

<b>Application Number:</b>	2021/0454	<b>Application Type:</b>	Full
<b>Proposal:</b>	Full: Development of 9 Detached Residential Dwellings (with associated works) following demolition of Hawthorn House.	<b>Location:</b>	Hawthorne House Rochdale Road Edenfield Bury Lancashire BL0 0JX
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	12/10/2021
<b>Applicant(s):</b>	Mr Paul Moscrop	<b>Determination Expiry Date:</b>	22/09/2021
<b>Agent:</b>	Mr Paul Baines		

<b>Contact Officer:</b>	<b>James Dalglish</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>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

Approval subject to the conditions set out in this report.

## **APPLICATION DETAILS**

### **2. SITE**

The site relates to the land and garden associated with Hawthorn House, a substantial detached dwelling of brick and render construction located off the A680 (Rochdale Road) in Edenfield. The site covers approximately 0.5 ha, and is accessed directly from Rochdale Road.

The site is adjoined to the south east by Edenfield Methodist Church, and to the north, west and south of the site are residential properties of various designs and facing materials. The north and east edges of the site are covered in trees which are subject to a Tree Preservation Order (TPO). Other individual trees on the western boundary of the site are also covered by TPOs.

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

2018/0126 - Outline application (including access only) for the development of up to 9 no. dwellings on the site – Approved.

2021/0004/PREAPP - Request for pre-application advice in relation to the approval of reserved matters for the construction of 9 detached dwellings – Advice Issued.

2021/0312 - Reserved Matters Application for approval of access, appearance, landscaping, layout and scale pursuant to outline planning permission 2018/0126 – Refused.

### **4. PROPOSAL**

Following the approval of outline planning permission (ref: 2018/0126) for the development of 9 no. dwellings on the site, and the subsequent refusal of reserved matters application 2021/0312, the applicant now seeks full planning permission for 9 dwellings on the site.

Full planning permission is being sought as the original outline permission has now lapsed, so it was not possible for the applicant to submit a new reserved matters application following refusal of 2021/0312.

The scheme now being applied for is identical to that for which permission was sought under 2021/0312, but amended to include the use of natural coursed stone on the elevations of the dwellings, and natural blue slates on their roofs (in place of the artificial materials for which permission was refused under 2021/0312).

In addition, the application is now accompanied by an arboricultural report, further tree planting information and an up to date ecological survey report – in an attempt to address the other two reasons for refusal of 2021/0312 (which related to ecology and replacement tree planting information).

The proposed dwellings would be constructed of natural coursed stone, with some small rendered features. Their roofs would be exclusively natural slate.

The dwellings would be of high quality design, with simple fenestration. All dwellings would feature pitched roof designs, some with additional projecting bays and fine detailing – which has been incorporated following suggestions by officers at pre-application stage.

The scheme will retain existing boundary treatments around substantial parts of the site perimeter, and a significant number of new trees would be planted throughout the development.

The majority of existing mature trees on site would be retained.

The dwellings would be arranged around an internal estate access road which would enter the site at the previously approved access point off Rochdale Road.

The dwellings would be exclusively in the form of detached properties. Each dwelling would have an enclosed private garden area, and would feature driveways and parking to the front or side. Some of the dwellings would be provided with detached garages of stone construction.

A detailed scheme of hard and soft landscaping has been submitted.

In terms of hard landscaping the following are proposed:

- Tarmac / bituminous surface to main access roads and main footways
- Driveways surfaced with permeable block paving
- Stone paving (natural colour) to dwelling paths, patios and entrances

The majority of existing trees bordering the site (many of which are covered by TPO) are to be retained.

In terms of soft landscaping and planting the following are proposed:

- Planting of a number of larger native trees across the site as part of the development.
- Planting of native hedging across areas of the site
- Planting of smaller flowering trees in areas of the site, fronting the majority of the houses
- Grass / turfed front and rear gardens

In terms of boundary treatments, the following are proposed:

- Stone walling around some perimeter and more visible parts of the site.
- Decorative wrought iron gates (black) to site entrance.
- Low height black iron loop-top railings between driveways.
- 1.8m plot division and screen fencing between house / garden plots (around rear gardens).
- Retain existing boundary treatment where possible around site perimeter.

## **5. POLICY CONTEXT**

### **National**

#### **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 Policies**

**Rossendale Core Strategy DPD**

- AVP 5 South West Rossendale
- 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 8 Transport
- Policy 9 Accessibility
- Policy 10 Provision for Employment
- Policy 16 Preserving and Enhancing the Built Environment
- Policy 17 Rossendale’s Green Infrastructure
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low and Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements
- Appendix 1 Parking Standards

**Other Material Planning Considerations**

- National Planning Practice Guidance
- Alterations and Extensions to Residential Properties SPD
- Open Space and Play Equipment Contributions SPD
- National Design Guide
- RBC emerging Local Plan

**6. CONSULTATION RESPONSES**

Consultee	Response
Cadent	No comments received
Coal Authority	No comments to make on the application
Ecology	No objection subject to conditions
Environment Agency	No comments to make on the application
Contaminated Land Consultant	No objection subject to conditions
Conservation Consultant	No comments to make on the application
Lancashire Archaeology	No comments received

<b>Consultee</b>	<b>Response</b>
LCC Lead Local Flood Authority	No objection subject to conditions
LCC Public Rights of Way	No comments received
LCC Highways	No objection subject to conditions
RBC Environmental Health	No objection subject to conditions
Tree Consultant	No objection subject to conditions
RBC Operations	No comments received
United Utilities	No objection subject to conditions

## **7. REPRESENTATIONS**

To accord with the General Development Procedure Order a site notice was posted and neighbour letters were sent out.

Four objections have been received, raising the following points in summary:

- Potential damage to neighbouring properties (shared boundaries)
- Felling of trees unacceptable
- Harm to visual amenity
- Harm to the environment
- Harm to biodiversity
- Harm to neighbour amenity

## **8. ASSESSMENT**

### **Principle**

The acceptability in principle of residential development on the site has been recently established under outline approval 2018/0126.

The Framework contains a presumption in favour of sustainable development, and as such a consideration in this case is whether the proposed scheme represents sustainable development or not. The sustainability of the site's location is a key part of such a consideration.

The site is immediately adjacent to the A680, and is within 200m of its junction with the B6527 (Market Street). The site is located within walking distance of bus stops which are served by local bus services and express services to various town centres.

The site is located within the defined urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development.

Whilst the Council can demonstrate a five-year supply of deliverable housing sites, it cannot currently demonstrate that it is achieving the required level of housing delivery (below 75% over

the past three years). Therefore certain Core Strategy policies concerned with the supply of housing cannot be considered up-to-date (in line with paragraph 11d of the Framework), and the presumption in favour of sustainable development still applies.

In light of the above, the requirements contained within Policy 2 of the Core Strategy relating to residential developments on unallocated greenfield land are not considered up-to-date and at the time of writing can only be afforded very limited weight in the decision-making process.

Given all of the above, it is considered that the proposed development is appropriate in principle.

### **Visual Amenity**

Policy 1 of the Core Strategy seeks to ensure that new developments complement and enhance the surrounding area through the use of inclusive design and locally distinctive materials. Policy 23 of the Core Strategy requires that new developments respect and respond to local context, distinctiveness and character.

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 and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

When considering the previous reserved matters application, officers considered that the proposed artificial stone and artificial roof tiles were inappropriate and did not represent the highest quality materials.

Following discussions between the case officer and the applicant, the current application incorporates natural stone to the elevations of dwellings throughout the site, with natural slate roofs. As now proposed, the majority of the dwellings would have natural stone elevations exclusively, with a smaller number of dwellings incorporating limited rendered features. It is considered that this is acceptable in terms of the scheme’s appearance.

The proposed plans show that the dwellings will be of a high standard of design, and that measures such as the use of natural materials and sensitive boundary treatments have been incorporated into the scheme to secure a high quality appearance to the scheme.

The scale and massing of the proposed units would not be excessive in the context of the site.

The Council's Tree Officer has no objection to the proposed scheme, and considers that the proposed scheme of landscaping and replacement tree planting is appropriate.

The scheme is considered acceptable in terms of visual amenity.

### **Neighbour / Residential Amenity**

Given the siting, orientation, fenestration and massing of the proposed dwellings on the site along with the existing and proposed boundary treatments it is not considered that the scheme will result in an unacceptable loss of privacy, daylight or outlook for the occupiers of any nearby residential properties.

The Council's Environmental Health team has been consulted, and has raised no objection.

In response to the objections raised by local residents, the applicant has provided the following statement:

*"In addition there is one objector commenting that brownfield sites should be developed first. I would add that this site is classed as a brownfield site and within a sustainable location.*

*There is reference to a problem associated with flooding and having spoken to the vendors they are not aware of any flooding. However, there is a culvert running through the site which is currently in poor condition and we will be improving this as part of our proposals which may help.*

*There are objections in relation to plots 4&5 associated with the 2.5 storey houses. Firstly, these are 2 storey houses with additional room in the roof space and velux windows which do not cause overlooking. However, to help with the situation we have adjusted the layout so that these are now over 13m from the gable end of 13 Bond Street. Furthermore, the rooflights of the master bedroom of plots 4 and 5 have been repositioned to the front elevation to alleviate the overlooking aspect from the room in the roof and I enclosed the amended drawings.*

*In terms of the concerns over the retaining wall to 13 Bond Street we will of course take this into account when developing the site.*

*There is reference to overlooking of properties on Hawthorne Avenue but the proposed houses are positioned well in excess of the required standards and there are no overlooking issues here."*

At the case officer's request and in relation to comments received from local residents, the applicant has included obscure glazing to the windows at first and attic floor level on the gable elevations of Plots 4 and 5 (even though the windows in question do not serve habitable rooms) to prevent any undue perception of overlooking to gardens on Bond Street and Hawthorn Avenue.

In respect of other properties on Bond Street (and other residential properties surrounding the site), it is considered that the proposed layout and fenestration of the proposed dwellings, combined with existing boundary treatments, tree / vegetation cover, fenestration of existing dwellings and separation distances will prevent unacceptable levels of overlooking.

The scheme is considered acceptable in terms of neighbour amenity.

### **Access, Parking and Highway Safety**

The Local Highway Authority has raised no objection to the scheme as now proposed, subject to conditions which would be placed on any approval.

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

### **Ecology**

The Council's ecology consultant has no objection to the proposed scheme, commenting as follows in relation to the impact on the overall biodiversity value of the site:

*“Section 170 of the NPPF 2019 states that the planning policies and decisions should contribute to and enhance the natural and local environment. The main ecological impact, subject to the findings of the ecological update are the loss of trees, shrubs and associated bird nesting habitat, with the majority of existing trees around the boundary of the site retained. Replacement tree planting is proposed, with partial mitigation for the loss of garden habitat provided within the gardens of the new dwellings. The trees lost include native and non-native species, therefore if all replacements trees and shrubs are native species such as rowan, silver birch and holly with nest boxes provided on retained trees, it is possible to potentially adequately mitigate. The planting provided includes a reasonable quantity of native trees and shrubs, adequate to mitigate for losses I have no objections to the layout. Some of the native trees and shrubs are not however locally native, such as field maple and dogwood and I would prefer these were substituted with locally native species eg more of the same or species such as dog rose (Rosa canina); field rose (R.arvensis) and bird cherry (Prunus padus). I am satisfied by the number of bird boxes provided.”*

In response to the above comments, the applicant has provided an amended planting plan addressing the need for more locally native species to be planted.

Overall, subject to conditions, the scheme is considered acceptable in terms of ecology.

### **Tree Issues**

The development would result in the loss of several trees (some of which are currently covered by TPO). Objections have been received from members of the public in this regard, and have been duly considered by the case officer. In response, the applicant's arboricultural consultant has provided the following additional comments:

*“A total of 26 individual trees and 8 tree groups had been identified on the site. 7 of these trees and tree groups were identified as being U grade which means they are either dead, dying or dangerous. Regardless of development these trees need to be removed now that we have identified the risk as they are either close to properties or public highway.*

*The remaining trees proposed to be removed include grade C trees and one grade B tree. The grade C trees are showing signs of defects and overall they have a limited safe life expectancy of less than 20 years. We acknowledge that they can still provide amenity and ecological value regardless of their condition but this allows us to ensure that the more prominent higher quality trees around the site are able to be retained and protected.*



*The loss of T1 which is the only grade B Sycamore category tree and it would not have been possible to accommodate the number of dwellings on this site without having a detrimental impact on this tree due to its expansive RPA and the existing levels and level changes at this end of the site. This tree was proposed to be removed to allow development to be pushed further back into the site to ensure that the more prominent trees around the site frontage and the church could be retained to ensure the preservation of the street scene and visual amenity.*

*Throughout the development process we have engaged with the planner and tree officer and came up with a variety of options for the redevelopment of this site using the previously permitted outline application as a starting point. We eventually presented a layout which provided the best possible outcome for the preservation of tree cover overall around the site and to ensure that the development had the least impact on the street scene and visual amenity. To mitigate for the tree losses we have proposed a variety of tree species and sizes to ensure future tree cover is maintained across the site. Species have been specifically chosen for their wildlife value, amenity value and suitability for their environment. These 12no trees will be planted prior to occupation of the development and we would normally be expected to maintain these trees and replace them within 5 years of the development completion date should they fail for whatever reason.”*

The Council's tree consultant has commented as follows on the application:

*“I have previously accepted in my comments on earlier application 2021/0312 that three trees (T1, T14 and T15) would have to be felled to facilitate the development along with several other trees of lesser quality provided the planting scheme provided mitigation.*

*At that time a planting scheme had been submitted but I stated that more detail was needed. In response to that, drawing number 4765 05 has been submitted which provides the necessary detail, is satisfactory and should be implemented in full.*

*Tree protection fencing measures as detailed in the submitted arboricultural report must be implemented in full.”*

Having regard to the above, and the advice provided by the Council's tree consultant, the scheme is considered acceptable overall in terms of the impact on trees and the proposed replacement planting.

## **9. SUMMARY REASON FOR APPROVAL**

The proposed scheme is acceptable in principle and in terms of visual amenity, neighbour amenity, ecology and highway safety. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies AVP5, 1, 8, 9, 16, 17, 18, 19, 23 and 24 of the Council's Core Strategy DPD.

## **10. CONDITIONS**

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

Reason: Required by the Planning and Compulsory Purchase Act 2004.

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

- Application form
- 2122-PL-01 - Location Plan
- 2122-PL-02 - Block Plan
- 2122-PL-04 - General Arrangement (With Dimensions)
- 2122-PL-05 - General Arrangement (With Plots 6 and 9 Ground Floor Plans)
- 2122-PL-06 Rev. B - Plots 1 and 2 - Ashley (Handed)
- 2122-PL-07 Rev. B - Plot 3 - Alderley Plus
- 2122-PL-08 Rev. C - Plot 4 - Lytham plus (Handed)
- 2122-PL-09 Rev. C - Plot 5 - Lytham Plus
- 2122-PL-10 Rev. C - Plot 6 - Appleton Plus (Handed)
- 2122-PL-11 Rev. B - Plots 7 and 8 - Lytham (Handed)
- 2122-PL-12 Rev. B - Plot 9 - Appleton (Handed)
- 2122-PL-13 Rev. A - Detached Garage to Plots 3 and 6
- 2122-PL-14 - Boundary Details
- 4765.05A - Planting Plan
- 4765-04A - Landscape Plan
- Construction Environmental Management Plan (CEMP) revision - 1st Issue
- Arboricultural Report (4765 – May 2021)
- Drainage Statement (OTD-HH-E-DS01)
- SW Drainage Report (15/05/2021)
- 21-074-1 - Drainage Layout
- 21-074-2 - Longitudinal Sections
- 21-074-3 - Manhole Schedules
- 21-074-4 - SW Impermeable Area Plan
- 21-074-5 - External Works Layout
- 21-074-5 - Proposed Road Contour Plan
- 21-074-6 - Road Construction Details
- 21-074-7 - Timber Unilog Retaining Wall Details

Reason: For the avoidance of doubt.

3. The approved scheme of landscaping and planting shall be carried out in the first planting and seeding seasons following the occupation of any dwellings associated with that phase of development, or following substantial completion of that phase of development (whichever is the sooner), and any trees or plants which within a period of 10 years from the substantial completion of that phase of development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species.

Reason: In the interest of the appearance of the locality and to enhance biodiversity.

4. No development shall take place until physical samples of the proposed facing materials and roofing materials have been submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the above, the dwellings shall be constructed entirely of natural coursed stone (apart from specific areas where rendered features are shown on the approved plans), and the roofs shall be exclusively natural blue slate.

A 1m x 1m sample panel of the proposed natural coursed stone walling to be used on the dwellings shall be constructed on site in a position close to the Rochdale Road boundary so that the Local Planning Authority can inspect the proposed materials in context from the footway along Rochdale Road.

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.

5. Prior to first occupation of any of the dwellings hereby permitted all proposed parking and manoeuvring areas shall be constructed, drained, and provided with a hard bound permeable surface. Thereafter these parking and manoeuvring areas shall be kept freely available for the parking and manoeuvring of cars at all times.

Reason: In the interests of pedestrian and highway safety and to reduce the potential for surface water flooding.

6. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development, including written confirmation that it will not be offered to the highway authority for adoption, have been submitted to and approved by the local planning authority.

The submitted information shall include completed details of a private management and maintenance company confirming funding, management and maintenance regimes.

The streets shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.

7. The new estate road / access between the site and Rochdale Road shall be constructed in accordance with Lancashire County Council's Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

8. Prior to first occupation of any of the dwellings hereby approved full details of the proposed arrangements for future management and maintenance of the communal areas and areas of landscaping within the development shall be submitted to and approved by the local planning authority. This includes a plan to show their location. The communal areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and Maintenance Company has been established.

Full details of the Management Company to deal with the future management and maintenance of the communal areas and landscaping shall also be submitted to and approved in writing by the Local Planning Authority, prior to first occupation of any dwelling.

The site shall thereafter be managed by the approved Management Company.

Reason: To ensure that the communal areas serving the development and landscaped areas are maintained to an acceptable standard in the interest of residential / highway safety.

9. Prior to the commencement of any development on site, a risk assessment shall be 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) a Preliminary Risk Assessment report, including a conceptual model and a site walk over survey.  
ii) where potential risks are identified by the Preliminary Risk Assessment, a detailed site investigation survey of the extent, scale and nature of contamination and;  
iii) 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,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

iv) 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: To safeguard future occupants of the site from hazards associated with land contamination.

10. Pursuant to condition 9 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: To safeguard future occupants of the site from hazards associated with land contamination.

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

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

12. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological work. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of archaeological work should comprise the following:

i) The creation of a record of the existing building to level 2-3 as set out in Understanding Historic Buildings (Historic England 2016). This work should be carried out by an appropriately

qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists.

ii) A formal watching brief during lifting of ground slabs, removal of foundations and any intrusive works in the cellar etc., followed by such subsequent work as required to investigate and record any remains encountered. This work should be carried out by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological and historical importance associated with the site.

13. Any windows which are shown on the approved plans to have obscure glazing shall be fitted with obscure glass and shall be non-opening below a height of 1.7m from floor level. Obscure glazing and non-opening windows shall be retained at all times in those windows thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of the privacy of occupiers of neighbouring properties.

14. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage strategy shall be based upon the submitted site-specific drainage statement (OTD-HH-E-DS01 May 2021) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control (agreed at 6.7l/s Qbar) and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
  - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
  - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
  - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
  - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
  - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
  - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
  - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

15. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere. Also, to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

16. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the

drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

17. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number.
- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Arrangements for turning of vehicles within the site.
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities.
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition and construction working hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

18. 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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

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

19. No part of the development hereby approved shall be occupied until all the highway works (access and relocation of existing lighting column) have been constructed and completed in accordance with a scheme that has first been submitted to and approved by the Local Planning Authority in consultation with the Highway Authority.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

20. For the duration of development works on site, tree protection fencing / measures as detailed in the submitted arboricultural report (4765 – May 2021) shall be implemented in full.

Reason: To protect trees which are being retained on site.

21. No works to trees or shrubs shall occur 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 which has been agreed in writing by the Local Planning Authority.

Reason: To protect nesting birds.

## **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 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 to 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.

3. The alterations to the existing highway as part of the new works will require the relocation of an existing street lighting column at the expense of the client/developer.

4. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or 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, quoting the location, district and relevant planning application reference number.

5. Whilst the building to be demolished has been assessed as very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is



found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

6. For the avoidance of doubt, this response does not grant the applicant permission to connect to or alter the ordinary watercourses and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Failing to do so can result in the LLFA taking enforcement action.

<https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>