

<b>Application Number:</b>	2021/0271	<b>Application Type:</b>	Full Major
<b>Proposal:</b>	Full: Demolition of employment unit and erection of 37 no. dwellings (affordable rent) with access, parking, landscaping and all other associated works	<b>Location:</b>	Slingco Ltd Station Road Facit Rochdale Lancashire OL12 8LJ
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	14 December 2021
<b>Applicant:</b>	Westchurch Homes Ltd	<b>Determination Expiry Date:</b>	17 December 2021
<b>Agent:</b>	Maybern Planning & Development Ltd – Sarah Jones		

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

<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>	✓ 15 or more dwellings

## 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 Head of Planning, Chair of Development Control Committee and Vice Chair as follows:

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

- A financial contribution of £20,000 towards public open space (location of spending to be agreed).
- A financial contribution of £46,123.50 for education provision (2 x secondary school places at Whitworth Community High School).
- 100% of the development to comprise affordable housing of “affordable rent” tenure with 4 x 1 bedroom apartments provided to adaptable standards via reference to M4(2) of Building Regulations.
- Management and maintenance of on-site landscaping.

(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 site itself comprises a vacant single storey brick building and associated car parking area. The remainder of the site consists predominately of unmanaged grassland, and there is an electrical sub-station close to the eastern boundary. The site was last occupied by Slingco for manufacturing purposes – for their cable grip and wire rope product business, until they expanded and relocated to a new premises at New Hall Hey in Rawtenstall in late 2020. Access into the site is from Station Road and there is a narrow footway to its eastern side.

The site is approximately 0.7ha in area and is located on the north-west side of Station Road in Facit. It is within a short walk of pubs, shops and other services on Market Street, including bus stops. The centre of Whitworth is around 800m away to the south. It is 4km to the south of Bacup and 5km to the north of Rochdale.

Surrounding uses are predominantly residential, including Cowm Park Way to the south which consists primarily of bungalows, whilst on Station Road a mix of bungalows and two storey housing can be found. However immediately adjacent to the site is a red brick industrial building accessed off Station Road and occupied by GB Ductwork Limited who manufacture sheet metal ducting.

Owing to the presence of buildings and hardstanding, the site is previously developed (brownfield) in planning terms and it lies within the Urban Boundary. The site is shown on the Adopted Proposals Map (1995) as an ‘Employment Site’. This policy was not saved by the adopted Core Strategy (2011) however the emerging Local Plan allocates the site for employment uses.

It is not within a Conservation Area nor does it contain listed buildings or Tree Preservation Orders. The site lies within Flood Zone 1 and partly within Zone 2.

The site is viewed against a backdrop of hills and tree cover which lead towards Cowm reservoir in a westerly direction. All of the land to the site’s western boundary is undeveloped land designated as countryside. The Valley of Stone Cycleway adjoins the site to the north and the south.

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

None

## 4. PROPOSAL

Full planning permission is sought for the demolition of the existing buildings, and the erection of 37 dwellings of 100% affordable rent tenure. The Registered Provider is confirmed as Jigsaw Homes. The following mix is proposed:

- 8 x 1 bedroom apartments (of which 4 ground floor apartments to adaptable standards via reference to M4(2) of the Building Regulations);
- 7 x 2 bedroom terraced;
- 22 x 3 bedroom semi-detached and terraced

Each dwelling is provided with car parking spaces on driveways, other than plots 1-3 where parking is located in a small car parking area adjacent to the dwellings. Apartments (plots 30-37) are served by a similar small car park to the rear (east) of the apartment block.

All dwellings and apartments are two storey in height and are to be constructed from red brick, grey roof tiles, white render and white upvc window frames and doors.

As amended, the development includes a 4 metre buffer along the River Spodden corridor which is free from development including gardens and enables access to the river from the development for the Environment Agency. The development now provides an area of acid grassland habitat, additional hedgerow and tree planting, and the use of grasscrete for driveways rather than hardstanding.

## 5. POLICY CONTEXT

### National Planning Policy Framework (2021)

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 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)

AVP 1	Strategy for Whitworth, Facit and Shawforth
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rossendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 4	Affordable Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 10	Provision for Employment
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

## Rossendale Draft Local Plan 2019-2036

- Strategic Policy SS: Spatial Strategy
- Strategic Policy SD1: Presumption in Favour of Sustainable Development
- Strategic Policy SD2: Urban Boundary and Green Belt
- Strategic Policy EMP1: Provision for Employment
- Policy SD3: Planning Obligations
- Strategic Policy HS1: Meeting Rossendale's Housing Requirement
- Policy HS2: Housing Site Allocations
- Policy HS3: Affordable Housing
- Policy HS7: Housing Density
- Policy HS8: Housing Standards
- Policy HS10: Open Space Requirements in New Housing Developments
- Policy HS11: Playing Pitch Requirements in New Housing Developments
- Policy HS12: Private Outdoor amenity space
- Policy ENV1: High Quality Development in the Borough
- Policy ENV4: Biodiversity, Geodiversity and Ecological Networks
- Policy ENV6: Environmental Protection
- Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality
- Policy ENV10: Trees and Hedgerows
- Policy TR4: Parking
- Policy EMP2: Employment Site Allocations
- Policy EMP3: Employment Site and Premises

### Other material considerations

- National Design Guide
- National Planning Practice Guidance
- RBC Strategic Housing Land Availability Assessment (SHLAA) (2017)
- RBC Alterations and Extensions to Residential Properties SPD
- LCC Planning Obligations in Lancashire (2008)
- RBC Open Space and Play Equipment Contributions SPD (2008)

## 6. CONSULTATION RESPONSES

Consultee	Objection (yes or no)	Conditions
LCC Highways	No	Yes
LCC Lead Local Flood Authority	No	Yes
United Utilities	No	Yes
Greater Manchester Ecology Unit	No	Yes
Land Contamination Consultant	No	Yes
RBC Environmental Health	No	Yes
RBC Tree Officer	No	Yes
RBC Operations	No response	No response
Fire Brigade	No	Advisory comments made
LCC Education	No subject to contribution	S106 obligation
Environment Agency	No	Yes
RBC Strategic Housing	No	S106 obligation

RBC Forward Planning	No	No
RBC Parks and Opens Spaces	No	S106 obligation
East Lancs NHS Trust	No objection	Subject to contribution of £64,847

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices, neighbour letters and a press notice was published. 70 objections have been received and the main points are summarised below:

- The development does not fit in with the demographics of the area i.e. older population.
- The site is located in a dangerous position on the corner of Station Road and on a cycleway.
- Parking on Cowm Park Way makes it a single lane road at peak times and evenings.
- There is not space within doctors, schools etc to accommodate this development.
- Bungalows would be preferable to houses.

## 8. ASSESSMENT

### Principle

#### *Employment land*

The site is within the Urban Boundary and is previously developed (brownfield) in planning terms. The site is currently vacant but was last used for employment purposes having been occupied by Slingco for their manufacturing business and it remains in their ownership.

The site is not allocated in the adopted Core Strategy (2011), nevertheless, given the last use of the site as employment, Policy 10 is relevant. Within the emerging Local Plan the site is allocated (ref EE47) for employment uses by Policies EMP2 and EMP3. Given the advanced stage of the emerging Local Plan, with adoption anticipated on 15 December 2021, the policies contained therein are afforded weight.

Policy 10 states that the loss of existing employment sites and buildings to non-employment generating uses will be supported where certain criteria are met:

*“(a) re-development for employment uses has been adequately demonstrated to the satisfaction of the Council to be economically unviable and the site is unlikely to be used for existing or future employment purposes, or*

*(b) the access to the site is poor and cannot be adequately improved, or*

*(c) the current, or any alternative employment, use has a significant adverse impact on the neighbouring land uses, or*

*(d) the site and/or buildings are significant heritage assets and their re-use or development is the most appropriate means to secure and maintain an acceptable and viable use that is consistent with their conservation, and in all cases:*

*(e) the site has been marketed for 12 months, or less in exceptional circumstances, using a methodology agreed by the Council, and*

*(f) the development will have no unacceptable adverse impacts on surrounding land uses. The re-use and retention of suitable buildings, including those in rural areas, for appropriate employment generating uses will be supported where:*

- *it assists diversification of the existing employment base, or*

- *it supports the creation or growth of a local business, or*
- *it retains buildings of significant architectural, historic or artistic interest, or*
- *it contributes to a wider regeneration initiative, and in all cases*
- *The proposal promotes the enhancement of the environment and accessibility provision, minimises transport impacts and makes best use of the existing space.”*

Policy 10 contains two main elements. Firstly, an application will need to satisfy one of the criteria (a) to (d) and then must comply with (e) and (f).

The applicant submitted a Planning Statement within which it seeks to make the case that the proposed development is compliant with Policy 10 part (a), (e) and (f).

The Council undertook an Employment Land Review, dated 2017, seeking the views of property agents as well as other stakeholders. Local commercial agents discussed that Rossendale has experienced relatively low levels of development compared to underlying demand. This is considered to be due in part to a lack of suitable, available and deliverable land, particularly to accommodate small units which have the strongest demand. The Study concluded that there is demand for employment premises, and it is therefore necessary to allocate new employment land.

The Council is now at an advanced stage in preparing the Rossendale Local Plan (2019 to 2034) and this will replace the adopted Core Strategy and also identify new allocations. Now that the Council has received the Inspectors’ Post Hearing Letter (June 2021) several policies in the emerging Local Plan can now be considered to have weight.

The emerging Local Plan shows this as an existing employment area to be protected (EE47). The Employment Land Review, which was undertaken as part of the Local Plan Evidence Base, notes that the site should be retained for B-class employment uses.

The site has been marketed for employment use. The applicant has shared the following information:

- The site was marketed by Trevor Dawson and Bolton Marshall for over three years.
- The asking price was £645,000.
- 14 viewings took place, 8 of which were for employment uses.
- 4 offers were made by prospective purchasers for employment uses. Full details of the offers have been provided to the Council;
- None of the offers that were made were able to be progressed.
- The current owners and former occupiers of the site (Slingco) has already relocated and expanded within Rossendale and as such, there are no job losses.

The key factors weighing in favour of the application are: 1) the relocation (and expansion) of Slingco within Rossendale has been secured; 2) whilst the marketing efforts have demonstrated that there is interest in this site for employment uses, 3 years of marketing efforts has not resulted in an offer being accepted. Therefore, one must ask how long is it reasonable to wait. 3) The site would be replaced with a 100% affordable rent housing scheme (37 houses). This will be considered in more detail in the planning balance section of this report. Consequently, in this case, and on balance, non-employment generating uses are acceptable in principle.

### *Proposed residential development*

In its Corporate Plan agreed in 2021, the Council has a strategic outcome it is working to deliver, focused on ‘delivering more new homes and a good mix of housing tenures’.

Policy 1 of the Core Strategy directs new development to the Urban Boundary (the site is within this area) and requires individual planning applications to make the best use of under-used, vacant and derelict land and buildings. Policies 2 and 3 are supportive of housing development on previously developed land within the Urban Boundary. Policies SD1 and SD2 of the emerging Local Plan direct new housing to the key settlements which includes Whitworth. In general, all new development should be within the urban boundaries, in the interests of sustainable development.

Although the Council can demonstrate a housing land supply of more than 8 years, housing completions have been lower than required by the housing delivery test. As a result the presumption in favour of sustainable development must be applied in determining applications for residential development (NPPF para 11).

The emerging Local Plan notes in the Explanation to the Policy on Affordable Housing (HS6) that:

*“The Council’s Strategic Housing Market Assessment (SHMA) has demonstrated that there is considerable need for affordable housing in Rossendale and it states that the issue must be tackled to prevent the problem from becoming more acute. The study recommends that there is a need for at least 158 affordable dwellings to be provided in Rossendale per year in addition to market housing and potentially that there is a need for up to 321 affordable dwellings per year. There is a particular need to provide for the growing elderly population (including bungalows or single level accommodation as well as specialist care facilities) as well as those with disabilities. There is an overall shortage of social rented housing in rural areas. Despite the high need for affordable housing in Rossendale, the SHMA recognises that there is a need to balance the delivery of affordable housing against viability of delivery. The requirement in terms of tenure will be based on the housing need at the time of submission of the planning application.”*

The Council’s Strategic Housing Manager is supportive of the proposed development including the proposed affordable housing tenure and recommended that that 2 of the 37 dwellings should be bungalows, to assist in meeting the housing needs of an ageing population, or people with accessibility needs. The applicant amended the scheme to provide 4 x 1 bedroom ground floor apartments which will be provided to adaptable standards in accordance with M4(2) of the Building Regulations. This will be secured in the Section 106 Agreement.

In terms of sustainability, this site is previously developed and is located within Whitworth – one of the key settlements identified in the emerging Local Plan. It is in a sustainable location within a short walk of pubs, shops and other services on Market Street, including bus stops. Schools are also located a short distance away. The centre of Whitworth is around 800m away to the south. It is 4km to the south of Bacup and 5km to the north of Rochdale, both of which are accessible by frequent bus services. It is well connected to cycle routes, with the Valley of Stone Cycleway (which runs from Rochdale to Rawtenstall) being located immediately to the north and south of the site. Occupants of a residential development on this site will be well served by sustainable transport modes and therefore will not be reliant on the private car.

Having regard to all of the factors above, a residential development, in particular an affordable housing scheme, on the site is acceptable in principle.

### Design and layout

At the national level, the NPPF (section 12) makes clear that creating high quality buildings and places is fundamental to what the planning and development process should achieve. At paragraph 127, it requires decisions to ensure that developments achieve the following (inter alia):

- “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;”.*

Paragraph 130 requires permission to be refused for development of poor design that fails to improve the character and quality of an area.

The National Design Guide acts as a practical document to be used by planning officers in their assessment of the quality of planning applications, and provides detailed guidance on design matters including materials, layout, scale and landscaping.

As this is a full planning application, all matters are for approval and as such the application is accompanied by detailed drawings to show the design of each dwelling and the layout of the scheme as a whole, in addition to a materials palette.

The design of the dwellings are fairly standard, two storey, red brick with tiled roofs, however a planning condition will require samples of the materials to be submitted to officers for approval.

Officers have worked closely with the applicant to negotiate improvements to the design and layout of the development over the course of the application. Some of the dwellings have hipped roofs to reduce their bulk, and the loss of one dwelling on the northern boundary serves to create more space between houses, and scope to add more soft landscaping by allowing parking to be provided to the sides of two dwellings rather than to the front. In addition, all driveways will be finished in grasscrete rather than tarmac or paving. This, coupled with enhanced tree planting within front gardens, and the planting of hedgerows and acid grassland areas, serves to soften the overall development and assists in creating an attractive and welcoming place to live.

Overall and as amended, officers are content that the development now represents good design that will go some way to improving the character and quality of this area.

### Access

“Access” means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. The application is accompanied by a Transport Statement prepared by Tetra Tech, a site access drawing and a proposed site layout drawing.

Car parking and traffic generation are issues of concern to many of the local residents who have objected to this application.

Lancashire County Council Highways was consulted on the application and raised no objection on highway grounds. In reaching this conclusion the Highway Engineer made the following observations:

- *“The proposed development would be accessed from the corner of Station Road and Cowm Park Way North. Both are unclassified roads with a 20mph speed limit.*



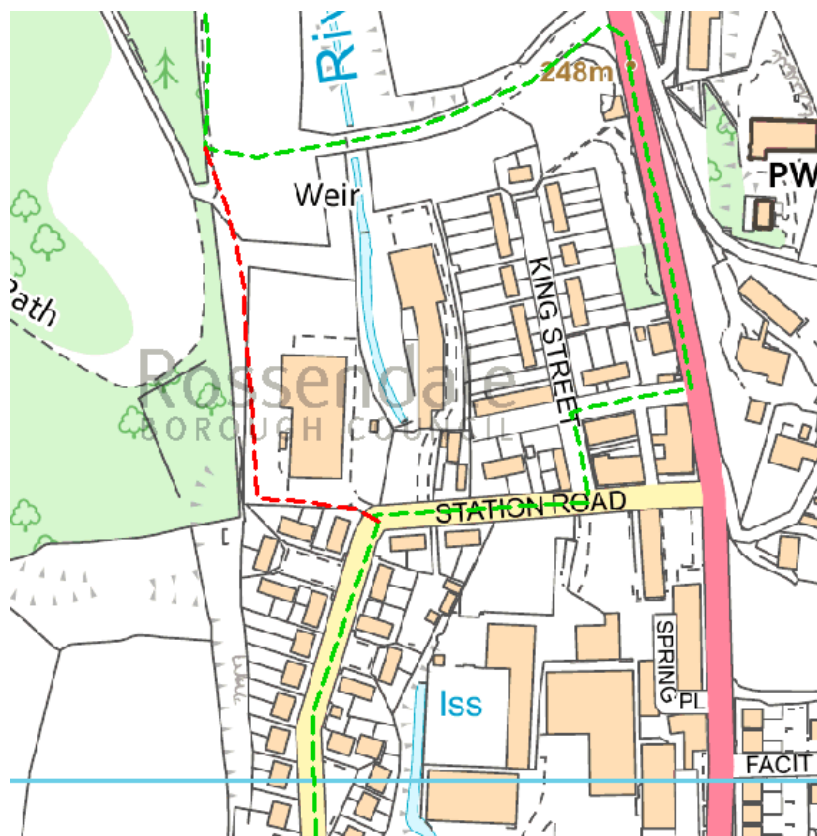
- *Acceptable sightlines are achievable from the amended access onto the adopted highway.*
- *A raised junction table has also been proposed at the site's access - this arrangement is acceptable. The proposed acceptable access as shown within the amended site access drawing B027762-TTE-00-XX-PL-D-002, Rev P05 (including footway improvements and junction table) connecting to the existing adopted highway would need to be constructed under a Section 278 agreement of the Highway Act 1980.*
- *I have reviewed the Lancashire County Councils five year data base for Personal Injury Accident (PIA) and the Crashmap website. The data bases indicate no recorded incidents within the vicinity of the proposed access for the last 5 years.*
- *The internal highway layout including parking provision as shown within the submitted 'Proposed Site layout' drawing (19-100 PL01 Rev H) is acceptable.*
- *I am of the opinion that the level of traffic generated from a development of this size and nature and at this location would not have an unacceptable impact on the surrounding highway network."*

Taking all of the above into consideration, Lancashire County Council raised no objection to the application and is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

In regards to sustainable transport modes, the site lies within a short walk of bus stops on Market Street, which are served by the 464 service from Rochdale to Accrington.

With reference to the map extract below, the Valley of Stone Greenway is a cycleway that currently runs along Cowm Park Way North (to the south of the site), along Station Road and onto Market Street before turning west to the north of the application site. This is shown by the dotted green line below.

Via Policy TR2 of the emerging Local Plan, the route of the Greenway is proposed to be rationalised, and the red line below identifies the proposed change in route of the cycleway, through the application site. As part of this development, an access / opening onto the cycleway will be located between plots 14 and 15. Although the development will not incorporate the construction of a cycleway, the connection will enable cyclists to travel through the site to connect either at Station Road / Cowm Park Way North, or at the northern side. This will be secured by planning condition and / or a Section 106 Agreement.



Map to show existing and proposed Valley of Stone Cycleway

Subject to the applicant entering into a Section 278 Agreement and the use of planning conditions / Section 106 Agreement, the proposed development is compliant with paragraphs 110, 111 and 112 of the Framework and Policies TR1 and TR2 of the emerging Local Plan.

### Flood Risk and drainage

The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Management Strategy prepared by Betts Hydro, which identifies that the site lies within Flood Zone 1 based on the Environment Agency Flood Map.

The report notes that the proposals are residential and are classified as 'more vulnerable' within the Planning Practice Guidance. The Planning Practice Guidance confirms that this type of land-use is appropriate for Flood Zone 1, providing there is no increase in flood risk elsewhere due to the proposals.

The nearest Main River (River Spodden) to site is located adjacent to the eastern boundary. Given the proximity to the Main River, consultations with the Environment Agency have been undertaken. The report concludes that overall, the site is at 'low' flood risk from all flood sources except surface water, where the risk varies from 'low' to 'high'. Any potential residual flood risks associated with surface water will be managed through the implementation of mitigation measures.

The relevant statutory consultees (Lead Local Flood Authority, United Utilities and Environment Agency) have inputted into the assessment of this application, and as amended, no objections are raised, subject to conditions. The Environment Agency notes that since the amendment of the plans to show a clear, undeveloped 4 metre wide strip adjoining the bank top of the River Spodden, no objection is raised. However, the proposed development must proceed in strict accordance with the FRA and the mitigation measures (which includes the use of a sustainable

urban drainage system for the management of surface water discharging to the river) identified within it.

The Environment Agency has also commented on the application in regards to fisheries and biodiversity, noting...*“development that encroaches on watercourses can still have a potentially severe impact on their ability to provide a quality ecological network. The proposed development will therefore be acceptable if a planning condition is included requiring a scheme to be agreed to protect the minimum 4 metre-wide undeveloped buffer zone around the River Spodden waterbody and key green infrastructure asset.”*

Subject to conditions, no objections are raised by the three statutory consultees who conclude that the development is acceptable in regards to flood risk and drainage, in accordance with the NPPF.

#### Contaminated land and ground water

The application is accompanied by a Desk Study Report prepared by Betts Geo (dated March 2021; referenced 21WCH016/DS) which has been reviewed on the Council’s behalf by the Environment Agency in relation to ground water, and the Contaminated Land Officer in relation to ground contamination.

The Contaminated Land Officer concludes that the site is likely to be affected by contamination at least in some areas, and that further investigatory work will be needed during/post demolition. The proposed investigations and assessments can be undertaken via planning condition and therefore no objection is raised. The Environment Agency reach the same conclusion.

As such Officers are satisfied that subject to conditions, the scheme can be made acceptable with regards to ground conditions and controlled waters, and therefore is compliant with Paragraph 183 of the NPPF.

#### Ecology and biodiversity

The application is accompanied by an Arboricultural Impact Assessment (AIA), Ecology Report and an additional ecological enhancements report. They have been assessed by the Council’s Tree Officer and Ecologist and Greater Manchester Ecology Unit.

The Tree Officer found that some trees of low quality are proposed to be removed to facilitate the development and others due to their health/condition. All losses are mitigated through the landscape planting plan which now includes the planting of 31 new trees. The Officer notes that trees to be retained should be protected in accordance with the protection specification included in the AIA.

The additional ecological enhancements report was submitted following comments received from the Council’s Ecologist. Such enhancements now include: a 4 metre buffer along the river corridor; creation of an area of grassland; hedgerow planting; and tree planting. This is in addition to a number of other biodiversity enhancements as identified in the initial ecology report.

The Council’s Tree Officer and Ecologist are now satisfied that the development will deliver net gain in biodiversity. As such, subject to planning conditions, the scheme is acceptable in terms of ecology, biodiversity and landscaping.

## Neighbour Amenity

Given the proximity of nearby residential properties and the scale of the proposed development, which includes demolition of a large building, the Council's Environmental Health Officer has requested a planning condition that restricts hours of construction to 0800-1800 Monday to Friday and 0800-1300 on Saturdays.

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

## Developer Contributions

Policy 22 of the Core Strategy relates to planning obligations and states that where developments will create additional need for improvements / provision of services or facilities, contributions will be sought to ensure that the appropriate improvements are made.

The development of 37 dwellings necessitates the following off-site financial contributions:

- £46,123.50 to fund the provision of 2 x secondary school places at Whitworth Community High School; and
- £40,959 for open space (either play areas or outdoor sports).

As originally submitted, the development made no contribution to the above. The application was later accompanied by a viability appraisal which sought to demonstrate that viability is a significant issue for this development meaning it could not afford to make the above contributions.

The Council sought the services of a viability consultant in assessing the applicant's case from the outset. The Council did not agree with the applicant's viability case and officers were prepared to recommend refusal of the application in the event that the development continued to make no contribution to education or open space.

As required by the Planning Policy Guidance (PPG) on Viability, negotiations have been taking place between the applicant, officers and their consultant. Three offers were made, each of which were subsequently rejected for being too low. By 26 November 2021, the applicant increased their offer to the following:

- The full education contribution of £46,123.50; and
- £20,000 towards open space.

The open space contribution is approximately 50% less than the policy requires, however, the offer provides the full contribution to either outdoor sports provision, or play areas (the location of the spending can be determined by officers in conjunction with Ward Councillors). Coupled with the education contribution, plus the fact that the development has lost a dwelling (due to officer comments in relation to design / layout) and the provision of grasscrete to driveways which comes at an additional cost, officers consider that this constitutes the "striking of a balance" as required by the PPG.

## Planning balance

S.38(6) of the Planning and Compensation Act 1991 requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. That remains the starting point for decision-making.

The Council can demonstrate a 5 year housing land supply however due to low housing delivery rates, the “tilted balance” remains applicable and the “most important” policies are therefore deemed out of date. Where development plan policies are out of date, the presumption in favour of sustainable development in the NPPF applies. It states that permission should be granted unless “...any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework.” As such, it is necessary to engage the tilted balance and determine whether the adverse impacts outweigh the benefits.

The site is allocated for employment in the emerging Local Plan, to which weight is given due to its advanced stage of preparation. However, local and national policies allow for the redevelopment of such sites to non-employment generating uses where certain criteria are met. In this case, and as set out in this report, the applicant has, on balance, demonstrated compliance with these policies.

Owing to a shortage of housing delivery, in particular affordable housing, the provision of 37 affordable rent homes, with a developer committed and motivated to making a start, carries substantial weight in favour of the proposals. It will make a positive contribution towards the delivery of much needed affordable housing in Rossendale.

Whilst it is regrettable that the applicant did not engage in pre-application discussions with officers, the applicant has been willing to amend the scheme and provide financial contributions (including design and ecological enhancements) during the course of the application in order to address the concerns of officers. This approach should be commended.

Owing to its location, the site offers its occupants an alternative to the private car for accessing shops, services, schools and jobs.

There are the usual economic benefits associated with on and off-site job creation, including within the construction industry. Moderate weight is attached to such economic benefits.

Officers recognise the local opposition to this development is considerable. However, as explained within this report, all technical considerations have been assessed and deemed to be acceptable, including with the use planning conditions.

Flooding and drainage statutory consultees are satisfied with proposed development subject to detailed designing of a sustainable drainage system.

To summarise, when returning to the presumption in favour, although it is regrettable that the site will be lost for employment uses, the benefits of the development, in particular the delivery of 37 affordable rent homes, outweighs such harm.

## 9. RECOMMENDATION

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

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

- A financial contribution of £20,000 towards public open space (location of spending to be agreed).

- A financial contribution of £46,123.50 for education provision (2 x secondary school places at Whitworth Community High School).
- 100% of the development to comprise affordable housing of “affordable rent” tenure with 4 x 1 bedroom apartments provided to adaptable standards via reference to M4(2) of Building Regulations.
- Management and maintenance of on-site landscaping.

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

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

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

## 10. CONDITIONS

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

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

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

Drawing / document	Reference
Site Location Plan	19-100-SL01-A
Proposed Site Layout	19-100 PL01 Rev O
Refuse Plan	19-100 RP01 Rev F
Amended Site Access Drawing	B027762-TTE-00-XX-PL-D-002, Rev P05
House Type Arundel EBH	872-ARU-113 Rev F
House Type Arundel ERH	872-ARU-115 Rev F
Arundel MB	872-ARU-116 Rev F
Arundel MR	872-ARU-118 Rev F
Burghley EBH	614-BUR-113
Burghley ALT EBG	614A-BUR-113
Burghley EBG	614-BUR-116A
Gosford EBG	912-GOS-110 Rev E
Woburn EBH	724-WOB-113 Rev F
Woburn MB	724-WOB-116 Rev F
Hard Landscaping Plan	19-100 HL01 Rev G
Landscaping Proposals	6559.01 Rev D
Materials Plan	19-100 MP01 Rev H
Materials Schedule	19-100-MAT01
Updated Ecology Statement	ERAP dated 7 September 2021
Ecological Survey and Assessment report	ERAP dated April 2021
Desk Study Report For Station Road, Facit by Betts Geo	dated March 2021; referenced 21WCH016/DS

Flood Risk Assessment & Drainage Management Strategy by Betts Hydro	(dated 13 August 2021; referenced HYD598_STATION.ROAD_FRA&DMS Rev 3.1)
Indicative Cross Sections	Drawing number 19-100-CS-01-B dated 18 August 2021)
Summary Note from Betts Hydro	(dated 19 August 2021; referenced HYD598_STATION.ROAD_MB_EA_L01)
Arboricultural Impact Assessment	April 2021

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

Design / materials

3. Prior to the construction of any buildings hereby approved, samples of the external materials (brick, roof tiles, render, window frames, any other roof materials (including any dormers and porches) of the dwellinghouses shall be provided by means of the erection on site of a one metre square sample panel including proposed mortar mix and joint detail, for the written approval of the Local Planning Authority. The panel so approved shall be retained on the site and shall not be removed until such time as the external walls of all of the dwellings hereby approved are complete.

The development thereafter shall be constructed utilising the approved materials.

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

4. Prior to installation, full details of all boundary treatment including walls and fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with approved details and they shall be retained or replaced with the same materials thereafter. Plot divisional fencing shall be installed prior to occupation of that dwelling, and all other boundary treatments shall be installed prior to substantial completion of the development.

Reason: Insufficient details have been provided, and to ensure that the development will be of a good standard of design and privacy for residents.

5. All shared driveways shown on the approved Proposed Layout Plan Rev O shall be constructed of a suitable paving material, details of which shall be submitted to and approved in writing by the local planning authority.

Grasscrete (any other similar material shall first be agreed in writing by the local planning authority), shall be provided to all private driveways in accordance with the above plan, and retained as approved thereafter.

Reason: To ensure that the development is appropriate in terms of visual amenity and to minimise surface water run-off.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Class F) or

any subsequent re-enactment thereof, no hardsurfacing shall be constructed over the front gardens shown on the approved landscaping plan and proposed site layout.

Reason: To protect the visual amenities of the development.

### Sustainability and climate change

7. No development except demolition and enabling works (as agreed with the LPA) shall commence until a statement demonstrating how the development is designed to be adaptable to climate change, how it incorporates energy efficiency principles and adopts principles of sustainable construction including Sustainable Drainage Systems, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved statement.

Reason: The Council has declared a climate emergency, therefore to ensure that the development incorporates such principles.

8. Each dwelling shall make provision for cycle storage and an electric vehicle charging point. They shall be installed at each dwelling prior to the dwelling's occupation and retained thereafter.

Reason: To ensure that the development provides sustainable transport options.

9. Full details (including levels) of the proposed access / gate to the Valley of Stone cycleway shall be submitted to and agreed in writing by the local planning authority. The details shall be submitted, approved and implemented prior to occupation of any dwelling.

Reason: To ensure that the development provides a link to the Valley of Stone cycleway in the interests of sustainable transport options.

### Highways

10. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CEMP) or Construction Method Statement (CEMS) (also see informatives) 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 Plan or 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.

11. 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.

12. Works shall be undertaken in line with the Site Access drawing ref B027762-TTE-00-XX-PL-D-002, Rev P05: for 1) the construction of the site access; and 2) the off-site highway works including footway improvements and junction table. The works shall be undertaken in line with a programme to be agreed with the LPA (in conjunction with the local highway authority) and completed in accordance with the approved programme and details.

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.

#### Residential amenity

13. Any demolition and construction works associated with the development hereby approved shall not take place except between the hours of 8:00 am and 6:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. Access and egress for construction activity vehicles shall be restricted to the working hours indicated above.

Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

#### Flood risk

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

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

15. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment and drainage

management strategy (HYD598\_STATION.ROAD\_FRA&DMS Rev 3.1 13.08.2021). The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

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.

16. Prior to the commencement of development, except for demolition, full details of the proposed ground levels (relative to the existing ground levels) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: The submitted section drawings are noted as “indicative only” and in the interests of flood risk.

17. No development shall commence 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 site-specific flood risk assessment (FRA) and drainage management strategy submitted 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 and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep. (Surface water runoff rate for site restricted to 15.6l/s Qbar, as per submitted FRA)
- 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 300mm+ difference for FFL; (as per submitted FRA).
  - 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) Flood mitigation measures to protect plots from the low to medium surface water flood risk levels, as shown on the EA surface water flood risk maps.

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.

18. 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.

Reasons:

1. 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;

2. 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.

19. 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.

#### Fisheries and biodiversity

20. No development shall take place until a scheme for the provision and management of a minimum 4 metre wide buffer zone alongside the River Spodden has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from built development including any ground remodelling, land raising, lighting, domestic gardens and formal landscaping.

The scheme shall include:

- plans showing the extent and layout of the buffer zone
- details of any proposed retained or new soft landscaping, including a planting schedule predominantly based on native species.
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of biosecurity measures to be adopted, as outlined in best practice (PCACOP-Control-of-Knotweed-24pp\_04.05.18-WEB.pdf (property-care.org)) to ensure that all Schedule 9 invasive plants (including Indian Balsam) and contaminated soils are not spread as a result of redevelopment works at the site, and appropriate measures are adopted through an Invasive Species Management Plan (ISMP)
- A Construction and Environment Management Plan (CEMP) outlining how proposed riparian development and associated site clearance, earth moving, site drainage, wider construction etc. will take place while protecting the River
- Spodden and key ecological receptor from any accidental spillages, dust and debris
- details of any new boundary fencing, lighting, etc.

Reason: To conserve and enhance the water environment by avoiding harm and detrimental impacts and where possible, providing net gains for biodiversity.

#### Contamination

21. Notwithstanding any information submitted with the application, no development shall take place (except for demolition and enabling works as agreed with the LPA) until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

i) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development (except for

demolition and enabling works as agreed with the LPA). The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and

ii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development (except for demolition and enabling works as agreed with the LPA). 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 any hazards posed by contaminated land, and in the interests of reducing pollution.

22. Pursuant to condition 21; and prior to first to occupation 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 any hazards posed by contaminated land, and in the interests of reducing pollution.

23. No development approved by this planning permission shall take place except demolition and enabling works (as agreed with the LPA) until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. Additional site investigation, based on the submission of a desk study report to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: For the ongoing protection of the Water Environment from risks arising from land contamination and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

24. No infiltration of surface water drainage into the ground where adversely elevated concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no

resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

25. Details of piling or any other foundation designs using penetrative methods shall be submitted to and approved in writing by the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling should be avoided in the first instance but where it is necessary it requires formal approval, for the future protection of the Water Environment from risks arising from land contamination.

#### Landscaping and ecology

26. Notwithstanding the submitted landscaping plan, all dwellings' rear gardens shall be turfed prior to occupation of that dwelling.

Reason: In the interests of visual amenity and residential amenity.

27. All trees and hedgerows to be retained must be protected by a scheme in accordance with BS 5837 (2012) and as detailed in the specification within the Arboricultural Impact Assessment (AIA). Measures must be implemented on site before any other works are undertaken. All tree work must be undertaken in accordance with BS 3998 (2010).

Where areas of hard surface encroach into the tree Root Protection Area of Tree G2, they shall be constructed with a cellular confinement specification as included in the AIA.

Reason: In the interests of visual amenity and biodiversity.

28. The landscape proposal drawing 6559.01 Rev D shall be implemented fully in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier. Any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the appearance of the locality.

29. No construction of any building shall take place until full details of the acid grassland creation and its management, in addition to the measures to provide biodiversity enhancements contained within the ERAP letter report (listed a – h) and Section 5.2 of the Ecological Survey and Assessment report, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the long-term management and maintenance of biodiversity within the development.

30. Any new lighting shall be designed to minimise the impact on nocturnal mammals such as roosting bats (see section 5.4.1-5.4.4 of the ecology report), and a light spill plan should be submitted and approved in writing to demonstrate no negative impact on the proposals on features which may be used by commuting or foraging bats (and other nocturnal/riparian species). Any lighting shall be carried out in accordance with the approved details.

Reason: To minimise the impact on nocturnal mammals.

31. No development shall take place until a badger survey and method statement to be followed during the construction (see section 5.6 of the ecology report) have been submitted to and approved in writing by the local planning authority. Construction shall be carried out in accordance with the approved details.

Reason: To protect badgers (and other wildlife) that may be present on the site during the works.

32. The applicant must be aware of the legal protection that active bird nests receive. Work which may impact on nesting birds (such as building demolition, site and vegetation clearance) shall not take place between 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 submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting nesting birds, which is a legal requirement.

33. Prior to earthworks taking place, a management plan to treat and prevent the spread of invasive species (including Japanese knotweed and Himalayan balsam) shall be supplied to and agreed in writing by the local planning authority. The development shall then be carried out in accordance with the statement.

Reason: Derelict sites adjacent to watercourses are high risk for such species and several have been recorded on or adjacent to the site. It is an offence to plant to cause these species to grow in the wild.

## **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. 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.
3. Construction Management Plan:
  - There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
  - There must be no storage of materials in the public highway at any time.
  - There must be no standing or waiting of machinery or vehicles in the public highway at any time.
  - There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
  - A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing [lhsstreetworks@lancashire.gov.uk](mailto:lhsstreetworks@lancashire.gov.uk)
  - All references to public highway include footway, carriageway and verge.

The applicant's attention is drawn to the advice provided by the Environment Agency in their letter dated 8 September 2021 which is available to view on the Council's website within the planning file.

4. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme. The applicant is advised that they have a duty to adhere to the regulations of 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.



