

## **Nelson, Brierfield and Reedley Committee – 2<sup>nd</sup> October 2023 – Planning Update**

### 23/0293/OUT - Queens Hall, Bradley Road, Nelson

The applicant has submitted additional drainage and flood risk reports in order to address the reason for refusal. The Lead Local Flood Authority and Environment Agency have been reconsulted and the applicant has agreed to an extension of the timescale for determining the application to allow for it to be deferred to the next Committee meeting. The Committee is recommended to defer the application to allow for the consultees to respond.

### 23/0380/FUL – Land to the South East of Bamford Street, Nelson

Amended plans have been submitted since the publication of the Committee report. The amended plans change the dormer to roof lights. This would mean the development is acceptable, in terms of the Design Principles SPD.

The roof lights, rather than dormers, represent a much higher quality design which is more in keeping with the surrounding area and with the plot adjacent. As such, the proposed dwelling is now in conformity with Policy ENV2 and the Design Principles SPD.

Overall, the recommendation is now for approval, 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 & Site Plan Rev C, Proposed Sections and Roof Plan Rev C, Proposed Floor Plan Rev C, Proposed Elevations Rev C.

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

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

**Reason:** Those materials are appropriate for the development and site.

4. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme 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;
- (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); and
- (iii)** A timetable for its implementation.
- (iv)** Details of how foul and surface water will be disposed of.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

5. Prior to commencement of development a construction method statement should be 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/road sweeping facilities
  - v)** Routing of delivery vehicles to/from site
  - vi)** Timing of deliveries
  - vii)** Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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

6. The development hereby permitted shall not be occupied until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a.** the exact location and species of all existing trees and other planting to be retained;
  - b.** all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - c.** an outline specification for ground preparation;
  - d.** all proposed 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 approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings.

7. A boundary treatment of close boarded fencing measuring a minimum of 1.8m in height along each of the side boundaries shall be erected prior to occupation of the development hereby approved and remain in place at all times, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of neighbouring amenity.

8. Notwithstanding any indication on the plans hereby approved, at no time shall there be a fence measuring greater than 1m in height along the highway with Bamford Street or Tweed Street. The fencing to the front and rear boundaries shall measure no greater than 1m in height measured from the back of the pavement in respect of the existing levels on Bamford Street and Tweed Street. The fencing along the side boundaries shall measure no greater than 1m in height for a distance of 2m taken from the back of the pavement into the site. All other fencing to the side elevations shall not exceed 1.8m in height. There shall be no change to the heights of the fencing unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway safety and wider visual amenity.

9. Notwithstanding any indication in the Construction Method Statement, the operating hours for the construction period shall be as follows:  
08:00hrs – 18:00hrs on Monday to Fridays  
09:00hrs to 13:00hrs on Saturdays  
No work Sundays

Unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In the interests of neighbouring amenity.

#### **Informative**

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.

## 23/0521/FUL – Pendle Bridge Lodge

Following the publication of the Committee report, an additional three comments have been received from members of the public. Some are objecting to the scheme and other are supporting the scheme. Their comments are summarised as follows:

### Objection

- The stable has been converted unlawfully
- The dogs are not rescue dogs
- This would set a precedent for other Green Belt houses
- Lots of other people are also against this development

### Support

- The dogs which are making a noise are further down the lane and this scheme is being wrongfully blamed for the barking
- Rehabilitation facilities are needed, especially with the current rhetoric around dangerous dogs
- The facility is needed and there is nothing like this for miles around

The points which have been raised are not material planning considerations and cannot be taken into account in the determination of the planning application.

The applicant has also submitted a noise management plan. This includes information regarding the materials proposed for the kennels, such as Kingspan insulation. It also sets out that different types of dogs are required for training, depending upon the type of dog which requires assistance. The applicant has also offered to submit camera recordings from their CCTV system which indicates the current noise levels.

The Council's Environmental Health Officer has reviewed this information and concluded that a more scientific noise assessment and management plan are required, by a suitably qualified expert. They have also set out that the reason they have declined to view the CCTV videos is because this shows the current operation, not the future operation where more dogs would be on site overnight. Moreover, the management plan doesn't fully explain how noise would be controlled, especially with 15 dogs on site and there is an assumption that dogs would never bark during training.

As such, the wording for the reason for refusal based upon a noise assessment is to be amended slightly, to the following:

*The application is not accompanied by a noise assessment from a suitably qualified expert / acoustic consultant, setting out the impact of the proposed development upon nearby residential dwellings. There is insufficient information in relation to addressing the issues surrounding potential noise pollution, which is contrary to Policy ENV5 of the Local Plan: Part 1 Core Strategy.*

The recommendation to refuse the application remains the same.