

**MINUTES OF A MEETING OF THE
SPECIAL POLICY AND RESOURCES COMMITTEE
HELD ON 30th JANUARY, 2020
AT NELSON TOWN HALL**

PRESENT –

Councillor M. Iqbal (Chairman – in the Chair)

Councillors

N. Ahmed

M. Aslam (Substitute)

D. Clegg

M. S. Foxley

M. Goulthorp

Y. Iqbal

A. Mahmood

B. Newman

M. Sakib (Substitute)

D. M. Whipp

(Apologies for absence were received from Councillors Musawar Arshad, J. Henderson, P. Foxley and J. Nixon)

Also present:

Councillor Z. Ali

Councillor Y. Tennant

Councillor S. Wicks

Officers in attendance:

Philip Mousdale

Corporate Director

Neil Watson

Planning, Economic Development and Regulatory Services Manager

Julie Whittaker

Housing, Health and Engineering Services Manager

Jane Watson

Head of Democratic Services



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

John Cooper

Public Question Time

Minute No. 132

Milton Roberts

19/0801/FUL land off Harrison Drive, Colne

Minute No. 133(a)

Melissa Thistlethwaite

Roger Thistlethwaite

Audrey Broughton

Jennifer Oxley

Brian Sumner

Minute No. 133(c)

Myra Ellis

19/0740/REM land at Further Clough Head,

Minute No. 133(d)

Robbie Atilgan

Bamford Street, Nelson

Christine Price

Alsion Simcock

Paul Simcock

Malcolm Foster

County Councillor A. Ali

Stephen Hall

Jennifer Oxley



131. DECLARATION OF INTERESTS

Members were reminded of the requirements of the Member Code of Conduct concerning the declaration of interests.

132. PUBLIC QUESTION TIME

John Cooper a resident from Earby asked for information on the valuation of the Bailey Street site in Earby and how/where he could access PEARL's accounts. Mr. Simcock and County Councillor Azhar Ali also asked about viewing PEARL's accounts. In response the Chairman said he would provide a written response.

133. PLANNING APPLICATIONS

(a) 19/0801/FUL Full: Erection of 79 houses and associated external works on land off Harrison Drive, Colne for PEARL Together Ltd.

At a meeting of the Colne and District Committee on 9th January, 2020 it was resolved "that the Policy and Resources Committee be advised of this Committee's support for the proposal be recommended to approve the application."

A report from the Planning, Economic Development and Regulatory Services Manager was submitted for consideration.

The Planning, Economic Development and Regulatory Services Manager circulated an update at the meeting. This included reference to one further letter of objection and comments from LCC Highways.

RESOLVED

That the Planning, Economic Development and Regulatory Services Manager be granted **delegated authority to grant** planning permission subject to the following conditions and reasons and also to include highway conditions to deal with the requirements of the Local Highways Authority and an additional condition regarding dropped kerbs:

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: Location Plan, Proposed Site Layout Rev. G, A01 Plans Rev. B, A02 – 2D Elevations Rev. B, A01 – 2D Elevations Rev. B, A01 – 4 Plans Rev. A, A02 – 3 Plans Rev. B, A02 – 3C Elevations Rev. B, A02 – 2 Plans Rev. B, A02 – 2B Elevations Rev. B, A02 – 4A Elevations Rev. A, A02 – 4D Elevations Rev. A, A03 -2 Plans Rev. A, A03 – 2C Elevations Rev. A, A01 – 4D Elevations Rev. A, A01 – 4E Elevations Rev. A, A02 – 4 Plans Rev. A, A02 – 2A Elevations Rev. A and A02 – 2C Elevations Rev. A.

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

3. Prior to the commencement of any above ground works a scheme for the phasing of the development of including provision of roads, sewers and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved scheme.

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

4. A scheme for the management (including maintenance) of the open space area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The approved scheme shall thereafter be complied with at all times unless an alternative is agreed in writing by the Local Planning Authority and thereafter the alternative scheme shall, at all times, be complied with.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

5. The first works on site shall be the formation of the access into the site for a distance of 30m from the running edge of public highway. The access shall be completed to base course level.

Reason: In order to ensure the site is serviced by a safe access in the interests of public highway safety.

6. The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the centre of the adjoining carriageway and 45 metres distance in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

Reason: In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

7. No dwelling shall be occupied unless and until it is connected to a surface and foul water disposal scheme. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The scheme shall provide for separate systems for the disposal of foul and surface effluent. The surface water shall discharge from the site at a maximum rate of 24.15l/s. 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 and to ensure that there is no flood risk on or off the site resulting from the proposed development.

8. No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the location of site compounds, the hours of work on site, the method of ensuring that the local highway network is kept free of mud arising from the development, the suppression of dust and the measures to ensure residents are not disturbed by delivery vehicles waiting to enter the site. The development shall at all times thereafter be carried out in strict accordance with the approved method statement.

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

9. No construction work shall be carried out on the site outside the hours of 08:00 and 17:00 on weekdays and 08:00 to 12:00 on Saturdays.

Reason: In the interests of residential amenity and to safeguard local residents from noise and disturbance.

10. The floor levels of the dwelling shall be as set out on the approved plan A1825 90 – 003C or alternatives to be agreed in writing by the Local Planning Authority.

Reason: The levels proposed are acceptable in order to safeguard the amenity of adjoining residential properties.

11. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

Reason: To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

12. Prior to the occupation of any dwelling a plan detailing the provision of car parking spaces and the allocation of those to individual houses shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall thereafter be provided and completed in accordance with the approved plan and the spaces shall be retained for the parking of cars associated with each dwelling.

Reason: In order to ensure that each dwelling is provided with adequate off road parking in the interests of public highway safety.

13. Prior to the occupation of each dwelling it shall have an electric vehicle charging point provided to service it.

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

14. Prior to the commencement of development, details of the materials to be used on all external surfaces on the development shall be submitted to and have been approved in writing by the Local Planning Authority. The development shall thereafter, at all times, be undertaken using the approved materials.

Reason: To ensure a satisfactory form of development in the interests of visual amenity of the area.

15. Windows and doors shall be set back from the external face of the walls of the units by at least 75 mm in depth.

Reason: To ensure a satisfactory form of development.

16. Prior to the first occupation of any dwelling, details of the landscaping for the site shall have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme 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 5 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.

17. 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.

18. The footpaths around the site shall be lit in accordance with the approved layout scheme in accordance with a phasing scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide a safe environment.

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 application submitted accords with Local Planning Policy and 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) 19/0763/HHO Full: Erection of a single storey rear extension (retrospective) at 2 St. Paul's Road, Nelson for Mr. Mahmood Hussain**

At a meeting of the Nelson Committee on 2nd December, 2019 the decision to approve this application was referred as a recommendation to this Committee as this decision would be a significant departure from policy. The Committee also recommended that enforcement action not be taken.

The Planning, Economic Development and Regulatory Services Manager submitted a report for consideration.

RESOLVED

That planning permission be **granted**.

(c) 19/0810/FUL Full: Major: Erection of light industrial and warehouse units (Use Classes B1 and B8) (3,640 sq. m.) access, parking and associated works at site of former Parkfield Mills, Railway Street, Nelson for Mr. Brian Foster

At a meeting of the Nelson Committee on 6th January, 2020 the decision to refuse this application was referred as a recommendation to this Committee as this decision would be a significant risk of costs.

The Planning, Economic Development and Regulatory Services Manager submitted a report for consideration.

The Planning, Economic Development and Regulatory Services Manager circulated an update at the meeting. This included comments supporting the application from Environmental Health.

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 accordance with the following approved plans:
FOSTER/O1Dwg 01, Dwg 02, Dwg 03A, Dwg 04, Dwg 05, Dwg 06, Dwg 07, Dwg 08, Dwg 09 and Dwg 10.
Reason: For the avoidance of doubt and in the interests of proper planning.
3. The external materials to be used on the proposed building shall be as stated on the application form and submitted plans unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure a satisfactory form of development in the interests of visual amenity of the area.
4. The use hereby approved shall not commence unless and until the parking space indicated on FOSTER/01 Dwg 03A have been fully laid out, surfaced and made available for use. The layout shall thereafter be retained at all times whilst the use is operative.
5. There shall be no external lighting on site without the prior written consent of the Local Planning Authority as to its type, intensity and location. Any lighting thereafter installed shall comply strictly with the details agreed in writing by the Local Planning Authority.
Reason: In order to prevent light pollution to nearby residents in the interests of amenity.
6. The development permitted by this planning permission shall be carried out in accordance with the following recommendations, as detailed within the submitted flood risk assessment and

outline drainage strategy (by REFORD Consulting Engineers Limited, dated May 2019):

- (a) Surface water runoff is to drain to the 850 mm diameter surface water sewer at a maximum rate of 10.7l/s;
- (b) The proposed building floor levels are to be set 300 mm above the proposed ground levels within the development site to mitigate against surface water flooding. These measures shall be fully implemented prior to occupation and 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 disposal of surface water from the site; to ensure that there is no flood risk on or off the site resulting from the proposed development.

7. 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. The calculations must also demonstrate that the post development surface water run-off rate shall not exceed 10.7l/s. (c) A final site plan showing all on-site surface water catchment areas i.e., areas that will contribute to the proposed surface water drainage network; (d) confirmation of how surface water will be managed within any non-drained areas of the site i.e., grassed areas or 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 watercourse; 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 units, 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, to ensure that there is no flood risk on or off the site resulting from the proposed development, To ensure that 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.

8. No development shall commence 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.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere; 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.

9. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
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; and
 - (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 the 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 providing 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 written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution and prevent deterioration of a water quality element to a lower status class in Walverden Water.

10. No operations shall take place within the site outside the hours of 7.00am and 9.00pm at any time.

Reason: In the interests of aural and residential amenity.

11. No part of the development hereby approved shall commence until a scheme for 2m high close boarded timber fencing to the boundary of the site has been submitted to, and approved in writing by, the Local Planning Authority. The approved fencing shall thereafter be installed in accordance with the approved details prior to any of the units hereby approved being brought into use.

Reason: In order that the proposed operations do not result in unacceptable noise levels in the interest of aural and residential amenity.

12. All vehicles used in relation to the site shall be fitted with white noise reversing alarms and not beeping reversing systems.

Reason: In the interest of aural amenity.

13. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the timing of its provision has been submitted to, and

approved in writing by, the Local Planning Authority. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, provision of radius kerbs, tactile paved dropped pedestrian crossings, and the re-location of the highway gully on Clover Hill Road.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

14. No development shall commence unless and until a scheme for the retaining structure adjacent to the highway has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the retaining structure are acceptable before work commences on site.

15. No development shall take place 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 constructing the development
- iv) Wheel washing facilities
- vi) Routing of delivery vehicles to/from site.

Reason: In the interest of highway safety.

16. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan 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: To prevent vehicles having to reverse to and from the highway potentially causing a hazard to other road users.

17. The existing accesses to the rear of Brunswick Street shall be physically and permanently closed prior to the formation of the amended access to Clover Hill Road.

Reason: To limit the number of access points to and from and the highway.

18. The car parking spaces shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas laid/marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

Reason: To allow for the effective use of the parking areas.

19. The cycle and motorcycle storage facilities shown on plan FOSTER/01 Dwg 03A shall be provided in accordance with these details prior to any of the premises being brought into use.

Reason: To allow for the effective use of the parking areas and promotion of sustainable forms of transport.

Notes

1. Being proceeding with the scheme preparation the developer should consult with LCC for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing and new highway structures included in, or affected by, the proposed scheme. This includes any retaining wall supporting the highway and any retaining wall supporting land or property alongside the highway.

2. The grant of planning permission will require the applicant to enter into an appropriate Section 278 Legal Agreement, with Lancashire County Council as Highway Authority prior to the start of any development. 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 the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

3. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

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 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.

- (d) **19/0740/REM Reserved Matters: Major: Erection of 98 dwelling houses (phases 1-3) with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road (appearance, layout, landscaping and scale) of Outline Planning Permission 17/0427/OUT on land at Further Clough Head, Bamford Street, Nelson for PEARL Together Ltd.**

At a meeting of the Nelson Committee on 6th January, 2020 it was resolved:

- “(1) That Policy and Resources Committee be recommended to defer the application until the following information has been submitted and once submitted it go back to Nelson Committee for comments:-
- (a) Environmental Agency response
 - (b) Badger Survey
 - (c) GP and School Places
 - (d) Green Fields Sites
 - (e) Road Access
 - (f) Zebra Crossing Update
 - (g) Pendle Council to Adopt Grassed Areas
 - (h) Developers Contribute to Travel Plan

- (2) That a meeting takes place with the Chairman of Nelson Committee, County Councillor A. Ali, Ward Councillors and residents to discuss the application.”

The Planning, Economic Development and Regulatory Services Manager submitted a report for consideration.

The Planning, Economic Development and Regulatory Services Manager circulated an update at the meeting. This included additional comments from the public along with officer comments.

RESOLVED

That this item be **deferred** pending further discussions with the applicant, Members of this Committee, Ward Councillors and relevant officers regarding design issues.

REASON

To ensure the design is appropriate for the area.

Chairman _____