

<b>Application Number:</b>	2019/0341	<b>Application Type:</b>	Full
<b>Proposal:</b>	Full: Demolition of existing building and erection of 37 no. dwellings and 48 apartments for the over 55s (48 x 2 beds, 24 x 3 beds, and 13 x 4 beds), with associated works.	<b>Location:</b>	Land At Former Albert Mill, Whitworth, OL12 8PJ
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	5 November 2019
<b>Applicant:</b>	Mr G Rainford	<b>Determination Expiry Date:</b>	19 November 2019
<b>Agent:</b>	Amy Rainsford (Pegasus Group)		

<b>Contact Officer:</b>	Lauren Ashworth	<b>Telephone:</b>	01706 238637
<b>Email:</b>	planning@rossendalebc.gov.uk		

<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	Major
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	✓
<b>Other (please state):</b>	

## 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 Members resolve that they would be minded to grant planning permission and that the determination of the application hereafter be delegated to the Planning Manager as follows:

(1) To complete a suitable Section 106 Agreement to secure:

- A financial contribution of £241,195.50 towards primary and secondary education places;
- A financial contribution / off-site commuted sum and overage clause to aim to achieve a 20% affordable housing policy compliant scheme; and
- Restrict the occupation of the 48 residential apartments to persons over 55.

(2) To carry out drafting amendments to any planning condition

(3) To have to discretion to refuse planning permission in the circumstance that the Section 106 Agreement is not completed within four months of the resolution to grant planning permission.

(4) That upon satisfactory completion of the above legal agreement that planning permission be granted subject to the following conditions or as amended by (2) above.

## **APPLICATION DETAILS**

### **2. SITE**

The application relates to a previously developed site of approximately 1.3ha, located immediately to the west of (and at a lower level than) Market Street in Whitworth. Formerly occupied by Albert Mill, the site has now been largely cleared although there is still a derelict building of stone and brick construction standing at the south eastern end of the site.

The site is located within the Urban Boundary although the southernmost part lies within the Green Belt. There are various level changes on the site, most particularly a significant drop from Market Street into the site. The site is accessed from Albert Street to the north.

Public footpath 126 runs along the southern edge of the site in an east – west direction, joining up with a cycleway and path which runs further to the west of the site and on to Healey Dell. To the west of the site there is a multi-use games area and a pump track, which lie south of Massey Croft – a residential street. The River Spodden runs beneath the site through a culvert.

The majority of the site lies within Flood Zone 1, with parts of the site in Zones 2 and 3.

The site includes a small element of Council land and third party land. The applicant has signed Certificate B and served the requisite notices.

### **3. RELEVANT PLANNING HISTORY**

2018/0498 - Full: Erection of 37 no. dwellings and 48 self-contained apartments, with associated works. Withdrawn.

2012/0588 - Outline Application for the demolition of existing buildings & erection of up to 49 Residential Units, with access off Albert Street (Amended to omit vehicular access from Massey Croft and provide 6 additional parking spaces to rear of 1 Albert St) (Approved January 2018).

This was subject to a Section 106 Agreement that secured:

- 20 % affordable housing
- £541.00 per Dwelling will be secured for equipped play space facilities at Healey Dell and £566 per Dwelling towards the improvement of existing playing pitches at John Street.
- A contribution for 15 primary and 7 secondary school places. As this is an outline application the calculation LCC utilise in respect of necessary school places derived from a scheme will be included within the legal agreement to ensure that the final scheme delivers an appropriate education contribution.

## 4. PROPOSAL

Planning permission is sought for the demolition of the remaining structure, and erection of 37 no. dwellings and 48 self-contained apartments for the over 55s with access roads and a de-culverting and diverted course of the River Spodden. The application as originally submitted included 48 apartments for the open market, however, the applicants made the decision during the course of the application to restrict the occupation of the apartments to the over 55s in order to reduce the education contribution required for the development.

The 37 dwellings would be a mix of three and four-bedroom properties, of various detached, semi-detached and mews designs and ranging from 2 to 2.5 storeys high. The apartments would be two-bedroom properties, set within a five-storey block fronting Market Street, with a car park underneath at basement level.

The dwellings would be constructed of facing brick (with stone sills) with dark grey artificial slate roofs. The apartment block (facing Market Street) would be constructed of natural coursed local stone, with matching sills and a dark grey artificial slate roof.

UPVC window and door units would be used throughout (white units on the dwellings and light grey units on the apartment block are proposed). Each dwelling would be provided with off-street parking spaces and driveways and the apartment block is served by a car park underneath.

The dwellings would be arranged around an internal street layout featuring cul-de-sacs branching off a central access road leading from Market Street. All houses would feature private garden areas.

The sole access to the site is proposed off Market Street, the construction of which will involve re-grading the land to meet the level of the road to the east.

Section drawings / street scenes have been provided which show that the proposed dwellings would follow the general contours of the land, though significant levelling operations will be necessary to facilitate construction.

An initial landscaping scheme has been submitted which shows the proposed planting of a number of trees throughout the development.

## 5. POLICY CONTEXT

### **National Planning Policy Framework (2018)**

Section 2	Achieving Sustainable Development
Section 4	Decision Making
Section 5	Delivering a Sufficient Supply of Homes
Section 6	Building a Strong, Competitive Economy
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 15	Conserving and Enhancing the Natural Environment
Section 16	Conserving and Enhancing the Historic Environment

### **Development Plan**

## Rossendale Core Strategy DPD (2011)

AVP 1	Whitworth, Facit and Shawforth
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 4	Affordable Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 16	Protecting and Enhancing the 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 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

## Other material considerations

National Design Guide

National Planning Practice Guidance

RBC Strategic Housing Land Availability Assessment (SHLAA) (2017)

RBC Alterations and Extensions to Residential Properties SPD

LCC Planning Obligations in Lancashire (2008)

RBC Open Space and Play Equipment Contributions SPD (2008)

## 6. CONSULTATION RESPONSES

Consultee	Objection (yes or no)	Conditions
Whitworth Town Council	No response received	
LCC Highways	No objection	Yes
LCC Lead Local Flood Authority	No response received	No response received
United Utilities	No objection	Yes
Environment Agency	No objection	Yes
LCC Public Rights of Way	No objection	Yes
Ecology	No objection	Yes
Land Contamination Consultant	No objection	Yes
RBC Conservation Officer	Objection	No
RBC Environmental Health	No objection	Yes
RBC Forward Planning	No response received	No response received
RBC Strategic Housing	No objection subject to affordable housing provision in line with Policy 4	
RBC Tree Officer	No objection	Yes
RBC Operations	No response received	No response received
Rossendale Civic Trust	Objection	No
Cadent	No objection, provided information.	No
The Coal Authority	No objection	Informative
Fire Brigade	No objection	

LCC Education	No objection subject to 9 primary places and 4 secondary places	Section 106 Agreement
Lancashire Constabulary	No objection	No

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted on 29/08/19 and 115 neighbour letters were sent out on 23/08/19. A notice was published in the Rossendale Free Press on 06/09/19.

One objection has been received raising the following material planning issues:

- Size of the proposed building is too high
- Concerns regarding the retaining wall
- Inadequate access
- Increase in traffic
- Information missing from plans
- Not enough info given on application
- Out of keeping with character of area
- Over development
- Residential amenity
- Strain on existing community facilities

The following considerations raised are not planning matters and therefore cannot be taken into account:

- General dislike of the proposal

One neutral comment and one letter of support – stating that the development is welcomed and would support a push more disused land to be identified and utilised to supply the housing numbers that we need.

## 8. ASSESSMENT

### Principle

Outline planning permission for the redevelopment of the site for residential purposes was granted on 24 January 2018 and as such is extant and therefore the redevelopment of this site for residential purposes is acceptable in principle.

As this application is submitted in full, all matters are for approval and will be considered in detail below.

### Layout and design

Section 12 of the National Planning Policy Framework (NPPF) relates to 'Achieving well-designed places' and at paragraph 124 it states: "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve." More specifically, paragraph 127 states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Material to the determination of the application is the National Design Guide which sits alongside the NPPF with a purpose of acting as a tool to assist applicants and local authorities in the delivery of quality new development that is well-designed and well-built so that it benefits people and communities.

At the local level Policy 23 of the Core Strategy seeks to ensure that new developments:

- *Are of the highest standard of design that respects and responds to local context, distinctiveness and character*
- *Contribute positively to local identity and heritage in terms of scale, density, layout, materials and access*
- *Protect important local and longer-distance views*
- *Use locally sourced sustainable, high quality and innovative materials appropriate for the development and its surroundings including recycled materials wherever feasible*
- *Engage with their surroundings and provide adequate natural surveillance (overlooking) for neighbouring streets and spaces*

Notwithstanding the objection from the Conservation Officer and Civic Trust relating to design (which can be read in full on the Council's website), the current appearance of the site is poor, and it is considered that the proposed scheme will result in a significant improvement to visual amenity in the immediate area. The proposed alteration to the course of the River Spodden through the site will result in the river becoming visible at surface level, rather than culverted as it is currently. This will result in a considerable improvement to the site's appearance.

The proposed design and appearance of the dwellings is acceptable given the context of the site and its surroundings however a condition is recommended to ensure that the proposed brick material is an appropriate colour and texture. The proposed use of natural coursed stone in the construction of the apartment block fronting Market Street is appropriate and will lend a high quality appearance to the scheme when viewed from the main road.

The case officer has negotiated a number of changes to the landscaping / design of the scheme including:

- 1) Increase in planting to the front of the dwellings; and
- 2) Use of grasscrete as an alternative to tarmac to driveways to soften the impact of the driveways to the front of dwellings (this is considered in more detail in the landscaping section below).

The proposed density of the development is considered acceptable in the context of the site, and the use of open frontages will help to maintain a sense of openness within the development.

Whilst no significant amount of open space is proposed within the development, it is not considered that the scheme would feel constrained.

As amended the development is considered acceptable in regards to design and layout.

### Landscaping

The proposed development is accompanied by a plan to show the trees to be removed and trees to be retained across the site, in addition to a proposed planting plan. The development will see the River Spodden de-culverted and diverted.

Following submission of the application the case officer has worked closely with the applicant's agent to in conjunction with the Environment Agency, Tree Officer and Ecologist to secure further benefits to the river corridor and a general enhancement of planting across the site as a whole. This includes the provision of tree planting along the river corridor, and improvements to boundary treatments adjacent to the river (from standard solid timber fencing to traditional post and rail fencing with hedging to the perimeter). The number of trees to be planted across the site has now increased, and planting is now proposed to the front of dwellings to soften the boundary between driveways and dwellings.

The case officer raised concerns with the applicant's agent over the layout of driveways in that a continuous row of parking spaces would appear unsightly and harmful to the street scene. Space on this site did not allow for driveways to be moved to the sides and so with further discussion between the case officer and architect, a further enhancement to the scheme is the use of an Eco Grid grassed parking area for driveways instead of tarmac. An image is provided below. This is a system whereby recycled plastic grids are installed onto a sub base followed by turfing or seeding. The surface is fully permeable and gives a considerably softer appearance to the street scene than traditional tarmac or block paving.



**Image to show Eco Grid with grass fill**

The proposed landscaping scheme has improved considerably during the course of the application, and Officers are now satisfied that it will achieve the aims and objectives of the National Design Guide and the NPPF, subject to conditions requiring fully detailed landscaped plans.

## Neighbour Amenity

The proposed development would not have any unacceptable impact on the daylight, privacy or outlook enjoyed by the occupants of any nearby residential properties, having regard to the proposed siting, orientation and levels of the proposed dwellings.

Given the proximity of nearby residential properties and the scale of the proposed development, it is considered appropriate to include a condition restricting the hours of construction on site.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

## Access, Parking and Highway Safety

The application is accompanied by a Travel Plan and Transport Assessment which have been reviewed by Lancashire County Council's Highway Engineer. The development will have a shortfall of parking spaces across the site however, given the site's sustainable location in close proximity to good quality bus services on Market Street and open space within walking distance, the shortfall is considered acceptable to Lancashire County Council in this instance. As such no objection is raised subject to a number of standard planning conditions and the following:

- 1) A section 38 agreement (adoption works) to include, inter alia, a longitudinal cross-section for the access road;
- 2) A section 278 agreement (off site highway works) to include waiting restrictions on the site access road in order to ensure that access to and from the site is safe and suitable;
- 3) The option of an emergency access and cycle / pedestrian links onto Massey Croft cannot be confirmed at this stage due to land ownership issues and as such it will need to be addressed via planning condition; and
- 4) A link should be made available directly on to FP 126 to the south of the site and as this would be undertaken on the local authority's land, this can be secured by planning condition.

Subject to the points above, the development is compliant with the NPPF in relation to highway safety and sustainable transport.

## Flood Risk

The application is accompanied by a Flood Risk Assessment and a Hydraulic Modelling Report and accompanying drawings, which have been reviewed by the Environment Agency (EA). A detailed response has been received which members can read in full on the Council's website. The EA welcomes the proposal to open up the culverted section of the River Spodden, and raises no objection to the proposed development, including in relation to flood risk, subject to planning conditions, particularly in relation to the proposed diversion and restoration of the River Spodden.

As such the proposed development is acceptable with regards to flood risk and drainage subject to conditions.

## Contamination

The application is accompanied by a Phase 1 Land Contamination Report which identifies a number of potential contamination sources both on and off the site. The report has been reviewed by the Contaminated Land Officer who has highlighted to the local authority that the site is likely to be affected by contamination that will be unacceptable to the proposed residential properties and associated garden and groundwater might be affected. A degree of remediation is therefore likely



to be required. The Officer requires planning conditions to be attached to ensure that the development is acceptable in relation to contamination.

## Ecology

The application is accompanied by a Phase 1 Ecology Survey and a Bat Survey, along with application drawings including landscaping proposals, all of which has been reviewed by Greater Manchester Ecology Unit (GMEU) on behalf of the local authority. The GMEU has confirmed to the local authority that it welcomes the proposal to de-culvert the River Spodden. It noted that no significant ecological issues were identified by the developer's ecological consultant and that matters relating to, bats, nesting bird, invasive species, the River Spodden and landscaping can be resolved via planning condition.

As such, subject to planning conditions, the scheme is considered acceptable in terms of ecology.

## Planning Contributions

At the national level Section 5 of the Framework states:

*“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.”*

At the local level, in accordance with Policies 4 and 22 of the Core Strategy, and the Open Space and Play Equipment Contributions SPD, the following contributions are necessary to make this development acceptable in planning terms:

- 20% affordable housing provision on site i.e. 17 dwellings
- Open space and play equipment contribution of £1,366 per dwelling = £116,110.
- The Local Education Authority (Lancashire County Council) has informally indicated that the development (as amended to include 48 apartments for the over 55s) would result in a shortfall of 9 primary places at a cost of = £144,454.86 and 4 secondary places at a cost of £96,740.64 totalling £241,195.50. This will be confirmed in a formal response in the Update Report.

As originally submitted the applicant did not propose to provide any affordable housing or planning contributions. A viability assessment has been submitted to support the applicant's claim that the provision of such contributions would render the development unviable. The appraisal has been reviewed by a viability consultant on behalf of the Local Authority which has concluded that the development can afford to deliver S106 contributions and an element of affordable houses but cannot achieve the full 20% as required by policy at this time. However, there is an opportunity to use an overage clause in the legal agreement to capture any uplift in sales values until a 20% policy compliant scheme is reached.

In the event that the education contribution is not provided, Lancashire County Council objects on the grounds that the development fails to mitigate the impact of education infrastructure, leading to an unsustainable form of development contrary to the Framework.

Following negotiations with the applicant in regards to viability, a balance has been struck as required by PPG which has resulted in the following to be secured in a Section 106 Agreement:

1. £241,195.50 to Lancashire County Council Education Authority;

2. Off-site commuted sum and overage clause to aim to achieve a 20% affordable housing policy compliant scheme; and
3. It is necessary to restrict the occupation of the 48 apartments to over 55s only.

The final details of the extent of the commuted sum (and overage) will be discussed with the applicants during the drafting of the legal agreement. As such the proposed development is now considered to be acceptable with regards to planning contributions.

## Conclusion

The development would provide 85 new residential units towards the borough's recognised housing need, which is a benefit to which substantial weight is afforded. The dwellings would be located on a brownfield site within the defined urban boundary which has been vacant and unsightly for in excess of 10 years. The scheme is considered appropriate in terms of visual amenity, and would result in an improvement to the site's appearance. In addition, the scheme will deliver positive environmental gains through the opening of the River Spodden. The scheme will now provide the necessary education contributions and affordable housing through an off-site commuted sum (and overage).

## **9. RECOMMENDATION**

That Members resolve that they would be minded to grant planning permission and that the determination of the application hereafter be delegated to the Planning Manager as follows:

(1) To complete a suitable Section 106 Agreement to secure:

- A financial contribution of £241,195.50 towards primary and secondary education places;
- A financial contribution / off-site commuted sum and overage clause to aim to achieve a 20% affordable housing policy compliant scheme; and
- Restrict the occupation of the 48 residential apartments to persons over 55.

(2) To carry out drafting amendments to any planning condition

(3) To have to discretion to refuse planning permission in the circumstance that the Section 106 Agreement is not completed within four months of the resolution to grant planning permission.

(4) That upon satisfactory completion of the above legal agreement that planning permission be granted subject to the following conditions or as amended by (2) above.

## **10. CONDITIONS**

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

Application form as amended, received 23/10/19  
APARTMENT ELEVATIONS WH1309 APT01 rev A

APARTMENT FLOOR PLANS WH1309 APT02 rev B  
 SCHEDULE OF ACCOMMODATION AND PARKING  
 ADOPTED AREAS WH1309 KGGD01rev B  
 DEMOLITION PLAN WH1309 KGGDB01rev A  
 HOUSE TYPE A WH1309 A01 rev A  
 HOUSE TYPE B WH1309 B01 rev A  
 HOUSE TYPE B1 WH1309 B101 rev A  
 HOUSE TYPE C WH1309 C01 rev A  
 HOUSE TYPE C1 WH1309 C101 rev A  
 HOUSE TYPE D WH1309 D01 rev A  
 LANDSCAPE PLAN WH1309 LM01rev A  
 LOCATION PLAN WH1309 KGGL01rev A  
 RETAINED TREES WH1309 KGGT01rev A  
 SITE PLAN WH1309 KGGS01rev A  
 STREET SCENES 01 & 02 WH1309 SS01 rev A  
 STREET SCENES 03 & 04 WH1309 SS02 rev A  
 Concept Drainage Sketch (Ref No. w10733, Dated 20/11/2018, Rev P00)  
 Flood Risk Assessment and Drainage Strategy W10733-190731-FRA  
 Travel Plan dated 10.09.19  
 Hydraulic Modelling Report (reference w3385-190731-HMR)

Reason: To ensure the development complies with the approved plans and submitted details.

3. All elevations of the apartment block shall be constructed in natural stone and natural slate. Prior to the commencement of above ground construction (excluding demolition) samples of the stone and slate and materials for the elevations and roofs (including dormers and porches) of the dwellinghouses (details of which are to be agreed) shall be provided by means of the erection on site of a one metre square sample panel including proposed mortar mix and joint detail, for the written approval of the Local Planning Authority. The panel so approved shall be retained on the site and shall not be removed until such time as the external walls of all of the dwellings hereby approved are complete. The development thereafter shall be constructed utilising the approved materials.

Reason: To ensure that the development is appropriate in terms of visual amenity and to ensure that it responds to the local context of the site.

4. Prior to the erection of any dwelling or apartment, full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on the submitted plans) shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding the above there shall be 1.8m boundary treatments between the rear gardens of each individual dwelling and fencing to the rear of plots 74-85 shall comprise traditional post and rail fencing with hedging to the perimeter in accordance with LANDSCAPE PLAN WH1309 LM01rev A.

No dwelling or apartment shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: The required details are not provided as part of this application and are required in order to ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

5. Prior to the commencement of above ground construction (excluding demolition) full details (scaled drawings at scale of 1:20 or similar) all window frames, doors, garage doors, cills, rainwater goods and barge boards shall be submitted to and approved in writing by the Local Planning Authority. All windows shall be recessed and such details shall be included on the drawings. The development shall be carried out in strict accordance with approved details and they shall be retained as approved thereafter.

Reason: Insufficient fenestration details have been provided within the application and in order to ensure the use of appropriate materials in the interests of the visual amenities of the locality these details are required early on within the development process.

6. Prior to commencement of development, using the principles of the landscaping scheme LANDSCAPE PLAN WH1309 LM01rev A, a full scheme of hard (including all external ground materials) and soft landscaping, including tree planting, grass seed/turf mix, plant numbers, locations, mix etc, a specification for depth of soil and its cultivation and the setting out, planting, staking, protection and mulch of the ornamental stock, shall be submitted to and approved in writing by the Local Planning Authority. Hard landscaping forming part of the approved scheme shall be completed prior to first occupation of the dwellings. No dwellings shall be occupied until the respective plot's landscaping has been undertaken. Planting forming part of the approved scheme shall be undertaken in the accordance with a timetable of implementation which shall be provided with the submitted details. Any shrubs/trees removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by plants of a similar size or species.

All driveways shall be constructed using Eco Grid in accordance with LANDSCAPE PLAN WH1309 LM01rev A and shall be retained as such thereafter.

Reason: Insufficient details have been submitted with the application in relation to landscaping within curtilages, and in the interests of visual and neighbour amenity and biodiversity.

7. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref No. w10733-190731, Dated 31/07/2019, Second Issue) as well as the submitted Concept Drainage Sketch (Ref No. w10733, Dated 20/11/2018, Rev P00) which were both prepared by WaterCo.

No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

8. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and

b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

9. No development shall take place until a scheme for the provision and management of the undeveloped buffer zone alongside the diverted and de-culverted River Spodden proposed as recommendation in the Flood Risk Assessment by Waterco (dated 31/07/2019, reference w10733-190731-FRA) has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- detailed plans, including long and cross-sections (minimum 4), showing the extent and layout of the buffer zone
- details of new diverted River Spodden channel and corridor constructed on site
- details of proposed land raising and revetment options proposed adjoining new riparian corridor.
- details of proposed soft landscaping scheme including planting schedule; predominantly based of native species.
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed new surface water outfalls, footpaths, fencing, lighting, etc

Reason: To protect and enhance the biodiversity value of the River Spodden and ensure opportunities for enhancing the nature conservation value of the site are taken.

10. The development hereby permitted must not be commenced until such time as details of the proposed diversion and restoration of the River Spodden in an open channel have been submitted to, and approved in writing by, the local planning authority. The details shall include long and cross sections showing compliance with the approved Flood Risk Assessment (FRA) by Waterco (reference w10733-190731) and Hydraulic Modelling Report by Waterco (reference w3385-190731-HMR), including alterations to the downstream weir. The scheme shall include details of long term maintenance and shall subsequently be implemented in full in accordance with the timing / phasing arrangements of the development, or within any other period as may subsequently be agreed, in writing, with the local planning authority.

Reason: To ensure that there are no detrimental impacts to flood levels, flood storage or flood flow routes.

11. No works to trees or shrubs shall occur or demolition commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation

provided that no active bird nests are present. Any such written confirmation should be submitted to the Local Planning Authority for approval.

Reason: To conserve and enhance biodiversity and to protect breeding birds.

12. Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for Himalayan balsam should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To suitably control or eradicate Himalayan balsam.

13. No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the River Spodden from accidental spillages, dust and debris has been supplied to and agreed by the Local Planning Authority. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason: To protect the River Spodden from accidental spillages, dust and debris.

14. No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the River Spodden resulting from the disposal of surface water post-development. Such evidence shall be submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority.

Reason: Insufficient information has been submitted and is required to ensure that the proposed surface water drainage will not result in an increase in the volume of surface water entering the River and that the sediment and pollution load will be less than currently enters the river from the site.

15. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling activity is protective of controlled waters.

16. No development including demolition shall take place 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 demolition and construction period. It shall provide for:

The parking of vehicles of site operatives and visitors  
The loading and unloading of plant and materials  
The storage of plant and materials used in constructing the development  
The erection and maintenance of security hoarding  
Details of working hours  
HGV delivery times and routing to / from the site  
Contact details for the site manager

Reason: In the interests of highway safety.

17. No development (excluding demolition) shall take place until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority. No part of the development shall be occupied until the works have been carried out in accordance with the approved details.

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

18. No development (excluding demolition) shall commence until a scheme for the retaining structures adjacent to the highway has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the retaining structure are acceptable before work commences on site.

19. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

20. The garages hereby approved shall be kept freely available for the parking of cars and shall not be converted or altered to form an additional room within the dwelling without the submission and grant of a planning permission for that purpose by the Local Planning Authority.

Reason: To ensure adequate off street parking is maintained.

21. There shall be no direct vehicular access between the site and Massey Croft. Full details of a barrier / wall / fence to be erected in this location shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any dwelling or apartment and implemented prior to such occupation, and retained as approved thereafter.

Reason: To limit the number of access points to the highway network as an aid to road safety.

22. Prior to occupation of any dwelling or apartment, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and will be audited and updated at intervals not greater than 18 months to ensure that the approved Plan is adhered to.

Reason: To promote and provide access to sustainable transport options.

23. Prior to first occupation of any of the dwellings or apartments hereby approved, secure covered cycle storage facilities shall be provided, details of which shall first be submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be retained thereafter for the use of residents.

Reason: To ensure adequate provision of cycle storage facilities, and to promote sustainable modes of transportation.

24. No development shall take place 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 order to ensure proper management and maintenance of the streets within the development.

25. No development shall take place until full engineering, drainage, street lighting and constructional details to adoptable standards (Lancashire County Council specification) of the internal estate roads and site access to Market Street 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.

Prior to first occupation of any of the dwellings hereby approved the estate roads shall be completed to at least base course level and in accordance with the agreed details.

Reason: In the interests of highway safety.

26. Prior to occupation of the apartments, details of either 1) the windows of all habitable rooms facing Market Street shall be acoustically dual glazed to the standards of the Noise Insulation Regulations 1975 (as amended) OR 2) installation of sealed double glazed units comprising glass of 10mm and laminated 6.4mm with a 12mm air gap shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include alternative means of ventilation, which must be sound attenuated. The units shall be installed in accordance with the manufacturer's recommendations to avoid air gaps when fitting the frames.

Reason: To protect occupiers of the apartments from traffic noise.

27. No dwelling shall be occupied until a facility to permit the recharge of an electrical battery-powered vehicle has been installed at that dwelling. No apartment shall be occupied until charging facilities for no less than 3 vehicles has been installed within the apartment car park. Unless otherwise required by the location the installation(s) shall comply with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1. The facility shall be so retained thereafter.

Reason: In the interests of sustainable development.

28. Any demolition and construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: In the interests of neighbour amenity.

29. Notwithstanding any information submitted with the 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) 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

ii) Should unacceptable risks be identified the applicant 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: To ensure the development does not pose a risk of pollution.

30. Pursuant to condition 29 and prior to first occupation of any of the dwellings 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 contamination and to prevent pollution.

31. No development shall commence (excluding demolition) until full details of the proposed river channel have been submitted to and approved in writing by the Local Planning Authority. Such details include:

- Course
- Sectional profiles including any retaining wall details
- River bed substrate
- In channel features
- Soft landscaping
- Management and maintenance

Reason: In the interest of ecology and biodiversity.

## 11. 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\\_adop\\_ted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adop_ted)

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did engage in pre-application discussions.

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 context.

2. The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.

3. If, during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance with an agreed process and within agreed timescales in agreement with the Local Planning Authority.

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 2012 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.

4. Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance. If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required. All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588.

5. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.

6. The grant of planning permission will require the applicant to enter into an appropriate Legal 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 the contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or writing to Developer Support Section, Lancashire County Council, Environment Directorate, Cuerden Mill Depot, Cuerden Way, Cuerden, PR5 6BJ or email [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk)

7. This consent does not give approval to a connection being made to the County Council's highway drainage system.

8. Before proceeding with the scheme preparation the Developer should consult with the Environment Director for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term highway structure shall include: -

- any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres {Note: span refers to the distance between centre of supports and not the clear distance between supports},
- any retaining wall supporting the highway (including and supporting land which provides support to the highway),
- Any retaining wall supporting land or property alongside the highway.

The term 'highway' shall include footpaths and bridleways

9. For development of this scale Lancashire County Council (LCC) highways can provide a facility to the developer to enable the highway authority to provide a range of Travel Plan services as outlined below. An application of the scale proposed would incur a cost of £6,000. Please note: This is an LCC service offer to the developer and not a requirement. Appraise initial Travel Plan(s) submitted to the Planning Authority and provide constructive feedback. Oversee the progression from the Interim Travel Plan to the Full Travel Plan/s in line with agreed timescales. Monitor and support the development, implementation and review of the Full Travel Plan. This will include reviewing: Annual surveys, Progression of initiatives / actions plan and Targets.

10. This development will require a permit under the Environmental Permitting (England and Wales) Regulations 2016 from the Environment Agency for any proposed works or structures, in, under, over or within eight metres of the bank of the River Spodden which, is designated a 'main river'. Some activities are also now excluded or exempt. A permit is separate to and in addition to any planning permission granted. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.