

**MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT COMMITTEE  
HELD AT NELSON TOWN HALL  
ON 21<sup>ST</sup> FEBRUARY, 2023**

*PRESENT –*

**Councillors**

*M. Ammer  
M. Aslam  
C. Church (Substitute)  
D. Cockburn-Price  
S. Cockburn-Price  
K. McGladdery (Substitute)  
J. Purcell  
M. Stone  
D. Whipp*

**Officers**

<i>Neil Watson</i>	<i>Planning, Economic Development and Regulatory Services Manager</i>
<i>Emma Barker</i>	<i>Litigation &amp; Regulatory Lawyer</i>
<i>Lynne Rowland</i>	<i>Committee Administrator</i>



*The following persons attended the meeting and spoke on the item indicated –*

<i>Deborah Smith</i>	<i>22/0633/FUL Full: Major: Erection of 10</i>	<i>Minute No.9</i>
<i>Deborah Richardson</i>	<i>dwelling with associated landscaping and</i>	
	<i>infrastructure works at Land off Cob Lane</i>	
	<i>and Old Stone Trough Lane, Kelbrook</i>	

**6. APPOINTMENT OF CHAIRMAN**

Councillors were advised that in accordance with the Rules of Procedure in the Council's Constitution, the Chairman of the Committee would be appointed at the next Council meeting. Councillors were then invited to appoint a Chairman from those present to preside for this meeting only.

**RESOLVED**

That Councillor D. Cockburn-Price be appointed as Chairman for this meeting only.

*Councillor D. Cockburn-Price – In the Chair*

**7. DECLARATION OF INTERESTS**

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

**8. MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 26<sup>th</sup> January, 2023 be approved as a correct record and signed by the Chairman.

**9. PLANNING APPLICATIONS**

The Planning, Economic Development and Regulatory Services Manager submitted a report of the following planning applications referred from area committees -

- (a) 22/0510/FUL Full: External alterations involved in conversion from bank to clinic including insertion of a new door & window and replacement of doors and windows at 2 Newtown, Barnoldswick for NHS Property Services Ltd**

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

At a meeting of West Craven Committee on 31<sup>st</sup> January, 2023 the decision to refuse this application had been referred as a recommendation to this Committee as the decision would represent a significant risk of costs in the event of an appeal.

**RESOLVED**

That planning permission be **granted** subject to the following conditions –

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 received 28.07.22, 6582-T02

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

3. All materials to be used in the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

**Reason:** These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. Deliveries to the approved development shall only be accepted between the hours of 9.30am and 2.30pm, to avoid peak traffic on the surrounding highway network.

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

5. A construction management plan should be produced to highlight how deliveries during construction will be managed and where workers on the site will park during construction.

**Reason:** To minimise the impact of construction on pedestrians in the vicinity of the site.

#### **Informative Note**

The developer should be aware that any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highway Regulation Team, who would need a minimum of 12 weeks.

#### **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 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.***

*Councillors C. Church, J. Purcell and D. Whipp abstained/did not vote on the above item and asked that this be recorded in the minutes.*

- (b) 22/0633/FUL Full: Major: Erection of 10 dwellings with associated landscaping and infrastructure works at Land off Cob Lane and Old Stone Trough Lane, Kelbrook for YLBD Ltd**

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

At a meeting of West Craven Committee on 31<sup>st</sup> January, 2023 the decision to refuse this application had been referred as a recommendation to this Committee as the decision would represent a significant risk of costs in the event of an appeal.

#### **RESOLVED**

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

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: Site Location Plan, SL 1.0, HTA 1.0, HTB 1.0, HTC 1.0, HTD 1.0, SD-F1, SD K1, BT 1.0, 6982.01 Rev E

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of external materials / finishes of the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority, notwithstanding any induction on the approved plans, forms and documentation the materials of the roof shall be natural slate. The development shall thereafter be carried out in strict accordance with the approved materials.

**Reason:** To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the adjacent Listed Building.

4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

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

5. Prior to the commencement of the development plans of existing and proposed levels and/or sections of the site and immediately adjoining land shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

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

6. Prior to the occupation of the first dwelling details of the long term management and maintenance of the areas of public open space shall have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter at all times be managed and maintained as such in accordance with the approved details.

**Reason:** To ensure the open space is adequately managed and maintained in the interest of the visual amenity of the area and to protect the significance of the adjacent Listed Building.

7. The development shall be carried out in and thereafter maintained in strict accordance with the recommendations of the submitted Ecology Survey and Assessment and Assessment of Biodiversity Net Gain received 11/01/2023. A Habitat Management Plan and ecological enhancement scheme, including details of timing of implementation, shall be submitted to the Local Planning Authority prior to the occupation of the first dwelling and shall thereafter be implemented and maintained in strict accordance with the approved details.

**Reason:** To ensure that the biodiversity of the site is preserved and protected species are not harmed by the development.

8. With the exception of the fencing along the south west boundary the landscaping scheme hereby approved (Drawing No. 6982.01 Rev E) 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 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. Fencing along the south west boundary shall be provided prior to the occupation of the plot to which it relates in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. The fencing shall thereafter be

retained in good condition in perpetuity. The fencing shall not allow domestic dogs to enter the stream and shall at no time have any gate or other opening in it.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings and in order to protect the wildlife in the corridor to the rear of the site.

9. Unless and until 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. 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 ensure that trees to be preserved are not damaged during construction.

10. Prior to the occupation of each dwelling the car parking area for that dwelling shall be laid out and surfaced in accordance with the approved plans, the car parking area shall at all times thereafter remain free from obstruction and available for car parking purposes.

**Reason:** To ensure adequate off-street car parking provision is provided and maintained in the interest of highway safety.

11. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (5th August 2022 / Flood Risk Assessment for development at Cob Lane, Kelbrook Rev.2 (FD0040) / YLBD Limited).

The measures shall be fully implemented prior to occupation of the development 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 in consultation with the Lead Local Flood Authority.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site.

12. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i. 100% (1 in 1-year) annual exceedance probability event;
  - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
  - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep
- Calculations must be provided for the whole site, including all proposed surface water drainage systems.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include proposed surface water drainage systems up to and including the final outfall;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence of an assessment of the existing on-site watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

**Reason:** To ensure satisfactory sustainable drainage facilities are provided to serve the site.

13. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

**Reason:** To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

14. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;

c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

**Reason:** To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to

controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

- 15.** The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

**Reason:** To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

- 16.** 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 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) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

**Reason:** In the interest of highway safety and residential amenity.

- 17.** No development shall commence unless and until a scheme for the site access and off-site highway works has been submitted to and approved in writing by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.

- a) New site access on Cob Lane
- b) New footway at the site access on Cob Lane with dropped kerb crossing points on the south and north side of Cob Lane to tie the new footway into the existing footway network.

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

- 18.** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road



level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m measured along the centre line of the site access from the continuation of the nearer edge of the carriageway of Cob Lane to points measured 23m in both directions along the carriageway of Cob Lane, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

**Reason:** To ensure adequate visibility at the street junction or site access.

19. 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 Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

**Reason:** To ensure that the estate road is adequately maintained in the interest of highway safety.

20. Within 3 months of commencement full engineering, drainage, street lighting and constructional details of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

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:** To ensure that the estate road is adequately constructed in the interest of highway safety.

21. Prior to first occupation each dwelling without a garage shall be provided with a secure cycle store for at a ratio of 2 cycle spaces per dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure adequate provision for sustainable transport.

22. Prior to the first occupation each dwelling shall have an electric vehicle charging. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

**Reason:** To ensure adequate provision for sustainable transport.

23. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for two affordable houses.

**Reason:** To contribute towards the identified need for affordable housing provision in the area.

24. No part of the development shall be occupied unless and until a scheme for the long term maintenance of the surface and foul water drainage systems has been submitted to and approved in writing by the Local Planning Authority. The approved arrangements shall thereafter remain in perpetuity.

**Reason:** In order to ensure the site is at all times served by functioning effluent disposal system(s).

25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 there shall not, with the exception of fencing as approved under condition 8, at any time in connection with the development hereby permitted be any hard surface, buildings or any other development within 3m of the rear boundary (south west) of plots 1, 2, 3, 4, 5, 6, 7 and 8 or the side (south set) of plot 8.

**Reason:** To ensure adequate visibility at the street junction or site access.

Notes:

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays.

You should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here:

<https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the Local Planning Authority.

**REASON**

***Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.***

**(c) 22/0753/FUL Full: Demolition of chimney at 3 Woodside Terrace, Nelson for Raja Raheel Munawar**

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

At a meeting of Nelson, Brierfield and Reedley Committee on 30<sup>th</sup> January, 2023 the decision to grant this application, subject to appropriate conditions and reasons, was referred as a recommendation to this Committee as the decision would represent a significant departure from policy.

**RESOLVED**

That planning permission be **refused** for the following reason -

1. The removal of the chimney stack which is an important feature in the Victorian terrace would create an imbalance in the uniformity of the terrace and lead to a harmful impact upon the character and appearance of the visual amenity of the area, this would result in less than substantial harm to the character and appearance of the Conservation Area. This harm is not outweighed by any public benefit and is directly in conflict with paragraph 202 of the Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy and the Conservation Area Design & Development SPD.
2. That enforcement action be taken to require the chimney to be reinstated.

CHAIRMAN\_\_\_\_\_