

Nelson, Brierfield and Reedley Committee – Planning Update Report - 8th July 2024

23/0833/FUL - Jamia Masjid Usman Ghani Mosque, Stanley Street, Brierfield

LCC Highways - have responded to the amended plans and additional information withdrawing their objection, that the proposed development would not have a significant impact on highway safety, capacity or amenity in the immediate vicinity, subject to conditions for construction management, site access construction, parking and maneuvering, cycle storage, drainage, boundary treatment and travel plan.

A condition is also necessary to restrict the use to that of public worship and use ancillary to that as the impacts of the use have been assessed to be acceptable on that basis.

Neighbours have been notified of the amended plans and publicity expires 9th July. It is recommended that the approval of the application is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the expiry of the publicity period.

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 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.

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: P01, P03A, P04A, P05A, P06A.

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 the external materials and finishes of the walls, roofs, dome, minaret, windows and doors shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved

details.

Reason: In order to control the external appearance of the development in the interest of visual amenity.

4. The development 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 of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the operation 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.

5. All windows in the north and south side elevations of the building shall at all times be obscure glazed to a minimum obscurity level of Pilkington level 4 or equivalent up to a minimum of 1.7m in height above the floor level of the area they serve. The windows shall at all times be hung in such as what as to prevent the effect of the obscure glazing from being negated by opening.

Reason: In order to preserve the privacy of adjacent dwellings.

6. There shall be no external amplified noise unless details of the level and timing of the noise have been submitted to and approved in writing by the Local Planning Authority. Any amplified noise shall be in strict accordance with those approved details.

Reason: In order to control external amplified noise the interest of residential amenity.

7. Prior to the installation of any external lighting details including type, size, location, intensity, direction and timing of illumination of the proposed external lighting shall have been submitted to and approved in writing by the Local

Planning Authority. The external lighting shall thereafter at all times be maintained and operated in strict accordance with the approved details.

Reason: In order to reduce the impact of external lighting in the interest of residential amenity.

8. 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 and prevent surface water draining onto the highway.

9. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning Authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- (i) Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- (ii) Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

10. No development shall take place 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 and road sweeping when necessary;
- 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)** Timing of deliveries;
- ix)** Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties;
- x)** Hours of operation;
- xi)** Construction site noise and vibration; and
- xii)** Control of burning onsite.

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

11. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority. The works shall be implemented prior to first occupation of the approved development. Works to include, but not be exclusive to:

- the formation of vehicular accesses on Arthur Street to an appropriate standard, including kerbed radii;
- buff colour tactile paved dropped pedestrian crossings either side of the accesses;
- buff colour tactile paved dropped pedestrian crossings at the junction of Hartington Street with Stanley Street (both sides);
- the re-construction of the footway along the frontage on Arthur Street to an appropriate standard;
- provision of waiting restrictions (Traffic Regulation Orders) across the access on Arthur Street.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and in the interest of highway safety.

12. The proposed development should not be brought into use unless and until the parking and manoeuvring areas shown on the approved plans have been constructed, laid out and surfaced in bound materials. The parking and

manoeuvring areas shall thereafter always remain available for parking of vehicles associated with the development.

Reason: To allow for the effective use of the parking areas.

13. Prior to the commencement of the use of the development a scheme secure and covered cycle storage facilities shall have been submitted to and approved in writing by the Local Planning Authority and provided in accordance with the approved details.

Reason: To provide infrastructure for sustainable modes of transport.

14. The boundary treatment on Stanley Street should not at any time exceed 0.6m high.

Reason: For pedestrian safety.

15. Prior to the commencement of the use of the development, a green travel plan shall be submitted for approved to include the management of on-site car parking including priority users, promotion of car sharing and drop-off, promotion of walking and cycling together with high quality cycle storage. The plan shall be reviewed annually.

Reason: To support sustainable travel and reduce car parking.

16. The use of the building and land hereby permitted shall be confined to that of Class F1(f) and uses ancillary to that use only and for no other purpose, including any other use within Class F of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

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

24/0231/HHO - 56 Causey Foot, Nelson

Amended plans have been received which have removed the single storey rear extension which resulted in an unacceptable residential amenity impact to the neighbouring properties to the rear on Queensway, Nelson. The removal of the single storey rear extension would change the recommendation from refusal to approval, therefore the proposed development would have no unacceptable residential amenity impact to neighbouring properties, and would conform with Policy ENV2 and the Design Principles Supplementary Planning Document.

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 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.

RECOMMENDATION: Grant Delegated Approval subject to receipt of complete set of amended plans.

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:

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.