

Application Number:	2020/0436	Application Type:	Full
Proposal:	Demolition of existing garages and erection of 13 no. Townhouses, with associated car parking, highways / access improvements and landscaping.	Location:	Land rear of 85 Grane Road, Haslingden. BB4 5ED
Report of:	Planning Manager	Status:	For Publication
Report to:	Planning Manager	Date:	25 May 2021
Applicant:	Mr J Crompton	Determination Expiry Date:	28 th January 2021 Extension of Time agreed until 19/03/21
Agent:	Mrs J Cheetham		

Contact Officer:	Ian Lunn	Telephone:	01706 252432
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Major
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	Yes
Other (please state):	

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 subject to conditions and that the determination of the application hereafter be delegated to the Head of Planning and Chair of the Development Control Committee as follows:

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

- A financial contribution of £17,758 to be allocated to improving the existing facilities at Victoria Park, Haslingden.

(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 site is an irregularly shaped plot of land of approximately 0.36 hectares in area. It is located approximately 40 metres south west of the junction of James Street and Grane Road in an area of part residential/part industrial development. The land lies within the Urban Boundary and is identified as forming part of an area of 'Greenlands' in the Council's adopted Development Plan. The site has been cleared and is currently vacant but it was last used primarily for the storage of caravans and motorhomes.

3. RELEVANT PLANNING HISTORY

2018/0154 - Demolition of garages /storage buildings and construction of 2 no. three-bedroom detached bungalows, with associated landscaping and access works – Approved 29/08/18 (slightly smaller site forming part of the current application site).

2019/0329 - Permission in Principle: Use of previously developed land for up to 9 no. houses – Approved 02/10/19 (slightly smaller site forming part of the current application site).

4. PROPOSAL

Planning permission is sought to erect thirteen three-bedroomed terraced houses on this site. These are to be arranged in three separate 'blocks', two of four units and the other comprising five. The properties will appear as two storey buildings but will each have three floors of accommodation.

5. POLICY CONTEXT

National Planning Policy Framework (2019)

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

Development Plan

Rossendale Core Strategy DPD (2011)

- AVP6 Strategy for Haslingden and Rising Bridge
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale's Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable and Supported Housing
- Policy 9 Accessibility
- Policy 16 Protecting and Enhancing the Built Environment
- Policy 17 Rossendale's Green Infrastructure
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- 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
- 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

LCC Highways:- No objections subject to conditions. Consider that the proposals (including the proposals for refuse collection) as shown on revised Site Layout Plan no. 2041-GTA-00-00-DR-A-1000 Rev E are now acceptable in highway safety terms.

LCC Education:- Originally requested that the developer make a contribution towards the provision of one secondary school pupil place (£23,061.75) as part of the development. However, have since indicated that no contribution will be necessary.

RBC Environmental Health:- No objections but would like conditions imposed limiting the hours of construction of the development; requiring the implementation of measures to prevent undue noise, dust and fumes during construction; and preventing the burning of materials on site.

RBC Waste and Recycling:- Have no objections to the proposals for collecting refuse from the development provided that sufficient space is made available as part of the scheme to store the required number of bins.

RBC Tree Consultant:- No objections to the removal of the low quality trees and shrubs referred to in the submitted tree survey and report; consider that the measures to protect the trees around the site periphery are acceptable; and consider that the proposals for planting to the rear of the houses are acceptable. However have requested more planting to the front of the houses and details of the width of the drainage trenches to ensure that there is no damage to adjoining trees.

RBC Park and Open Space:- Consider that the financial contribution towards the provision or improvement of 'off-site' open space and play equipment should be directed to Victoria Park in Haslingden.

LCC Public Health (NHS):- Have requested a contribution of £22,185 as part of any approval of this development as they contend that it will have an impact on local health services and facilities.

Greater Manchester Ecological Unit:- Consider that measures are required to protect the adjoining woodland; to prevent disturbance to nesting birds, mammals and amphibians; to control/eradicate invasive species found on the site; and to enhance the biodiversity of the site. Recommend that these are required to be submitted by way of a condition with the measures incorporated into a Construction Environmental Management Plan.

United Utilities:- Consider the proposals for draining the site, as set out in the revised drainage strategy (Revision A), are acceptable. Recommend conditions to ensure that the development is subsequently drained in this manner and to ensure that the drainage system is subsequently satisfactorily managed and maintained.

LCC Flood Risk Management:- No objections subject to conditions.

Land Contamination Officer:- No objections subject to conditions requiring the submission of a Remediation Method Statement and a Verification Report.

Fire Brigade:- The applicant should be advised that the proposals will need to satisfy the relevant requirements of the Building Regulations.

7. REPRESENTATIONS

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 9th November 2020 and site notices were posted next to the site on 16th November 2020. A notice advertising the proposals as Major Development was also published in the Rossendale Free Press on 29th January 2021. Twenty three (23) letters of objection have since been received. The objections are:-

- a) that the development would appear out of keeping with the character of the area,
- b) that this is not 'previously developed' land as it has never had any substantial buildings on it,
- c) that the proposals would lead to the overdevelopment of the site,
- d) that an approval of this proposal would not be in the best interests of highway and pedestrian safety in the area. It would lead to additional 'on-street' parking on Grane Road

displacing existing residents parking facilities, hindering the safe and free flow of traffic using that road and obscuring visibility for vehicles entering it from side streets; it would lead to an unacceptable increase in traffic in the area; the access serving the development is inadequate and dangerous in bad weather as it is slippery and steep (there have previously been accidents as a result of this) and it affords poor visibility for vehicles entering Grane Road (which is often the subject of speeding); and the proposals make inadequate provision for emergency and service vehicle access (which means, in the latter case, that refuse will not be collected).

- e) that the development would lead to an unacceptable increase in noise and pollution especially if future residents work night shifts,
- f) that the development would adversely affect the level of light and privacy currently enjoyed by neighbouring properties,
- g) that the development makes no provision for 'affordable housing' nor are any of the units designed to meet the needs of the elderly or disabled,
- h) that the additional houses created by this scheme would put an unacceptable strain on existing community facilities and infrastructure,
- i) that the views currently enjoyed by surrounding residents would be adversely affected should this development go ahead.
- j) that the development may cause damage to an existing sewer which runs along the back street behind houses on Grane Road, and to an adjoining allotment site
- k) that the development of this site may lead to flooding of the adjoining industrial estate,
- l) that the site has been left in a dangerous condition.
- m) that the submitted ecological report contains some photographs of private property that were taken without the permission of the owners.

The agent has submitted a Planning Statement in support of their proposals in which they state:-

- a) that the proposals are in accordance with adopted local and national planning policy, and that the principle of developing this site for residential purposes has already been established through previous approvals which remain valid,
- b) that the new dwellings will appear in scale and keeping with their surroundings,
- c) that the development will safeguard the amenities of neighbouring properties/premises,
- d) that the proposals will not give rise to any highway safety concerns making satisfactory provision for the associated 'off street' parking of vehicles,
- e) that the development will not have an adverse impact upon local ecology subject to the implementation of suitable mitigation measures/management measures,
- f) that the development will have no adverse effect upon any trees of merit.

8. ASSESSMENT

The main considerations in this case are as follows:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety; 5) Trees 6) Planning Contributions; 7) Ecology; 8) Drainage; 9) Flood Risk; 10) Land Contamination 11) Other Issues

Principle

Paragraph 11 of the National Planning Policy Framework (NPPF) advises that plans and decisions should apply a presumption in favour of sustainable development. It adds, within the same paragraph, that where the policies in the Development Plan, deemed most relevant to the consideration of the proposal in question are out-of-date, the default position is that planning permission should be granted unless:-

- a) policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or
- b) any adverse impacts of so doing would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

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

Putting the above aside, Policies 1 and 9 of the Core Strategy and Sections 2 and 9 of the NPPF both place emphasis upon securing sustainable forms of development. It is considered, despite views to the contrary, that the development proposed by this application could reasonably be viewed as meeting this aim in so far as it seeks the development of 'previously developed' land that is located within the defined Urban Area, that lies in close proximity to a bus route and that lies approximately 400 metres from Haslingden Town Centre.

Additionally the proposals would assist in meeting the housing needs of the Borough. This would be 'in line' with the aims of Section 5 of the NPPF, which states that medium sized sites such as this can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, and with Policies 2 and 3 of the adopted Core Strategy which respectively seek to demonstrate how the housing needs of the Borough will be met and where that housing should be located.

The land is identified as forming part of an area of 'Greenlands' in the adopted Development Plan. These are areas that are protected for their amenity, recreation and nature conservation value, for their positive contribution to landscape value, and for the 'breathing space' that they provide between built-up areas. Policy 17 of the Core Strategy seeks to resist the fragmentation of these areas and the fragmentation of the green infrastructure network in general. This particular site, however, is not particularly prominent or 'open' (despite having recently been cleared) and it is considered to have a distinctly different character from the adjoining 'greenlands' areas. It occupies a relatively secluded 'backland' position behind housing; it is largely enclosed by existing housing and trees; and it was until relatively recently used for the storage of caravans and motorhomes which gave the land a more 'urban feel'.

The combination of the above factors means that, in the Council's view, the site currently has no significant amenity, landscape, recreational or ecological value. Furthermore, because it already lies in between existing housing and industrial development, was until recently used for storage purposes, and has mature trees along the western boundary, its development for residential purposes would not, it is contended, lead to the loss of a 'breathing space' between built up areas in this instance.

The scheme does not propose the provision of replacement 'greenlands' elsewhere to compensate for that lost by this development. However, planning permission number 2018/0154 was recently granted for the two bungalows to the immediate south west of this site without being required to make such provision. With this in mind it is considered that it would be difficult to require such provision to be made in this case.

In view of the above, and as it should be reasonably possible to retain suitable links between this site and the 'Greenlands' areas to the north and south of the site along with access to the adjoining allotments, it is considered that allowing this site to be developed for residential purposes would not significantly harm the wider function of the 'Greenlands' that surround this site.

In conclusion, it is considered the development of this site for residential purposes would be sustainable, would assist in meeting housing need and would reasonably safeguard the function of the wider 'greenlands' area. In view of this the proposals are considered to be acceptable in pure planning policy terms meeting the requirements of Policies 1, 2, 3, 9 and 17 of the Core Strategy and Sections 2, 5 and 9 of the NPPF in this regard.

Visual Amenity

The dwellings will occupy a 'backland' position fully visible from the properties that directly adjoin the site but not readily visible from Grane Road. They are also to be constructed on land that lies at a lower level than the properties fronting that highway. With this in mind, and given their height, it is contended that they will appear in scale with their surroundings despite concerns to the contrary.

The dwellings are also considered to be acceptable in design terms again despite concerns to the contrary. They will incorporate 'gabled' pitched roofs matching others in the locality. They are also to be constructed of materials that will both match and reasonably harmonise with others used in the area:-

- a) the front elevations facing the properties in Grane Road, and the gables of Plots 1 and 13, are to be constructed using regular coursed natural stone with the remaining gables and rear walls finished using a K-Rend 'Polar White Silicone Scraped Texture' rendered finish,
- b) the roofs are to be constructed of artificial slate (Redland Cambrian), and
- c) natural stone quoins, heads and sills are to be introduced into the external walls.

The proposals also involve the construction of retaining walls around the new car parking spaces that are to be located in front of the properties, a 1.8 metre high natural stone boundary wall with stone copings between the rear elevation of the dwelling to be erected on Plot 13 and the adjoining garage, and the erection of 1.8 metre high close boarded timber boundary fencing to the rear. These proposals are considered to be acceptable given:-

- a) that the retaining walls will range from between one and 2.5 metres in height and, along with the boundary wall to the rear of Plot 13, will be constructed using regular coursed natural stone with stone copings to match the houses, and
- b) that the fencing will largely occupy relatively secluded positions to the rear of the dwellings where it will be used to sub-divide the gardens and enclose the rear boundaries of the development. The areas to the front of the houses will remain 'open plan'.

The proposal to locate the associated car parking spaces wholly in front of the houses is not considered ideal in visual terms. However, two visitor spaces have recently been deleted from the scheme and additional planting has been introduced to 'break up' the remaining spaces all of which should, it is contended, improve matters visually. In view of this, given that the areas between the parking spaces and the front of the new properties will be 'open plan' and laid to garden, and given that the whole of this site occupies a relatively secluded 'backland' position, it is contended that it would be difficult to sustain a refusal of the whole scheme on these grounds alone.

The proposal also involves the erection of individual bin stores in front of each property which again is not considered ideal in visual terms. However, given that these will be very modest in size, will be of timber construction, will adjoin areas laid to garden and will be hidden to some degree behind the retaining walls supporting the adjoining parking areas, it is considered that it would be difficult to sustain a refusal of the scheme on these grounds either.

Finally, it is proposed to surface the pathways surrounding the new properties using Marshalls Firedstone paving in a 'Fired York' colour. These materials are also considered to be acceptable.

In view of the above, despite concerns to the contrary, the proposals are considered, on balance, to be acceptable in visual amenity terms reasonably satisfying the requirements of Policies AVP6, 1, 16, 23 and 24 of the adopted Core Strategy and Sections 12 and 15 of the NPPF in this regard.

Neighbour Amenity

It is considered that the scheme as proposed would reasonably safeguard the level of light, privacy and outlook currently enjoyed by the occupiers of the surrounding residential properties despite concerns to the contrary. This is because, despite difference in land levels between this site and adjoining land, it complies with the separation distances specified in the Council's Alterations and Extensions to Residential Properties SPD in this regard. It is also contended, despite concerns to the contrary, that the proposals would not lead to the overdevelopment of the site as each house will occupy less than 50% of their respective plot.

In view of this it is considered that the development will have no significant impact upon the amenities currently enjoyed by the occupiers of the neighbouring properties and will therefore reasonably meet the requirements of Policy 24 of the adopted Core Strategy in this regard.

Access, Parking and Highway Safety

It is proposed to provide twenty six (26) car parking spaces in conjunction with this development, two per dwelling. This is compliant with the Council's parking standards. It was also originally intended to provide two visitor spaces as well but these have since been deleted. The retention of these would have been desirable but it is not envisaged that their removal will give rise to any undue highway safety issues in this instance and this has allowed for improvements to be made

to the setting of the development (see above). Their removal has facilitated provision of additional and important landscaping.

It will be possible for vehicles using the new parking spaces to turn around by reversing onto or off the adjoining access road. This will enable them to ultimately enter Grane Road in a forward gear.

Vehicular access to the development is to be gained from Grane Road via James Street, Prospect Hill and the access road that currently lies to the rear of 69 to 95 Grane Road. The latter is to be widened to 4.8 metres, surfaced in tarmac and a two metre wide tarmac footway is to be introduced on one side. It is considered that these roads will be capable of satisfactorily and safely accommodating the level of additional vehicular use that this development is likely to generate provided that the latter is widened as proposed.

The above arrangements have been considered by County Highways who, despite local residents concerns to the contrary, consider that they will be acceptable. They have however recommended conditions to control the construction and subsequent maintenance of the widened access road and access, the construction and laying out of the new pavement and parking areas, and requiring the measures set out in the submitted Construction Management Plan to be fully implemented during the construction works.

County Highways were originally concerned about the proposed measures for collecting refuse from the properties but have since agreed to a scheme (as have the Council's Waste and Recycling Service) whereby refuse bins will be stored on a dedicated paved 'collection area' adjoining Plot 13 on bin collection days. These will then be picked up by refuse vehicles that will access the site via James Street, reverse to the bin storage area from the bottom of that highway, and then exit via Prospect Hill.

Subject to the imposition of conditions of the nature outlined above it is considered that the proposals will be acceptable in highway safety terms reasonably satisfying the requirements of Policy 24 of the Core Strategy in this regard.

Tree Issues

A Tree Survey, Tree Survey Report, Tree Protection Plan and landscaping details have all been submitted with this application. These respectively identify the trees and shrubs that are to be removed as part of the development; set out the measures proposed to protect the trees located around the site periphery during the construction works; and set out the proposals for landscaping the development. These have been considered by the Council's Tree Consultant who largely considers them to be acceptable. However they have requested further planting to the front of the houses and details of the width of the drainage trenches, in the latter case to ensure that they do not lead to damage to adjoining trees. These requests have been considered but it is felt, on balance, that the scheme currently proposes a suitable level of planting to the front of the dwellings and it is therefore recommended that this is agreed as submitted. Satisfactory details of the drainage trench widths have not been supplied at this stage but it is considered that these can reasonably be required to be submitted by way of a condition. A condition to this end, and a further condition requiring the implementation of the submitted planting scheme, are therefore recommended.

Planning Contributions

In accordance with Policy 22 of the Core Strategy and the Council's Open Space and Play Equipment Contributions SPD (2008) the applicant has agreed to make a contribution of £17,758

(£1,366 per dwelling) towards 'off site' open space and play equipment provision. This is considered necessary, and is deemed sufficient, to ensure that the development complies with the requirements of Core Strategy Policy 22 in 'open space' terms. This contribution will need to be secured by way of a Section 106 Obligation which will need to be signed before planning permission can be granted.

The Lancashire County Council Schools Planning Team also originally requested a contribution of £23,061.75 towards the provision of one additional secondary school pupil place in the area. However, they have since indicated that this will not now be necessary as they currently forecast that there will be sufficient school places to meet projected need within three miles of the development.

The NHS has requested a contribution of £22,185 as they contend that the development will have an impact on local health services and facilities. However, it is not considered reasonable to require this in this instance as it is contended that it would be difficult to conclusively demonstrate that this particular development will directly impact upon those services/facilities.

Ecology

The proposals have been considered by the Greater Manchester Ecology Unit who raise no objections to them provided that suitable measures are implemented as part of the scheme to protect the adjoining woodland, to prevent disturbance to nesting birds, mammals and amphibians, to control/eradicate invasive species found on the site, and to enhance the biodiversity of the land. They recommend that these measures are collectively incorporated into a Construction Environmental Management Plan. Such a plan is to be submitted but at the time of writing this report it had not been received. It is therefore recommend that at this stage a condition is imposed requiring the submission of a plan for assessment and approval. Provided that a condition to this end is imposed it is considered that the scheme will be acceptable in ecological terms.

Drainage

United Utilities and the Lead Local Flood Authority have both been consulted on these proposals. Originally both indicated that they would like to see surface water discharged to a nearby culverted watercourse that lies to the west of the site. However, the applicant has since indicated that this is not possible as it is understood that the owners of the land in between have not given their permission to allow for this. The proposals for draining the developed site have therefore since been revised and it is now proposed:-

- a) to drain foul water into the mains sewer which is located within the highway to the south east of the site,
- b) to drain surface water by way of a suitable sustainable drainage system designed to meet the requirements of the National Planning Policy Framework, the Non-Statutory Technical Standards for SUDS and Part H of the Building Regulations, and
- c) to subsequently privately manage and maintain the drainage network serving the site.

These proposals have been considered by both United Utilities and the Lead Local Flood Authority who both consider them to be acceptable. In order to ensure that the development is drained in this manner, and subsequently satisfactorily managed and maintained, they have recommended conditions to this end. Subject to the imposition of such conditions it is considered that no reasonable objection could be sustained to this development on drainage grounds and

that the development would be acceptable in this regard reasonably meeting the relevant requirements of Policies 19 and 24 of the Council's adopted Core Strategy.

Flood Risk

Information supplied by the Environment Agency indicates that this land lies wholly within Flood Zone One. In view of this it is not envisaged that the future occupiers of the dwellings will be at significant risk of flooding or that the development will significantly exacerbate problems of flooding elsewhere. It is therefore considered that there are no reasonable flood risk grounds for opposing this development either and that it will reasonably satisfy the requirements of Section 14 of the NPPF in this regard.

Land Contamination

The applicant has submitted a Site Investigation Report with this application which seeks to demonstrate the extent to which the site is contaminated and the nature of that contamination. This has been assessed by the Land Contamination Officer who accepts its conclusions and recommendations. They therefore raise no objections to the development subject to conditions requiring that:-

- a) a Remediation Method Statement, outlining the measures for remediating the land, is submitted for approval before the foundations/floors of the dwellings are first constructed/laid, and
- b) a Verification Report is then submitted to demonstrate that any necessary remediation measures have been carried out.

Subject to the imposition of conditions to this end it is considered that the proposals will reasonably satisfy the requirements of Policy 24 of the Council's adopted Core Strategy and Section 14 of the NPPF in land contamination terms.

Other Issues

The concerns raised by objectors to the development, as outlined in the 'Representations' section above, have been considered. However, they are not accepted for reasons given earlier in the report and below:-

- a) it is not envisaged that a development of thirteen dwellings would significantly impact upon existing community facilities and infrastructure,
- b) whilst it is accepted that there will inevitably be some noise and disturbance whilst the development is being constructed this is only likely to be for a relatively short period. It is not envisaged that a development of thirteen houses will generate excessive noise once completed and certainly not to a level that would reasonably justify refusing the scheme,
- c) it is not envisaged that the development will cause flooding of adjoining land provided that surface water is drained as proposed (see above). In coming to this view consideration has also been given to the fact that this site is located within Flood Zone One where properties are unlikely to be at significant risk of flooding,

- d) concerns that the development may affect the views currently enjoyed by neighbouring properties, that it may cause damage to property or infrastructure, that the site is in a dangerous condition, and/or that photographs associated with the application have been taken without the owner's permission, cannot be taken into consideration when determining a planning application as they are not currently recognised 'planning matters'.

In addition, whilst the Council's planning policies fully support the provision of both 'affordable' and 'supported' housing, they do not currently formally require developments of thirteen dwellings on 'previously developed' land to provide either.

Balancing Exercise

In line with paragraph 11 of the NPPF it is considered necessary to carry out a balancing exercise to ascertain whether any adverse impacts of allowing the development would significantly and demonstrably outweigh the benefits of the scheme.

The development would provide 13 new dwellings. This would assist the Council in meeting its housing need which, in itself, would be a benefit to which substantial weight should be afforded. Additionally the dwellings would be located in a sustainable location within the urban boundary and near to Haslingden Town Centre. The development will result in the loss of a part of a wider greenlands allocation however the justification for this has been provided within this report. The proposals would not, it is considered, significantly harm the visual amenity of the area or the amenities of surrounding residents, nor would they be likely to give rise to any undue highway safety, ecological, flood risk, drainage or land contamination concerns (for reasons outlined above). In view of this it is considered that the benefits of this scheme would outweigh any potential harm that it may cause. Accordingly, and on balance, the development is considered to be acceptable.

9. SUMMARY REASON FOR APPROVAL

The proposed development of this site for residential purposes is considered acceptable in principle. Furthermore, it is considered that, subject to the imposition of appropriate conditions, the development would reasonably safeguard the visual amenity of the area, the amenities of surrounding properties, the ecological value of the site, and highway safety. Finally, subject to the imposition of suitable conditions it is considered that the site is capable of being satisfactorily drained and that future occupiers of the development would not be at undue risk from contaminants. The proposals are therefore considered to be in accordance with the requirements of Policies AVP6, 1, 2, 3, 4, 9, 16, 17, 18, 19, 22, 23 and 24 of the adopted Core Strategy DPD and Sections 2, 5, 8, 9, 11, 12, 14 and 15 of the National Planning Policy Framework.

10. RECOMMENDATION

That Members resolve that they would be minded to grant planning permission subject to conditions and that the determination of the application hereafter be delegated to the Head of Planning and Chair of the Development Control Committee as follows:

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

- A financial contribution of £17,758 to be allocated to improving the existing facilities at Victoria Park, Haslingden.

(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.

11. CONDITIONS

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

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

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

<u>Drawing Title</u>	<u>Drwg No</u>	<u>Date Rec'd</u>
Location Plan	2041-G&T-00-00-DR-A-0000 Rev A	29/10/20
Topographical Survey		29/10/20
Proposed Site Layout Plan	2041-GTA-00-00-DR-A-1000 Rev E	05/05/21
Proposed Elevations and Floor Plans (Plots 1 to 4)	2041-GTA-00-00-DR-A-1001 Rev B	01/03/21
Proposed Elevations and Floor Plans (Plots 5 to 9)	2041-GTA-00-00-DR-A-1002 Rev B	01/03/21
Proposed Elevations and Floor Plans (Plots 10 to 13)	2041-GTA-00-00-DR-A-1003 Rev B	01/03/21
Proposed Cross Sections of Site	2041-GTA-00-00-DR-A-1004	02/02/21

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

3. The front (south eastern) facing external walls of the approved dwellings, the gables of the dwellings to be erected on plots 1 and 13, and the retaining walls around the parking areas shall be constructed of regular coursed natural stone. The retaining walls shall also incorporate stone copings. These elevations and walls shall be constructed using these materials and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of visual amenity.

4. All remaining external walls of the approved dwellings shall be finished using **K-Rend** 'Polar White Silicone Scraped Texture' render. These elevations shall be finished using this material before the dwellings are first occupied and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of visual amenity.

5. All new heads, sills and quoins shall be constructed of natural ashlar stone.

Reason: In the interests of visual amenity.

6. The roofs of the approved dwellings shall be constructed using Redland Cambrian artificial slate. The dwellings shall be constructed using these materials and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of visual amenity.

7. The paved areas to be formed around the dwellings and for the storage of bins, as shown on approved drawing number 2041-GTA-00-00-DR-A-1000 Rev E, shall be constructed using Marshalls Firedstone paving in a Fired York colour. These areas shall be finished using this material before the dwellings are first occupied and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of visual amenity.

8. The 1.8 metre high boundary wall, shown as being constructed to the rear of the dwelling to be erected on Plot 13, shall be constructed of matching natural stone and shall incorporate natural stone coping stones. This, and all other approved boundary treatment, shall be completed in full before the approved dwellings are first occupied and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of visual amenity.

9. The bin stores shall be constructed of timber and in full accordance with the details shown on approved drawing number 2041-GTA-00-00-DR-A-1000 Rev E. They shall be located in the positions shown on that plan before the approved dwellings are first occupied and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of visual amenity and to secure properly planned development..

10. The measures set out in the Construction Management Plan by Tpf Property Group and dated 20th April 2021 shall be adhered to in full throughout the construction period.

Reason: In the interests of highway safety.

11. For the full period of construction, facilities shall be made 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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means shall be made

available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: In the interests of highway safety.

12. All areas to be used by vehicles, and the new pavement, shall be constructed and laid out in accordance with the details shown on approved drawing number 2041-GTA-00-00-DR-A-1000 Rev E before any of the approved dwellings are first occupied. These areas shall thereafter be retained at all times for their approved purpose namely for the parking of vehicles in conjunction with those dwellings, to allow vehicular access to and from them, and for pedestrian use.

Reason: In the interests of visual amenity and highway safety.

13. No development shall take place within the site until the new estate road/access, to be constructed between the site and Prospect Hill, has been constructed to at least base course level. This shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads.

Reason: In the interests of highway safety.

14. Development shall not commence until details of the proposed arrangements for the future management and maintenance of the roads forming part of the development have been submitted to, and approved in writing by, the Local Planning Authority. The roads shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: In order to ensure proper management and maintenance of the roads within the development in the interests of highway safety.

15. The dedicated bin storage area, shown on approved drawing number 2041-GTA-00-00-DR-A-1000 Rev E, shall be laid out as shown on that plan before the approved dwellings are first occupied. This shall thereafter be satisfactorily retained at all times solely for bin storage purposes in conjunction with the approved development.

Reason:- In the interests of visual amenity and to secure properly planned development.

16. The landscaping details, shown on approved drawing number 2041-GTA-00-00-DR-A-1000 Rev E, shall be implemented in full within the first planting season following the substantial completion of the development. Any planting forming part of that scheme which, within a period of 5 years from the completion of those works, dies, is removed or become seriously damaged or diseased shall be replaced in the next planting season with replacement planting of similar size and species.

Reason:- In the interests of visual amenity.

17. The proposed measures for protecting trees during the construction period, as shown on drawing number 2332_02 entitled Tree Protection Plan, shall be implemented in full before any development commences on site and shall be retained throughout the construction period. During the construction period nothing shall, at any time, be stored or located within the root protection zone of any tree to be retained.

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

18. Details of the depths and widths of the proposed drainage trenches shall be submitted to, and approved in writing by, the Local Planning Authority, before they are first excavated. The trenches shall thereafter be constructed in accordance with the approved details.

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

19. Development shall not commence until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. This shall include measures to protect the adjoining woodland, to prevent disturbance to nesting birds, mammals and amphibians, to control/eradicate invasive species found on the site, and to enhance the biodiversity of the land. It shall also include timescales for the implementation of these measures. The approved measures shall be implemented in accordance with the approved timescales, and shall thereafter be satisfactorily retained at all times.

Reason:- To safeguard and enhance the ecological value of the site.

20. Notwithstanding any information submitted with the application, a Remediation Method Statement, outlining the measures for remediating the land, shall be submitted to, and approved in writing by, the Local Planning Authority before the foundations/floors of the approved dwellings are first constructed/laid. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

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

21. Pursuant to condition 20 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.

22. Foul and surface water shall be drained on separate systems. No surface water shall discharge to the public sewerage system either directly or indirectly.

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

23. The site shall be drained, and subsequently managed and maintained, in accordance with the details set out in the Detailed Drainage Design Statement Revision A (Reference no. BEK/20754/210222/1/TPF-REVA). The approved drainage works shall be completed in accordance with the approved details before the dwellings hereby approved are first occupied and shall thereafter be satisfactorily retained at all times.

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

24. The finished ground floor levels of the approved dwellings shall be set at the levels shown on approved drawing number 2041-GTA-00-00-DR-A-1000 Rev E.

Reason:- In the interests of visual amenity.

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

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. 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 2018 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.

3. Your attention is drawn to the attached comments from the Lancashire Fire and Rescue Service and United Utilities.