

Application Number:	2021/0500	Application Type:	Major
Proposal:	Full: Proposed demolition of existing two-storey detached dwelling and proposed construction of 41 no. new dwellings with vehicular access, landscaping/open space and associated works.	Location:	Land off Blackwood Road, Stacksteads
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	18/01/2022
Applicant(s):	Mr John Heaton	Determination Expiry Date:	31/01/2022
Agent:	Mrs Jane Martin		

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

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

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

(1) To complete a suitable Section 106 Agreement to secure the delivery of the proposed affordable housing on site, the contribution of a commuted sum towards off-site biodiversity / habitat enhancement and the long term management and maintenance of the communal areas and access on site.

(2) To carry out drafting amendments to any planning condition including adding any conditions as may be required.

(3) To have discretion to refuse planning permission in the circumstance that the Section 106 Agreement is not completed within 8 weeks of the resolution to grant planning permission.

(4) That upon satisfactory completion of the S. 106 Agreement, planning permission be granted subject to the conditions contained in this report or as amended by (2) above.

2. SITE

The site is located within Stacksteads, and is situated on the south side of Blackwood Road. The land was previously used as a former quarry and scrap yard, however now comprises predominantly grassland and a disused dwelling. Owing to its former use, it is previously developed in planning terms.

The topography of the site is reasonably flat, with a 1.2m rise from north to south and the same east to west. There are no public rights of way (PROW) crossing the site itself, however a number are located in the immediately locality, affording views into the site from a range of vantage points. The site is not within or adjacent to a conservation nor, nor does it contain listed buildings.

It is allocated (ref H25) in the Local Plan for 41 dwellings. It is situated within the new urban boundary, as defined by the recently adopted Local Plan.

3. RELEVANT PLANNING HISTORY

1993/0160 - Certificate of lawfulness of existing use as a scrapyards/ vehicle dismantling (Approved)

2011/0548 - Change of use of former scrap yard to campsite for static and touring caravans with an area for tents including the provision of a welfare block and the use of the on-site house for use as a warden house (Approved)

2012/0470 - Discharge of conditions 4 (landscaping) and 5 (contamination) of planning permission 2011/0548 (Approved)

2020/0059/PREAPP - Proposed demolition of existing two-storey 4 bedroom detached dwelling and proposed construction of 41 new dwelling houses (Advice Issued)

4. PROPOSAL

Full planning permission is sought for the demolition of the existing dwelling on site and the erection of 41 detached dwellings in the following format:

- 4 No. x 1 bed bungalows
- 14 No. x 2 bed bungalows (2 types)
- 4 No. x 2 bed townhouses
- 14 No. x 3 bed semi-detached houses (3 types)
- 3 No. x 3 bed detached houses
- 2 No. x 4 bed detached houses

The dwellings would be constructed along a new access road leading directly off Blackwood Road (with a turning head at its southern end), and around a central area of public open (amenity) space. The access road and adjacent footways would be surfaced in tarmac, with individual driveways being constructed of permeable block paving.

The proposed dwellings would be faced in a combination of reconstituted stone (buff colour) and white render, and would have black UPVC window and door units with painted pre-cast concrete lintels and sills. Roofs would be reconstituted slate-effect tiles.

Each dwelling would have its own private garden area, bounded by 1.8m high timber panel fencing.

The development would necessitate the removal of two small groups of trees on site. However, it is proposed to plant a large number of replacement trees throughout the development (one in each front garden and several around the central amenity area).

It is proposed to utilise a sustainable drainage system for surface water on site as part of the development. As part of this, an attenuation tank is proposed beneath the central amenity area, and a balancing pond is proposed at the north eastern corner of the site.

To support the application, the applicant has submitted the following documents:

- Planning and Affordable Housing Statement
- Geo-Environmental Report (Phase 1)
- Design and Access Statement
- Ecological Assessment and Ecological Enhancement Report (Net Gain)
- Badger Survey and Bat Survey
- Landscape Proposals
- Arboricultural Constraints Report
- Flood Risk Assessment, SUDS Pro-Forma and Drainage Strategy
- Transport Statement
- Waste Management Strategy
- Crime Impact Statement
- Statement of Community Involvement

It is proposed that 30% of the dwellings would be affordable units.

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 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 challenges of climate change, flooding and coastal change
- Section 15 Conserving and enhancing the natural environment

Development Plan Policies

Rossendale Local Plan

- Strategic Policy SS: Spatial Strategy
- Strategic Policy SD1: Presumption in Favour of Sustainable Development
- Strategic Policy SD2: Urban Boundary and Green Belt
- Policy SD3: Planning Obligations
- Strategic Policy HS1: Meeting Rossendale's Housing Requirement
- Policy HS2: Housing Site Allocations
- Policy HS6: 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
- Strategic Policy ENV1: High Quality Development in the Borough
- Policy H21 - Land at Blackwood Road, Stacksteads
- 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

Other Material Planning Considerations

- National Design Guide
- National Planning Practice Guidance
- RBC Alterations and Extensions to Residential Properties SPD
- LCC Planning Obligations in Lancashire (2008)
- RBC Open Space & Play Equipment Contributions SPD

6. CONSULTATION RESPONSES

Consultee	Response	Conditions recommended?
Cadent	No comments received	N/A
Coal Authority	No objection	No
Ecology	No objection	Yes
Environment Agency	No objection	Yes
Land Contamination Officer	No objection	Yes
Fire Brigade	No objection	No

Health and Safety Executive	No comments received	N/A
LCC Education	No contribution required	N/A
LCC Lead Local Flood Authority	No objection	Yes
LCC Development Management	No comments received	N/A
LCC Highways	No objection	Yes
Lancashire Constabulary	No objection	No
RBC Building Control	No comments received	N/A
RBC Environmental Health	No objection	Yes
RBC Strategic Housing	No objection	No
Tree Consultant	No objection	Yes
RBC Operations	No comments received	N/A
United Utilities	No objection	Yes
National Health Service	Requested contribution	No

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a press notice was published, site notices were posted and letters were sent to neighbours.

Seven objections and one letter of support have been received. The key areas of concern raised in the representations are summarised below:

Objections

- Land unsuitable for housing
- Harm to biodiversity / wildlife / wider environment
- Housing will not be affordable for people
- Increased traffic / highway safety / access / parking issues
- Unsustainable
- Land contamination / ground gas issues
- Flood risk
- Harm to visual amenity
- Harm to residential amenity
- Pressure on local services and infrastructure
- Lack of information on maintenance of balancing pond and other areas
- Inadequate drainage
- Inappropriate density

Support

- Good use of unused land
- Will create jobs for local people
- Will utilise appropriate local materials

8. **ASSESSMENT**

Principle

Allocation and 5-Year Land Supply Position

At the heart of the Framework is a presumption in favour of sustainable development, which means securing net gains across economic, social and environmental objectives.

Starting with the adopted development plan, the site is located within the newly amended urban boundary where the majority of new development is directed to via the Local Plan.

Within Policy HS2 of the Local Plan, the site is proposed as a housing allocation (ref H22), for 41 units, to be delivered in years 1-5.

Sustainable Development

Paragraph 11 of the Framework contains a presumption in favour of sustainable development, and as such a key consideration in this case is whether the proposed scheme represents sustainable development or not. The Framework promotes the integration of development with sustainable modes of transport, and paragraph 110 states that developments should “*give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas*”.

Policy SD1 of the Local Plan reiterates the presumption in favour of sustainable development from the NPPF.

The site is within walking distance of a bus stop served by a high quality bus route, about 740m from a convenience store on Newchurch Road and approximately 2.4 km to Waterfoot Health Centre. Holy Trinity Primary School is situated within 850m from the site and the Fearn's College is situated approximately 2km away. The site is around 200m away from a well-surfaced multi-use cycleway which runs the length of the valley and serves several town and village centres.

Conclusion on Principle

Having regard to all of the factors above, the proposed development is considered to be acceptable in principle for residential development.

Housing Mix

In terms of type of housing, the scheme proposes a mix of 2, 3 and 4 bedroom detached, semi-detached and townhouses with 18 bungalows of 1 to 2 bedrooms. The Strategic Housing Market Area assessment (2019 update) sets out that the type of dwellings needed in the Borough is as follows:

- 10-30% of 1-bed homes;
- 25-45% of 2-bed homes;
- 25-45% of 3 bed homes;
- 5-20% of 4 bed homes.

The Council's Housing Team has raised no objection to the proposed development, noting that 30% of the dwellings on site are to be affordable houses.

Initially, it was proposed that all of the affordable houses would be shared ownership. However, following negotiations between the Council's Housing Manager, the case officer and the applicant, it has now been agreed that the tenure split of the affordable housing will be as follows:

- 50% shared ownership
- 50% affordable rent

The Housing Manager considers that the above tenure split is acceptable and appropriate for this location.

Overall, having regard to the above the scheme is considered to make a positive contribution to the type of housing needed in the Borough.

Layout, Design and Appearance

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. Boundary treatment details are included, in addition to details of facing and surfacing materials.

The layout of the development around the proposed access road is appropriate, and would result in a visually attractive layout which would avoid the development from appearing cramped. The incorporation of a central communal area of open space is positive and would contribute to a feeling of spaciousness within the development whilst softening the street scene.

Section 2.1 of the Council's Alterations and Extensions to Residential Properties SPD contains guidance on separation distances between habitable room windows. It specifies that there should be a minimum of 20m between principal windows to habitable rooms in properties that are directly facing each other. The layout of the development demonstrates compliance with this guidance.

The dwellings are proposed to be constructed primarily from natural coursed stone with natural slate roofs. Some elements of render to the rear elevations of dwellings situated around the perimeter of the site are proposed, and there would be rendered features on the front elevations of the bungalow units within the site.

As initially submitted, the application proposed the use of artificial stone and render throughout the development, with artificial roof tiles. However, officers have negotiated improvements as detailed above throughout the course of the application – with natural materials now being proposed.

Door and window units would be UPVC.

In addition, alterations have been negotiated to the design of the dormers which feature on several of the proposed dwellings. These were initially proposed to be box dormers, however amended plans have been received showing that these will now be smaller pitched roof dormers to better match the style of the pitched roofs on the houses themselves.

As now proposed, it is considered that the scheme is acceptable in terms of visual amenity.

Neighbour Amenity

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

separation distances involved. Internally within the development, adequate separation distances between the habitable room windows of the new dwellings are proposed.

An adequate amount of private outdoor amenity space is provided for each dwelling.

The scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

Objectors' comments in relation to access to the site are noted, and have been duly considered as part of the assessment of the application.

However, the application has been assessed by the Local Highway Authority (LCC Highways) which has raised no objection on highway safety grounds subject to conditions.

The conditions suggested would cover the following areas:

- Submission / approval of a Construction Method Statement / Management Plan
- Construction of access
- Associated highway works

The Local Highway Authority also requested a condition requiring the submission and approval of details of the management / maintenance arrangements for the proposed estate road (which is to remain in private ownership, rather than being adopted). However, the details in relation to the above are covered in the S.106 Agreement which would accompany the application – and as such the long-term management and maintenance of the estate road (and all other communal areas of the site) would be secured under that Agreement. It is not therefore necessary to include a planning condition in this regard.

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

Landscaping

The Council's Tree Officer has reviewed the applicant's Arboricultural Constraints Report, in conjunction with the landscaping planting proposal drawings.

The Tree Officer has no objection to the scheme, subject to the following conditions:

- 1. All the recommendations in the Arboricultural Method Statement shall be implemented and fences must be erected before any other works commence on site and the fences must be maintained in situ for the duration of the works.*
- 2. Planting plan No. SE0926-02-LSP01-GS shall be implemented in full except the first clause regarding tree protection which should be ignored in deference of the Arboricultural Method Statement.*

In terms of proposed landscaping, full details of planting have been submitted and in summary this includes approximately 50 trees, 314 shrubs and several areas of native hedge which are proposed to be planted throughout the site. The area of open space in the centre of the site will include tree planting, native shrub planting and grassed areas.

The proposed development provides for a gain in planting, tree cover and green space variety on site, and the proposed planting is considered satisfactory.

Subject to the use of planning conditions, relating to protective fences, compliance with the submitted landscaping plans, the development is acceptable with regards to landscaping.

Ecology

Initially, the Council's ecology consultant raised concerns over the impact of the proposed development on bats (utilising the existing building on site) and over the development failing to demonstrate that a 10% uplift in biodiversity / habitat value would be achieved on site.

After liaising with the case officer and the Council's ecology consultant, the applicant has submitted a Reasonable Avoidance Method Statement in relation to potential bats on site (which is considered acceptable by the Council's consultant), but has been unable to demonstrate that the development would achieve the required on-site biodiversity uplift.

However, it is understood that the difficulties in achieving the required uplift on site are partly due to a relatively high baseline biodiversity value on the site and partly due to residential gardens not being classified as particularly valuable habitat, rather than due to the development being inappropriately designed in itself. The development does in fact propose a considerable amount of new planting on site, the provision of a pond / wetland area as part of the sustainable drainage scheme for the development, and a considerable amount of open / green space within the scheme.

In order to comply with the requirement in paragraph 174 of the Framework (providing a measurable net gain in habitat / biodiversity as part of a development), the Council's ecology consultant has agreed that it would be appropriate for a financial contribution to be made towards enhancing biodiversity offsite within the local area. The Council's consultant has calculated (using DEFRA guidance) that the appropriate contribution would be £5,500 (to provide 0.5 units of enhancement, approximating a 10% gain based on the area of the development site).

The case officer has liaised with the Council's Green Spaces and Street Scene Manager and has confirmed that the contribution could be usefully spent in Stacksteads Countryside Park, where there are several opportunities for habitat enhancement which would benefit from the funding. The area is also very close to the development site, and would be an appropriate site for an off-site contribution in this case.

Subject to the above, and to conditions suggested by the Council's ecology consultant, the scheme is considered acceptable in terms of ecology.

Flood risk and drainage

The application is accompanied by a Flood Risk Assessment and Drainage Management Strategy which have been reviewed by the Lead Local Flood Authority, the Environment Agency and United Utilities. No objections have been raised subject to conditions requiring the final details of a sustainable drainage scheme, SUDS and SUDS management to be submitted for approval.

Subject to conditions, the scheme is considered acceptable in principle with regards to flood risk and drainage.

Land Contamination

The application is accompanied by a Geo-Environmental Assessment Report which has been reviewed by the Council's Contaminated Land Officer and by the Environment Agency.

Both consultees conclude that there is no objection to development on the site subject to conditions requiring further site investigation and for remediation proposals to be submitted to and agreed in writing by the Local Planning Authority prior to any development taking place on site.

Planning Contributions and Affordable Housing

Policy SD3 of the Local Plan states the following:

“Where developments will create demands for additional services, facilities and infrastructure or exacerbate an existing deficiency, the Council may seek a contribution or legal agreement to address this issue where it cannot be suitably addressed through the use of planning conditions or other mechanisms.”

In this case, the development would incorporate a significant area of public open space on site and as such it is not considered appropriate to require further contributions to off-site open space provision / improvement.

The scheme complies with Local Plan Policy HS3 in proposing that 30% of the dwellings on site would be affordable units. The Council's Strategic Housing team has no objection to the affordable units and their proposed tenure.

The Local Education Authority has confirmed that a contribution towards school places in the local area is not required for the proposed development.

Further to negotiations between the case officer, the Council's ecology consultant and the applicant's agent, the applicant has agreed to provide a contribution of £5,500 towards the enhancement of biodiversity / habitat off-site at Stacksteads Countryside Park (as the applicant could not demonstrate that the development would result in the required level of biodiversity net gain on site).

The applicant has agreed to enter into a S.106 Agreement to secure the delivery of the proposed affordable housing units, on-site public open space, the maintenance / management of communal areas of the site and the off-site contribution to biodiversity / habitat enhancement at Stacksteads Countryside Park.

9. RECOMMENDATION / CONCLUSION

See Section 1 of this report.

10. SUMMARY REASON FOR APPROVAL

The development would provide a substantial benefit in terms of a contribution towards recognised housing need in a relatively sustainable location, and is appropriate in principle. Subject to conditions and a suitably worded S.106 Agreement, it is considered that the development would not unacceptably detract from visual amenity and neighbour amenity or

highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and the Council's adopted Local Plan.

11. CONDITIONS

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

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

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

- Application Form
- 3231-F01 Rev D Potential Site Access Plan
- Transport Statement August 2021
- 7000_T0942_SBR_XX_XX_DR_A_7000_A3_P1 Location Plan
- 7101_T0942_SBR_XX_XX_DR_A_7101_A3_P2 Proposed Site Plan
- 7102_T0942_SBR_XX_XX_DR_A_7102_A3_P3 Proposed Block Plan
- 7103_T0942_SBR_XX_XX_DR_A_7103_A3_P2 Proposed Landscape Plan
- 7104_T0942_SBR_XX_XX_DR_A_7104_A3_P2 Proposed Affordable Housing Plan
- 7206_T0942_SBR_XX_XX_DR_A_7206_A3_P3 House Type N.03
- 7209_T0942_SBR_XX_XX_DR_A_7209_A3_P2 Aerial View 01
- 7210_T0942_SBR_XX_XX_DR_A_7210_A3_P2 Aerial View 02
- 7211_T0942_SBR_XX_XX_DR_A_7211_A3_P2 Street Scene 01
- 7212_T0942_SBR_XX_XX_DR_A_7212_A3_P2 Street Scene 02
- 7213_T0942_SBR_XX_XX_DR_A_7213_A3_P2 Street Scene 03
- 7214_T0942_SBR_XX_XX_DR_A_7214_A3_P2 Street Scene 04
- 7215_T0942_SBR_XX_XX_DR_A_7215_A3_P2 Street Scene 05
- 7216_T0942_SBR_XX_XX_DR_A_7216_A3_P2 House Type A.03 (Elevations)
- 7217_T0942_SBR_XX_XX_DR_A_7217_A3_P2 House Type D.03 (Elevations)
- 7218_T0942_SBR_XX_XX_DR_A_7218_A3_P2 House Type F.03 (Elevations)
- 7219_T0942_SBR_XX_XX_DR_A_7219_A3_P2 House Type H.03 (Elevations)
- 7220_T0942_SBR_XX_XX_DR_A_7220_A3_P2 House Type K.03 (Elevations)
- 7221_T0942_SBR_XX_XX_DR_A_7221_A3_P2 House Type L.03 (Elevations)
- 7222_T0942_SBR_XX_XX_DR_A_7222_A3_P2 House Type N.03 (Elevations)
- 7223_T0942_SBR_XX_XX_DR_A_7223_A3_P2 House Type P.03 (Elevations)
- 7224_T0942_SBR_XX_XX_DR_A_7224_A3_P2 House Type Q.03 (Elevations)
- 7200_T0942_SBR_XX_XX_DR_A_7200_A3_P2 House Type A.03 (Floor Plans)
- 7201_T0942_SBR_XX_XX_DR_A_7201_A3_P2 House Type D.03 (Floor Plans)
- 7202_T0942_SBR_XX_XX_DR_A_7202_A3_P2 House Type F.03 (Floor Plans)
- 7203_T0942_SBR_XX_XX_DR_A_7203_A3_P2 House Type H.03 (Floor Plans)
- 7204_T0942_SBR_XX_XX_DR_A_7204_A3_P2 House Type K.03 (Floor Plans)
- 7205_T0942_SBR_XX_XX_DR_A_7205_A3_P2 House Type L.03 (Floor Plans)
- 7206_T0942_SBR_XX_XX_DR_A_7206_A3_P2 House Type N.03 (Floor Plans)
- 7207_T0942_SBR_XX_XX_DR_A_7207_A3_P2 House Type P.03 (Floor Plans)
- 7208_T0942_SBR_XX_XX_DR_A_7208_A3_P2 House Type Q.03 (Floor Plans)
- 13937-FRA and Drainage Strategy-01
- 13937-SUDS Proforma-01

- 20186 Phase I Desk Study - December 2020
- Land at Blackwood Road, Bacup – Ecological Impact Assessment (18th August 2021 Rev. B)
- Biodiversity Net Gain Assessment (20th August 2021 Rev. A)
- Planning and Affordable Housing Statement (final)
- SE0926_02_LSP01_GS Landscape Proposal (18.08.2)
- Waste Management Statement (T0942_WMS)
- Design and Access Statement (T0942_SBR-KMA-XX-XX-RP-A-0001-A3-P1_DAS July 2021)
- Tree Survey and Arboricultural Implications Assessment (11th January 2021 Rev. A)
- Proposed Private Land Area Plan (7105_T0942_SBR_XX_XX_DR_A_7105_A3_P1)

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

3. Prior to the commencement of any development on site, full details of the following (including 1m x 1m sample panels constructed on site in a location easily visible from the highway close to the boundary of the site) shall be submitted to and approved by the Local Planning Authority in writing:

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

Notwithstanding the above, the stone used in the construction of the dwellings shall be natural coursed stone, and the roofs shall be natural blue slate.

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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any subsequent legislation amending or superseding that Order), the landscaped / planted / grassed areas to the front elevations of the approved dwellings shall not at any time be removed or replaced with hard surfacing unless planning permission for such works has first been obtained from the Local Planning Authority.

Reason: In the interests of visual amenity.

5. No development shall take place until full details of any proposed exterior lighting on the development has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed in such a way as to minimise any negative impacts on nocturnal wildlife. The development shall thereafter be implemented in accordance with the approved details and retained to the satisfaction of the Local Planning Authority.

Reason: In the interests of biodiversity.

6. No development shall take place until a Reasonable Avoidance Measures Method Statement (RAMS) in relation to badgers has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

7. No vegetation clearance shall take place on the site in the bird nesting season (March to August inclusive) unless a survey has been undertaken by a qualified ecologist immediately prior to clearance and has confirmed that no nesting birds are present. The results of the survey shall be submitted to and approved in writing by the Local Planning Authority prior to any such clearance works taking place.

Reason: In the interests of biodiversity.

8. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall detail all measures to be taken during development on the site to avoid harm to the environment and ecology both on site and in the surrounding area. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

9. No infiltration of surface water drainage into the ground where adverse concentrations of land 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: For the ongoing protection of the Water Environment from risks arising from land contamination.

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

Reason: For the future protection of the Water Environment from risks arising from land contamination.

11. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

i) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning

Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and

ii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: To mitigate risks posed by land contamination, and to protect the environment.

12. Pursuant to condition 11 and prior to first occupation of any dwelling on site, 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.

If a phased approach to delivering / occupying the dwellings on site is proposed by the developer, it will be acceptable for verification to occur on a plot-by-plot basis (each phase will require a separate application to discharge this condition for the plots concerned).

Reason: To mitigate risks posed by land contamination, and to protect the environment.

13. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (July 2021, 13937-FRA & Drainage Strategy-01, Waterco).

The measures shall be fully implemented prior to first occupation of any dwelling (of each phase) 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.

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 site-specific flood risk assessment and indicative sustainable drainage strategy submitted (July 2021, 13937-FRA & Drainage Strategy-01, Waterco) 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.

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.

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 carried out 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) and 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 dwelling on any phase 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 168 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. The new estate 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.

19. No part of the development hereby approved shall be occupied until all the highway works (new vehicle access including footways and drop crossings with tactile paving) have been constructed and completed in accordance with a scheme that shall be 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. Notwithstanding the requirements contained in any other conditions, development shall not take place on the site outside of the following hours:

07:30 – 18.30 Monday to Friday

09.00 – 13.00 Saturday

There shall be no development on site on Sundays or on Public / Bank Holidays.

Reason: In the interests of neighbour amenity.

21. All of the recommendations contained within the approved Arboricultural Method Statement shall be implemented prior to any other development works taking place on site. Tree protective fences shall be maintained in situ for the duration of the works.

Reason: In order to protect trees being retained on site.

22. Planting plan No. SE0926-02-LSP01-GS shall be implemented in full as part of the development except the first clause regarding tree protection which should be ignored in deference to the measures contained within the approved Arboricultural Method Statement.

Any trees or shrubs which within ten years of being planted on site die, become diseased or are damaged / removed shall be replaced in the following planting season with similar specimens of the same species.

Reason: In the interests of ensuring that the approved landscaping and planting details are implemented and are successful for the lifetime of the development.

23. 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. INFORMATIVES

1. Standard approval informative.

2. The developer's attention is drawn to the advice provided by the Environment Agency on this application – the advice should be followed strictly in order to minimise risks from land contamination and risks to the environment.

3. 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.

4. 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.

5. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse 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/>

6. To prevent pollution, run-off waters containing contaminants (including silt) generated during the construction stage should be prevented from entering the adjacent watercourses. We recommend that the applicant refers to the following pollution prevention guidance which is available on the GOV.UK website at:

<https://www.gov.uk/guidance/pollutionprevention-for-businesses>

7. The granting 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 Highway Development Control Section on

0300 123 6780 or email 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.