

Application Number:	2019/0287	Application Type:	Full
Proposal:	Erection of 1 detached dwelling	Location:	The Croft, Conway Road, Cloughfold. BB4 7ST.
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	05/11/2019
Applicant:	Mr & Mrs S Pickles	Determination Expiry Date:	30/09/2018 (Extension of time until 08/11/2019)
Agent:	Mr Steven Hartley		

Contact Officer:	James Dagleish	Telephone:	01706 238645
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	No
Member Call-In Name of Member: Reason for Call-In:	No
3 or more objections received	Yes
Other (please state):	N/a

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Planning Permission be granted subject to the conditions set out in Section 10.

2. SITE

The application site is an irregularly shaped plot of approximately 0.08 hectares in area. It is located approximately 150 metres north of the junction of Conway Road and Newchurch Road on land adjoining the Cloughfold Conservation Area. The land currently forms part of the rear garden of a detached bungalow known as 'The Croft' and also lies within an area designated as countryside

3. RELEVANT PLANNING HISTORY

2013/0208 - The creation of a new access, engineering operations to raise the level of the land, and the construction of retaining walls to form an additional area of garden (retrospective) – Approved 29/07/13.

4. PROPOSAL

This application seeks planning permission to erect a detached four bedroomed house on this plot.

5. POLICY CONTEXT

National

National Planning Policy Framework (2019)
Section 2 Achieving Sustainable Development
Section 5 Delivering a Sufficient Supply of Homes
Section 8 Promoting Healthy and Safe Communities
Section 9 Promoting Sustainable Transport
Section 11 Making Effective Use of Land
Section 12 Achieving Well Designed Places
Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change
Section 15 Conserving and Enhancing the Natural Environment
Section 16 Conserving and Enhancing the Historic Environment

Development Plan Policies

RBC Core Strategy (2011)
AVP3 Strategy for Waterfoot, Cowpe, Lumb and Water
Policy 1 General Development Locations and Principles
Policy 2 Meeting Rossendale's Housing Requirement
Policy 3 Distribution of Additional Housing
Policy 9 Accessibility
Policy 16 Preserving and Enhancing Rossendale's Built Environment
Policy 18 Biodiversity and Landscape Conservation
Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
Policy 21 Supporting the Rural Economy and its Communities
Policy 23 Promoting High Quality Design and Spaces
Policy 24 Planning Application Requirement

Other

National Design Guide
National Planning Practice Guidance
RBC Strategic Housing Land Availability Assessment (SHLAA) (2017)
RBC Alterations and Extensions to Residential Properties SPD
RBC Emerging Local Plan

6. CONSULTATION RESPONSES

LCC Highways:- No objections but want visibility splays of 2 x 25 metres providing on either side of the access; a pre and post development inspection survey of Conway Road to ensure that the

surface is not significantly harmed as a result of the proposal (and if it is for any deterioration to be made good following the completion of the development); and for the construction management plan to be accompanied by a plan showing the location of the 'off site' parking/turning/storage areas and to be amended to include reference to a road sweeper.

RBC Environmental Health:- Have no comments to make on this application.

RBC Conservation Officer:- No objections but would prefer vehicular access to be formed via the existing access serving the adjoining bungalow to avoid tree loss; would like slight amendments to the design of the dwelling; and would like to see details of the new windows, doors, glazed conservatory and rainwater goods.

RBC Trees Officer:- No objections provided that tree removal is kept to the minimum necessary to form the new access, and all trees to be retained are suitably protected during the construction works.

Greater Manchester Ecological Unit:- No objections subject to conditions preventing the clearance of any vegetation from the site during the bird nesting season and requiring the implementation of suitable ecological measures to enhance biodiversity on the site.

United Utilities:- Consider that foul and surface water from the developed site should be drained separately with the former discharged to the public sewer and the latter by means of the most sustainable method available. Want a management and maintenance plan to minimise the risk of surface water drainage having a detrimental impact upon the public sewer network should the two systems interact.

Land Contamination Officer:- Consider that there is likely to be a relatively low risk of the site being contaminated given the way it has previously been used, and that if contamination is found it is unlikely to be a barrier to the development. Nevertheless consider that before development commences the site should to be investigated for contaminants, and subsequently remediated if needs be, to ensure that it is safe for human occupation. Ideally these works should be carried out before a decision is made on the application but as an alternative they can required to be undertaken by way of conditions attached to the planning approval.

7. REPRESENTATIONS

The application was advertised by sending individual letters to the surrounding properties, by posting a site notice next to the site and by inserting an advertisement in a local newspaper. These were sent/posted/inserted on 6th August and 12th and 20th September 2019 respectively giving 21 days to comment. The publicity period has now expired and five letters of representation have since been received. The concerns that they raise are as follows:-

- a) that the proposal would lead to an increase in the vehicular use, both during construction and thereafter, of Conway Road, a poorly surfaced narrow unadopted highway, and Edge Lane, which whilst adopted is also narrow. This would result in damage to the surfaces of both roads and to the boundary walls/fencing adjoining them.
- b) that trees along the eastern site boundary might be removed in the future.

Some of the people who have commented on the scheme have indicated that their concerns could reasonably be addressed:-

- a) by requiring Conway Road to be re-surfaced and made up to an adoptable standard at the applicants' expense,
- b) by requiring the trees on the eastern site boundary to be retained as part of any approval of the scheme and requiring their replacement should this prove necessary.

The agent has submitted a Planning Statement, a Construction Method Statement and a completed Contamination Assessment Form in support of their proposal. These collectively state:-

- a) that whilst the site is currently located outside of the defined Urban Boundary it lies within the revised Urban Boundary as proposed under the emerging Local Plan.
- b) that the development would be sustainable and would assist the Council in meeting its housing needs. The site is identified in the SHLAA as being sustainably located and as being suitable for residential development.
- c) that the Local Planning Authority has recently granted planning permission for residential development on sites that are close to this one but that are currently located just outside of the existing Urban Boundary (see 2015/0517 and 2018/0577)
- d) that the new house would be constructed of natural stone and natural blue slate. As such it would retain the character of the surrounding area and would not harm the setting of the adjoining Conservation Area. The new and existing properties would also have large gardens.
- e) that the development would not cause any undue highway safety issues. A suitable vehicular access is currently available to the site and the proposal would make adequate provision for the 'off street' parking of vehicles with four spaces proposed. Suitable provision would also be made to avoid any highway safety issues during the construction works.
- f) that future occupiers of the dwelling would not be at risk of flooding.
- g) that the site is unlikely to be contaminated.

8. ASSESSMENT

Principle

The site is currently located wholly within a Countryside Area as identified by the Council's adopted Development Plan. When considered against the current planning policies (especially Policy 1 of the Core Strategy) the development of this land for residential purposes would therefore normally be seen as unacceptable in principle unless special circumstances could otherwise be demonstrated for allowing it. However, Paragraph 11 of the National Planning Policy Framework (NPPF) advises, at least in part, that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question, are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the proposed development; or

b) it can be demonstrated that any adverse impacts of that development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

In the case of applications for residential development such as this, the NPPF adds that policies will normally be considered 'out of date' if the Local Planning Authority cannot demonstrate a five year supply of deliverable housing land. The Council is currently unable to demonstrate this based on Full Objectively Assessed Need (FOAN) so its Core Strategy policies relating to housing supply are considered to be out of date and can therefore only be afforded limited weight.

Putting the above aside, Policies 1 and 9 of the Core Strategy and Sections 2 and 9 of the NPPF both place emphasis upon securing sustainable forms of development. It is considered that the proposed development could reasonably be viewed as meeting this aim in so far as it seeks the development of a site that adjoins the defined Urban Boundary, that lies less than 200 metres from a bus route (Newchurch Road) and that is located just over one kilometre from Rawtenstall Town Centre.

Additionally the proposal could be seen as assisting in meeting the housing needs of the Borough albeit in a very small way. This would be 'in line' with the aims of Section 5 of the NPPF which states that small sites such as this can make an important contribution to meeting the housing requirements of an area as they are often built-out relatively quickly. It would also meet the aims of Policies 2 and 3 of the adopted Core Strategy which respectively seek to demonstrate how the housing needs of the Borough will be met and where that housing should be located.

It is also proposed to include this site within the Urban Boundary as part of the emerging local plan. However this can only be given very limited weight at this stage as this plan is still going through the examination process and has not yet been found 'sound' by the Planning Inspectorate or adopted.

The development of this site could reasonably be viewed as 'rounding off' given its proposed position in relation to surrounding development. It is also well screened by trees. Consequently it is contended that the erection of one dwelling on this land, in the position proposed, would not significantly impact upon the openness of the surrounding landscape.

In conclusion, it is considered that despite its Countryside location the development proposed by this application will be relatively sustainable, will assist in meeting housing need and will not cause significant harm to the open character of the surrounding area in this instance. Taking all of these factors into consideration it is considered that the proposal will be acceptable in planning policy terms in this instance reasonably satisfying the requirements of Policies 1, 23 and 24 of the Core Strategy and Sections 12 and 15 of the NPPF in this regard.

Visual Amenity

The proposed dwelling will be quite large and is to be located in an area where the properties are predominantly bungalows. However, the bungalows to the immediate south west of this site are substantial having 'footprints' of a comparable size. Furthermore the new house will occupy a relatively secluded position within what is currently a rear garden where it will also be well screened by mature trees. With this in mind it is contended that any size differences between this property and others in the vicinity will not be unduly obvious or visually jarring and consequently the development should not appear at odds with its surroundings.

The dwelling is also considered to be acceptable in pure design terms. It will incorporate a pitched roof and is to be constructed of natural stone and natural blue slate, high quality materials that will both match and reasonably harmonise with others used in the locality.

As indicated above, the development will occupy a relatively secluded position well screened by mature trees. It could also reasonably be viewed as 'rounding off' given its proposed position in relation to surrounding housing. With this in mind it is contended that the proposal would not significantly impact upon the openness of the surrounding landscape despite being currently located within identified Countryside.

Finally, as this site stands within 25 metres of the boundary with Cloughfold Conservation Area, which lies to the immediate south, the development is likely to have some effect upon the setting of that area. However, given that the new house is considered to be acceptable in design and scale terms, and since there would only be limited vantage points from which it would normally be seen against the backdrop of that area (namely from Conway Road through the newly created access point) it is considered that it would reasonably safeguard the setting of that heritage asset in this instance.

The proposal has been considered by the Council's Conservation Officer who essentially supports the above view. Their requests for amendments to the design of the dwelling and the position of the access have been considered but on balance they are not considered to be necessary in this instance. Details of the new windows, doors, rainwater goods and frame of the new conservatory can be controlled by condition.

In view of the above the proposal is considered to be acceptable in visual amenity term reasonably satisfying the requirements of Policies AVP3, 1, 16, 23 and 24 of the adopted Core Strategy and Sections 12, 15 and 16 of the NPPF in this regard.

Neighbour Amenity

a) Light

The proposed dwelling will stand a minimum of 17 metres from the nearest adjoining property (4 Conway Road which lies to the immediate north west). Consequently, it is contended that it will not unduly affect the level of light that this, or any other property, currently receives.

b) Overlooking

It is not envisaged that the proposal will give rise to unacceptable overlooking of, or into, any separately owned neighbouring property provided that the first floor windows, to be formed within the side elevations of the dwelling (excluding the proposed north facing bedroom window) are suitably obscure glazed and suitable boundary screening is provided along the northern and southern site boundaries. Conditions to secure both are therefore recommended.

The windows to be formed within the front (western) and rear (eastern) facing elevations of the dwelling will not unacceptably overlook neighbouring properties either. The former will face the western boundary of the site, and the latter will face properties to the east (specifically 3, 5 and 7 Conway Road) in both cases at a distance of at least 20 metres. In the latter case there will also be substantial mature trees in between.

c) Overdevelopment

The proposal will not lead to the development of more than 50% of the defined site. Consequently, it is considered that a refusal of this proposal on grounds of overdevelopment could not reasonably be sustained either.

d) Amenity Space

It is considered that the new dwelling will benefit from an acceptable level of private amenity space whilst leaving 'The Croft' with a suitable level as well. It is therefore contended that a refusal of this proposal on grounds of inadequate amenity space could not reasonably be sustained either.

In view of the above it is considered that the proposal would reasonably safeguard the amenities currently enjoyed by the occupiers of the surrounding properties and would ensure the provision/retention of adequate associated garden space. On this basis it is considered that it would reasonably satisfy the requirements of Policy 24 of the adopted Core Strategy in this regard.

Highway Safety

It will be necessary to provide three 'off-street' car parking spaces in conjunction with the proposed dwelling as it will have four bedrooms. The proposal makes more than adequate provision for these in the form of a double garage and an adjoining hardstanding. As such it should not lead to any issues of 'on-street' parking on adjoining highways.

The creation of the hardstanding will also allow vehicles to be satisfactorily turned around within the site. This should ensure that they can enter the adjoining highway in a forward gear.

The proposal involves the creation of a new vehicular access from the site onto Conway Road. This element of the scheme has been assessed by County Highways who consider that it will be acceptable provided that visibility splays of 2 x 25 metres are provided on either side. The requirement to provide splays of this nature has been considered but, on balance, they are not considered reasonably necessary in this instance. This is because Conway Road is a 'no through road' which, on the balance of probability, is currently unlikely to be experiencing significant levels of vehicular use and where vehicles are unlikely to be travelling at very high speeds. In addition, in order to provide splays of this size it would, it is contended, be necessary to remove/carry out significant works to adjoining trees, something that would have an adverse impact on the visual amenity of the surrounding area. On balance therefore in the interests of safeguarding the visual amenity of the area, and as it is considered that vehicles will be able to safely enter Conway Road using the access as currently proposed, it is considered that the proposal should be accepted as submitted.

Vehicular access to the development from outside of the site is to be gained from Newchurch Road via Edge Lane and Conway Road. This is not considered ideal as both of these are narrow and Conway Road in particular is poorly surfaced and unadopted. Nevertheless it is not envisaged that a development of one additional dwelling would significantly increase the vehicular use of these highways over and above that which they are currently experiencing. In view of this it is considered that a refusal of this proposal on these grounds would be difficult to sustain, a view supported by County Highways.

Local residents have requested that in the event of the application being approved the applicants should be required to re-surface and make up Conway Road to an adoptable standard. This is, at least in part, supported by County Highways who have requested that this highway is inspected both before development commences and once it has been completed with a requirement that the

applicants 'make it good' should any deterioration be found to have been caused. A condition to this end is therefore recommended.

Local Residents are also concerned that the increased vehicular use of Edge Lane and Conway Road that would arise as a result of this proposal would lead to damage of the surfaces of those highways and to damage of the adjoining boundary walls/fencing. However, whilst concerns about damage to the highway can be addressed in part in the manner referred to above, concerns about damage generally cannot as they are not a recognised 'planning matters' (they are private civil matters).

In view of the above, subject to the imposition of appropriate conditions, it is considered that the proposal would be acceptable in highway safety terms reasonably satisfying the requirements of Policy 24 of the adopted Core Strategy in this regard.

Tree Issues

There are mature trees on the perimeter of the site, some of which are protected, but none within the main body. However it is contended that the new house could reasonably be erected in the position proposed without the need to remove any of these. Some trees are proposed for removal to allow for the creation of the new vehicular access. However, whilst this is regrettable it is considered that sufficient trees will remain to ensure that the amenity of the surrounding area is not significantly harmed. The proposal has been considered by the Council's Tree Officer who raises no objections to it provided that all trees to be retained are suitably protected during the construction of the development. A condition to this end is therefore recommended.

One local resident has requested that in the event of the application being approved conditions should be imposed requiring the retention of the trees on the eastern site boundary and, where this is not reasonably possible, their suitable replacement. This is considered reasonable and conditions to this end are therefore recommended.

In view of the above, subject to the imposition of conditions of the type referred to above, it is contended that the scheme would reasonably satisfy the requirements of Policy 24 of the Core Strategy and that there would be no reasonable tree related grounds for opposing this development.

Ecology

The main body of the site is currently used as domestic garden and is not known to be the habitat of any protected flora and fauna. However it is possible that the trees on the perimeter may currently be supporting nesting birds and/or bats. These trees are, however, largely to be retained as part of the development and a condition is to be imposed to ensure that they are. In view of this it is considered, on the balance of probability, that there would be a relatively low risk to either bats or birds. As a safeguard it is recommended that a condition is imposed on any approval preventing the clearance of any vegetation from the site during the bird nesting season. An informative is also recommended advising the applicants that if they encounter bats during the construction works they should cease all works immediately and employ a suitably licensed bat worker.

The proposal has been considered by the Greater Manchester Ecological Unit who raise no objections subject essentially to the same conditions outlined above plus a further condition requiring the implementation of suitable ecological measures to enhance biodiversity on the site.

Subject to the imposition of conditions and an informative of the nature outlined above, it is considered that in pure ecological terms the development will be acceptable reasonably meeting

the requirements of Policies 18 and 24 of the Council's adopted Core Strategy DPD (2011) and Section 15 of the National Planning Policy Framework in this regard.

Drainage

The applicants have indicated that both foul and surface water from the developed site are to be discharged into the mains sewer. These proposals have been assessed by United Utilities but they consider:-

- a) that foul and surface water should be drained separately with the former discharged to the public sewer and the latter by means of the most sustainable method available, and
- b) that a management and maintenance plan should be submitted to minimise the risk of surface water drainage having a detrimental impact upon the public sewer network should the two systems interact.

United Utilities are prepared to accept conditions to control the above. Subject therefore to the imposition of conditions to this end it is considered that the scheme will be acceptable in drainage terms reasonably satisfying the requirements of Policies 19 and 24 of the Core Strategy in this regard.

Flood Risk

The site lies within Flood Zone One. It is therefore contended that future occupiers of the new dwelling will not be at significant risk of flooding and that it is unlikely that the development will significantly exacerbate problems of flooding elsewhere. With this in mind it is considered that there are no reasonable flood risk grounds for opposing the scheme and as such it is contended that it will satisfy the requirements of Section 14 of the NPPF in this regard.

Land Contamination

The proposal has been assessed by the Council's Land Contamination Officer. They conclude:-

- a) that there is likely to be a relatively low risk of the site being contaminated given that it is currently used as domestic garden, and
- b) that if contamination is found it is unlikely to be a barrier to the proposed development.

This aside they still, nevertheless, consider that before development commences the site should to be investigated for contaminants, and subsequently remediated if needs be, to ensure that it is safe for human occupation. Ideally these works should be carried out before a decision is made on the application but as an alternative they can be required to be undertaken by way of conditions attached to the planning approval. Subject to the imposition of conditions to this end it is considered that there would be no reasonable land contamination reasons for opposing this development as in these circumstances it would reasonably meet the requirements of Policy 24 of the Council's adopted Core Strategy DPD (2011) and Section 15 of the National Planning Policy Framework in this regard.

Conclusion

Whilst the development is to be located within identified countryside it will directly adjoin the Urban Boundary, will be relatively sustainable, will contribute, albeit in a very small way, towards housing supply and, given its proposed position, will not cause significant harm to the open character of the

surrounding area. Furthermore, subject to the imposition of conditions, it is considered that the development will suitably harmonise with the character and appearance of the surrounding area; will not unduly harm trees or the amenities currently enjoyed by neighbouring properties; will not give rise to any undue highway safety, drainage, ecological or flood risk concerns; and will not result in future residents being put at undue risk from contaminants. The proposal is therefore considered to be in accordance with the requirements of Policies AVP3, 1, 2, 3, 9, 16, 18, 19, 21, 23 and 24 of the Council's adopted Core Strategy DPD (2011) and Sections 2, 5, 8, 9 11,12, 14,15 and 16 of the National Planning Policy Framework.

9. RECOMMENDATION

That planning permission be granted subject to the conditions set out in section 10 below.

10. CONDITIONS

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

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Location Plan		05/08/19
Existing Site Plan	SP-06-07-19-A	05/08/19
Proposed Site Plan	SP-06-07-19-B	05/08/19
Proposed Floor Plan	SP-06-07-19-C-amended	25/09/19
Proposed Elevations	SP-06-07-19-D-amended	25/09/19

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

3. Samples of the materials to be used in the construction of the external walls and roof of the new dwelling, the window and door frames, the rainwater goods and the frame of the new garden room shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved materials shall thereafter be used in the construction of the development.

Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjoining Conservation Area.

4. Details of the proposed treatment of the site boundaries shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved boundary treatment shall be completed in accordance with the approved

details before the dwelling hereby approved is first occupied and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of visual and residential amenity and to preserve and enhance the setting of the adjoining Conservation Area.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, no windows or other openings, other than those shown on the approved plans, shall, at any time, be formed at first floor level within the northern and southern facing elevations of the proposed dwelling without the prior written approval of the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), or any subsequent legislation revoking or superseding that Order, all northern and southern facing first floor windows to be installed within the dwelling (with the exception of the new northern facing first floor bedroom window) shall be obscure glazed. Obscure glazing shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the Local Planning Authority.

Reason: To safeguard the privacy of the occupiers of adjoining properties.

7. No trees within or on the boundary of the site, other than those shown as being removed to form the new vehicular access, shall be lopped, topped, felled or damaged in any way without the prior written approval of the Local Planning Authority. Proposals to carry out such works shall be submitted in the form of a separate formal application to this end.

Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjoining Conservation Area.

8. A scheme for replacement tree planting within the site shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved scheme shall be implemented in full within the first planting season following the substantial completion of the development. Any trees forming part of that scheme which, within a period of 5 years from the completion of those works, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with replacement trees of similar size and species.

Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjoining Conservation Area.

9. Details of the proposed measures for protecting trees during the construction period shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. These measures shall fully meet the requirements of British Standard BS5837:2012 or any document that subsequently supersedes that legislation. During the construction period nothing shall, at any time, be stored or located within the root protection zone of any tree.

Reason:- To safeguard trees to be retained in the interests of the appearance of the locality.

10. Details of the proposed means of surfacing, sealing and draining of all areas to be used by vehicles shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. The approved vehicular areas shall be constructed in accordance with the approved details, and laid out as shown on approved drawing number SP-06-07-19-B, before the dwelling hereby approved is first occupied. They shall thereafter be retained at all times solely for the parking and circulation of vehicles in conjunction with that dwelling, and to allow vehicles satisfactory access to and from the site.

Reason: In the interests of visual amenity, to preserve the setting of the adjoining Conservation Area.

11. Prior to the start of the development, a survey shall be carried out by the developer to determine the condition of Conway Road. The results of this survey shall be submitted to the Local Planning Authority for its written approval before development commences. A similar survey shall be carried out within six months of the substantial completion of the development and the results of that survey shall be submitted to the Local Planning Authority for its written approval within one month of the end of that six month deadline. Should the surveys demonstrate, in the view of the Local Planning Authority, that the road surface has deteriorated as a result of the development works the road shall be 'made good' in accordance with details and a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

12. Notwithstanding the details given in the submitted construction method statement, the following additional details shall be submitted:-
 - a) a plan, at a scale of 1:200, showing the proposed location of the areas within the site that are to be used for the 'off site' parking and turning of vehicles, and for the storage of materials, during the construction of the development.
 - b) measures for ensuring that mud and stones are not carried onto the adjoining highways and for mechanically sweeping those highways.

Development shall not commence until these details have been submitted to, and approved in writing by, the Local Planning Authority. They shall thereafter form part of the approved construction method statement and shall be implemented in full, along with all other of the approved measures in that document, at all stages during the construction of the development.

Reason: In the interests of highway safety.

13. No trees, shrubs or other vegetation shall be removed from the site between 1st March and 31st August inclusive unless a competent ecologist has first undertaken a detailed check of the vegetation for active birds' nests immediately before the vegetation is cleared and has provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority.

Reason: To safeguard nesting birds.

14. No development shall take place until a scheme of biodiversity enhancement measures (and a timetable for their implementation) has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in accordance with the approved timescales, and thereafter satisfactorily retained at all times.

Reason: To enhance the ecological value of the site.

15. Notwithstanding any details given on the approved plans or application form, details of the proposed means of draining foul and surface water from the development, and of the proposals for managing and maintaining the latter, shall be submitted to, and approved in writing by, the Local Planning Authority before development commences. These shall show foul and surface water drained using separate systems, surface water discharged by way of one of the drainage options set out in the National Planning Practice Guidance, and the measures that are to be implemented to minimise the risk of surface water drainage having a detrimental impact upon the public sewer network should the two systems interact. The development shall be drained in the approved manner and shall thereafter be satisfactorily retained at all times.

Reason: To secure proper drainage and to manage the risk of pollution.

16. The finished ground floor level of the approved dwelling shall be constructed at the level shown on approved drawing number SP-06-07-19-B and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of visual amenity and to preserve and enhance the setting of the adjoining Conservation Area.

17. Notwithstanding any information submitted with this application, no development shall take place (except for demolition and enabling works as agreed with the LPA) until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:-
- i) A Preliminary Risk Assessment report or equivalent (Phase 1) including a conceptual model and a site walk over survey;
 - ii) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and
 - iii) Should unacceptable risks be identified the applicants shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of mitigating hazards associated with land contamination and to prevent pollution.

18. Pursuant to condition 17 and prior to the first occupation of the dwelling hereby approved, a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating hazards associated with land contamination and to prevent pollution.

INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy.

2. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority. Any intrusive activities which disturb or enter any coal seams, coalmine workings or coal mine entries (shafts and adits) require the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
3. There is a possibility that bats may be encountered during the development. Under the Habitat Regulations it is an offence to disturb, harm or kill bats. If a bat is found during the development all work should cease immediately. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

4. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of five days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.
5. The applicant is advised that they have a duty to adhere to Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2019 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

6. Please note that some of the trees at the southern end of the site on the eastern site boundary are protected by a Tree Preservation Order. No works may be carried out to these trees, nor may they be felled, without the prior written approval of the Local Planning Authority.