Discharge of Conditions

Name and address of applicant: Gleeson Homes
Sandringham House
Hollins Brook Park
Little 66
Bury
BL9 8RN

Name and address of agent (if any): Mr Ray Collins

Part I - Particulars of application:

Date of application: 24 November 2016
Application No: 11/16/0470

Particulars and location of development:

Discharge of planning conditions 11 (S278) 24 (drainage) 28 (open space) of planning permission 11/15/0399

Parker Place Parker Street Rishton

Particulars of application requiring discharge of conditions:

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<tr>
<th>Application No</th>
<th>Conditions</th>
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<td>11/15/0399</td>
<td>11 24 28</td>
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Part II - Particulars of decision:

The HYNDBURN BOROUGH COUNCIL hereby give notice in pursuance of the provisions of the Town & Country Planning Act 1990 of the decisions on the following conditions:

<table>
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<tr>
<th>Condition No</th>
<th>Decision</th>
<th>Reason</th>
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<tr>
<td>11 (S278)</td>
<td>Provided implemented in accordance with the approved details prior to first occupation, the condition is Retrospectively discharged.</td>
<td>This condition requires:</td>
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<td>*No part of the development hereby approved shall commence until a scheme and programme for modifications to the existing westerly Parker Street Footway, including provision of dropped vehicular crossings for the new dwellings and extension of</td>
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the footway across the existing defunct factory entranceways, has been submitted to, and approved, by the Local Planning Authority as part of a Section 278 agreement, under the Highways Act 1980.

The highway works shall be implemented in accordance with the approved details prior to the occupation of the first dwelling house in the associated phase of development and retained thereafter.

The information submitted is acceptable to the highways authority and the council, provided it is implemented in line with the approved details prior to the occupation of the first dwelling house this condition is retrospectively discharged

Agreed information: Section 278 Plans dated 15/11/2016 submitted on 30th November 2016, showing site boundary and works area and initial instruction sheet submitted on 30th November 2016. Highways Authority have agreed this.

| 24 (drainage) | Provided the drainage is implemented in accordance with the approved details and maintained thereafter, the condition is **Retrospectively discharged** |

This conditions requires:

No development shall commence until details of an appropriate management and maintenance plan for the drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents’ Management Company

b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its
lifetime;
c) means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Information submitted and agreed

UU agreement under S104 Water Industry Act 1991 and inspection fee invoice
Proposed private drainage layout GH/PS/R/11-02 Rev D
Proposed private drainage layout GH/PS/R/11-01 Rev D
Proposed external works layout GH/PS/R/12-02 Rev D
Proposed external works layout GH/PS/R/12-01 Rev D

Provided the works have been carried out in accordance with the agreed details, the condition is retrospectively discharged.

28 (open space)  Not discharged.

This condition requires

‘Prior to the commencement of any development hereby permitted on the area of the application site that does not lie within title number LAN3743 and LA970468 a scheme and programme for the management of open space within that area of the application site which is not within the said title numbers for the duration of the development, shall be submitted to and approved in writing by the LPA. The scheme and programme referred to shall include arrangements for the area of open space which is the subject of this conditions be maintained either by the individual owners of the dwellings, a management company, a managing agent or private concern. The approved scheme and programme shall be implemented in accordance with the approved details.’

This relates to the triangle of land on the corner of Parker Street and Hermitage Street. The information submitted is not adequate to discharge
this condition. The information should be submitted again prior to the development of this land in the form of a S106 agreement.

Notes

1. If the applicant is aggrieved by the decision of the local planning authority to refuse to discharge a condition, he may appeal to the Secretary of State for the Environment in accordance with section 78(1) of the Town and Country Planning Act 1990 within six months of the date of this notice. (Appeals must be made on a form which is obtainable from the Planning Inspectorate Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN). The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the condition imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 114 of the Town and Country Planning Act 1990.

(a) The statutory requirements are those set out in section 79(6) of the Town and Country Planning Act 1990, namely sections 70(1) and 72(1) of the Act.

Date 21 February 2017

S Prideaux
CHIEF PLANNING AND TRANSPORTATION OFFICER

Planning
Scaiclliffe House
Ormerod Street
Accrington
Lancs
BB5 0PF

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.