

Nelson, Brierfield & Reedley Committee – 31st July, 2023 – Planning Update

23/0268/FUL Pendle Rise Shopping Centre, Nelson

Lead Local Flood Authority – Withdraws its objection subject to conditions for compliance with the flood risk assessment, surface water drainage strategy, construction surface water management, drainage operation and maintenance and verification report.

United Utilities – Requests details of foul drainage and evidence that infiltration is not a viable surface water drainage method, request a foul and surface water drainage condition should planning permission be granted without that information being submitted.

Officer Comments

United Utilities have requested that details of foul drainage and evidence that infiltration (drainage into the ground) isn't viable for surface water. Such detail would generally be provided at the conditions discharge stage and can be acceptable dealt with by condition.

The LLFA's objection has been withdrawn and conditions requested.

An addendum to the Transport Assessment with junction modelling including the Accessible Nelson scheme and amended plans to address LCC Highways other comments have been received, they are being considered by LCC.

The Residential Amenity section of the report states that there are residential properties to the north, south and east, this is a typing error and should be north, south and west. The Noise Assessment report acceptably demonstrates that, subject to the recommended mitigation, the development would not result in acceptable impact on any surrounding residential properties.

The references to Scotland Road in the report should instead refer to Holme Street.

The applicant has requested some alterations to the wording of some condition in relation to timings etc. to be discussed with the relevant consultees where necessary.

It is recommended that the approval of the application and any conditions necessary be delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to LCC Highways comments on the submitted information and satisfactory further bat surveys.

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 is in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and the 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.

RECOMMENDATION: Delegate Grant Consent

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: 2654-URB-PR-00-DR-A-208100-P00, 2654-URB-PR-00-DR-A-208150-P02, 2654-URB-B1-00-DR-A-208151-P01, 2564-URB-B1-RF-DR-A-208151-P00, 2564-URB-B1-ZZ-DR-A-208251-P02, 2654-URB-B2-00-DR-A-208151-P01, 2654-URB-B2-RF-DR-A-208152-P00, 2564-URB-B2-ZZ-DR-A-208251-P00, 2564-URB-B2-RF-DR-A-208153-P01, 2654-URB-PR-ZZ-DR-A-208350-P01.

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 hereby approved samples of the external materials of the walls and surfacing of the development 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: In the interest of visual amenity.

4. The recommendations of the Noise Impact assessment shall have been implemented prior to commencement of the operation of the site and adhered to at all times thereafter.

Reason: In the interest of residential amenity.

5. There shall be no deliveries, loading or unloading to or from the units (excluding the supermarket unit) outside of the hours of 07:00 to 23:00 on any day.

Reason: In the interest of residential amenity.

6. Prior to its erection full details of the acoustic barrier to the east of the site, including its position, materials, details of green wall/façade and visibility splays shall have been submitted to and approved in writing by the Local Planning Authority, the barrier shall be erected prior to the commencement of the

operation of the servicing area and maintained in accordance with the approved details at all times thereafter.

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

7. The erection of the development hereby approved (excluding demolition) shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme 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 boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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 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.

8. No development approved by this planning permission, excluding demolition, shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, 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:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - 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 and is not put at unacceptable risk from or adversely affected by unacceptable levels of water pollution and to prevent deterioration of a water quality element to a lower status class in the underlying aquifer and the adjacent water course.

9. Prior to the commencement of the erection of the development (excluding demolition), 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.

10. 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 (30th June 2023 / Flood Risk and Drainage Assessment Final Report v1.1 / Weetwood).

The measures shall be fully implemented prior to the first use 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.

- 11.** No development shall commence in any phase (excluding demolition) 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 (30th June 2023 / Flood Risk and Drainage Assessment Final Report v1.1 / Weetwood) 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;
- iii.** 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance.

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 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.

- 12.** 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 runoff rate from the site prior to redevelopment.

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.

- 13.** The commencement of use of the each unit shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the relevant building/s, 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 the maintenance, operational and access requirement for all SuDS components and connecting drainage structures;
- 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.

- 14.** The commencement of use of each unit of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system of the relevant building/s, 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.

- 15.** No demolition shall take place until demolition method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition. The statement 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 waste from demolition;
- iv)** The erection and maintenance of security hoarding;

- v) Wheel washing facilities;
- vi) Measures to control the emission of dust and dirt during demolition;
- vii) A scheme for recycling/disposing of waste resulting from demolition;
- viii) Details of working hours;
- ix) Routing of delivery vehicles to/from site;
- x) Measures to control noise and vibration; and
- xi) Restriction of burning on-site.

Reason: In the interests of highway safety and residential amenity.

- 16.** No development shall take place (excluding demolition) 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 construction works; viii) Details of working hours;
- ix) Routing of delivery vehicles to/from site;
- x) Measures to control noise and vibration; and
- xi) Restriction of burning on-site.

Reason: In the interests of highway safety and residential amenity.

23/0382/HHO 12-14 Meredith Street, Nelson

Following the publication of the Committee report, the Council has received amended plans (Existing and proposed plans U216 – P02A and Existing and proposed elevations U216 – P03A) which alter the front dormer which would extend across No. 12 and No. 14 as one dormer. The amended plans show the front dormer as being two separate dormers, one to No. 12 and one to No. 14 which would have two windows to each dormer. There would be a 1m gap between the front dormers, the front dormers would be set back from the front elevation by circa 0.3m, set in from the side by 0.8m and set down from the ridgeline by circa 0.15m, and the materials would remain the same being composite grey cladding with a flat roof of rubber membrane. The proposed front dormers would still result in being poor design.

This amendment does not change the recommendation to refuse the application.

RECOMMENDATION: Refusal

1. The proposal would result in a design which would be extremely poor both in terms of it being incongruous with the design of the dwelling due to the removal of the hips, the erection of flat roof dormers disproportionate in

design and scale to the existing house as well as being significantly out of context in the street scene. The unacceptably poor design would harm the character and appearance of the area and would be harmful to the visual amenity of the area thus the development would be contrary to Policy ENV2 of the adopted Pendle Local Plan Part 1 Core Strategy, Paragraph 134 of the National Planning Policy Framework and the adopted Design Principles Supplementary Planning Document.