

**MINUTES OF A MEETING OF THE
DEVELOPMENT MANAGEMENT COMMITTEE
HELD AT NELSON TOWN HALL
ON 20TH DECEMBER 2023**

*PRESENT –
Councillor M. Adnan (Chair)*

Councillors

*S. Ahmed
D. Albin
M. Ammer
M. Aslam
S. Cockburn-Price
D. Gallear
M. Strickland
A. Sutcliffe
Y. Tennant
D. Whipp*

Officers

<i>N. Watson</i>	<i>Assistant Director Planning, Building Control & Regulatory Services</i>
<i>J. Eccles</i>	<i>Committee Administrator</i>

(Apologies for absence were received from Councillor D. Lord.)

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

<i>Robbi Atilgan Alison Simcock Abid</i>	<i>23/0301/FUL -Full (Major): Erection of 129 dwelling houses with open space provision, estate roads and landscaping at Land at Further Clough Head, Bamford Street, Nelson</i>	<i>Minute No. 19(a)</i>
<i>Dean Cockett Zara Moon</i>	<i>23/0680/FUL - Full: Demolition of an existing stable, erection of 1 no. self-build eco-home with an attached garage and a new access lane at Land to the North of 34 Pasture Lane, Barrowford for Mr & Mrs Dean and Helen Cockett</i>	<i>Minute No. 19(b)</i>

17. DECLARATION OF INTERESTS

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

18. MINUTES

RESOLVED

That the Minutes of the meeting held on 14th November 2023 be approved as a correct record and signed by the Chair.

19. PLANNING APPLICATIONS

The Assistant Director Planning, Building Control and Regulatory Services submitted a report of the following planning applications for determination -

(a) *Applications for over 60 housing units*

23/0301/FUL ***Full (Major): Erection of 129 dwelling houses with open space provision, estate roads and landscaping at Land at Further Clough Head, Bamford Street, Nelson for PEARL Together Limited***

(A site visit had been undertaken prior to the meeting.)

At a meeting of Nelson, Brierfield and Reedley Committee on 4th December 2023, Members considered the application and made the following comments –

- There should be assurances relating to the stability of the road;
- Negotiating a Section 106 Agreement should be considered;
- Affordable housing should be provided on the site;
- There should be a mix of housing types on the site to be reflective of the local community.

RESOLVED

That the Assistant Director Planning, Building Control and Regulatory Services be delegated authority to grant planning permission subject to an acceptable additional ecological mitigation report; reaching agreement on the colour of the render; the use of hawthorn or other native shrub planting where possible instead of fencing; any possible improvements to the footpath; and the following conditions -

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 21073-ODA-SI-ZZ-DR-AL-90-300, 21073-ODA-SI-ZZ-DR-AL-90-100, 21073-ODA-SI-ZZ-DR-AL-90-112, 21073-ODA-SI-ZZ-DR-AL-90-115, 21073-ODA-A01-XX-XX-AL_20-001, 21073-ODA-A01-XX-XX-AL_20-002, 21073-ODA-A01-XX-XX-AL_20-003, 21073-ODA-A01-XX-XX-AL_20-004, 21073-ODA-A02-XX-XX-AL_20-001, 21073-ODA-B01-XX-XX-AL_20-001, 21073-ODA-B01-XX-XX-AL_20-002, 21073-ODA-B01-XX-XX-AL_20-003, 21073-ODA-B01-XX-XX-AL_20-004, 21073-ODA-B02-XX-XX-AL_20-001, 21073-ODA-B02-XX-XX-AL_20-002, 21073-ODA-E01-XX-XX-AL_20-001, 21073-ODA-E01-XX-XX-AL_20-002, 21073-ODA-E02-XX-XX-AL_20-001, 21073-ODA-E02-XX-XX-AL_20-002, 21073-ODA-S04-XX-XX-AL_20-001, 21073-ODA-S04-XX-XX-AL_20-002, 21073-ODA-S04-XX-XX-AL_20-003, 21073-ODA-S04-XX-XX-AL_20-004, 21073-ODA-S04-XX-XX-AL_20-005, 21073-ODA-S04-XX-XX-AL_20-006, 21073-ODA-S04-XX-XX-AL_20-007, 21073-ODA-S04-XX-XX-AL_20-008, 21073-ODA-XX-00-P2-AL-90-010, 21073-ODA-XX-00-P2-AL-90-011, 21073-ODA-XX-00-P2-AL-90-012, 21073-ODA-XX-00-P2-AL-90-013, 21073-ODA-XX-00-P2-AL-90-014, 21073-ODA-XX-00-P2-AL-90-015, 21073-ODA-XX-00-P2-AL-90-016,

21073-ODA-XX-00-P2-AL-90-017, 21073-ODA-XX-00-P2-AL-90-018, 21073-ODA-XX-00-P2-AL-90-019, 21073-ODA-SI-ZZ-DR-AL-90-020, 110.21001-ACE-00-XX-DR-C-03401 - P1, 110.21001-ACE-00-XX-DR-C-03400 - P2, 110.21001-ACE-00-XX-DR-C-02000 - P2, 110.21001-ACE-00-XX-DR-C-02001 - P2, 21073-ODA-A02-XX-XX-AL_20-002, 21073-ODA-A02-XX-XX-AL_20-003, 21073-ODA-A02-XX-XX-AL_20-004, 21073-ODA-A02-XX-XX-AL_20-005, 21073-ODA-A02-XX-XX-AL_20-006, 2887-D-A1-REV A, 2887-D-A0-REV A, 221212_21073-ODA-XX-XX-XX-DR-90-117 REV A, 221212_21073-ODA-XX-XX-XX-DR-90-116 REV A.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of external materials / finishes of the walls, roofs, windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To ensure that the materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

5. A scheme for the management (including maintenance) of the public open space areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the public open spaces shall thereafter be managed in accordance with the approved scheme.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

6. The development shall only be carried out in strict accordance with the recommendations of the submitted Preliminary Ecological Appraisal and Bat Survey. Prior to the commencement of the development a scheme of ecological mitigation measures in accordance with the recommendations of the recommendations of the Ecological Appraisal shall have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented prior to the occupation of the first dwelling, or in accordance with phasing to be agreed as part of the scheme, and maintained thereafter.

Reason: To ensure protection and enhancement of ecology.

7. The landscaping scheme (Drawing Nos. 221212_21073-ODA-XX-XX-XX-DR-90-117 REV A, 221212_21073-ODA-XX-XX-XX-DR-90-116 REV A), or an alternative landscaping scheme that has been submitted to and approved in writing by the Local Planning Authority, shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

8. No ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, in accordance with drawing No. 6196.07 and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with the Tree Protection Plan. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

9. The development shall not commence unless and until a Written Scheme of Archaeological Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme and methodology for site investigation and recording, a programme for post investigation assessment, the provision to be made for analysis of the site investigation and recording, the provision to be made for publication and dissemination of the analysis and records of the site investigation, the provision to be made for archive deposition of the analysis and records of the site investigation, and the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation. No development shall take place other than in accordance with the approved Written Scheme of Investigation.

Reason:

10. 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.

11. 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.

12. 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 (8th December 2022 / 110.21001-ACE-ZZ-ZZ-RP-C-0001 – Revision 3 / ADEPT

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 in consultation with the Lead Local Flood Authority.

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

13. 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 (8th December 2022 / 110.21001-ACE-ZZ-ZZ-RP-C-0001 – Revision 3 / ADEPT) 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.

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 the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence of an assessment of the existing on-site watercourse and culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

e) 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.

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.

14. 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.

Reason: 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.

15. 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 the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
 - 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.

16. 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.

17. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) Measures to control noise and vibration during construction
- viii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- ix) Details of working hours
- x) Routing of delivery vehicles to/from site
- xi) Control of burning on site

Reason: In the interest of highway safety and residential amenity.

18. For the duration of the construction period the construction HGV traffic movements shall be prevented between 8-9am and 3-4pm Mon-Fri during term time to avoid school start and finish times.

Reason: In the interest of highway and pedestrian safety.

19. Prior to commencement of any development a scheme shall be submitted for the upgrade of the WB and EB bus stops on Barkerhouse Road (2500IMG2717 & 2500IMG2719) and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to first occupation.

Reason: To ensure acceptable access to public transport and offset the impact of the development on public transport use.

20. Prior to commencement of any 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 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.

21. The Framework Travel Plan shall be implemented in accordance with the timetable contained within.

Reason: To support sustainable travel modes.

22. No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases (including the provision of the emergency access link) and the standards that estate streets serving each phase of the development will be completed.

Reason: In the interest of highway safety.

23. No development shall be commenced 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: In the interest of highway safety.

24. Prior to first occupation the garages, driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

Reason: To ensure adequate car parking provision in the interest of highway safety.

25. Prior to the occupation of the first dwelling a scheme of improvement works to footpath No.65 within the site and to the point where it meets Southfield Street shall be submitted to and approved in writing by the Local Planning Authority, no dwelling shall be occupied unless and until the works have been completed in accordance with the approved scheme.

Reason: To ensure acceptable pedestrian access along the public right of way.

26. Prior to first occupation each dwelling shall have a secure cycle store in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that adequate provision is made for sustainable transport.

27. Prior to the first occupation each dwelling shall have an electric vehicle charging point. 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 that adequate provision is made for sustainable transport.

28. No development shall commence unless and until;

a) a scheme of further intrusive investigations has been carried out on site to establish the risks posed to the development by one recorded mine entry and;
b) any remediation works and/or further mitigation measures to address land instability arising from the mine entry, as may be necessary, have been implemented on site in full in order to ensure that the site is safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: To ensure the stability of the site in the interest of public safety.

29. Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the

Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or further mitigation necessary to address the risks posed by the mine entry.

Reason: To ensure the stability of the site in the interest of public safety.

30. 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 a contribution to support the development and implementation of the Travel Plan.

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

Notes:

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays. You should contact the Lead Local Flood Authority to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here:

<https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

Where permeable paving is included in the hydrological calculations of a development proposal the Local Planning Authority is advised to consider the removal of permitted development rights for permeable paving. Should the Local Planning Authority not remove the permitted development rights for permeable paving on privately owned land, the Lead Local Flood Authority will consider the need to designate such areas under Schedule 1 of the Flood and Water Management Act 2010. The District Council, as a flood risk management authority in its own right, also has these powers to designate.

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire 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, Highway Development Control email – lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in all relevant regards. 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.

23/0557/VAR Variation of Condition: Vary Condition 24 (S. 106 Planning Obligation for education contribution) of Planning Permission 22/0774/OUT at Site of Former Riverside Mill and Land bordering with Charles Street and Baker Street, Reedyford Road, Nelson for Foxfield Developments Ltd

At a meeting of Nelson, Brierfield and Reedley Committee on 4th December 2023, it was recommended that the application for a variation of condition be granted for the following reasons-

- The lack of viability for the provision of an education contribution had been clearly demonstrated;
- The viability of the development should not be jeopardised.

RESOLVED

That planning permission be **granted** 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 24/05/2023 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 (condition 16) 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 the related cost of the Travel Plan service.

Reason: To support the implementation of the Travel Plan.

Notes:

1 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 .

At a meeting of Barrowford and Western Parishes Committee on 1st November 2023 the decision to refuse this application on the grounds of unacceptable and detrimental impact upon the Carr Hall and Wheatley Lane Conservation Area was referred as a recommendation to this Committee as there was a significant risk of costs being awarded against the Council in the event of an appeal. The Planning Officer's recommendation was to approve this application.

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed variation of condition is acceptable. 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.

(b) Referrals from Area Committees

23/0603/HHO Full: Erection of timber fencing to front garden area at 41 Car Road, Nelson for Mr Mohammad Ayub

(A site visit had been undertaken prior to the meeting.)

At a meeting of Nelson, Brierfield and Reedley Committee on 4th December the decision to approve this application was referred as a recommendation to this Committee as the erection of timber fencing in this location would amount to a significant departure from policy ENV2 of the Core Strategy.

RESOLVED

That planning permission be **refused** for the following reasons –

1. The fencing is harmful to the visual amenity of the area by virtue of its prominent location, design and choice of non-traditional materials. As such it is contrary to adopted Local Plan Policy ENV2 (Achieving Quality in Design and Conservation), the Council's Design Principles Supplementary Planning Document and to the provisions of the NPPF.
2. The fencing neither preserves nor enhances the character and appearance of the Conservation Area by virtue of its prominent location, design and choice of non-traditional materials. As such it is contrary to adopted Local Plan Policy ENV2 (Achieving Quality in Design and Conservation), the Council's Design Principles Supplementary Planning Document, the Council's Conservation Area Design and Development Guidance and to the provisions of the NPPF.

23/0680/FUL Full: Demolition of an existing stable, erection of 1 no. self-build eco-home with an attached garage and a new access lane at Land to the North of 34 Pasture Lane, Barrowford for Mr & Mrs Dean and Helen Cockett

(A site visit had been undertaken prior to the meeting.)

At a meeting of Barrowford and Western Parishes Committee on 6th December the decision to refuse this application on the grounds of the application site being within the open countryside, outside the settlement boundary and not being sustainable, was referred as a recommendation to

this Committee, as there was a significant risk of costs being awarded against the Council in the event of an appeal.

A planning update was submitted prior to the meeting relating to LCC Highways comments. A revised response had been received from LCC Highways on 22nd November 2023 which concluded as follows: *There is no objection to the proposal. Whilst the site is not considered to support sustainable travel well it is a single new dwelling which would not result in a highway safety concern and would not result in an objection on highway safety grounds.*

This was reported in an update to Barrowford & Western Parishes Committee on 6th December and as such there was an update to the highway conditions.

RESOLVED

That planning permission be **granted** subject to the following conditions -

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 01, Proposed Site Plan 03, Site Plan 04, Proposed Ground Floor Plan 05, Proposed First Floor Plan 06, Proposed Elevation Plan 07, Proposed Elevation Plan 08, General Arrangement Plan 09, Hard Landscaping Plan 10, Proposed Boundary Treatment Plan 12

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

3. Prior to any external works commencing, samples of all the externals including materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. Prior to commencement of works on site, a foul and surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority and has been fully installed and completed in accordance with the approved details.

The drainage scheme 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;
- (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); and

(iii) A timetable for its implementation.

(iv) Details of how foul and surface water will be disposed of.

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

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

5. All windows shall be set back from the external face of the walls by a minimum of 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

6. The development hereby approved shall be carried out in strict accordance with the Preliminary Ecological Appraisal 2023-216.

Reason: In order to safeguard protected species.

7. The development hereby approved shall be carried out in strict accordance with the Arboricultural Impact Assessment LTC200 dated September 2023.

Reason: In order that the trees are adequately protected during the construction phase.

8. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

9.No development shall commence unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. 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 in order to prevent contamination of the controlled waters.

10. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:
- i) the parking of vehicles of site-operatives and visitors
 - ii) loading and unloading of plant and materials
 - iii) storage of plant and materials used in constructing the development
 - iv) the erection and maintenance of security hoardings including decorative displays, where appropriate
 - v) wheel-washing facilities
 - vi) measures to control the emission of dust and dirt during construction
 - vii) a scheme for re-cycling/disposing of waste resulting from demolition and construction works
- the development shall proceed strictly in accordance with that method statement.

viii) Details of construction working hours

Reason: In the interest of the amenity of the area and highway safety during construction work.

11. Prior to the occupation of the dwelling the driveway and parking areas shall be constructed and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate parking provision is provided.

12. Prior to first occupation the dwelling shall have an electric vehicle charging point to be installed in accordance with details to be approved by the local planning authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

13. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Class A, D and E of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbour properties.

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4 m measured along the centre line of the site access from the continuation of the nearer edge of the carriageway of the unnamed private road to points measured 25m to both sides of the site access along the nearer edge of the carriageway of unnamed private road, from the centre line of the access, in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

Reason: To ensure adequate visibility at the street junction or site access

15. Prior to first occupation the passing place shall be constructed in a porous bound material in accordance with the approved plans.

Reason: To minimise the conflict with vehicles and pedestrians on the unnamed lane.

16. Prior to first occupation the site access shall be constructed in a porous bound material for the first 5m.

Reason: To ensure adequate access to the site and prevention of mud being deposited onto the lane.

17. The garage(s)/parking areas hereby approved shall be kept available for the parking of vehicles and bicycles ancillary to the enjoyment of the household(s) and shall not be used for any use that would preclude the ability of their use for the parking of private motor vehicles, whether or not permitted by the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any order amending or revoking and re-enacting that order.

Reason: To ensure that adequate parking provision is retained on site

REASON

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

CHAIR _____