

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES
MANAGER

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATE: 21st December 2015

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 21 DECEMBER 2015

Application Ref: 13/15/0404P

Ref: 18965

Proposal: Outline: Major: Residential development (0.98ha) of upto 39 dwelling houses
- Access only (from Priory Chase).

At: LAND BETWEEN FLETCHER STREET & BRACEWELL STREET NELSON
BB9

On behalf of: Targetsite Limited

Date Registered: 26 August 2015

Expiry Date: 21 October 2015

Case Officer: Kathryn Hughes

This item has been referred to Development Management as Members of Nelson Committee were minded to refuse this application as the vehicular access would be via Priory Chase which they considered to be unacceptable on highway grounds.

Site Description and Proposal

The site comprises 0.98 ha of land at the south-east end of Bracewell Street.

The site was formerly used as allotments and lies within the settlement boundary of Nelson in a mainly residential area.

The site is bounded by modern housing to the north east, allotment gardens to the south and north west together with older residential dwellings to the west. The former James Nelson Sports Club lies adjacent to the site to the south east and has an extant permission for 106 dwellinghouses which was allowed on appeal.

The proposal is to erect up to thirty nine dwellinghouses on the site. The application is in outline with only details of access via Priory Chase applied for at this stage.

Details of appearance, landscaping, layout and scale are reserved for later consideration as part of a Reserved Matters application.

This site was initially included in the Strategic Housing Land Availability Assessment but was subsequently removed after planning permission was obtained for the nursing home. The agent has confirmed that the nursing home scheme is not longer proceeding and therefore the site is now available for housing.

Relevant Planning History

13/07/0853P - Erect Nursing Home - 0.78 hect. -(Outline) - Granted February, 2008

13/08/0337P - Erect 96 place nursing home split level (6500sq.m floorspace). Granted September 2009.

13/11/0448P - Full: Major: Extension of Time: Extend time limit for implementation of Planning Permission 13/08/0337P to erect 96 place nursing home split level

(6500m2 floorspace) - Approved 29th November, 2011.

Consultee Response

LCC Highways - The Development Support Section understands the current planning application is concerned with the principle and access to the site only and as such only provisional highway comments have been made regarding the internal layout of the site.

The site will be accessed by extending the highway associated with Priory Close. Priory Close is an unclassified road and is categorised as a cul-de-sac road with a speed limit of 20 mph.

The planning application is for less than 50 new dwellings and as such the applicant does not need to provide a transport assessment.

TRICS is the national standard system used to predict trip generation and analysis of various types of development. Using a typical TRICS report for a privately owned housing development, the development will generate an estimated 250 additional vehicular movements a day with an estimated peak flow of 25 vehicles between 17:00 and 18:00.

Based on observations on site the current highway geometry along Priory Lane is suitable to serve 300 dwellings. The Highway Development Control Section is of the opinion that the development should have a negligible impact on highway capacity in the immediate vicinity of the site.

The Lancashire County Councils five year data base for Personal Injury Accident (PIA) was checked on the 13th October 2015. The data based indicates there has not been any reported incidents along priory Close and Clough Road and this includes the junction with Clough Road and Bakerhouse Road. The highway network surrounding the site is considered to have a good accident record and indicates there is no underlying issue which the proposed development would exacerbate.

The proposed continuation of Priory Close into the site is to current prescribed design standards for highway adoption, although a turning head for twin axel refuse vehicle and fire appliances is required as part of the reserved matters application

The proposed development does not affect any public rights of way.

The applicant is proposing a footpath link from the site to Bracewell Street. The Development Support Section is of the opinion that this proposed route should be a 3m wide cycle like to support social inclusion and the promotion of sustainable transport links. This link would be considered for highway adoption.

The turning head to be either a prescribed "Access Way" turning head from Lancashire County Council Residential Design Guide or the applicant to prove the turning head layout by swept path analysis for a twin axel refuse vehicle.

The applicant should provide accurate details of the required turning head before determining the application and the turning head protected under condition, for perpetuity.

Conditions relating to wheel washing and estate road construction should be attached to any grant of planning permission

LCC Contributions - Bus Services - Improvement of existing bus stop facilities on Barkerhouse Road – **namely laying of a length of raised kerbs and implementation of appropriate thermoplastic lining requirements** (ref 2500IMG2719 "Clough Road", including possible upgrade of Bus Shelter at this stop in agreement with Pendle Borough Council, & the ERECTION OF A NEW STOP "Clough Road", in a suitable location to be agreed with Public Transport Team)

to County Council quality bus stop standards (to be undertaken via Section 278 agreement).

Education - The latest information available at this time was based upon the 2015 annual pupil census and resulting projections.

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 6 secondary school places but will not be seeking a contribution for primary school places.

Calculated at the current rates, this would result in a claim of:

Secondary places:

$(£18,469 \times 0.9) \times \text{BCIS Indexation } (314.50 / 288.40 = 1.090499)$

= £18,126.38 per place

$£18,126.38 \times 6 \text{ places} = \mathbf{£108,758}$

However, as there are a number of applications that are pending a decision that could impact on this development should they be approved prior to a decision being made on this development the claim for primary school provision could increase up to maximum of 15 places.

Calculated at the current rates, this would result in a maximum primary claim of:

$(£12,257 \times 0.9) \times \text{BCIS Indexation } (314.50 / 288.4 = 1.090499)$

= £12,029.62 per place

$£12,029.62 \times 15 \text{ places} = \mathbf{£180,444}$

This assessment represents the current position on 17/09/2015

Named Infrastructure Project

A specific infrastructure project where the secured education contribution will be spent to deliver additional school places will be provided prior to the Committee decision/completion of S106 agreement. The local planning authority will need to notify the School Planning Team that a school infrastructure project needs to be determined.

- **As this assessment has a number of pending applications impacting upon it a recalculation would be required at the point at which the application goes to committee. It is therefore the responsibility of the planning authority to inform LCC at this stage and request a recalculation in order to obtain a definitive figure.**

1. The claim will be reassessed once accurate bedroom information becomes available.

Architectural Liaison Unit - **The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.**

Crime Risks.

Within the period Of the 1st January 2015 to the 31st August, there have been 27 recorded crimes in the near surrounding area of the proposed development.

Observations.

As this is an outline application for access only the details of the development are limited. In particular no mention is made of the intended security to be included as part of the development. I make the following recommendations for inclusion at reserved matters, should the application be granted.

Recommendations.

In order to provide a safe, secure and sustainable environment for residents, I recommend that this development should be built in accordance with Secured by Design Standards. In particular Part 2 of Secured by Design - physical security should be incorporated into the scheme. Design Guides – New Homes 2014 is available at www.securedbydesign.com

1. Windows should be PAS 24/2012 tested and certificated. Front, rear and side doorsets should be doors of enhanced security tested and certificated to PAS 23/24 standards, front doorsets should be fitted with a viewer and security bar/chain.

2. The front and rear of dwellings should be protected with a dusk till dawn lighting unit to deter potential offenders and reduce the fear of crime.

3. The rear and side of the dwellings should be secured with a 1.8m fencing arrangement such as close boarded or similar. Access to the vulnerable rear of the dwellings should be restricted with a secure 1.8m lockable gating arrangement fitted as flush with the front of the building line as possible.

4. A concern is the proposed footpath from the development to Bracewell Street. If this to be incorporated in the design, it should be afforded excellent natural surveillance and good lighting

Further advice on the requirements of Secured by Design is available from this office or at www.securedbydesign.com

Natural England - No Comments.

Environment Agency - No comments required refer to LLFA.

Lead Local Flood Authority - **Land Drainage Consent**

The proposals indicate that the applicant intends to discharge surface water into unnamed drainage ditch, paragraph 5.4.4 of the submitted Flood Risk Assessment, titled 'Land off Bracewell Street, Nelson' by Betts Associates.

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to build a culvert or structure (such as a weir) or carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

As a minimum, the applicant will be expected to:

- Carry out studies of the existing watercourse condition and capacity;
- Undertake an examination of the downstream condition and implications of the development proposal, and;
- Restrict discharge rates so that the peak runoff rate from the development to the ordinary watercourse for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

You should contact the Flood Risk Management Team at Lancashire County Council to obtain Land Drainage Consent. Information on the application process and relevant forms can be found

here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

For the avoidance of doubt, once planning permission has been obtained it does not mean that land drainage consent will be given.

No development within 8 metres of an Ordinary Watercourse

The submitted Flood Risk Assessment, paragraph 4.3.4 indicates that the applicant intends to build within 8 metres of the open watercourse. Construction within 8 metres of an open watercourse is not advised as access for maintenance purposes is restricted and it has the potential to pose an undue flood risk to structures should fluvial flooding occur.

It is therefore advised that the applicant modifies the proposed site layout to ensure that no structures are constructed within 8 metres of the top of the banks of the watercourse.

Lead Local Flood Authority Position

The Lead Local Flood Authority has **no objection** to the proposed development subject to the inclusion of conditions relating to development being carried out in accordance with the submitted Flood Risk Assessment, an appropriate surface water drainage system being submitted and approved, completion of the sustainable drainage system, management and maintenance being agreed, details of finished floor levels being approved and construction and operation of the pond/attenuationbasin.

United Utilities - The developer should consider the following drainage options in the following order of priority:

- into the ground (infiltration);
- to a surface water body;
- to a surface water sewer, highway drain, or other drainage system;
- to a combined sewer.

A public sewer crosses the site and we may not permit building over it. We will require an access strip width of 6m.

Drainage conditions should be attached to any grant of permission.

A water supply can be made available to the proposed development.

PBC Drainage

Environment Officer - condition for an appropriate landscaping scheme required.

PBC Environmental Health - Conditions required for contaminated land, burning on site, dust control and construction.

Nelson Town Council - No objections or observations made.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Thirteen letters, emails and webcomments received objecting to the development on the following grounds:

- concern over using Priory Chase as an access to and from the site resulting in heavy goods vehicles using the road causing a mess and noise pollution and leading to increase traffic;
- the reason we chose to live here was for a safe cul-de-sac for children to play, peace of mind that our cars and properties are reasonably secure and we have a good number of cars belonging to residents of this street already to increase this would be negligent;
- we have difficulties in winter on Priory Chase to add more cars would be horrendous;
- a further hazard is the entry and exit onto Barkerhouse Road from Clough Road and York Street due to blind spots caused by on road parking for local residents and those who attend events at the local church;
- will the immeasurable impact on local wildlife be taken into account as we have a host of creatures living in the area including bats and owls. The bird and insect life is plentiful and preserving the lives and habitat of already endangered species should be of more importance than adding to a building companies bank balance;
- I am saddened that Pendle Council did not think to let all the residents of Priory Chase know of these plans that would so impact upon our lives. The planning notice was seemingly not put in easily visible or accessible places for residents leaving insufficient time for comments;
- why are they not going to get access on Bracewell Street or Southfield Street? Priory Chase is a bad choice as people on Clough Road have more cars now than the last planning application by Gleasons. Pendle Council can not sell their houses and there is so many house in Nelson empty. Why do you think Nelson needs more houses? Does Pendle have the school places for the children that come?
- Furthermore it would seem that the Council has forgotten about planning permission for over one hundred houses on the Jimmy Nelson site, which to my knowledge although rejected by the town council three times, due to similar reasons as outlined above, was eventually overridden by the Secretary of State regardless of the Council's objection. Gleasons although not currently building to my knowledge, have also purchased a strip of land between Priory Chase and the Jimmy Nelson Site for the purpose of future traffic access despite Priory Chase being totally unsuitable;
- The previous application for this site was for a nursing home with access from Bracewell Street which is about half a mile long and has junctions with about 20 other streets - any additional traffic on here would have a minimal impact. This is not the case for Priory Chase which is a cul-de-sac with ten or so houses, This proposal would result in perhaps another 50 vehicles using this stretch of road which will change the quiet nature of the cul-de-sac;
- I am concerned by the limited access for construction vehicles because of the narrowness and steepness of the road; and
- I am concerned by the pressure of services if the estate is built e.g. Doctors, Schools, etc.

Relevant Planning Policy

Code	Policy
LP 13	Quality and Design of New Development
LP 14	Trees, Woodland and Hedgerows
LP 16	Landscaping in New Development

LP 20	Quality Housing Provision
LP 21	Provision of Open Space in New Housing Development
LP 31	Parking
LP 4D	Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity
LP 6	Development and Flood Risk
LP 8	Contamination and Pollution

Officer Comments

The main issues to be considered with this application are compliance with policy, principle of housing, access and highway issues, impact on residential amenity, flood risk and ecology and trees.

Issues relating to scale, layout, appearance and landscaping would be addressed during the course of any reserved matters application.

1. Relevant Planning Policies

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

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.

Paragraphs 214 and 215 deal with the issue of weight to be attached to policies in plan adopted post 2004. Full weight is to be given to them until 12 months after the publication of the Framework i.e. until April 2013. Subsequent to this due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework.

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. The current position is that the Council now has an available five year supply of land available for housing.

Pendle has an up to date Local Plan in the Replacement Pendle Local Plan, adopted May 2006. The Core Strategy is expected to be adopted in the near future.

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. This issues is addressed in the Ecology Section.

Policy 6 'Development and Flood Risk' does not allow for development that would be at risk of flooding or would increase the risk of flooding elsewhere. This issue is addressed in the Flood Risk section.

Policy 8 'Contamination and Pollution' requires an investigation and assessment of any brownfield application site. This can be controlled by appropriate condition.

Policy 13 'Quality & Design in new development' seeks to protect and enhance the heritage and character of the Borough and the quality of life for its residents by encouraging high standards of quality and design in new development.. This issue is addressed in the design and amenity section.

Policy 20 'Quality Housing Provision' requires densities of at least 30 units per hectare on schemes; a mix of house sizes; layouts which provide space and amenity which complement the area with appropriate construction materials. The proposed development would make an acceptable contribution to meeting the Borough's housing needs. This is addressed more fully in the Layout, Design and Materials section below.

Policy 21 'Provision of Open Space in New Housing Development' requires proposals for ten dwellings or more to make adequate provision for new open space on the site. In cases where it is not possible to provide open space on site the a commuted sum will be required instead. As this proposal is to provide affordable housing for a housing association with set rents agreed then the margins will be extremely tight. In these circumstances it would be appropriate to remove this requirement based on the benefits these houses would bring.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section below.

2. Principle of Housing

This site is a greenfield site located within the settlement boundary. It was originally designated for a new community facility in the Replacement Pendle Local Plan for a new school but LCC have confirmed that the site was no longer an option and the designated was set aside when planning permission was subsequently granted for a nursing home. The site was considered as a potential housing site in the Strategic Housing Land Availability Assessment but was removed once planning permission for the nursing home was granted.

Therefore the principle of housing on this site is acceptable.

3. Highway Issues/Parking

Details of the amount of off-street parking required would be considered as part of the reserved matters application when details of house types, garages and driveways will be submitted.

The principle of the access from Priory Chase is acceptable for this number of dwellings as the current highway layout can accommodate upto 300 dwellinghouses and not have an adverse impact on highway capacity in the area. The new scheme, alongside the existing development and the extant development at James Nelson's Sports Ground would result in a total of 236 houses being served off Priory Chase at different points.

LCC Highways has no concerns over the proposed access and has recommended conditions relating to the estate road and wheel washing facilities.

The previous schemes for James Nelson's Sports Ground were both refused on highway grounds and this reason for refusal was not supported during the appeal and the Planning Inspectorate approved one scheme and refused the other purely on the grounds of the location of the open space. Impact on the highway and the resulting traffic from the proposed developments of 100+ houses was not an issue in these appeal decisions and therefore it can be concluded that it is not an issue in this case.

This proposal would be acceptable on highway grounds subject to appropriate conditions.

4. Impact on Residential Amenity

Policy 20 seeks to provide a quality environment for residents of new development, whilst protecting the amenity of neighbouring properties.

The nearest residential properties are located on Priory Chase to the north east, to the north and the approved James Nelson's site to the south east. All of the surrounding properties would be capable of having the required separation distances which would ensure that the proposed and existing dwellinghouses have adequate privacy.

The proposed development would therefore not unduly impact on residential amenity and therefore accords with policies 13 and 20 in terms of residential amenity.

5. Flood Risk

A Flood Risk Assessment has been submitted which is acceptable subject to appropriate conditions in order to prevent potential flooding issues.

Surface water run-off will be restricted to greenfield rates with on site attenuation and foul water will discharge to the existing combined system.

Sustainable drainage features proposed include infiltration systems (subject to appropriate tests) and a vegetated basin or attenuation pond to the west of the site. These will be investigated and submitted at the detailed design stage but are acceptable in principle subject to appropriate conditions.

6. Ecology and Trees

An extended Phase 1 Habitat Survey has been submitted which recommends that if work is undertaken then checks should be made for nesting or breeding activity.

This can be controlled by an appropriate condition.

None of the trees of the site are protected and around half are of moderate value with the rest of lower quality. However, these do offer some landscape amenity and should be retained where possible.

A small number of trees within the site would be lost by the proposed development and this would be acceptable subject to an appropriate landscaping scheme submitted as part of the Reserved Matters application. This is acceptable.

7. S.106 Contributions

LCC Education has requested a contribution towards secondary school places of between £108,758 and £180,444. This is acceptable provided that it does not result in the scheme being unviable and therefore subject to a final amount and a specific infrastructure project being provided. This request has been agreed in principle by the agent.

A request has also been made for the improvements of bus stop facilities on Barkerhouse Road. However, the details provided on this scheme are limited and it would not be necessary for a development of this size to provide this and therefore this is not supported.

8. Summary

The proposed housing scheme for up to 39 units is acceptable in terms of highway safety and impact on residential amenity.

Details of scale, layout, appearance and landscaping are reserved matters for later consideration.

A contribution towards education has been agreed in principle.

Open space will be provided on the site and a sustainable drainage scheme is acceptable in principle. Further details of these will be provided at the Reserved Matters stage.

There are no potential issues with ecology and trees on the site subject to no bird breeding or nesting activities taking place on site during the construction period.

As it stands this proposal is acceptable for residential development and raises no adverse highway issues subject to appropriate conditions and accords with policies 13, 21 and 31 and the National Planning Policy Framework.

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 principle of housing on this site is acceptable and the proposed access can accommodate the amount of traffic generated without unduly impacting on the highway network. 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: Approve

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, layout, scale 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, landscaping, layout and scale (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:

sa 4661/02, SSL:16606:200:1:1 & indicative layout plan.

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

4. Within one month/two weeks of the commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and agreed in writing by the Local Planning Authority. Such detailing shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads , building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

Reason: To secure the proper development of the site in an orderly manner.

5. No part of the development shall take place until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for education facilities.

Reason: In order to ensure there are sufficient education places available in the area for these additional dwellinghouses.

6. The new estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of th site compound before any other development takes place within the site and shall be extended to each property before occupation.

Reason: To ensure that satisfactory access is provided to the site before development commences and that each completed property has a satisfactory access prior to occupation.

7. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, 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 agreed details, 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 occupants of the new development and/or in order to prevent contamination of the controlled waters.

8. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

9. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) Land Off Bracewell Street, Nelson July 2015, reference number FRA312, by Betts Associates and the following mitigation measures detailed within the FRA:
 1. Limiting the surface water run-off generated by the 1in 100 year (+30) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 2. Further details of the provision of compensatory flood storage as mentioned in paragraph 5.3.5 of the FRA.
 3. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

The mitigation measures shall be fully implemented prior to occupation and subsequently 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:**
1. To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.
 2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
 3. To ensure safe access and egress from and to the site.
 4. To reduce the risk of flooding from blockages to the existing drainage ditch
 5. To reduce the risk of flooding to the proposed development and future occupants.

10. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
 - a) Information about the lifetime of the development, design storm period and intensity (1 in

30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 7.4 litres per second for the 1 in 1 year storm and 17.8 litres per second for the 1 in 100 year storm. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts, headwalls or ditches or removal of unused culverts where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing as applicable;

f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;

g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: 1. To ensure that the proposed development can be adequately drained.

2. To ensure that there is no flood risk on or off the site resulting from the proposed development

11. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.

The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: 1. To ensure that the drainage for the proposed development can be adequately maintained.

2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

12. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first

occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: 1. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development
2. To reduce the flood risk to the development as a result of inadequate maintenance
3. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

13. No development shall commence until details of the finished floor levels have been submitted to, and approved in writing by, the local planning authority. The development shall be constructed in accordance with the approved details.

Reason: For the avoidance of doubt, to comply with the requirements of the Flood Risk Assessment (FRA) Land Off Bracewell Street, Nelson July 2015, reference number FRA312, by Betts Associates and to ensure a satisfactory standard of development.

14. All attenuation basins and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

Reason: 1. To ensure site drainage during the construction process does not enter the watercourses at un-attenuated rate.
2. To prevent a flood risk during the construction of the development

15. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including location
- g) Measures related to construction waste management
- i) Soil resource management including stock-pile management
- j) Compliance with BS5228: Part 1 1997 to minimise noise
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- l) Measures to ensure that there is no burning of waste.
- n) Location and details of site compounds
- p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- q) Vibration monitoring to be carried out for the construction period.
- r) Noise-monitoring to be carried out for the construction period.
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated

document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

16. No part of the development hereby permitted shall be commenced until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

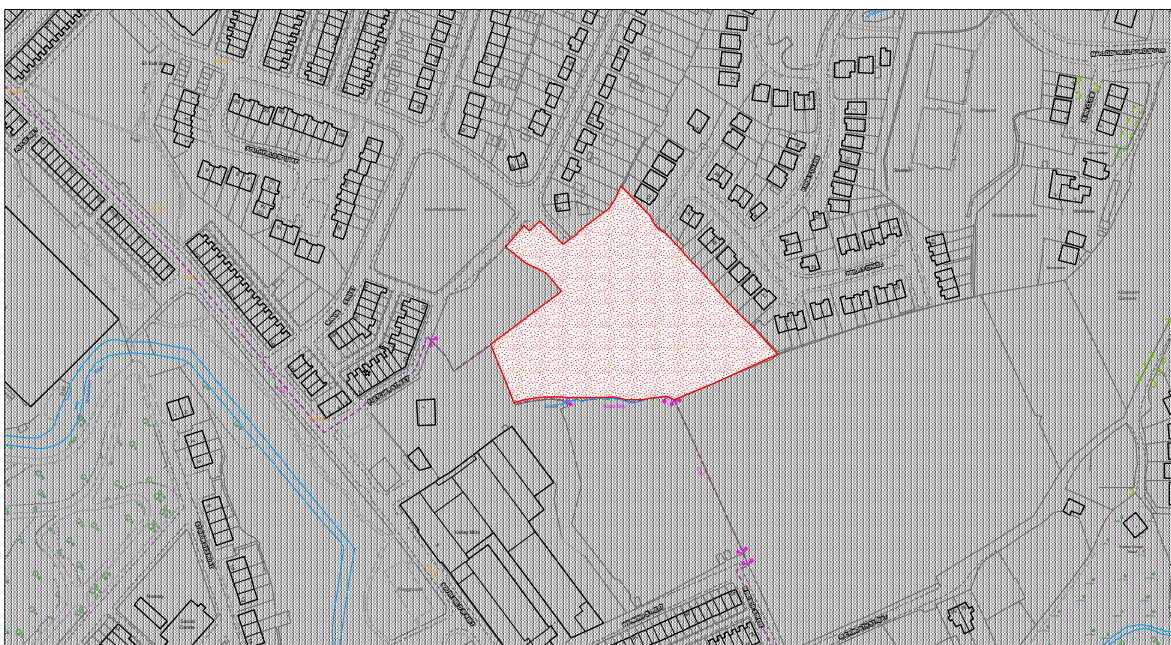
Reason: To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

17. No work shall be undertaken during the bird breeding/nesting season unless provision has been made to ensure that no birds are nesting on site.

Reason: In order to prevent disturbance to nesting birds.

Note:

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer. 2. It is assumed that Lancashire County Councils Highways Maintenance will be consulted regarding the approval of street works details. 3. This consent does not give approval to a connection being made to the County Council's highway drainage system. 4. The submitted Flood Risk Assessment, paragraph 4.3.4 indicates that the applicant intends to build within 8 metres of the open watercourse. Construction within 8 metres of an open watercourse is not advised as access for maintenance purposes is restricted and it has the potential to pose an undue flood risk to structures should fluvial flooding occur. It is advised that the applicant modifies the proposed site layout to ensure that no structures are constructed within 8 metres of the top of the banks of the watercourse



Proposal: Outline: Major: Residential development (0.98ha) of upto 39 dwelling houses
- Access only (from Priory Chase).

At: LAND BETWEEN FLETCHER STREET & BRACEWELL STREET NELSON
BB9

On behalf of: Targetsite Limited

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 7th December 2015