

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT NELSON TOWN HALL
ON 23RD MAY 2023**

PRESENT –

Councillor M. Adnan (Chair)

Councillors

*S. Ahmed
D. Albin
M. Aslam
N. Ashraf
S. Cockburn-Price
D. Gallear
Y. Iqbal
D. Lord
A. Sutcliffe
D. Whipp*

Officers

<i>Neil Watson</i>	<i>Assistant Director Planning, Building Control & Regulatory Services</i>
<i>Emma Barker</i>	<i>Litigation & Regulatory Lawyer</i>
<i>Joanne Eccles</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillor M. Strickland.)



The following person attended the meeting and spoke on the item indicated –

<i>N. Sills</i>	<i>22/0774/OUT Outline: (Major): Residential development for up to 140 dwellings (access only) on the site of the former Riverside Mill and land bordering with Charles Street, Baker Street and Reedyford Road, Nelson</i>	<i>Minute No. 4(a)</i>
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1. APPOINTMENT OF VICE-CHAIR

RESOLVED

That Councillor D. Whipp be appointed Vice-Chair of the Committee for the municipal year 2023/24.

2. DECLARATION OF INTERESTS

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

3. **MINUTES**

RESOLVED

That the Minutes of the meeting held on 20th April 2023 be approved as a correct record and signed by the Chairman.

4. **PLANNING APPLICATIONS**

(a) For Determination

The Assistant Director Planning, Building Control and Regulatory Services submitted a report for the following planning application for determination -

22/0774/OUT Outline: (Major): Residential development for up to 140 dwellings (access only) on the site of the former Riverside Mill and land bordering with Charles Street, Baker Street and Reedyford Road, Nelson

This application was for a housing development of more than 60 houses and so had come to this Committee for determination. At a meeting of Nelson, Brierfield and Reedley Committee on 9th May 2023, it was recommended that the application be granted.

RESOLVED

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

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 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, layout, scale and landscaping (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 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 8271-LRW-ZZ-00-DR-A-00-121 Rev P02, 8271-LRW-ZZ-00-DR-A-00-127 Rev P03.

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

4. 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) The parking of vehicles of site operatives and visitors
 - b) The loading and unloading of plant and materials
 - c) The storage of plant and materials used in constructing the development
 - d) The erection and maintenance of security hoarding
 - e) Wheel washing facilities
 - f) Measures to control the emission of dust and dirt during construction
 - g) Measures to limit noise and vibration
 - h) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - i) Details of working hours
 - j) Details of hours of deliveries
 - k) Routing of delivery vehicles to/from site
 - l) Restriction of burning on-site

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. 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 residential amenity and highway safety during construction.

5. 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 (21st October 2022 / 25909-HYD-XX-XX-RP-FR-001-P02 / Hydrock) and Surface Water Modelling Report (17th February 2023 / 23747-HYD-XX-XX-RP-FR-0002 / Hydrock).

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.

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

6. 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 (3 rd November 2022 / 23747-HYD-XX-XX-RP-DS-5001-P03 / Hydrock) 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 and shall be limited to a maximum peak flow rate of 10.5l/s.

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 + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and 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 all existing and 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 any existing on-site ordinary watercourses, open or culverted to be used for the disposal of surface water run-off from the site.
- d) 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.
- e) Evidence of an agreement in principle with the third party asset owner to connect to the on-site surface water body. 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.

7. 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 method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to 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 entering 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.

8. 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.

9. 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.

10. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

11. Prior to the submission of any reserved matters application relating to layout, or simultaneously with that reserved matters application, a scheme for the restoration of the river corridor and associated works and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be supported by a structural engineers report and demonstrate that any necessary mitigation measures are incorporated into the scheme.

Reason: To ensure provision of barrier free access to the main river for essential inspection and maintenance.

12. Prior to the commencement of any works adjacent to the Crawford Street and Charles Street highway bridges, details of those works and any measures necessary to ensure the structural integrity of the bridges shall be submitted to and approved in writing by the Local Planning

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Authority and thereafter the development shall be carried out in strict accordance with the approved details.

Reason: To ensure the structural integrity of highway structures in the interest of highway safety.

13. The Reedyford Road access (to the side of 81 Reedyford Road) shall be used for emergency, pedestrian and cycle access only, removable bollards shall be installed to prevent vehicle access other than emergency access and maintained at all times. The accesses on Elizabeth Street, Dover Street and side of 64 Crawford Street shall be used for pedestrian and cycle access only, bollards will prevent vehicle access and maintained at all times.

Reason: The accesses are not suitable for vehicular access, in the interest of highway safety.

14. Within 3 months of the commencement of the development a scheme for the site accesses and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling:

a. Upgrade of 2 bus stops to quality bus stop standard on Scotland Road 2500LAA07249 and 2500LAA07248.

b. Reinstatement of existing accesses/dropped kerbs to footway on Charles Street, Baker Street and Crawford Street.

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

15. Within 3 months of commencement of the development 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 an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

16. Within 3 months of commencement of the development full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) 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.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

17. 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 acceptably constructed in the interest of highway safety.

18. Prior to the first occupation of each dwelling a scheme for electric vehicle charging points shall be submitted for approval. 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 available.

Reason: To ensure adequate provision for sustainable transport.

19. Prior to the occupation of each dwelling secure, covered cycle storage shall be provided at a ratio of two cycle spaces per dwelling or one space per dwellings, whichever is fewer, 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.

20. 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 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 to prevent contamination of the controlled waters.

21. The development shall be carried out in strict accordance with the recommendations of the Odour Assessment, 3rd November 2022. Prior to the occupation of the first dwelling a scheme of odour mitigation shall have been submitted to and approved in writing by the Local Planning Authority and the measures shall thereafter be implemented prior to the occupation of each dwelling identified to require mitigation measures.

Reason: To ensure an acceptable living environment for occupiers of the dwellings.

22. The development shall be carried out in strict accordance with the recommendations of the Acoustic Planning Report, 4th November 2022. Prior to the occupation of the first dwelling a scheme of acoustic mitigation shall have been submitted to and approved in writing by the Local Planning Authority and the measures shall thereafter be implemented prior to the occupation of each dwelling identified to require mitigation measures.

Reason: To ensure an acceptable living environment for occupiers of the dwellings.

23. The development shall be carried out in strict accordance with the recommendations of the Ecology Survey and Assessment, November 2022. The first submission of reserved matters shall include any bat surveys of the culvert recommended to be necessary. Prior to the occupation of the first dwelling a scheme for ecological mitigation and enhancement, including timescales for implementation, shall have been submitted to and approved in writing by the Local Planning Authority and it shall thereafter be implemented in accordance with approved timescales.

Reason: To order to ensure that the ecology of the site is preserved and enhanced by the development.

24. No part of the development shall 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. Unless otherwise agreed in writing by the Local Planning Authority the said obligation shall provide for 21 Secondary School places and the related cost of the Travel Plan service.

Reason: To provide for the impact of the development on local secondary school provision and to support the implementation of the Travel Plan.

Note:

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The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. 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 Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk.

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 access and principle of the development is acceptable in all relevant regards in accordance with the Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. 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) Referred from Area Committees

The Assistant Director Planning, Building Control and Regulatory Services submitted a report for the following planning application referred from an area committee -

23/0170/HHO Full: Loft conversion to provide two bedrooms and a shower room including erection of dormer to front and rear at 62 Carr Road, Nelson

At a meeting of Nelson, Brierfield and Reedley Committee on 9th May 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. The officer's report recommended refusal.

RESOLVED

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

1. The proposed front dormer would be an unsympathetic and unacceptable addition to the traditional terraced dwelling. It would have a detrimental impact on the character and appearance of the conservation area which is a designated heritage asset. Whilst that impact would be less than substantial it would not be outweighed by any public benefits. The development would thus be contrary to policy ENV2 of the adopted Pendle Local Plan – Core Strategy and to paragraph 202 of the National Planning Policy Framework and to the Conservation Area Design and Development Guidance SPD.

CHAIRMAN _____