revision A).

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

3. The external materials to be used for the construction of the development hereby approved shall match those of the existing house in terms of type, size, form, texture and colour and those materials shall not be varied without the prior written consent of the Local Planning Authority.

Reason: Those materials are acceptable for the development and site and in the interests of visual amenity.

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. Subject to appropriate conditions, the development would be acceptable in terms of design, residential amenity and highways. 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.

78. ENFORCEMENT/UNAUTHORISED USES

Enforcement Action

The Head of Legal Services submitted, for information, a report on outstanding enforcement cases in Nelson.

79. CAPITAL PROGRAMME 2019/20

The Housing, Health and Engineering Services Manager reported that the current balance for the 2019/20 capital programme was **£1**.

A full report will be submitted to the next meeting.

**80. PENNINE LANCASHIRE HEALTHY WEIGHT PROGRAMMES:
HEALTHY WEIGHT DECLARATION**

A report agreed at the Policy and Resources Committee on 24th October sought approval and adoption of the Healthy Weight Declaration and the Healthy Place Healthy Future District Plan.

The Committee were asked to nominate 3 representatives from the Bradley and Whitefield wards to help progress this system change so that healthy weight would be embedded into all decision making across Pendle Council and to play a key role in championing and promoting the importance of healthy weight at a local level.

RESOLVED

That Councillors N. Ahmed, A. Mahmood and M. Sakib be appointed as representatives from the Bradley and Whitefield wards.

REASON

In the interests of public health.

81. ITEMS FOR DISCUSSION

- (a) One way system on Albert Road and Mosley Street, Nelson

The Chairman explained that this request had come to committee from Nelson Town Council and the residents in the area who were asking for this committee to support them in requesting that Lancashire County Council (LCC) made Albert Street and Mosley Street one way as there was a serious issue with parking and speeding cars.

Councillor Ahmed reported that this issues had been raised at LCC's Traffic Liaison meeting in June 2017, where it was refused at the time.

RESOLVED

That a letter be sent to County Councillor Iddon supporting the Town Council and residents request for Albert Street and Mosley Street to be made one way as the roads were becoming very dangerous due to parked and speeding cars.

REASON

In the interest of highway safety.

Chairman _____