



REPORT OF: ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL AND REGULATORY SERVICES

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATES: 23RD MAY 2023

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning application.

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 23RD MAY 2023

Application Ref: 22/0774/OUT

Proposal: Outline (Major): Residential development of up to 140 dwellings (access only).

At: Site Of Former Riverside Mill And Land Bordering With Charles Street And Baker Street, Reedyford Road, Nelson

On behalf of: Foxfield Developments Ltd

Date Registered: 11/11/2022

Expiry Date: 25/05/2023

Case Officer: Alex Cameron

This application is for a housing development of more than 60 houses and as such must be determined by Development Management Committee.

Site Description and Proposal

The application site is in the former site of Riverside Mill, located to the south of Reedyford Road. The only remaining element of the mill is a chimney in the centre of the site. There are residential properties to the north, residential and a primary school to the east, residential and commercial properties to the south and residential and a waste transfer / recycling facility to the west.

This is an outline application for up to 140 dwellings, the application is for access only with appearance, scale, layout and landscaping reserved for later consideration. It is proposed that the site would have three separate vehicular accesses from Charles Street, Baker Street and Crawford Street and a pedestrian access to Reedyford Road.

Relevant Planning History

13/11/0032P - Full: Erection of 9 No. Dwellings. Approved

13/12/0055P - County: Major: Reprofiting of land and formation of new access from Charles Street. Approved

13/13/0109P - County: Major: Proposed recovery and exportation of construction materials from inert waste - Approved

Consultee Response

LCC Education – Request a contribution for 21 secondary school places.

PBC Environmental Health - Request that contaminated land and construction management conditions be attached.

Environment Agency – No objection. Request conditions for contaminated land, further information on river corridor scheme at reserved matters.

Lead Local Flood Authority – No objection following the submission of a 2D surface water model report (17th February 2023 / 23747-HYD-XX-XX-RP-FR-0002 / Hydrock), that provides evidence of the onsite surface water flood risk. The application is considered to be acceptable subject to the inclusion of conditions for: compliance with Flood Risk Assessment, surface water drainage strategy, construction surface water management, drainage operation and maintenance, verification report.

United Utilities – Request that foul and surface water drainage and management and maintenance conditions are attached.

Cadent Gas – No objection, request that an informative note is attached.

East Lancashire NHS Trust – Request a contribution to meet the acute health care needs of the residents of the development for the first three years of its occupation.

Lancashire Fire and Rescue – Comments relating to Building Regulations.

Nelson Town Council

Nelson, Brierfield and Reedley Area Committee – Support the application.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Responses received objecting on the following grounds:

- Concerns relating to impacts of the proposed Crawford Street access on access to an adjacent business premises exacerbating existing traffic congestion and safety issues.
- Impacts from noise dust and disturbance on adjacent residents.
- Highway safety impacts of construction traffic.
- Concerns about capacity of culverts and flooding.
- Highway safety concerns on Reedyford Road relating to flooding, parking obstructing visibility and speeding.
- Risks from contamination on the site.

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 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 ENV4 seeks the promotion of sustainable patterns of travel.

Policy ENV 5 considers pollution and unstable land. Emissions and public exposure to pollution are required to be minimised.

Policy ENV7 considers water management. It sets out a sequential approach to site selection for flooding and the use of sustainable urban drainage systems. Surface water run off systems have to mimic the natural discharge process.

Policy LIV 1 sets out the minimum level of housing the Borough should achieve over the life of the Plan. It sets a minimum of 298 units to be delivered each year.

Policy LIV 4 sets out affordable housing targets. There is no requirement of affordable housing in the M65 corridor.

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

National Planning Policy Framework

National Planning Policy Framework (The Framework)

Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Principle of the Development

This site is in a sustainable location within the settlement of Nelson, in the M65 corridor within accessible walking distance of public transport and essential services and facilities. The proposed development is acceptable in principle in accordance with policies SDP2 and LIV1.

Landscape and Visual Amenity Impact

The details of appearance, scale, layout and landscaping are reserved for consideration at the reserved matters stage. The development would redevelop a vacant site within the settlement and subject to acceptable details would not result in any in principle unacceptable visual amenity or landscape impacts.

Residential Amenity

It is clear from the indicative site layout that the site could in principle accommodate the proposed development without any overbearing impacts, unacceptable loss of light or

privacy to any adjacent properties and could provide an adequate level of privacy and acceptable living environment for the occupants of the proposed development.

There are commercial / industrial uses to the south and west including a recycling and waste transfer facility. An odour assessment has been submitted in relation to those facilities and found that there is a risk of residents of the site being adversely impacted by odours. Mitigation is proposed in terms of the layout of the development and the use of mechanical ventilation for potentially affected plots. This would acceptably mitigate the impact and can be required by condition.

A noise assessment has also been undertaken and concluded that noise impacts can be mitigated in the design of the dwellings.

Taking those factors into account the risk of impacts on the amenity of occupants of the proposed dwellings could be acceptably mitigated by conditions and the final design of the development.

Therefore, the principle of a housing development on this site is acceptable in terms of residential amenity in accordance with policies ENV2, ENV5 and LIV5.

Ecology

An ecology assessment submitted with the application this recommends that further bat surveys are undertaken to establish whether the Walverden Water culvert is used by hibernating bats. This is a matter that can be fully addressed at the reserved matters stage. Overall the assessment concludes that residential development at the site is feasible and acceptable in accordance with ecological considerations and the National Planning Policy Framework.

Drainage and Flood Risk

The site includes a large area within flood zone 2 (medium risk) and a small area to the west of the site within flood zone 3 (high risk) associated with Walverden Water, which flows through the site. The development would include the erection of dwellings within flood zone 2, the submitted flood risk assessment demonstrated that the floor levels of the dwellings can be set at a level that will acceptably alleviate the risk from flooding.

The site currently includes areas shown as high, medium and low risk of surface water flooding and the indicative layout would include dwellings in those areas. The applicant has submitted a surface water modelling report which acceptably demonstrates that the EA surface water flood risk map overestimates the risk of surface water flooding and the indicative layout would not be at unacceptable risk from surface water flooding.

The principle of the development is acceptable in terms of drainage and flood risk in accordance with policy ENV7.

Highways

The site is proposed to be served by three separate vehicular accesses on Charles Street, Baker Street and Crawford Street with the Charles Street access serving the majority of the site.

An emergency / pedestrian / cycle access on Reedyford Road and pedestrian accesses on Elizabeth Street, Dover Street and Crawford Street is also proposed.

The proposed vehicular accesses would provide adequate visibility and would not result in unacceptable highway safety impacts. A transport assessment has been submitted with the application and this demonstrates that the surrounding highway network would acceptably accommodate the additional traffic generated by the development.

Concerns have been raised regarding the proposed Crawford Street Access and potential highway safety issues resulting from conflict between vehicles accessing and exiting the development and the vehicles accessing loading doors of the business opposite, which it is stated often has vans and lorries waiting to be offloaded on Crawford Street and operate forklifts on the road. LCC Highways have been made aware of this but have not made any revised comments. Crawford Street is a highway and therefore, irrespective of this proposed development, there are requirements to maintain the highway free from obstruction.

The proposed development is acceptable in highway terms in accordance with policy ENV4.

Contributions

Transport Plan

A contribution is necessary to fund the support of LCC's Travel Plan service.

Education

LCC have requested a contribution for 21 secondary school places. The applicant disputes the necessity for this and has requested information used by LCC to make their assessment from LCC via a Freedom of Information Request which has not yet been responded to. Clarification has been sought from LCC and an update will be made to committee in relation to this if necessary, however, the recommended condition would allow for a revised level of contribution to be agreed following determination if circumstances make that necessary.

Healthcare

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of healthcare interventions it calculates will be generated by the

residents of the dwellings in the first three years of their occupation, for which there is a funding gap.

In terms of health service contributions there are a number of concerns about the request and justification for those requests. Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
- (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

We have also raised a concern about the timing of funding and that developments can take several years in order to come to fruition. From the information supplied to us it appears that once a development is known about then financing is included in the next budgetary year. The issue therefore is that if developments take several years to come forward and they are included in financial planning after year 1 then the develop[per would be paying for services already funded in the standard funding formulae.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel's opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution to the NHS as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

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 access and principle of the development is acceptable in all relevant regards in accordance with the Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. 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: 8271-LRW-ZZ-00-DR-A-00-121 Rev P02, 8271-LRW-ZZ-00-DR-A-00-127 Rev P03.

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

- 4 No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
 - a) The parking of vehicles of site operatives and visitors
 - b) The loading and unloading of plant and materials
 - c) The storage of plant and materials used in constructing the development
 - d) The erection and maintenance of security hoarding
 - e) Wheel washing facilities
 - f) Measures to control the emission of dust and dirt during construction
 - g) Measures to limit noise and vibration
 - h) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - i) Details of working hours
 - j) Details of hours of deliveries
 - k) Routing of delivery vehicles to/from site
 - l) Restriction of burning on-site

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

Reason: To ensure that adequate measures are in place to protect residential amenity and highway safety during construction.

5. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (21st October 2022 / 25909-HYD-XX-XX-RP-FR-001-P02 / Hydrock) and Surface Water Modelling Report (17th February 2023 / 23747-HYD-XX-XX-RP-FR-0002 / Hydrock).

The measures shall be fully implemented prior to occupation of the development and 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 ensure satisfactory sustainable drainage facilities are provided to serve the site.

6. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (3 rd November 2022 / 23747-HYD-XX-XX-RP-DS-5001-P03 / Hydrock) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly and shall be limited to a maximum peak flow rate of 10.5l/s.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of any existing on-site ordinary watercourses, open or culverted to be used for the disposal of surface water run-off from the site.
 - d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.
 - e) Evidence of an agreement in principle with the third party asset owner to connect to the on-site surface water body. The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site.

7. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

8. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The details of the manual to be submitted for approval shall include, as a minimum:
- a) A timetable for its implementation;
 - b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
 - c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
 - d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
 - e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
 - f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
 - g) Means of access for maintenance and easements. Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

9. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

10. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

11. Prior to the submission of any reserved matters application relating to layout, or simultaneously with that reserved matters application, a scheme for the restoration of the river corridor and associated works and landscaping shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be supported by a structural engineers report and demonstrate that any necessary mitigation measures are incorporated into the scheme.

Reason To ensure provision of barrier free access to the main river for essential inspection and maintenance.

12. Prior to the commencement of any works adjacent to the Crawford Street and Charles Street highway bridges, details of those works and any measures necessary to ensure the structural integrity of the bridges shall be submitted to and approved in writing by the Local Planning Authority and thereafter the development shall be carried out in strict accordance with the approved details.

Reason: To ensure the structural integrity of highway structures in the interest of highway safety.

13. The Reedyford Road access (to the side of 81 Reedyford Road) shall be used for emergency, pedestrian and cycle access only, removable bollards shall be installed to prevent vehicle access other than emergency access and maintained at all times. The accesses on Elizabeth Street, Dover Street and side of 64 Crawford Street shall be used for pedestrian and cycle access only, bollards will prevent vehicle access and maintained at all times.

Reason: The accesses are not suitable for vehicular access, in the interest of highway safety.

14. Within 3 months of the commencement of the development a scheme for the site accesses and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling:
 - a. Upgrade of 2 bus stops to quality bus stop standard on Scotland Road 2500LAA07249 and 2500LAA07248.
 - b. Reinstatement of existing accesses/dropped kerbs to footway on Charles Street, Baker Street and Crawford Street.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable.

15. Within 3 months of commencement of the development details of the proposed arrangements for future management and maintenance of the estate road within the development shall be 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 with the Highway Authority or a private management and maintenance company has been established.

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

16. Within 3 months of commencement of the development 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, 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.

17. The internal estate roads shall be constructed in accordance with the approved engineering 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: To ensure that the estate road is acceptably constructed in the interest of highway safety.

18. Prior to the first occupation of each dwelling a scheme for electric vehicle charging points shall be submitted for approval. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure adequate provision for sustainable transport.

19. Prior to the occupation of each dwelling secure, covered cycle storage shall be provided at a ratio of two cycle spaces per dwelling or one space per dwellings, whichever is fewer, in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure adequate provision for sustainable transport.

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

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

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority. All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of

a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced.

Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and to prevent contamination of the controlled waters.

21. The development shall be carried out in strict accordance with the recommendations of the Odour Assessment, 3rd November 2022. Prior to the occupation of the first dwelling a scheme of odour mitigation shall have been submitted to and approved in writing by the Local Planning Authority and the measures shall thereafter be implemented prior to the occupation of each dwelling identified to require mitigation measures.

Reason: to ensure an acceptable living environment for occupiers of the dwellings.

22. The development shall be carried out in strict accordance with the recommendations of the Acoustic Planning Report, 4th November 2022. Prior to the occupation of the first dwelling a scheme of acoustic mitigation shall have been submitted to and approved in writing by the Local Planning Authority and the measures shall thereafter be implemented prior to the occupation of each dwelling identified to require mitigation measures.

Reason: to ensure an acceptable living environment for occupiers of the dwellings.

23. The development shall be carried out in strict accordance with the recommendations of the Ecology Survey and Assessment, November 2022. The first submission of reserved matters shall include any bat surveys of the culvert recommended to be necessary. Prior to the occupation of the first dwelling a scheme for ecological mitigation and enhancement, including timescales for implementation, shall have been submitted to and approved in writing by the Local Planning Authority and it shall thereafter be implemented in accordance with approved timescales.

Reason: To order to ensure that the ecology of the site is preserved and enhanced by the development.

24. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the said obligation shall provide for 21 Secondary School places and the related cost of the Travel Plan service.

Reason: To provide for the impact of the development on local secondary school provision and to support the implementation of the Travel Plan.

Note:

The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk .

Application Ref: 22/0774/OUT

Proposal: Outline (Major): Residential development of up to 140 dwellings (access only).

At: Site Of Former Riverside Mill And Land Bordering With Charles Street And Baker Street, Reedyford Road, Nelson

On behalf of: Foxfield Developments Ltd