

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT NELSON TOWN HALL
ON 19TH SEPTEMBER 2023**

*PRESENT –
Councillor M. Adnan (Chair)*

Councillors

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

Officers

N. Watson Assistant Director Planning, Building Control & Regulatory Services
J. Eccles Committee Administrator

(Apologies for absence were received from D. Lord.)



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

Mr Hussain *23/0475/VAR Variation of Condition: Vary* *Minute No.10*
Condition 2 (Plans) of Planning Permission
22/0399/HHO at 56 Carr Road, Nelson

8. DECLARATION OF INTERESTS

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

9. MINUTES

RESOLVED

That the Minutes of the meeting held on 18th July 2023 be approved as a correct record and signed by the Chairman.

10. PLANNING APPLICATIONS

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

23/0475/VAR Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 22/0399/HHO at 56 Carr Road, Nelson for Mr Hussain

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

At a meeting of Nelson, Brierfield and Reedley Committee on 4th September 2023 the decision to approve this application was referred as a recommendation to this Committee as the design was contrary to the guidance of the Design Principles SPD and Conservation Area Design and Development SPD and would represent a significant departure from policies ENV1 and ENV2 of the Core Strategy. The officer's report recommended that Members refuse the application.

RESOLVED

(1) 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 HUS/02 Dwg 01, Proposed Plans and Elevations HUS/02 Dwg 03A. Town & Country Planning Act 1990 Town & Country Planning (Development Management Procedure) Order (England) 2015 GRANT OF PLANNING PERMISSION

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

3. The external materials 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.

(2) That the breach of condition notice be withdrawn.

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.

23/0425/FUL Full (Major): Erection of 1 no. industrial building split in 2 no. units with Mixed Use Class E(g), B2 (Industrial) or B8 (Storage or Distribution) on Land North East Of Vantage Court, Riverside Way, Barrowford for Barnfield Contractors UK Ltd

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

At a meeting of Barrowford and Western Parishes Committee on 6th September 2023 the decision to refuse this application on the grounds of parking issues was referred as a recommendation to

this Committee as the development did not raise any potentially unacceptable highway safety impacts or parking issues and LCC Highways had no objection to the scheme. This would result in a vague, generalised reason for refusal which could not feasibly be defended at appeal and would result in a significant risk of costs being awarded against the Council. The officer's report recommended approval.

RESOLVED

That the Assistant Director Planning, Building Control and Regulatory Services be delegated authority to **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: 2020/31/LP Rev D, 2020/31/01 Rev S, 2020/31/02 Rev F, 2020/31/05 Rev J, 21110-PWA-00-XX-DR-C-2000 Rev P03, 21110-PWA-00-XX-DR-C-3000 Rev P05, 21110-PWA-00-XX-DR-C-1001 Rev P07, GAV 035-001 Rev v4.

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 roof the development, including their colour and finish 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. There shall be no external storage within the application site unless otherwise approved in writing by the local planning authority. Any external storage thereafter shall at all times be carried out only in strict accordance with the approved details.

Reason: In the interests of visual amenity.

5. The development shall be carried out and operated in strict accordance with the recommendations of the Extended Phase 1 Report dated 16/02/2023. The recommended bat and bird boxes shall be installed prior to the commencement of the use of the development, unless an alternative timescale has been submitted to and approved in writing by the Local Planning Authority and maintained thereafter.

Reason: To ensure the protection and enhancement of ecology and protected species habitats.

6. Prior to the commencement of the use of the buildings hereby approved details of any external lighting of the building and site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location,

intensity, direction and timing of illumination of the lighting and shall include lighting of the diverted public right of way. Any external lighting shall at all times be in strict accordance with the approved details and the diverted public right of way shall be illuminated at all times outside of daylight hours.

Reason: In the interest of residential amenity and to preserve the habitat of protected species.

7. The construction of the development shall be carried out in strict accordance with the submitted Construction and Environmental Management Plan.

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

8. The development shall be carried out in accordance with the recommendations of the Phase 2 Geo-Environmental Assessment Phase 2 Geo-Environmental Assessment Ref: 21110-PWAG-00-XX-RP-G-2000-P01.

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 recommendations, 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 users of the new development and in order to prevent contamination of the controlled waters.

9. The approved landscaping scheme ref: GAV 035-001 Rev v4, or an alternative landscaping scheme which has been submitted to and approved in writing by the Local Planning Authority, 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.

10. The use of the buildings and land hereby permitted shall be confined to that of Class E(g), B2

and B8 and uses ancillary to those uses only and for no other purpose, including any other use within Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: In order to protect the vitality and viability of town centres and in the interest of highway safety.

11. Unless otherwise approved in writing by the Local Planning Authority the units hereby approved shall be operated in strict accordance with the submitted Noise Assessment report ref: 102728-2. Prior to the commencement of any use other than the light industrial use assessed in the report of an assessment of indoor and outdoor activity noise and fixed mechanical plant noise following BS 4142:2014 shall have been submitted to and approved in writing by the Local Planning Authority. Any noise attenuation shall be fully installed in accordance with the recommendations of the approved assessment for each unit prior to the commencement of the use of that unit and the unit shall be operated in accordance with the approved assessment at all times thereafter unless an alternative assessment is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

12. 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 (24th May 2023 / 75182.01R1 / GeoSmart Information)

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.

13. 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, and shall be limited to a maximum peak flow rate of 6.7l/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:
- 100% (1 in 1-year) annual exceedance probability event;
 - 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - 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 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.

- 14. 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 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.

15. The use the development shall not commence unless and until a 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.

16. The use the development shall not commence unless and 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.

17. No development approved by this planning permission shall commence until such time as a scheme for the provision and implementation of compensatory flood storage in accordance with the approved 'Flood Risk Assessment' by GeoSmart Information Ltd. referenced; 75182.01R1, and dated 24 May 2023 has been submitted to, and approved in writing by, the local planning authority. The scheme shall include details of dimensions, volumes, levels, gradients, profiles (including appropriate cross sections), method of construction (in consideration of its function as a flood water retaining structure), timing/phasing arrangements, and future maintenance and operation arrangements. The scheme shall be fully implemented and subsequently maintained, in accordance with approved details and the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding elsewhere by ensuring that there is no net loss of floodplain storage.

18. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing 21110 PWA 00 XX DR C 1001, Rev P07 - Dated 17.04.23. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. 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 ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

19. Within three months of the commencement of the development hereby approved details of works to form the access and access road shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the commencement of the use of the development hereby approved.

Reason: To ensure adequate access in the interest of highway safety.

20. The use of the development shall not commence unless and until the service yard, car parking and electric vehicle charging points have been constructed / installed in accordance with the approved plans and made available for use. The service yard, car parking and electric vehicle charging points shall thereafter remain free from obstruction and available for vehicle manoeuvring, parking and charging and the area shown on the swept path analysis drawings contained within the Transport Statement shall be kept clear of obstructions whilst service and delivery vehicles are operating.

Reason: In the interest of highway safety and to ensure adequate provision for sustainable transport.

21. The use of the development shall not commence unless and until a scheme for secure covered cycle parking has been submitted to and approved in writing by the Local Planning Authority and installed in accordance with the approved scheme. The cycle parking shall be maintained at all times thereafter.

Reason: To ensure adequate provision for sustainable transport.

22. The use of the development shall not commence unless and until a Full Travel Plan has been submitted to and approved in writing by the Local Planning Authority the approved Travel Plan shall be implemented in accordance with the timetable contained within and adhered to thereafter.

Reason: To reduce reliance on private motor vehicles for access to the site in the interest of sustainability.

23. Any gates erected on the site accesses shall be set back from the highway by a minimum of 17m.

Reason: To allow the longest vehicles to clear the highway whilst the gates are operated.

Notes:

IMPORTANT Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. Prior to carrying out works, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Pendle Water is a designated Main River. The proposed drainage strategy drawing referenced Preliminary 21110-PWA-00-XX-DR-C-1001 P01 indicated a new outfall to the river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. 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.

CHAIRMAN_____