

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT NELSON TOWN HALL
ON 21st DECEMBER, 2015**

PRESENT –

Councillor K. Hartley (Chairman – in the Chair)

Councillors

*S. Cockburn-Price
T. Cooney (substitute for G. Waugh)
M. Goulthorp
J. Starkie*

Officers in attendance

<i>Kathryn Hughes</i>	<i>Principle Development Management Officer</i>
<i>Howard Culshaw</i>	<i>Solicitor</i>
<i>Sarah Waterworth</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillors G. Waugh)



The following people attended the meeting and spoke on the items indicated –

<i>Alison Horsfall</i>	<i>13/15/0404P Outline: Major: residential</i>	<i>Minute No.17</i>
<i>Paul Sedgewick</i>	<i>development houses – Access only</i>	
<i>Roger Shufflebottom</i>	<i>(from Priory Chase) at land between</i>	
	<i>Fletcher Street and Bracewell Street,</i>	
	<i>Nelson for Targetsite Limited</i>	

15. DECLARATION OF INTERESTS

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

16. MINUTES

RESOLVED

That the Minutes of the meeting held on 26th October, 2016 be approved as a correct record and signed by the Chairman

17. PLANNING APPLICATIONS REFERRED FROM AREA COMMITTEES

13/15/0404P Outline: Major: Residential development (0.98ha) of upto 39 dwelling houses – Access only (from Priory Chase) at land between Fletcher Street and Bracewell Street, Nelson for Targetsite Limited

At a meeting of Nelson Committee on 30th November, 2015 the decision to refuse this application was referred as a recommendation to this Committee as the decision represented a significant risk of costs.

RESOLVED

That planning permission be **granted** with the following conditions and reasons:-

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 and the development hereby permitted must be begun two years from 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 and 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 the 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 and 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 the 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 had 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 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 applicant/ 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 1 in 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.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The 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 complied with the development and there are no material reasons to object to the application.