

**MINUTES OF A MEETING OF THE  
DEVELOPMENT MANAGEMENT COMMITTEE  
HELD AT NELSON TOWN HALL  
ON 22<sup>ND</sup> JULY 2024**

*PRESENT –*

*Councillor M. Adnan (Chair)*

**Councillors**

*S. Ahmed  
D. Galleary  
Y. Iqbal  
K. McGladdery  
M. Strickland  
M. Stone  
A. Sutcliffe  
Y. Tennant  
D. Whipp*

**Officers**

<i>N. Watson</i>	<i>Assistant Director Planning, Building Control &amp; Regulatory Services</i>
<i>J. Eccles</i>	<i>Committee Administrator</i>

*(Apologies for absence were received from Councillors F. Ahmad and D. Lord.)*

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**7. DECLARATION OF INTERESTS**

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

**8. MINUTES**

**RESOLVED**

That the Minutes of the meeting held on 18<sup>th</sup> June 2024 be approved as a correct record and signed by the Chair.

**9. PLANNING APPLICATIONS**

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

**24/0247/VAR    Section 73. Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 22/0197/FUL on land to the north east of Saint Thomas Church, Wheatley Lane Road, Barrowford for McDermotts**

At a meeting of Barrowford and Western Parishes Committee on 5th June 2024 the decision to refuse this application was referred to this Committee as the decision would represent a significant risk of costs to the Council. The Planning Officer's recommendation was to approve this application.

**RESOLVED**

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

1. The development hereby permitted shall begin no later than 3 years from 23<sup>rd</sup> February 2023.

**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: 22-105-P01, SL-01B, EL01, AW-01, SS04, ASH 1.7, BEA 1.7, BRO 1.7, CHA 1.7, CHU 1.7, EAS 1.7, GRA 1.7, HEA 1.7, HEN 1.8, MIL 1.7, OAK 1.7, SHE 1.7, WAL 1.7, WAR 1.7, WIN 1.7, WIN 1.8, WINS 1.7, SS04.

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

3. The development shall be carried out in accordance with the submitted Construction Method Statement and CMS Plan 22-105-P81, notwithstanding any indication in the Construction Method Statement unless otherwise approved in writing by the Local Planning Authority the hours of operation for construction works shall be limited to Monday to Friday 08.00 – 18:00, Saturday 09:00 – 13:00 and no working on Sundays.

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

4. The development shall then be carried out in accordance with the submitted Estate Street Phasing and Completion Plan.

**Reason:** To ensure the phasing and completion of estate streets serving the development are completed.

5. The site access shall be constructed to base course in accordance with the approved plan No. AW-01 prior to any delivery vehicle movements being commenced.

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

6. No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
  - a) indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development;
  - b) planting plans;
  - c) written specifications (including cultivation and other operations associated with plant and grass establishment);
  - d) schedules of plants noting species, plant supply sizes and proposed numbers/ densities;
  - e) boundary treatment[s];
  - f) vehicle parking layouts;
  - g) hard surfacing materials;
  - h) an implementation programme (including phasing of work where relevant);
  - i) a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings and in the interest of highway safety.

7. The development shall be carried out in accordance with the submitted Ground Investigation Report.

**Reason:** In order to protect the health of the occupants of the new development and in order to prevent contamination of controlled waters, the environment and archaeology.

8. The remediation scheme shall be carried out in accordance with the Ground Investigation Report, and upon completion a verification report by a suitably qualified contaminated land practitioner shall be submitted to and approved in writing by the local planning authority, before the development is occupied.

**Reason:** In order to protect the health of the occupants of the new development and in order to prevent contamination of controlled waters, the environment and archaeology.

9. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

**Reason:** In order to protect the health of the occupants of the new development and in order to prevent contamination of controlled waters, the environment and archaeology.

10. The materials and finishes of the external walls, roofs, windows and doors used in the construction of the external surfaces of the dwellings hereby permitted shall be in accordance with the submitted document 'Condition 10 - Materials Details'.

**Reason:** To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity and the significance of the Conservation Area.

11. The following package of measures shall be implemented, through a S278 Agreement under the Highways Act 1980, in accordance with details to be submitted to and approved in writing by the local planning authority prior to the occupation of the first dwelling:
- a) dropped kerb/tactile paving on Wheatley Lane Road/ Church Street to connect internal footway links to wider network;
  - b) Two bus stops on Wheatley Lane Road at bus stops 2500LAA07261;
  - c) Kerb realignment at Hill Top/ Church Street junction to assist pedestrians; and d) Introduction of associated traffic regulation orders.

**Reason:** To ensure that the final details of the highway scheme/works are acceptable before first occupation in the interest of highway safety.

12. Within 3 months of the development hereby permitted commencing, engineering, drainage, street lighting and constructional details to adoptable standards (Lancashire County Council specification) of the internal estate roads shall be submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details.

**Reason:** To ensure that the estate road is acceptably constructed in the interest of highway safety.

13. No dwelling hereby permitted shall be occupied until visibility splays 2.4 metres back from the centre line of the access and extending 40m to the east side and 44m to the west side on the nearside carriageway edge in both directions have been provided at all accesses/junctions, as shown on the approved plans. Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.9 metres above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free of obstruction at all times thereafter for the lifetime of the development.

**Reason:** To ensure adequate inter-visibility between highway users at the street junction or site access, in the interests of highway safety.

14. No dwelling hereby permitted shall be occupied until details of the arrangements for future management and maintenance of the estate road within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

**Reason:** To ensure provision for the management and maintenance of the estate road in the interest of highway safety.

15. The internal estate roads and pedestrian links to the eastern and western corners of the site joining Wheatley Lane Road/ Church Street shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling.

**Reason:** To ensure that the estate road and pedestrian links are constructed in the interest of highway safety.

16. No dwelling shall be occupied until the driveways and parking areas have been drained and surfaced in accordance with details that shall first have been submitted to and approved in

writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.

**Reason:** To ensure an adequate level of car parking provision in the interest of highway safety.

17. Prior to first occupation, each dwelling shall have access to a secure bicycle store at a ratio of 1 cycle space per bedroom. That space shall thereafter be kept available for the parking of bicycles.

**Reason:** To support sustainable transport.

18. Prior to first occupation, each dwelling shall be fitted with an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of current electric vehicles.

**Reason:** To support sustainable transport.

19. No dwelling hereby permitted shall be occupied until foul and surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: • provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; • include a timetable for its implementation; and, • provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

**Reason:** To ensure that 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.

20. The window openings of the dwellings hereby permitted shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

**Reason:** To ensure the continuation of a satisfactory appearance to the development and to protect the significance of the Conservation Area.

21. The development hereby permitted shall be carried out in accordance with the recommendations of the submitted Preliminary Ecological Appraisal (dated October 2020). Prior to the occupation of the first dwelling, a scheme of ecological enhancement shall have been submitted to and approved in writing by the local planning authority and the development shall thereafter be carried out in accordance with the approved scheme.

**Reason:** To ensure the ecology of the site is enhanced and protected species are not harmed by the development.

22. The approved Travel Plan (dated March 2022) shall be implemented, monitored and reviewed in accordance with Travel Plan Targets which shall be submitted to and approved in writing by the local planning authority in accordance with the timing set out in the submitted Travel Plan.

**Reason:** To reduce the number of car journeys and deliver sustainable transport objectives.

23. The development hereby permitted shall be carried out in accordance with the submitted Flood Risk Assessment and Drainage Strategy (dated March 2022, reference LRD31208 Revision B, prepared by Sutcliffe). The measures shall be implemented prior to occupation of the development and in accordance with the timing / phasing arrangements embodied within the scheme.

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

24. A CCTV survey of any culvert which crosses below the proposed highway and existing highway along the site frontage (Wheatley Lane Road/ Church Street) shall be undertaken within 6 months of the completion of the development. Any identified defects resulting from the survey shall be rectified within 6 months of the survey.

**Reason:** In order to avoid unnecessary maintenance liability prior to adopting the highway network.

## **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 development accords with Local Planning Policy and 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.***

**24/0267/HHO Full: Erection of a front and rear dormer to facilitate a loft conversion and a first-floor rear extension at 119 Clayton Street, Nelson for Ms Shabnam Kanval**

This application was deferred from the last meeting to give the applicant an opportunity to submit amended plans with a better design addressing the residential amenity issues, and that was more in proportion and in keeping with the area. The Planning Officer's report commented on the amended plans received but the recommendation remained to refuse this application.

## **RESOLVED**

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

1. By virtue of its position upon a prominent roof slope of the dwelling, the proposed dormer would have an unacceptable impact upon the design of the original dwelling and in turn cause harm to the wider character and appearance of the Whitefield Conservation Area. It represents poor design, contrary to paragraph 139 of the Framework and is in conflict with paragraph 208 of the Framework because the harm is not outweighed by any public benefit. The proposal is also contrary to Policies ENV1 & ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

CHAIR\_\_\_\_\_