

**REPORT FROM:** PLANNING, BUILDING CONTROL AND LICENSING SERVICES  
MANAGER

**TO:** POLICY AND RESOURCES COMMITTEE

**DATE:** 23<sup>rd</sup> OCTOBER, 2018

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

## REPORT TO POLICY AND RESOURCES 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**

This application has been referred from Brierfield Committee as Members were minded to refuse the application on the following grounds:

- Highway safety of the new access;
- Land stability;
- Flooding issues;
- Traffic;
- School shortages;
- Japanese knotweed on site;
- Limited green spaces in the area so should be protected;
- Impact on landscape value; and
- Visual amenity.

These reasons for refusal would result in a severe risk of costs being awarded against the Council.

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 Withdrawn.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.

**LCC Highways** - It is necessary to provide a 2m wide pedestrian link from the turning head of the new estate to public footpath 18 and to improve the FP 18 from the turning head in a southerly direction (approx. 40m) to join the existing tarmacadam link to Kings Causeway and in a northerly direction to join the existing tarmacadam link to Halifax Road (approx. 50 m). Currently the mid-section of FP 18 is a narrow partly made path which is difficult to traverse and its improvement would give wide benefits.

Halifax Road is classified C658 with a speed limit of 30mph with traffic calming features including speed cushions and vehicle activated signage.

The visibility splay at the new site access is considered acceptable for the vehicle speeds recorded at 85%ile speeds SEB 35mph and NWB 33 mph. The visibility splay is shown on the drawing 2288-01/SK102 within the Transport Statement with splays of 49 metres to the east of the site access and 53.6 metres to the west and lies wholly within the adopted highway.

Upon visiting the site it is evident that on-street parking can occur within the visibility splay on both sides of the proposed site access.

Consequently I feel that the site access would benefit from parking restrictions on Halifax Road to protect the visibility splay.

The neighbouring properties do benefit from off-street parking, however there may be some over spill residential parking and on-street parking generated by the allotment owners.

There is spare capacity along the allotment frontage to accommodate any vehicles that might be displaced by the proposed parking restrictions.

There is no certainty that parking restrictions would be implemented due to the process being a member, rather than officer, decision. This is a concern and may result in a highway safety concern. Further observations and additional measures should be investigated.

The site can be considered borderline in terms of sustainability. It is therefore essential that every effort is made to ensure sustainable travel options are available for all users.

The internal estate roads should be built to adoptable standards. There are engineering difficulties due to the topography of the site and it will be necessary to introduce retaining structures and embankments which will require structural agreements with Lancashire County Council.

Each dwelling should have a secure, covered cycle store and electric vehicle charging point in addition to the 2 off-street parking spaces which are already proposed.

Please attach the following conditions: construction method statement, off site highway works to include parking restrictions at the access, provision of DDA compliant bus stop kerbing/paving at the EB bus stop on Waidshouse Road and improvements of footpath 18, highway construction details, highway management and maintenance, parking provision, cycle storage, electric vehicle charging points. Please attach a note relating to highways works.

**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.
- Object to the parking restrictions proposed by LCC as they would reduce parking provision for residents of Halifax Road.
- The adjacent garage is used daily and would create an obstruction for vehicles exiting the proposed road.
- The restrictions would have a knock-on effect resulting in residents having to park away from their properties and resulting issues of obstruction and security.
- Wheelie bins could also obstruct sightlines for those existing the proposed road.

## **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. The Applicant has submitted a Coal Mining Risk Assessment and it is being considered by the Coal Authority.

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.

Due to the steep gradient and difficulty of providing access to the site, there are high costs associated with the infrastructure works to facilitate this scheme. The site would be likely commercially be unviable to develop other than through the Council's joint venture development company (PEARL2) who are prepared to carry out developments at a lower profit margin than most commercial developers. Any additional costs associated with the education contribution would negatively affect the viability of the scheme. Taking this into account it would be contrary to the guidance of the Framework to require that such a contribution is made.

The Council is required to deliver a five year housing supply and the Local Plan provides for this. The same data that is used to inform the housing supply requirement is available to education providers in planning for future demand for their services. Taking this into account, the proposed development is acceptable in terms of its impact upon education services.

### **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.

Adequate car parking provision can be provided within the site and a condition can require off-site highway works to provide parking restrictions within the visibility splays of the access. There is sufficient on-street parking provision in the area to accommodate any vehicles displaced by the required parking restrictions.

The issue raised of wheelie bins restricting views if inappropriately placed is one that could be present at any such junction and is not a specific highway safety issue to this development.

Acceptable access to public transport and other sustainable transport modes can be ensured by conditions.

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 resolution of the Coal Authority's objection.

## **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: Delegate Grant Consent**

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;
- The erection and maintenance of security hoarding;
- Wheel washing facilities;
- Measures to control the emission of dust and dirt during construction
- A scheme for recycling/disposing of waste resulting from demolition and construction works;
- Details of working hours.

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

**Reason:** to protect existing road users.

**5.** The development shall not commence unless and until a scheme for the new site access at Halifax Road and the off-site highway works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- i. Scheme for the restriction and formalisation of on-street parking on Halifax Road at the site access.
- ii. Provision of DDA compliant bus border kerbing/paving arrangement at the EB bus stop on Waidshouse Road.
- iii. Surfacing of FP 18 from the turning head in a southerly direction to join the existing tarmacadam link to Kings Causeway and in a northerly direction to join the existing tarmacadam link to Halifax Road.

The approved works shall be implemented prior to the first occupation of any dwelling hereby approved.

**Reason:** To ensure adequate visibility is maintained at the access in the interest of highway safety and to improve access to sustainable transport modes for residents of the development.

**6.** No development shall commence unless and until full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

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

**8.** Prior to the occupation of each dwelling the driveways and/or communal parking areas serving that dwelling shall be surfaced in a bound porous material and made available for use and maintained for that purpose at all times thereafter.

**Reason:** To ensure the satisfactory provision of car parking.

**9:** The first reserved matters shall include details of secure cycle storage of a minimum of 2 cycles per dwelling.

**Reason:** to enable provision for sustainable transport modes for residents of the development.

**10:** Prior to the occupation of each dwelling provision shall be made for an electric vehicle charging point for that dwelling.

**Reason:** to enable provision for sustainable transport modes for residents of the development.

**11.** 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.

**12.** 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.

**13.** 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.

**14.** 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.

**15.** 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.

**16.** 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 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.

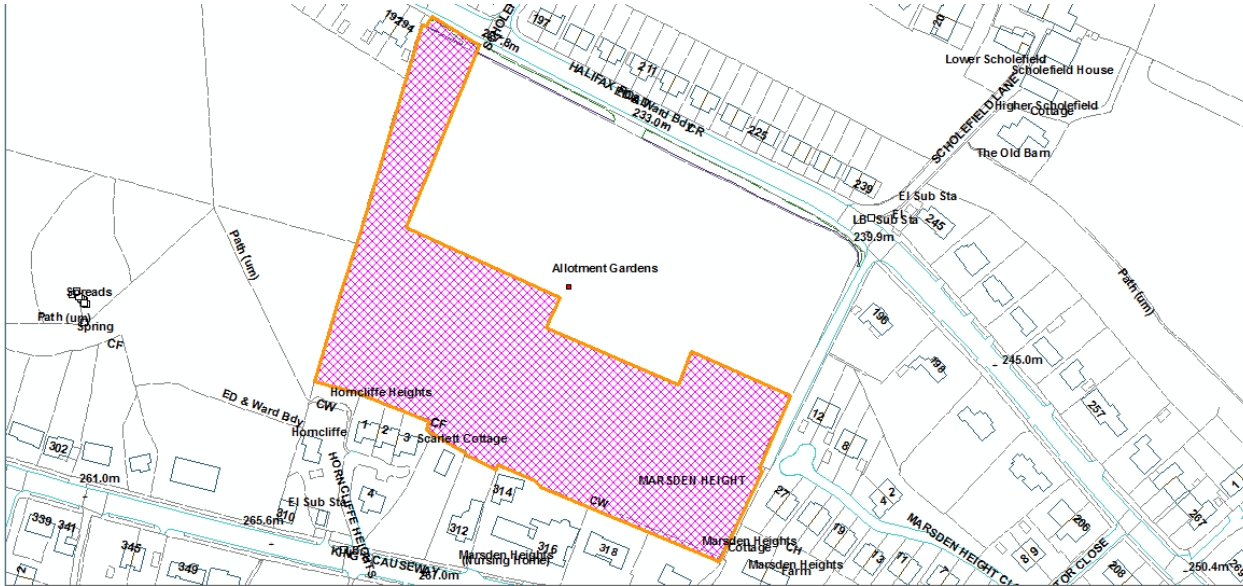
f) Details of water quality controls, where applicable;

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.



**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