

**Policy and Resources Committee Update 23<sup>rd</sup> October 2018**

**18/0501/FUL - Allotments South West of 197 to 239 Halifax Road, Nelson**

Coal Authority - The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and to inform any remedial measures necessary to ensure the safety and stability of the proposed development.

Should planning permission be granted for the proposed development, a condition should therefore require the following prior to the commencement of development:

- \* The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- \* The submission of a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works for approval; and
- \* The implementation of those remedial works.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition to secure the above.

Notification Responses – A number of additional notification responses have been received objecting to the proposed development on grounds which have been addressed in the Committee report.

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;
- 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.

**17.** No development shall commence unless and until the following details have been submitted to and approved in writing by the Local Planning Authority:

- a) A scheme of intrusive site investigations assessing the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- b) A report of findings arising from the intrusive site investigations and a scheme of proposed remedial works;

No works, other than those required in order to undertake the remedial works, shall be carried out unless and until all necessary remedial works have been completed in strict accordance with the approved scheme of remedial works.

**Reason:** In order to ensure the safety and stability of the development.