

<b>Application Number:</b>	2019/0318	<b>Application Type:</b>	Full
<b>Proposal:</b>	Outline application (including access only) for residential development of up to 33 No. dwellings.	<b>Location:</b>	Land at Slackgate Farm Tong Lane Bacup Lancashire OL13 9JQ
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	03/07/2020
<b>Applicant:</b>	Mr R Marshall	<b>Determination Expiry Date:</b>	31/07/2020
<b>Agent:</b>	Mrs Claire Bradley (Kirkwells Ltd)		

<b>Contact Officer:</b>	<b>James Dagleish</b>	<b>Telephone:</b>	<b>01706 238643</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>Major Application</b>
<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 and Chair of Development Control Committee as follows:

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

- i. Payment of £25,000 towards affordable housing provision - to be paid upon signing the S.106 agreement.

- ii. When the development is completed the developer to pay further contributions towards affordable housing as follows:
  - a) The developer is permitted to sell the houses for up to 10% more than the prices identified in the viability appraisal without making any further contribution.
  - b) If they sell the houses for a total in excess of that figure (10% more than the prices) the developer pays 25% of the excess subject to a maximum of £200,000.

(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 lies in an elevated position to the east of Bacup. The site is to the east of Tong Lane, located opposite St. Mary's Primary School and its grounds. Tong Farm and its associated buildings lie directly east of the site, on slightly higher ground.

To the north of the site, there are several residential properties and open fields. To the south, there are mainly open fields with scattered properties.

The site itself is predominantly open grassland bound by dry stone walling and agricultural fencing, and is considered to be a Greenfield site.

Immediately to the north of the land (outside the application site boundary) there is an existing residential development (Sunnyside Lodge), resulting from the implementation of planning permission 2009/0373 which approved the *"change of use of land as a private gypsy caravan site and associated works (hardstanding) and the stationing of three caravans"*.

The application site lies in an area designated as countryside.

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

1990/0541 - Change of use of barn to residential use (Approved)

1991/0281 - Erection of bungalow (Refused)

2002/0332 - Erection of 3 no bungalows (Refused)

2008/0260 - Retrospective planning for the siting of a caravan (Withdrawn)

2008/0397 - Retrospective planning for the siting of a caravan (Refused)

2009/0373 - Change of use of land as a private gypsy caravan site and associated works (hardstanding) and the stationing of three caravans (Approved)

2018/0271 - Outline application (including access only) for residential development of up to 33 No. dwellings (Withdrawn)

2019/0007 - Outline application (including access only) for residential development of up to 33 No. dwellings (Withdrawn)

#### **4. PROPOSAL**

Members will recall that application 2019/0007 was approved by Committee subject to the completion of a Section 106 Agreement to secure payment of planning contributions.

However, the Section 106 Agreement was never completed as the site was in split ownership and it is understood that agreement could not be reached between the applicant and the other land owner. As a result application 2018/0271 was withdrawn by the applicant and no decision was issued.

Outline planning permission (including access only) is again sought for the erection of up to 33 no. new dwellings on the site. For this application however, the red-edged application site is slightly smaller than it was for applications 2018/0271 and 2019/0007 – this time the application only includes land owned by the applicant.

All other matters (including appearance, landscaping, layout and scale) are reserved. An indicative site layout plan has been submitted as part of the application, but this is for illustrative purposes only, and does not form part of the scheme for which approval is sought.

The proposed access to the site would be off Tong Lane and the submitted drawings indicate that a new 1.8m wide footway would be created on the eastern side of Tong Lane part way along the boundary of the site (but within the application site).

#### **5. POLICY CONTEXT**

##### **National Planning Policy Framework**

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 2	Bacup, Stacksteads, Britannia and Weir
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 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 Planning Practice Guidance

National Design Guide

Lives and Landscapes Assessment for Rossendale Borough Council (Penny Bennett Landscape Architects with Annette Birch Landscape Manager, 2015)

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)

RBC Emerging Local Plan

## **6. CONSULTATION RESPONSES**

Fire Brigade	No objection, provided advice.
Cadent	No comments have been received.
LCC Highways	No objection subject to conditions.
LCC Planning Contributions	No objection, no contribution requested towards education.
LCC Drainage	No comments have been received.
United Utilities	No objection subject to conditions.
Ecology	No objection subject to conditions.
Land Contamination	No objection subject to conditions.
Environment Agency	No objection.
RBC Operations	No comments have been received.
RBC Forward Planning	No comments have been received.
Coal Authority	No objection subject to conditions.
Lancashire Badger Group	No objection.
RBC Environmental Health	No objection.
RBC Tree Officer	No objection.
RBC Strategic Housing	Request affordable housing contribution.

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order site notices were posted on 15/08/2019 and neighbour letters were sent out on 14/08/2019. A notice was published in the Rossendale Free Press on 23/08/2019.

No representations or objections have been received.

## 8. ASSESSMENT

The main considerations in this case are as follows:

1) Principle; 2) Visual Amenity and Countryside Impact; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety; 5) Planning Contributions / Affordable Housing; 6) Ecology

### Principle

Paragraph 11 of the Framework contains a presumption in favour of sustainable development. It states that development proposals that accord with the development plan should be approved without delay and that where relevant development plan policies are out-of-date planning permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- specific policies in the Framework indicate that development should be restricted

The site is in a relatively sustainable location adjacent to the urban boundary and is within walking distance of facilities, services and employment opportunities within Bacup Town Centre. The site is close to a bus route, carrying services which provide links to town centres within the borough and further afield. There is a primary school directly adjacent to the development site and there is a school bus service running within close proximity to a local secondary school.

The majority of the site is proposed as a housing allocation (within ref: H30) in the Council's emerging Local Plan. The Local Plan has not however yet been through Examination in Public, nor has it been adopted by the Council. As such it currently carries only limited weight.

As the Council cannot currently demonstrate an up to date five year housing land supply based on Full Objectively Assessed Need (FOAN), it is considered in accordance with paragraphs 49 and 14 of the Framework that the policies in the Council's Core Strategy insofar as they relate to housing are out of date and should be afforded limited weight.

The Coal Authority has raised no objection to the proposed development, subject to the inclusion of a condition requiring the submission of further information in relation to coal mining legacy issues.

In accordance with paragraph 11 of the Framework, the starting point for assessment of the application is that permission should be granted for the proposed scheme unless any adverse impacts of doing so would significantly and demonstrably outweigh the presumption in favour of sustainable development.

The acceptability in principle of residential development on the site (under the current planning policy context) has in addition already been established under applications 2019/0007 and 2018/0271.

## Visual Amenity and Countryside Impact

Approval of matters relating to the appearance, layout, scale and landscaping of the development is not sought at this stage. However, it is nonetheless important to ascertain at this stage whether the development can be delivered without having a significant adverse impact on the character and appearance of the site and the wider countryside.

Paragraph 127 of the Framework 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<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The site has been assessed as part of the Council's Lives and Landscapes Assessment (Penny Bennett Landscape Architects with Annette Birch Landscape Manager, 2015), as part of a wider piece of land (the site in question was largely designated 'Area A').

The Assessment describes the site as follows:

*"The upper part of Area A lies within Settled Valleys and the lower section in Industrial Age. Parts of this site show signs of neglect with evidence of fly tipping and walls in a poor state of repair along the frontage of Tong Lane opposite St Mary's school, though the area around Bent House and Daisy Hall is well cared for. The site is very much a working environment with frequent heavy traffic passing through to the quarry operated by Morland Aggregates to the east; the noise from the quarry is particularly evident in the north east of the site. Despite the quarrying activities just off site, the fields along the eastern boundary are well kept and fenced while those north west of Tong Farm in Area A are largely unmanaged. Blocks of predominantly larch woodland provide a useful buffer between the quarrying activities and residential properties and tracks. Visual Assessment."*

In terms of an assessment of the development potential of the site, the Assessment states:

*"This site is situated high up on the hillside on the eastern side of Bacup and is consequently very visible from both the immediate locality, and from a number of places on the opposite side of the*

valley, for instance around Lane Head and the properties, roads, paths and open space in the vicinity of the cricket club. The existing properties on Siskin Avenue, on the opposite side of Tong Lane demonstrate how prominent development can be in this location, where development extends above the skyline.

*New development would be conspicuous for walkers on paths heading eastwards from the edge of the urban area into the uplands, and from properties in the immediate vicinity, in particular St Mary's RC Primary School. Existing blocks of woodland would be important in helping to break up the impact of any new development."*

The Assessment concludes:

*"Parts of this site are clearly suffering from neglect and the areas of unmanaged grassland below Tong Farm while contributing to the openness of the area, offer little in the way of visual amenity. The upper part of the site, while suffering the noise and disturbance of the quarrying activities off to the east, are well cared for, and long views across the Moorland Fringe area to Hogshead Law Hill and the surroundings uplands are typical of the area. Development of the lower part of the site which coincides with the Industrial Age and Settled Valleys Landscape Character Types could be beneficial to the immediate locality, providing suitable mitigation measures are undertaken. Close examination of the landscape character type map shows that the current boundary between Moorland Fringe and Settled Valleys corresponds exactly with the 315m contour, and site observations show that any development above this contour would be highly visible from the north and west sides of Bacup, and would continue the inappropriate sky-lining effect seen in the adjacent housing development on Siskin Avenue, and extend development into Moorland Fringe where it should be avoided on landscape grounds."*

The Assessment recommends that the following mitigation measures are considered in order to make any development on the site acceptable in visual / landscape terms:

- New development should ensure that the new boundary fronting Tong Lane is a drystone wall;
- Tree planting should be incorporated into any new development to break up the mass of building and provide a partially green outlook to the school;
- Robust screening is required along the track running north of Tong Farm to screen new properties from heavy vehicles travelling to and from the quarry;
- A green spine should be continued east west across the site following the existing clough north west of Bent House, this would link with potential open space development on the land west of Goldcrest Avenue and the school playing fields.

In order to illustrate the area which the Landscape Architect considers to be developable, and the required mitigation measures, the Assessment includes the following illustration:



The development would unavoidably result in the encroachment of built development into an area of countryside. However, the site in question has been assessed by the report as being entirely within the area shown above as being developable with mitigation.

Having regard to the above, and to the context of the site and its surroundings, it is considered that the proposed development could be made acceptable in visual / landscape terms provided that any dwellings are limited to a maximum height of two storeys, and that the mitigation measures shown on the illustration above are incorporated (namely, dry stone walling fronting Tong Lane, new native tree planting within the development, continuation of the green 'spine' of existing woodland to the Tong Lane frontage and new suitable screening incorporating native hedging along the northern boundary).

Subject to the above, the scheme is considered acceptable in terms of visual amenity and countryside impact.

#### Neighbour Amenity

The scheme now proposed would not have any unacceptable impact on the daylight, privacy or outlook enjoyed by the occupants of any neighbouring residential properties subject to appropriate design, scale and layout. The applicant's attention is drawn to the separation distances specified in the Council's Alterations and Extensions to Residential Properties SPD, which will need to be met in order for the development to be considered acceptable.

Such matters will be considered in detail at reserve matters stage.

The outline scheme is considered acceptable in terms of neighbour amenity.

#### Access, Parking and Highway Safety

The Local Highway Authority has raised no objection to the proposals, subject to conditions including the following:



- No part of the development hereby approved shall commence 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 hereby approved shall be occupied until the approved scheme referred to in Condition 1 has been constructed and completed in accordance with the scheme details.

Subject to the above conditions, the scheme is considered acceptable in terms of access, parking and highway safety.

#### Planning Contributions / Affordable Housing

In accordance with Policies 4 and 22 of the Core Strategy, and the Open Space and Play Equipment Contributions SPD, the following contributions would be expected in order for the scheme to be fully policy-compliant:

- 30% affordable housing provision on site.
- Open space and play equipment contribution of £45,078 (£1,366 per dwelling).

The applicant submitted a viability assessment which stated that the provision of affordable housing on site and the contributions required by policy would render the development unviable.

Paragraph 57 of the Framework states the following:

*“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”*

Having regard to the above, the submitted information was reviewed on behalf of the Council by an independent viability assessor. Further negotiations then took place between the case officer, the Council’s appointed assessor and the applicant’s planning agent.

As a result of the negotiations, an agreement has been reached for the following contributions to be made:

1. The applicant agrees to pay a commuted sum of £25,000 towards affordable housing provision - to be paid upon signing the S.106 agreement.
2. When the development is completed the developer pays further contributions towards affordable housing as follows:
  - a) The developer is permitted to sell the houses for up to 10% more than the prices identified in the viability appraisal without making any contribution.
  - b) If they sell the houses for a total in excess of that figure (10% more than the prices) the developer pays 25% of the excess subject to a maximum of £200,000.

The Council's advisor has stated that the above is a reasonable compromise based on the realistic viability status of the proposed development.

Subject to the above being secured by a S.106 Agreement, the scheme is considered acceptable in terms of affordable housing / planning contributions.

### Ecology

The Council's ecology consultant has raised no objection, subject to conditions requiring the following:

- A further botanical survey of the site to be undertaken. The results of this survey shall be used to inform detailed site layouts and a landscape plan for the development.
- No vegetation clearance required to facilitate a development should be undertaken during the optimum period for bird nesting (March to July inclusive).
- An Environment Construction Method Statement (including proposals for avoidance of harm to amphibians) to be submitted as part of the reserved matters application.
- If no development is brought forward within one year of the date of the badger survey (that is, before October 2020) a further precautionary survey for badgers shall be required to be undertaken.

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

### Balancing Exercise

In line with paragraph 11 of the Framework, it is considered necessary to carry out a balancing exercise to ascertain whether any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme when considered against the Development Plan and the policies contained within the Framework.

The development would provide up to 33 new dwellings towards the borough's recognised housing need, which is a benefit to which substantial weight is afforded. The dwellings would be located in a relatively sustainable location adjacent to the existing urban boundary close to Bacup Town Centre, a local primary school and public transport links.

The development would provide a limited contribution towards the provision of affordable housing (commuted sum), with potential to provide a greater contribution linked to the profitability of the final scheme.

The scheme would result in the encroachment of built development into an area of countryside, which will undoubtedly result in some harm to the essentially open and rural character of the area. However, the site is located close to existing areas of large scale residential development, and has been independently assessed as part of the Council's Lives and Landscapes Assessment (by Penny Bennett Landscape Architects) which forms part of the evidence base for the emerging Local Plan. The Assessment concludes that the site in question is suitable for development subject to a scheme of mitigation.

It is not considered that the proposed scheme will have any unacceptable impacts in terms of neighbour amenity, highway safety or ecology.

In light of the above, it is considered that the harm which would be caused by the development to the character of the countryside on this site would not outweigh the main benefit of the scheme in terms of its significant contribution towards the borough's housing supply.

## 9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle and it is considered that the development would not unacceptably detract from visual amenity and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies AVP2, 1, 2, 3, 8, 9, 18, 23 and 24 of the adopted Core Strategy DPD.

## 10. CONDITIONS

1. An application for approval of the reserved matters (namely the layout, scale, appearance and landscaping of the development) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The outline planning permission hereby approved relates to the erection of up to thirty-three residential units which shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Application form.
- Site Location Plan.
- Access Arrangements (drawing number J910 Access Fig 1).
- Indicative Site Layout (drawing number 1397-1) – only in so far as the drawing relates to the point of access into the site and the position of the proposed estate road.
- Flood Risk Assessment (ref: 2017s6942)
- Transport Statement (ref: J910/TS)

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

3. Either prior to the commencement of the development or as part of the first reserved matters application 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 natural stone walling shall be used around the perimeter of the site. No dwelling 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 outline application and are required at an early stage in order to ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

4. Either prior to the commencement of the development or as part of the first reserved matters application full details of the following details shall be submitted to and approved by the Local Planning Authority in writing:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwellings
- b) Details of the colour, form and texture of all hard ground surfacing materials.

The development thereafter shall be constructed utilising the approved materials.

Reason: The application is in outline only and is not accompanied by detailed plans, and 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.

5. Notwithstanding the details shown on the submitted plans the new dwellings shall be no greater than two storeys in height.

Reason: To ensure that the development is appropriate in terms of visual amenity and to protect neighbour amenity.

6. No development 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 construction period. It shall provide for:

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

Reason: In the interests of highway safety.

7. For the duration of the construction period no HGV traffic movements to and from the site shall take place between 8-9am and 3-4pm Mon-Fri during school term time.

Reason: To avoid conflict with start and finish times at St. Mary's Primary School, in the interests of highway and pedestrian safety.

8. No development shall take place until a scheme for the construction of the site access and the off-site highway works has been submitted to and approved in writing by the Local Planning Authority and the necessary agreement entered into with the Highway Authority.

No part of the development shall be occupied until all of the works have been carried out in accordance with the approved details.

Reason: In the interests of highway safety.

9. 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.

10. 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 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.

11. As part of the first reserved matters application, full details of any proposed garages, driveways, communal parking areas, cycle storage and electric vehicle charging points shall be submitted to the Local Planning Authority for its approval.

Reason: In the interests of highway safety, to ensure adequate parking provision for the development and in the interests of promoting sustainable modes of transportation.

12. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment report has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall comprise:

i) where potential risks are identified by the Preliminary Risk Assessment, a site investigation survey of the extent, scale and nature of contamination and;

ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- adjoining land,
- ground waters and surface waters,
- ecological systems,

- archaeological sites and ancient monuments;

iii) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.

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

13. Pursuant to condition 12 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 land contamination and to prevent pollution.

14. No development shall take place until a scheme of intrusive site investigation and ground gas monitoring has been undertaken by suitably qualified persons, to assess the risk from coal mining legacy issues on site and the results of the investigation in the form of a report have been submitted to and approved in writing by the Local Planning Authority.

In the event that the site investigation / gas monitoring confirms the need for remedial works / mitigation to treat areas of shallow mine workings or abate mine gas to ensure the safety and stability of the proposed development, a scheme of proposed remedial works / mitigation shall be submitted to and approved in writing by the Local Planning Authority prior to any development taking place.

The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of mitigating hazards associated with coal mining legacy issues and ground gas.

15. Foul and surface water shall be drained on separate systems.

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

16. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards, and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

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

17. As part of the first reserved matters application, a detailed landscape plan shall be submitted, based on the results of a further botanical survey of the site carried out by a suitably qualified ecologist.

The Landscape Plan shall include detailed measures to prevent or mitigate any loss of biodiversity on the site as part of the development, and any tree planting shall be of native species.

Reason: The application is in outline only and is not accompanied by detailed plans, and to ensure that the development is appropriate in terms of visual amenity, to ensure that it responds to the local context of the site, and in the interests of protecting and enhancing biodiversity.

18. No vegetation clearance required to facilitate development shall be undertaken during the optimum period for bird nesting (March to July inclusive).

Reason: In the interests of protecting nesting birds.

19. No development shall take place until an Environment Construction Method Statement (which shall include proposals for avoidance of harm to amphibians as set out in the submitted Ecological Appraisal report (ref: BOW17.880) has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in strict accordance with the approved details.

Reason: In the interests of protecting biodiversity.

20. A tree survey to BS 5837 (2012) shall be undertaken by a suitably qualified person / organisation and shall be submitted to the Local Planning Authority as part of the first reserved matters application. The tree survey shall cover any existing trees within the site boundary and if appropriate shall set out any mitigation measures necessary for the protection of those trees during construction works.

Reason: In the interests of visual amenity and protecting biodiversity.

21. If no development commences within one year of the date of the submitted badger survey (that is, before October 2020) a further precautionary survey for badgers shall be undertaken and the results submitted to and approved in writing by the Local Planning Authority prior to any development taking place.

Reason: In the interests of protecting any badgers on site.

## 12. 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](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted)

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 not 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.