

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 02nd October 2018

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 2ND OCTOBER 2018

Application Ref: 18/0430/FUL
Proposal: Full: Erection of replacement dwelling and associated car parking.
At: 9 Ainsdale Avenue, Reedley
On behalf of: Mr A Hussain
Date Registered: 17.07.2018
Expiry Date: 08.10.2018
Case Officer: Charlotte Pinch

Site Description and Proposal

The application is brought to Committee as it received more than three objections. The application was deferred from the previous committee, 4th September 2018, to wait for amended plans to be submitted by the applicant.

The application site is a detached bungalow located within the south east of the settlement boundary of Brierfield. It is located on Ainsdale Avenue which is a residential cul-de-sac with properties of varied styles and frontages. The site has a large area of open land to the front, with extensive parking areas.

The proposal is for the erection of a replacement dwelling and associated car parking. The development would result in a two storey dwelling, with four additional bedrooms and three bathrooms at first floor level. The dwelling would feature a significant two storey rear extension and be predominantly constructed of render, aluminium powder coated fenestration and blue grey slate roof tiles.

Relevant Planning History

13/15/0485P

Full: Erection of two dwellings (one pair semi-detached) with associated curtilage, parking with access from Larkhill Avenue (re-submission).

Approved with Conditions. 2015.

17/0396/HHO

Full: Erection of two storey extension to rear, installation of dormers on the front, rear and both side roof slopes and alterations to the roof.

Approved with Conditions. 2017.

Consultee Response

LCC Highways

Having considered the information submitted for the above application, and observations on site today (10.8.18), the Highway Development Support Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and conditions being applied to any formal planning approval granted.

Parking provision

Based on the recommendations in the 'Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards' in our opinion the applicant has provided adequate off-road parking provision for this type and size of development.

Site access

Ainsdale Avenue is a privately maintained road, that is, not maintained at the public expense. There is a large, gravelled area at the end of Ainsdale Avenue outside the entrance to No 9 which appears to be maintained by other residents on the avenue. As the only access to No 9 is across part of this gravelled area we are concerned that construction vehicles using it may cause a deterioration in its condition. Therefore we ask for a pre-commencement condition survey to be carried out.

Given the development proposed, together with the limited access to the site, there could be difficulties with construction traffic during both the demolition and construction phases. This would need to be carefully managed so as not to obstruct access to, nor have a detrimental effect on, neighbouring properties. The applicant would, therefore, need to submit a construction method statement prior to the commencement of any works, for the reasons given above.

Furthermore, due to the site's location within a residential area, and close to Reedley Primary School on Reedley Road, we recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times in and out of the estate.

United Utilities

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity.

Public Response

Six letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- Use of Ainsdale Avenue for construction vehicles could damage the road and sewer pipes below.
- The use of Larkhill Avenue for construction traffic would be preferable.
- No pavement on Ainsdale Avenue, therefore construction traffic would pose a risk to pedestrians.
- Loss of parking and turning area on Larkhill Avenue if the access were to be altered.
- Significant increase in the floor area of the property, two storey structure would not be in keeping with adjacent bungalows.

- Proposed balconies would result in overlooking to neighbouring properties and loss of privacy.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) of the Pendle Local Plan Part 1 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 (Achieving Quality in Design and Conservation) 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.

Replacement Pendle Local Plan

Saved 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 within 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 130 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

The Design Principles Supplementary Planning Document (SPD) applies to householder extensions and sets out the aspects required for good design.

Design

Policy ENV2 requires high standards of quality and design in new development to ensure protection of the character of the borough and quality of life for local residents.

The forward projections proposed on the front elevation of the replacement dwelling will present no unreasonable impacts on the street scene of the area, given the variation of property styles and frontages in the vicinity.

The pitched roof features of the dwelling are in keeping with the prominent gable features in the street scene.

Materials to complement the existing dwellinghouse are proposed, these comprise of smooth render, blue/grey slate roof tiles and grey powder coated aluminium windows.

The design, scale and materials of this development are acceptable and therefore comply with Policy ENV2, Paragraph 130 of the NPPF and the Design Principles SPD.

Residential Amenity

The Design Principles SPD states that developments must adequately protect neighbours enjoying their own home and should take account of regular spacing between buildings. Extensions must not overshadow to an unacceptable degree or have an overbearing impact on neighbouring properties.

The proposed replacement dwelling would be sited 1 metre from the northern side boundary with No.20 Larkhill Avenue and 2 metres from the southern side boundary with No.7 Ainsdale Avenue. In accordance with the SPD these are adequate separation distances to ensure the development does not appear overbearing to neighbouring occupiers.

The amended plans show a reduction in the depth of the two storey rear projection from 9.1 metres to 8.6 metres. Therefore, the proposal does not cause an unacceptable loss of light to either No.20 Larkhill Avenue or No.7 Ainsdale Avenue.

The SPD further guides that windows in extensions should not directly or inappropriately overlook adjacent properties.

The proposed dwelling shows four first floor obscure glazed windows on the northern side elevation of the property. A condition should be applied to any permission to ensure these remain obscure glazed, to prevent any detrimental overlooking.

The south side elevation of the two storey rear projection looks towards the rear garden of No.7 Ainsdale Avenue. Given the proposed 1.8 metre privacy screen and 8 metre separation distance from the south side boundary, the small balcony and patio doors in this location would not result in a significant loss of privacy to neighbouring occupiers.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2 and the Design Principles SPD.

Highways

No objections have been raised by LCC Highways, with regards to highway safety and I concur with that view.

The proposed development would form a five bedroom dwelling, therefore three on plot parking spaces would be required. A large driveway is shown to the front of the dwelling, accessed off Ainsdale Avenue, with three parking spaces at the head of the driveway. This would be sufficient parking provision and retain adequate space for manoeuvring.

Legal Agreement

A mechanism is required to ensure that an extant planning permission on the site 13/15/0485P, for the erection of two dwellings, will not be implemented if the current application 18/0430/FUL is approved. The applicant is in the process of formulating a unilateral undertaking agreement to meet this requirement. This is necessary as the erection of the two permitted dwellings, in addition to the replacement dwelling under this proposal would result in detrimental impacts on residential amenity for all properties, conflicting parking arrangements and two separate accesses into the site, which would not be acceptable.

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 residential development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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 a Suitable Mechanism to Ensure That the Two Developments Shall Not be Taken Forward.

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: HUSSAI/01-Dwg 06 Amended 12/9/18 and HUSSAI/01-Dwg 04a Amended 14/9/18.

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

3. Prior to the commencement of development samples of all the surfacing materials and external materials of the dwelling to be used in the construction of the roof, walls, boundary/retaining walls and rainwater goods together with samples of the colour and finish of windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area and to respect the character of the conservation area.

4. Prior to the first use of the dwelling hereby approved, the car parking spaces within the curtilage of the dwelling shall be surfaced and laid out in accordance with drawing HUSSAI/01-Dwg04a. These areas shall remain available for parking thereafter.

Reason: To ensure suitable parking provision within the site.

5. Before the dwelling hereby permitted is occupied, the access to be used for vehicular purposes extending from the highway boundary of a minimum distance of 5 metres into the site shall be appropriately paved in tarmacadam, block pavements or other approved material.

Reason: In the interests of highway safety.

6. No development shall take place, including any works of clearance, until a construction code-of-practice 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) Wheel washing facilities
- v) Measures to control the emission of dust and dirt during construction
- vi) Details of working hours
- vii) Routing of delivery vehicles to/from site.

The construction code-of-practice should be compiled in a coherent and integrated document and must 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 statement. All works agreed as part of the plan shall be implemented during an agreed timescale.

Reason: To protect existing road users and the amenity of neighbouring residents.

7. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

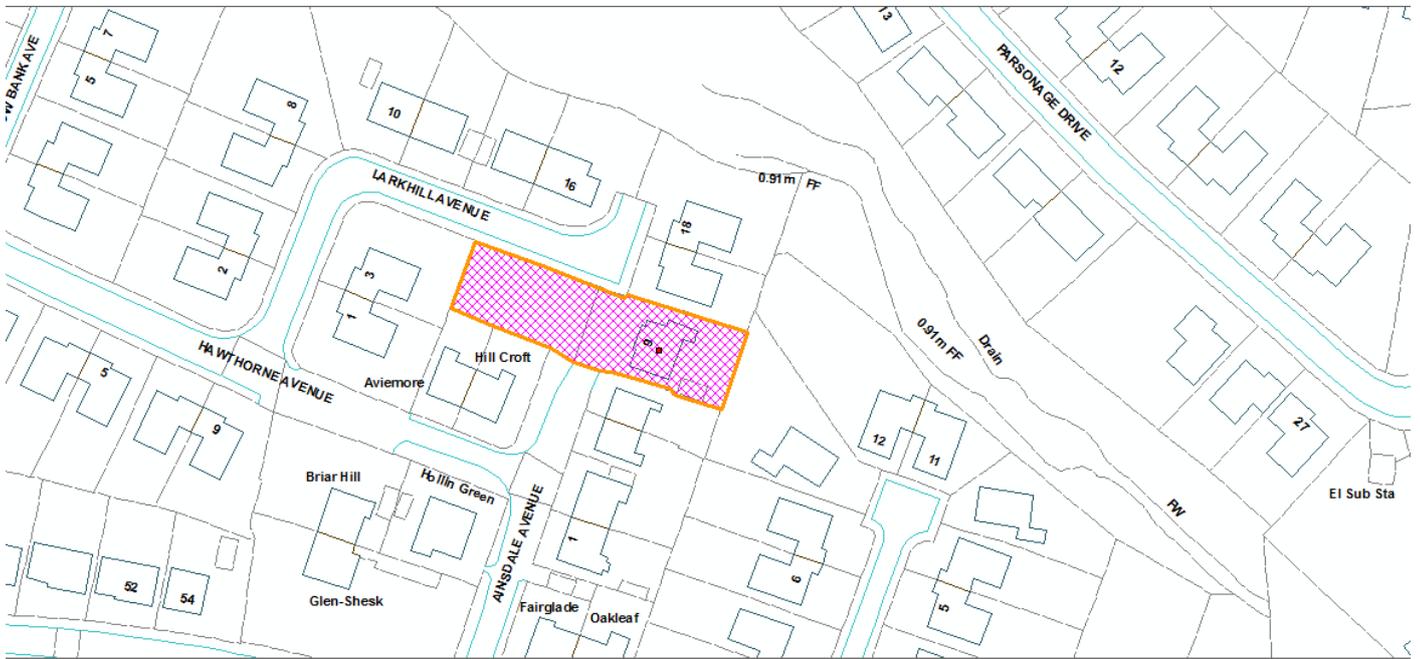
Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. The four first floor windows on the north side elevation of the dwelling hereby permitted shall at all times be glazed only with obscure glass and be retained as such. Any replacement glazing shall be of an equal degree of obscurity. The windows shall also be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: In order to protect and preserve the privacy and amenity of the occupiers of the adjoining dwelling.

9. Prior to occupation of the proposed dwelling, full details of balcony privacy screens shall be submitted to and approved in writing by the Local Planning Authority. Such screens shall be erected before the dwelling hereby approved is first occupied and retained permanently thereafter.

Reason: In the interests of amenity and privacy



Application Ref: 18/0430/FUL

Proposal: Full: Erection of replacement dwelling and associated car parking.

At: 9 Ainsdale Avenue, Reedley

On behalf of: Mr A Hussain

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 02 OCTOBER 2018

Application Ref: 18/0501/FUL
Proposal: Outline: Major: Residential development of 36 dwellings (Access only).
At: Allotments South West Of 197 To 239, Halifax Road, Nelson
On behalf of: Liberata Architects
Date Registered: 18/07/2018
Expiry Date: 17/10/2018
Case Officer: Alex Cameron

Site Description and Proposal

The application site is sloping open land between the rear of properties of Kings Causeway and allotments off Halifax Road. To the west is open land, public footpath No.18 runs along the eastern boundary of the site with dwellings at Marsden Height Close beyond.

This is an outline application for access only for the erection of 36 dwellings. The proposed access would be from Halifax Road adjacent to No.194. Indicative plans propose a tree-lined access road inking to two rows of dwellings with a central estate road.

Relevant Planning History

13/98/0027P - Residential development with access off Marsden Heights Close and/or Halifax Road (regulation 4 outline application). Approved.

13/01/0369P - Reserved Matters details of access, one dwelling, and landscaping following outline permission for residential development ref. 13/98/0027P (Reg 4). Withdrawn.

Consultee Response

Coal Authority - In accordance with the agreed risk-based approach to development management in Development High Risk Areas, the applicant should be informed that they need to submit a Coal Mining Risk Assessment Report as part of this application. Without such an assessment of any risks to the development proposal posed by past coal mining activity, based on up-to-date coal mining information, the Coal Authority does not consider that the LPA has sufficient information to determine this planning application and therefore objects to this proposal.

PBC Environmental Health – Please attach a standard contaminated land condition.

LCC Education – Request a contribution for 14 primary school and 5 secondary school places.

Lancashire Fire and Rescue – Recommendations relating to internal highway layout and Building Regulations.

United Utilities – Request that foul and surface water drainage and sustainable drainage management and maintenance conditions are attached. Note that a sewer crosses the site.

Natural England – No comments.

Lead Local Flood Authority – No objection, please attach a condition for the Reserved Matters to include surface water drainage scheme.

Public Response

Press and site notices has been posted and nearest neighbours notified – Responses have been received, including a 62 signature petition, objecting to the development on the following grounds:

- The plan has previously been dismissed due to insufficient land to construct a safe access road up to highway standards.
- Highway safety impact of the proposed access and additional traffic.
- Car parking on Halifax road would obstruct visibility from the access.
- The access road would increase the vulnerability of the adjoining property to crime.
- The development would undermine the structural stability of the adjoining properties.
- The development may impact upon the acceptability of a proposal for a driveway at the adjoining property.
- The land is unstable due to former mine workings, its gradient and previous issues relating to drainage.
- Brownfield sites should be developed first.
- Loss of green space.
- Loss of mature trees
- Many species of animals, bats and birds have been observed on the site and it is a vital wildlife corridor. The development would devastate the natural wildlife in the area.
- The land is used by many locals for walking and has been for generation.
- The proposed development is out of proportion with the surrounding properties.
- Increase in pollution.
- The proposed development is excessively dense.
- Noise pollution.
- Loss of views over green space from adjacent dwellings.
- Privacy issues.
- Impact on public rights of way and a dog walking area.
- Loss of value of surrounding properties.
- Conflict of interest in relation to this being an application by the Council.
- The plans are not of sufficient detail to show how the access road would be achieved, a major retaining wall would be required to keep the ground stable.
- The proposed visibility splay is substandard.
- Details of the number of houses the access would eventually serve are required.
- The additional traffic estimates are unrealistically low.
- Concerns regarding the gradient of the proposed access.
- Adverse impact of car headlights shining into habitable room windows in houses adjacent to the access.
- Potential highway safety impacts in adverse weather conditions.
- The development of green belt land should be for affordable housing.
- The development could allow the development of other adjacent sites.
- Impact on local schools, doctors, hospitals, dentists, police and waste services.
- Noise and mud being carried onto the surrounding roads from construction traffic.
- Impacts of vibration during construction.

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 (including Brierfield) 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.

Policy LIV4 sets out targets and thresholds for the provision of affordable housing. For the M65 Corridor the requirement for developments of 15+ dwellings is 0% affordable housing.

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 12 (Maintaining Settlement Character) states that the development of land which contributes to the openness, character and local amenity of a settlement will not be permitted, unless the development proposal is for the enhancement or improvement of existing on site facilities.

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

National Planning Policy Framework

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

Principle of Housing

The application site is within the settlement boundary of Brierfield in a sustainable location in terms of access to services, facilities and public transport. This is an acceptable location for new housing development

The land is designated as a Site of Settlement Character (Policy 12 of the RPLP). Policy 12 is not carried forward to the Local Plan Part 1: Core Strategy and the continued validity of the designation is to be reviewed in the Local Plan Part 2: Site Allocations.

The intention of Policy 12 was to protect open spaces that were of value to the character of settlements but did not have the appropriate features to be designated as Open Space. The impacts of the development of the land upon the character and visual amenity of the area are considered in the Landscape Impact and Visual Amenity section below.

Landscape Impact and Visual Amenity

This application is in outline for access only, the appearance, layout scale and landscaping of the development would be considered in a separate reserved matters application.

The site is of little landscape value, it is almost entirely screened in localised views and is not prominent in distant views, if it were the proposed development would be seen as a natural extension of the existing housing along Kings Causeway and Marsden Height Close. The development of the land for housing would not result in unacceptable harm to the landscape character or visual amenity of the area.

Taking these factors into account the proposed development would not result in an unacceptable impact upon the landscape character or visual amenity of the area and is in accordance with policies ENV1, ENV2 and LIV5.

Residential Amenity

The indicative layout plans demonstrate that a housing development of the scale proposed could be accommodated on the site without resulting in any unacceptable loss of privacy, light or overbearing impact upon any surrounding properties.

Concerns have been raised regarding the impact of headlights of cars using eth access on properties opposite on Halifax Road. The gradient of any access would mean that the headlights of cars approaching the junction with Halifax road would be angled down and would not result in unacceptable disturbance to properties adjacent to the access.

The proposed development is therefore acceptable in terms of amenity in accordance with policies ENV2 and LIV5.

Ecology

An ecology survey of the site has been submitted with the application. This found that, although wildlife is present on the site, including likely use by badgers, hedgehogs, foraging bats, and nesting birds the type of habitat present is common and widespread. The loss of habitat would be mitigated through replacement planting.

Mitigation recommendations also include restrictions on and checks prior to ground clearance and a lighting scheme sensitive to commuting bats.

Japanese Knotweed was identified on the site and an eradication plan should be submitted for it.

With conditions to ensure the recommendations of the survey are carried out the proposed development is acceptable in terms of its potential ecological impact.

Trees

It is proposed to remove all trees within the site including two mature sycamores at the proposed access point on Halifax Road. The removal of these trees is necessary to enable the proposed development. Taking into account the economic and social benefits of the development the removal of the existing trees is acceptable subject to an acceptable scheme for replacement trees as part of the landscaping reserved matter.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. Details of provision of open space and/or green infrastructure would be provided at the reserved matters stage.

Concerns have been raised regarding the loss of the recreational use of this land. The site is private land with no public open space designation and there are no public rights of access to the land.

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 that with appropriate drainage the development would not increase the risk of off-site flooding. With conditions to requiring the submission and agreement of details of details of the drainage system and ensure its long term maintenance the proposed development is acceptable in terms of drainage and flood risk.

Land Stability

The site is located within a high risk area for former coal mining works. The Coal Authority require the submission of a Risk Assessment to establish whether risks are likely to be present and, if so, what mitigation would be necessary. This has been requested from the Applicant and is being prepared.

Other potential land stability issue relating to engineering operations to form the access and the erection of the housing are technical matters that can be addressed at the reserved matters stage with the detailed design and layout.

Education

An education contribution of 14 primary school and 5 secondary school places is necessary to offset the impact of the development on local schools. This request has been passed on the Applicant and update will be made to Committee with details of their response.

Highways

As this is an outline application for access only it is only the principle of the access to the site that is considered, the full details of the layout and engineering works to form the access would be considered at the reserved matters stage.

It has been raised that a previous application on the site was refused due to the access being unacceptable. This is not the case, an outline planning permission (access only) was granted in 1998 for development of the site with access off either Halifax Road or Marsden Heights Close. In 2001 a reserved matters application was submitted for the erection of one house with an access road in the same position to that proposed in this application. That application was withdrawn.

A Transport Statement has been submitted with the application, this demonstrated that, taking into account traffic speeds on this part of Halifax Road, visibility splays of 24m x 53.6m to the left and 2.4m x 49.2m to the right of the proposed access would be adequate to ensure acceptable visibility from the proposed access. The accompanying plan demonstrates that those visibility splays would be achievable from the proposed access. The transport statement also demonstrates that the proposed development would not result in an unacceptable traffic impact on the highway network.

The access would require engineering operations to create an acceptable gradient at the entrance to Halifax Road where the land slopes steeply up. The technical details of how this would be achieved are a matter for the details to be submitted at the reserved matters stage, as detailed in the 2001 reserved matters application, the provision of an acceptable gradient would be achievable.

Adequate car parking provision could be provided within the site and parking adjacent to the junction could be controlled if necessary. Subject to any additional comments or conditions raised by LCC Highways in their response that will be reported to Committee, the proposed development is acceptable in terms of highway safety.

Summary

The proposed housing development is acceptable in policy terms and in terms of landscape impact, residential amenity, drainage, ecology and highway safety. It is therefore recommended that the approval of the application, and any additional conditions necessary, be delegated to the Planning, Building Control and Licencing Manager subject to the expiry of the publicity period and the resolution of the Coal Authority's objection. The financial impact that the education contribution would have is still being considered and a further update on that will be given at Committee.

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 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: 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, layout, scale 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: A1617-LIBS1-A1.

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

4. The development shall not commence unless and until a Traffic Management Plan for the construction works has been submitted to and approved in writing by the Local Planning Authority department. This shall include:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be carried out in strict accordance with the approved Traffic Management Plan.

Reason: to protect existing road users.

5. 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 and the standards that estate streets serving each phase of the development will be completed. The Estate Street Phasing and Completion Plan shall set out dates for entering of the section 38 agreement of the Highways Act 1980 and/or the establishment of a private management and Maintenance Company.

Reason: To ensure that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential financial security and highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

6. No dwelling shall be occupied unless and until the estate street fronting that property has been completed in accordance with the Estate Street Phasing and Completion Plan.

Reason: To ensure that the estate streets serving the development are completed and maintained to an acceptable standard, and are available for use by the occupants, and other users of the development, in the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway

7. No development shall be commenced unless and 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: To ensure that the estate streets serving the development are completed and maintained to an acceptable standard.

8. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption 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, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

9. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, 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 shall be submitted to and approved in writing by the Local Planning Authority.

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. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

10. No development shall commence unless and 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: 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.

11. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority. Surface water drainage scheme which as a minimum shall include:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, 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, and details of flood levels in AOD;
- b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.
- h) Details of finished floor levels.

The scheme shall be fully implemented and subsequently maintained, 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: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

12. The development shall be carried out in strict compliance with the mitigation recommendations set out in the Ecological Assessment received 18/07/2017.

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

13. No development shall take place unless and until a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for an education contribution for the provision of 14 primary and 5 secondary school places.

Reason: To ensure that the proposed development is served by a variety of transport modes and to provide sustainable transport links.

14. The development shall not be commenced unless and until the applicant has submitted to and had 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 to prevent contamination of the controlled waters.

15. As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.

Surface water drainage scheme which as a minimum shall include:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, 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, and details of flood levels in AOD;
- b) The drainage scheme should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) A plan showing any overland flow routes and flood water exceedance routes, both on and off site – flow routes must be directed away from property and infrastructure;
- d) A timetable for implementation, including phasing where applicable;
- e) Site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via a surface water sewer will only be considered where infiltration is proved to be unsuitable.
- f) Details of water quality controls, where applicable;
- g) Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

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: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, to ensure that water quality is not detrimentally impacted by the development proposal and to reduce the flood risk to the development as a result of inadequate maintenance.

