



REPORT OF:	THE PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER
TO:	DEVELOPMENT MANAGEMENT COMMITTEE
DATES:	23rd OCTOBER 2017

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PLANNING APPLICATIONS

PURPOSE OF REPORT To determine the attached planning applications
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REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 23 OCTOBER 2017

Application Ref: 17/0427/OUT

Proposal: Outline: Major: Erection of up to 200 dwelling houses, with open space provision, estate roads, landscaping and emergency access road with access from Marsden Hall Road (Access only) (Re-Submission).

At: Land At Further Clough Head, Bamford Street, Nelson

On behalf of: Liberata

Date Registered: 04/08/2017

Expiry Date: 03/11/2017

Case Officer: Alex Cameron

This application is for a housing development of more than 60 houses and as such must be determined by Development Management Committee.

The application was referred to Nelson Area Committee for comments on 10th October 2017. The Committee resolved to make the following comments:

Concerns regarding school places, building on green field sites and the infrastructure of Nelson isn't strong enough to accommodate more houses.

Site Description and Proposal

The application site is a 10.4 ha parcel of open land to the south of Messenger Street, Wickworth Street and Pinewood Drive in Nelson, the site is roughly a 'C' shape with an allotment site at its centre. The majority is allocated for housing in the Local Plan.

There is open land to the south, and east, Pendle Industrial Estate to the west and dwellings and allotments to the north. The site would be accessed from Marsden Hall Road South with a second emergency access point from Windsor Street. Public footpath Nos. 72 and 73 run along the north boundary of the site, No.70 runs alongside the proposed access road and 65 runs from the east boundary of the site to the allotments in its centre.

The majority of the site falls within the settlement boundary of Nelson with just a triangular area of the land to the south of footpath No. 65 falling outside of the settlement. An area of the site to the north of Clough Head beck is designated as Existing Open Space.

This is an outline planning application for access only for the erection of up to 200 dwellings.

Relevant Planning History

16/0403/OUT - Withdrawn outline planning application

Consultee Response

PBC Environmental Health – No adverse comments.

LCC Education - The latest information available at this time was based upon the 2016 School Census and resulting projections. Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 76 primary and 30 secondary school places.

Calculated at the current rates, this would result in a claim of: 76 primary places (£1,080,515.56) and 30 secondary places (£642,698.10).

PBC Conservation - The settings of two designated heritage assets are potentially affected by this application. The northern boundary of the development site lies close to the Grade II listed Further Clough Head Cottage, and the eastern site boundary adjoins the Southfield Conservation Area. The CA at this point consists of open fields which provide a farmland setting for the historic hamlets at the heart of the CA. There are several listed buildings within these small historic farming hamlets but these are located at some distance from the development site.

A comprehensive Heritage Statement has been submitted by specialist heritage consultants which follows Historic England guidance on assessing the effect of the proposal on the significance of the identified heritage assets and their settings. The significance of Further Clough Head Cottage and the Southfield CA and the contribution made by their settings is fully set out in the Heritage Statement. The Statement also assesses key views in the area that may be affected by the development, and the significance of surrounding character areas, with particular reference to the CA.

The indicative layout plan shows an existing area of woodland along Clough Head Beck, at the northern edge of the site, to be retained as a green corridor. This would effectively act as a buffer zone and screen views between the listed Cottage and the housing development on the site. The LB is a typical vernacular farmhouse of the early 18thC; it does retain some feel of its original landscape setting with the mature trees around it, although modern housing development to the edge of Nelson has extended to its northern side. This has already compromised and curtailed the previously open rural setting. However the mature trees will screen views of the development site from the Cottage, and there will therefore be little additional impact on its setting.

Southfield CA is a collection of historic farming hamlets situated on a shelf of the valley slope, and set within an attractive pastoral landscape. It is a locally valued heritage landscape containing a number of listed former farm buildings and quarry workers'

cottages, characterised by dry stone walls and hedgerow field boundaries, with taller and more mature trees surrounding the individual settlements. The use of local stone and stone slate - quarried from the immediately surrounding hillsides - adds greatly to the significance. The CA boundary has been widely drawn to include the open fields which contain the historic farming settlements, giving a sense of the original character of the area prior to the industrial expansion of Nelson. The land rises significantly towards the east of the site where it adjoins the CA, and this change in levels goes some way to screening the Southfield CA hamlets from the development site, as do the trees along field boundaries. However it will be important at the detailed design stage to consider the height, massing and materials for the houses, particularly at the edges of the site and closest to the CA boundary to ensure that the setting of the CA and the LB's within it are not compromised. Landscaping will be particularly important to ensure that development edges and views are softened. If such mitigation measures can be included at the detailed stage there would likely be little impact on the setting of the CA and the listed buildings within it.

PBC Public Rights of Way – Footpath No.65 would form an important pedestrian access point to the site a suitable condition should be attached for improvements to the footpath from the end of Southfield Street. A 2m surfaced footpath should be constructed on the line of footpath 65 within the site. Please attach a note making the developer aware that the grant of permission does not include the right of obstruct or interfere with a right of way.

Coal Authority – No objection subject to a condition prior to the submission of the reserved matters:

- The submission of a scheme of intrusive site investigations for the mine entries for approval;
- The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and
- The undertaking of both of those schemes of intrusive site investigations.

A condition should require as part of the reserved matters application:

- The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;
- The submission of a layout plan which identifies zones of influence for the recorded mine entries on site, and the definition of suitable 'no-build' zones;
- The submission of a scheme of treatment for the recorded mine entries for approval;
- The submission of a scheme of remedial works for the shallow coal workings for approval.

A condition should also require prior to the commencement of development:

- The implementation of those remedial works.

United Utilities – No objection subject to the following conditions: Foul and surface water drainage, sustainable drainage management and maintenance plan.

Environment Agency - No objection subject to the following conditions:

Contaminated land investigation. remediation, validation and long term monitoring.

Natural England – No comments.

PBC Public Rights of Way –

Lead Local Flood Authority –

LCC Highways - Request that further assessment is completed of the mini-roundabout junction, as there is a concern about its current use and its suitability to accommodate the development traffic. Further surveys of the vehicle speeds and vulnerable users should be completed including a Safety Audit of the junction.

Service 95 is a LCC subsidised bus service which has been at risk in previous years due to funding cuts. The service is currently secured until March 2018 whereby it will be again reviewed. There are no mainline bus services or any other local services within walking distance of the development site and therefore the continuation of service 95 into the future is critical for the sustainability of the site.

A phased contribution towards the cost of running the service into future years would be requested by LCC to support the sustainability of the site. Without the bus service, the development site does not accord with the sustainable policies in the NPPF.

Taking into account the size of the site a phased contribution is recommended with a contribution of £25,000 upon occupation of the 50th dwelling and thereafter an annual contribution of £25,000 for 5 years.

There is no framework Travel Plan submitted with the application.

The provision of a secondary access is necessary to maintain access to the development in the event of a planned or emergency closure of Marsden Hall Road South which provides sole access. The sole access will serve approximately 350 dwellings (150 dwellings existing and 200 proposed) and there are culverts which cross the access road which increases the likelihood of works within the carriageway. There is a route shown on the indicative layout onto Messenger Street, which is adopted highway. The secondary access shall be constructed to adoptable standards, including vehicle access controls, street lighting and surface water drainage prior to the occupation of the 51st house.

It will be necessary to prepare a detailed construction traffic management plan prior to the commencement of any works on site. This should include a restriction on HGV movements/deliveries during school picking up and dropping off times. This will be a condition of any planning approval.

Conditions: construction method statement, construction traffic hours, off-site works to mini-roundabout and bus stops, estate street construction details, framework travel

plan, estate street phasing, emergency access, estate street maintenance, parking and driveway surfacing, cycle stores, electric vehicle charging points.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Over 200 objections received on the following grounds:

- The plans do not specify how the emergency access will be protected or policed;
- Will the emergency access be used for conduction? We already have HGV's using our street to get to the units off Wenning Street;
- The green space opposite our house is public amenity space. We will still have access? Can we use the resident's parking spaces? None of this is clear;
- The land is full of becks and old mine works we are worried this will hamper natural drainage and increase the potential for flooding;
- The site is a haven for wildlife and a precious and peaceful public space which should be available to be enjoyed by all. There are plenty of brownfield sites you can build on;
- Highway safety and extra traffic concerns of existing home owners;
- Restricted access to the development and emergency access;
- Stress on infrastructure e.g. schools, doctors, police (public services);
- The value of the land to residents and community e.g. dog walkers, hikers, joggers;
- Noise pollution of traffic passing residents homes and surrounding wildlife (during building and after completion of development);
- Devaluation of existing properties;
- Building Greenfield sites over existing Brownfield sites;
- Concerns over opportunistic joyriders/street racing;
- Building waste/debris during long-term building phases;
- The site has been selected over the Jimmy Nelson site (plans for which have already been approved);
- There are over 1,000 homes in Nelson either for sale/rent or empty – why are these not being filled?
- Around 2,000 homes already approved for planning in the area so certainly don't need another 200 here;
- Problems in winter – no gritters;
- Will the recently announced £260m in saving cuts by LCC, including £2.8m reduction in highways budget, have any effect on the proposal.
- I would be interested to hear why the Council are pushing for this – what is in it for them? Money?;
- Nothing has altered in the amendments and the original issues raised have not been resolved;
- Residents on Barkerhouse Road have been notified but not residents on my estate who will be impacted on the most;

- The Council should look into investment in Nelson Town Centre first as I cannot see how they would entice people into the area;
- Unnecessary disruption to hedgehog breeding sites and disruption to other wildlife including bats, owls, badgers and deer;
- Potential flood risks due to buildings of impermeable surfaces on flood drainage land;
- Lack of information to residents/communication to residents as well as some people not having any information on the matter despite being affected by the situation;
- Too much noise;
- Destroying countryside;
- Safety on roads for children;
- Pollution from building;
- Eyesore;
- I don't want this development on my doorstep I have bought my house and spent a lot of money on it and now it will be devalued, view will be ruined and traffic will be horrendous;
- Accidents on over congested road;
- Coal mines have not been capped;
- Existing roads are incorrect never mind new roads;
- The way we are going there isn't going to be a spare piece of land left anywhere;
- People are not encouraged to visit Nelson;
- Children and people using the area for walking and horse riding;
- We have farmed the land on grazing licence for the past 30 years and would like to farm it for a further generation;
- Loss of views of fields from adjacent dwellings;
- Increase in crime and anti-social behaviour.
- Have all other HMR reserved housing land areas in Nelson been considered?

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Nelson is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Brierfield would be expected to provide, as a minimum, over the plan period.

Policy ENV1 of the Replacement Pendle Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies. It states that until the part 2 plan is adopted sustainable sites adjacent to settlements will be permitted to come forward provided they make a positive contribution to the five year housing supply.

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the target for 15 or more dwellings is 0%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 17 allocates parts of the site for housing and this allocation remains extant.

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's

view of what sustainable development in England means in practice for the planning system.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Paragraph 55 states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Paragraph 173 states that pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Principle of Housing

The majority of the application site is within the settlement boundary of Nelson on an allocated site for housing, only a small area in the south east corner is not within the settlement or allocated. Taking into account that this area is directly adjacent to the settlement boundary, that the site has been deemed sustainable via its allocation in a Local Plan and the proximity of services and facilities, it is not an isolated site for the purposes of paragraph 55 of the Framework. Therefore, in location terms and in terms of the development's contribution to the economic role of sustainable development the proposed development accords with the Framework.

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites. This site is included in this assessment.

Part of the site is designated as HMR Reserved Housing Land of the Local Plan Proposals Map, the Housing Market Renewal program has been cancelled and the policies in the Replacement Pendle Local Plan relating to it have been superseded by the Pendle Local Plan Part 1: Core Strategy. This designation therefore has no impact upon the proposed development.

The proposed housing development is therefore acceptable in accordance with Policies SDP2, SDP3 and the Framework.

Visual Amenity and Landscape Impact

This application is in outline for access only, the design scale and landscaping of the development would be considered in a separate reserved matters application. An indicative layout has been submitted which shows a relatively low density development with a green spaces retained to the north of the site and to the south of the allotments.

The site is located on sloping rural land which rises from Clough Head Beck sloping up to the south east, the most prominent public view across the site would be from Windsor Street / Messenger Street, the approach to the site from the main entrance off Marsden Hall Road South and the public footpaths between the site and Barkerhouse Road to the east. Beyond these points the site would be likely to be completely screened by the existing landform, trees and buildings.

The indicative plans show proposed green open space along the northern boundary of the site which provide a visual buffer and some level of screening with appropriate landscaping between the site and views from the north. In views from the east the development would appear as a natural extension of the existing development, set against existing adjacent residential and industrial development.

The proposed development is therefore acceptable in principle in terms of visual amenity and landscape impact in accordance with policies ENV1 and ENV2.

Heritage Impact

The settings of two designated heritage assets are potentially affected by this application. The northern boundary of the development site lies close to the Grade II listed Further Clough Head Cottage, and the eastern site boundary adjoins the Southfield Conservation Area. The CA at this point consists of open fields which provide a farmland setting for the historic hamlets at the heart of the CA. There are several listed buildings within these small historic farming hamlets but these are located at some distance from the development site.

A comprehensive Heritage Statement has been submitted.

The indicative layout plan shows an existing area of woodland along Clough Head Beck, at the northern edge of the site, to be retained as a green corridor. This would effectively act as a buffer zone and screen views between the listed Cottage and the housing development on the site.

The open space area to the north of the site and surrounding trees would act as a buffer and screen views of the development site from the setting of Further Clough Head Cottage. This would ensure that the development would not result in harm to the significance of the Listed Building.

The eastern boundary of the site abuts fields falling within Southfield Conservation Area. Taking into account that the application site rises steeply up to this eastern boundary the proposed development would not be visible/prominent in views from the wider Conservation Area. It could be ensured at the reserved matters stage with appropriately out, design and landscaping that the development does not result in unacceptable impacts in views

Southfield CA is a collection of historic farming hamlets situated on a shelf of the valley slope, and set within an attractive pastoral landscape. It is a locally valued heritage landscape containing a number of listed former farm buildings and quarry workers' cottages, characterised by dry stone walls and hedgerow field boundaries, with taller and more mature trees surrounding the individual settlements. The use of local stone and stone slate - quarried from the immediately surrounding hillsides - adds greatly to the significance. The CA boundary has been widely drawn to include the open fields which contain the historic farming settlements, giving a sense of the original character of the area prior to the industrial expansion of Nelson. The land rises significantly towards the east of the site where it adjoins the CA, and this change in levels goes some way to screening the Southfield CA hamlets from the development site, as do the trees along field boundaries. However it will be important at the detailed design stage to consider the height, massing and materials for the houses, particularly at the edges of the site and closest to the CA boundary to ensure that the setting of the CA and the LB's within it are not compromised. Landscaping will be particularly important to ensure that development edges and views are softened. If such mitigation measures can be included at the detailed stage there would likely be little impact on the setting of the CA and the listed buildings within it.

The proposed development is therefore acceptable in principle in terms of its potential heritage impact, it can be ensured at the reserved matters stage that the final development would not result in unacceptable heritage impacts.

Residential Amenity

It is clear from the indicative plans that a residential development of the scale proposed could be accommodated on the site without unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings. An acceptable degree of residential amenity could also be assured for future residents of the proposed dwellings in accordance with policies ENV2 and LIV5.

Ecology

An ecology survey of the site has been submitted with the application. This recommends checks are carried out for nesting birds if the development is carried out within the bird breeding season. It identifies five trees with bat roosting potential, the report recommends that further survey work is required in order to establish whether bat roosts are present. The tree survey indicates that the five trees would be retained if necessary and accommodations made in the layout at reserved matters stage.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The indicative plans show public open space area within the site which would meet this requirement. The indicated public open space areas would include the area to the north of the site that is designated as open space and therefore it could be ensured that this designation would not be adversely impacted by the layout of the development at the reserved matters stage.

Drainage and Flooding

The applicant has submitted a flood risk assessment for the site. This concludes that the site is not at unacceptable risk of flooding and the increase in surface water runoff from impermeable areas within the site can be acceptably attenuated with a sustainable urban drainage system. The report recommends that inspections and possible replacements of culverts it is proposed to discharge to are necessary. The statutory consultees have confirmed that the FRA is robust and acceptable.

Education

An education contribution of 76 primary school and 30 secondary school places is necessary to offset the impact of the development on local schools.

The National Planning Policy Framework requires that Councils do not impose contributions that would jeopardise the financial viability of a development. A financial appraisal has been submitted which looks at the viability of the scheme. Part of the funding package to make the scheme viable is a bid for Housing Investment Fund grant. Without that funding the scheme would not be viable. The requests for funding are 76 primary places (£1,080,515.56) and 30 secondary places (£642,698.10) – totalling £1,723,213.66.

A reasonable return for a developer is a 15-20% profit. Were the HIF funding to be removed from the equation and the education contribution added in the profit level would reduce to 5%. With the HIF funding profits would be 8%. Both are significantly below what would make a scheme viable during current market conditions. We would however recommend that a review mechanism be put in place to assess ongoing viability to take into account future potential profit increases that could occur for example should sales levels be above those currently anticipated.

Affordable Housing

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the target for 15 or more dwellings is 0%. There is therefore no requirement for affordable housing to be provided on this site.

Highways

Access to the site would be via Barkerhouse Road and then through the modern housing estate on Marsden Hall Road South. The carriageways here are wide enough to accommodate the additional traffic.

A transport assessment has been submitted with the application, this concludes that the proposed development of up to 200 dwellings would not result in an unacceptable impact on the local highway network in operational or highway safety terms. LCC Highways have raised concerns about the suitability of the mini roundabout at the junction of Barkerhouse Road/Marsden Hall Road to accommodate the development traffic and have requested further assessment of the junction. They have also requested contributions for towards bus services and bus stop improvements.

The applicant has been requested to address these matters. However the roundabout can be improved and thus a Grampian condition requiring a scheme of improvement would resolve this.

A condition requiring a space emergency access to be provided would address the issue raised by LCC of alternative access arrangements were the estate road to be blocked.

A request has been made to contribute a total of £150,000 over 5 years to extend a bus service to the site. This contribution could be made without unacceptably affecting viability.

A Contribution totalling £150,000 has been requested for bus services. As detailed above the scheme is already below a level of accepted viability and a contribution would bring that down further. It is not necessary to have a bus service to make the development acceptable.

Public Rights of Way

The indicative plans demonstrate that the public footpaths crossing the site can be accommodated within the development without unacceptable impacts upon them. The development would be likely to increase use of footpath 65 from Southfield Street, it is necessary to require that the footpath is acceptably surfaced through the site and to Southfield Street to accommodate the increase in use.

Summary

The proposed development is acceptable in principle in terms of its location, landscape and heritage impacts, drainage and ecology. Additional details are required in relation to the highway impacts of the development and the impact of requested contributions on the development's viability. It is recommended that the approval of the application is delegated to the Planning, Building Control and Licencing Manager subject to acceptable details being received.

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 compliant with policy, the proposed layout and principle of residential development is acceptable and the proposed access is acceptable in terms of highway safety. 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. An application for approval of the reserved matters (namely the appearance, scale, layout and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, scale, layout and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: 00-ZZ-LL-P2-001 Rev P2, 00-ZZ-LL-P2-002 Rev P2, 11184_L01, E0444 D01A, E0444 D02B.

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

4. The development shall be carried out in strict compliance with the mitigation recommendations set out in the Extended Phase 1 Habitat Survey Report received 04/08/2017. Further bat surveys, in accordance with the recommendations of the report, shall be submitted with or prior to the submission of the layout reserved matter.

Reason: To ensure protection of the habitat of species which are protected under the Wildlife & Countryside Act, 1981.

5. development shall commence unless and until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority. This shall include foul and surface water drainage which shall be drained on separate systems.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No dwelling shall be occupied unless and until it is connected to the public foul and surface water systems.

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

6. 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:

- a. Arrangements for the completion and adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. 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.

7. Prior to each phase of development approved by this planning permission no development (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place unless and until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the local planning authority:

1) A preliminary risk assessment which has identified:

- a. all previous uses;
- b. potential contaminants associated with those uses;
- c. a conceptual model of the site indicating sources, pathways and receptors;
- d. 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 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

No occupation of each phase of development shall take place unless and until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

No development should take place unless and until a long-term monitoring and maintenance plan in respect of contamination including a timetable of monitoring and submission of reports to the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to and approved in writing by the Local Planning

Authority. Any necessary contingency measures shall be carried out in accordance with the details in the approved reports. On completion of the monitoring specified in the plan a final report demonstrating that all long-term remediation works have been carried out and confirming that remedial targets have been achieved shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to prevent both the new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

8. No development shall take place, including any works of demolition unless and 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 demolition and construction works
 - viii) Details of working hours
 - ix) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety.

9. For the duration of the construction period there shall be no HGV traffic movements into or out of the site between 8-9am and 3-4pm Mon-Fri during term time to avoid school start and finish times.

Reason: In the interest of highway safety.

10. The development shall not be commenced unless and until a scheme of improvement works for the mini-roundabout junction Barkerhouse Road/Marsden Hall Road including full engineering, drainage, street lighting has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the occupation of the first dwelling.

Reason: In the interest of highway safety.

11. Prior to commencement of any development a scheme shall be submitted for the upgrade of the WB and EB bus stops on Barkerhouse Road (2500IMG2717 & 2500IMG2719) and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the first occupation of any dwelling.

Reason: In the interest of highway safety.

12. Prior to commencement of any development full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety.

13. No development shall commence until a Framework Travel Plan has been submitted to, and approved in writing by the Local Planning Authority. The provisions of the Interim Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development provides sustainable transport options.

14. No development shall be commenced unless and until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases (including the provision of the emergency access link) and the standards that estate streets serving each phase of the development will be completed.

Reason: In the interest of highway safety.

15. Following the occupation of the 50th dwelling or in accordance with the Estate Street Phasing Plan whichever comes soonest, the emergency access link onto Messenger Street/Windsor Street shall be completed to an adoptable standard in its entirety.. A scheme for the signing and access controls at the emergency access link and the footpath link shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved scheme prior to the completion of the said links.

Reason: In the interest of highway safety.

16. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety.

17. Prior to first occupation the garages, driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

Reason: In the interest of highway safety.

18. Prior to first occupation each dwelling shall have an electric vehicle charging point.

Reason: To ensure that the development provides sustainable transport options.

19. Prior to the occupation of the first dwelling a scheme of improvement works to footpath No.65 within the site and to the point where it meets Southfield Street shall be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the local planning authority, no dwelling shall be occupied unless and until the works have been completed in accordance with the approved scheme.

Reason: To offset the impact of the increased use of the footpath resulting from the development and to ensure acceptable pedestrian access.

20. Prior to the submission of the first reserved matter a scheme of intrusive site investigations for the mine entries and for shallow coal workings shall be submitted to and approved in writing by the Local Planning Authority.

The scheme shall be undertaken in accordance with the agreed details and a report of findings arising from both of the intrusive site investigations shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- the results of any gas monitoring undertaken;
- a layout plan which identifies zones of influence for the recorded mine entries on site, and the definition of suitable 'no-build' zones;
- a scheme of remedial works for the shallow coal workings for approval.

The development shall not commence unless and until the remedial works have been implemented in strict accordance with the agreed details.

Reason: to ensure the site is made safe and stable for the proposed development.

20. Two years after the commencement of development, and every two years thereafter until the development is substantially completed, the developer shall submit a full viability appraisal to assess whether an education contribution could be made. Should scheme viability permit a contribution the developer shall then enter into a

section 106 agreement with the Local Planning Authority for payment of that contribution.

Reason: In order that the education requirements resulting from the development can be met by future contributions should the scheme be viable enough to contribute...

Notes:

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.