

Application Number:	2020/0008	Application Type:	Major
Proposal:	Outline Application (including access and landscaping): Construction of 29 no. new dwellings with associated works.	Location:	Land adjacent Laneside Cottages, Todmorden Old Road, Bacup.
Report of:	Head of Planning	Status:	For Publication
Report to:	Development Management Committee	Date:	08/02/2022
Applicant(s):	Mr Mahdavi	Determination Expiry Date:	08/04/2022
Agent:	Mr Colin Eades		

Contact Officer:	Mike Atherton	Telephone:	01706 252420
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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, a contribution towards off site public open space and the contribution of a commuted sum towards off-site biodiversity / habitat enhancement.

(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 at the north eastern perimeter of Bacup and is situated to the north side of Todmorden Road. It is also situated to the north of an existing residential area comprising the housing situated off Moorside Crescent. The land is a greenfield site, amounting to 1.98 hectares and is used for agricultural purposes. It slopes down with a gentle gradient from north to south and is enclosed by stone walls and fencing.

Public Footpath 371 runs on the site's eastern boundary in a north to south direction and Public Footpath 372 traverses the site's northern boundary.

The western, northern and south eastern edges of the site contain belts of mature trees. To its south side, the site is adjacent to the rear of existing houses fronting Moorside Crescent. To the north, east and west there is generally open countryside.

In terms of location, the site is around 800m north east of Bacup town centre and also lies within the Coal Authority's defined high risk development area.

It is allocated (ref H36) as part of a wider residential parcel in the Local Plan for a total of 53 dwellings. The remainder of the allocation is in a different land ownership and is subject to a separate planning application for residential development (ref: 2021/0289). Therefore, the site subject to this application and also the site, subject to application 2021/0289 comprise the whole of the H36 allocation in the adopted Local Plan.

The site is situated within the new urban boundary, as defined by the recently adopted Local Plan.

3. RELEVANT PLANNING HISTORY

2021/0289 – Land North of Todmorden Road – adjacent site – Outline planning application for residential development of land with all matters reserved save for access - Pending.

2018/0031/PREAPP - Proposed residential development (Advice Issued).

4. PROPOSAL

Outline planning permission is sought for the erection of up to 29 dwellings on the site. The application is with all matters reserved apart from access and landscape.

An indicative layout plan has been received, however, this is purely illustrative.

The site would be accessed off a new spur road and pedestrian access to be formed between the gardens of properties in Moor View. The illustrative plan shows a pedestrian/cycle link onto Old Todmorden Road, an emergency access route and pedestrian connectivity to the adjoining public footpaths.

The Landscape Proposals show that there would be new tree planting throughout the site, along with the retention of some existing trees, including the specimens that are subject to a Tree Preservation Order.

An area of undeveloped land under the Applicant's control but beyond the application site boundary, to the north, will remain as pasture and will not be developed, in order to assist with the objectives identified in the Council's Landscape Study which informed the evidence base to the recently adopted Local Plan.

It is proposed that 10% of the dwellings would be affordable units, plus there would be an overage clause meaning there would be a greater affordable housing contribution if sales values reach an agreed level.

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

- Planning, Design and Access Statement
- Preliminary Contamination Risk Assessment
- Coal Mining Risk Assessment
- Ecology Report
- Landscape Proposals & Management Plan
- Flood Risk Assessment,
- Transport Statement
- Arboricultural Statement Report

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 H36 - Land at Todmorden Road, Bacup
- 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 response received	N/A
Coal Authority	No objection	Yes
Ecology	No objection	Yes
Land Contamination Officer	Comments received	Yes
Fire Brigade	Comments received	No
LCC Education	No contribution required	N/A
LCC Lead Local Flood Authority	No objection	Yes
LCC Public Rights of Way	No response received	N/A
LCC Highways	No objection	Yes
Lancashire Constabulary	Comments received	No
RBC Building Control	Comments received	No
RBC Environmental Health	No comments	No
RBC Strategic Housing	No objection	No
Tree Consultant	No objection	Yes
RBC Operations	No response received	N/A
United Utilities	No objection	Yes

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.

15 objections have been received. The key areas of concern raised in the representations are summarised below:

Objections

- Unnecessary development – other properties for sale in the area.
- Brownfield sites should be built on first.
- Harm to biodiversity / wildlife / wider environment.
- Contrary to objectives of environmental conservation & enhancement.
- Loss of trees.
- Loss of historic stone wall.
- Increased security risk.
- Lack of provision of affordable housing.
- Increased traffic / highway safety / access / parking issues.
- Local trees will be important for wildlife.
- The presumption in favour of sustainable development does not apply as the Applicant has not provided the appropriate ecological assessment.
- New trees should be planted and green corridors maintained/enhanced.
- Flood risk.

- Inadequate drainage.
- Harm to visual amenity.
- Harm to privacy/residential amenity.
- Loss of a greenfield site, detrimental to local residents mental wellbeing.
- Increased air/light/noise pollution.
- Harm caused by construction near a mine ventilation shaft.
- Inappropriate density, scale and layout of development, contrary to the character of the area.
- An acceptable coal mining risk assessment report has not been completed.
- The Landscape Assessment and Heritage Impact Assessment recommendations that informed the Local Plan have not been followed.

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 part of a wider housing allocation (ref H36), for up to 53 units, to be delivered in years 1-10 of the plan period.

The site was assessed as part of the Council's 2017 Strategic Housing Land Availability Assessment (SHLAA) which formed part of the evidence base for the recently adopted Local Plan, which concluded that the site is developable in the medium to long term provided that access improvements are carried out.

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 located around 800 metres from the nearest local shops and services in Bacup, and is directly adjacent to an existing residential development at Moorside Crescent. It is also situated in close proximity to a main transport corridor - Todmorden Road and adjacent to public footpaths. In this case, it is considered that the development would be located close enough to Bacup Town Centre to provide residents with a realistic option of walking or cycling to shops and services located there, without having to depend on private car journeys. The route to Bacup Town Centre from the site is generally served by continuous footways and is along well-lit streets.

Conclusion on Principle

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

Neighbour Amenity

Whilst appearance is reserved for subsequent approval, it is considered that there is adequate scope for the proposed scale of the dwellings in this location to be situated sufficiently far enough away from neighbouring dwellings. Consequently, it is unlikely to result in unacceptable detriment for any neighbours in terms of light, outlook, privacy or being an overbearing development.

The scheme as currently proposed 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:

- Access road to be constructed to base course level before the remainder of the development.
- Submission/Approval of A Construction Method Statement.
- Stopping up of a Turning Head.

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 Statement Report and Landscaping proposals.

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

1. I am not clear how the landscape details can be agreed when the scheme is in outline and does not include the housing scheme layout. A layout, which must be considered indicative, has been provided around which the landscape scheme has been designed. This layout might change and therefore the landscape scheme cannot surely be considered to be the final iteration?

2. An Arboricultural Statement Report in accordance with BS 5837 (2012) has been submitted which includes an Arboricultural Method Statement (AMS). All the recommendations in the report along with the AMS should be conditioned to be complied with in full.

3. It is proposed to provide a pedestrian link in the west corner of the site through the belt of trees to create an access to Old Todmorden Road opposite the end cottage in the terrace. It is proposed to construct this access to a width of three metres which I consider to be excessive and would suggest a width of two metres would be more than adequate and would necessitate the removal of fewer trees.

4. Emergency access in north west corner is acceptable as there is already a field access there which can be improved without damage to adjacent trees by compliance with the AMS; however, for a pedestrian access two metres width again should be more than sufficient particularly as the feeder path is shown to be narrower.

5. A detailed scheme showing all the proposed service runs on the site which must avoid all tree root protection areas should be conditioned to be submitted for approval prior to implementation on site.

6. A landscape statement has been submitted which includes a maintenance schedule. Overall, the scheme, specification and maintenance are satisfactory but there are some minor amendments/additions I would require. The specification states that trees are container grown or root-balled and should be single staked but this should be amended to state that they will be short double staked with a cross-bar so as to avoid damage to the root ball. No spacing distance appears to have been given for the woodland belt planting and pest protection fence should be completely erected before any planting is undertaken so as to ensure no pest damage occurs in interim. The specification mentions all to be undertaken in accordance with good horticultural practice which could be reinforced by citing adherence to BS 4428 (1989).

Some trees are proposed for removal to allow the development, however the Council's Arboricultural Consultant believes that fewer can be removed with

design amendments, however, he also states that there is also extensive tree planting in mitigation. In response to the comments regarding design amendments, it should be noted that matters of design and layout are reserved for future consideration and consequently, do not form part of this application. Therefore, if outline planning permission is granted and the future layout of development is submitted as a reserved matter, if that layout of development impinges on the existing landscaping proposals, the matter of landscaping would again have to be applied for.

Therefore, subject to the use of planning conditions, the development is acceptable with regards to landscaping.

Ecology

An Ecological Assessment was submitted with the application which has been assessed by the Council's Ecological Consultant, who concluded the Assessment followed best practice guidance.

Habitats & Landscaping: According to the Council's Ecological advisors (GMEU) The site does not have any statutory conservation designations, nor is the proposed work likely to impact upon any. The site is predominantly grazed improved grassland within minimal ecological value. There are however scattered trees present on the site, and the hedgerow around some of the site, is judged to be a priority habitat, even though it is not species rich. Recommendations to retain and enhance the woody habitat are made within the ecology report and have been adopted by the scheme. The proposal indicates the retention and protection of the majority of existing trees, hedgerow and woodland edge, as well as maintenance of root protection zones/offset of the development to protect the trees. Additional tree planting around the north and north east boundary of the site is also indicated, which is a welcome inclusion within the scheme. As landscaping is not a reserved matter for this scheme, GMEU advise that the woodland/tree planting is comprised of locally native woody species, to complement the existing hedgerow/woodland on and adjoining the site.

Great Crested Newts: Following submission of the Ecological Assessment with the application, the Council's ecology consultant raised the need for additional evidence in respect of Great Crested Newts and Reasonable Avoidance Measures for the species. Central Government advice in the National Planning Practice Guidance in respect of, '*Protected Species and Development*,' states that in the case of outline applications such as this it is appropriate to attach a planning condition for additional surveys, to support detailed mitigation proposals or if there will be a delay between granting planning permission and the start of development. In such cases, a planning condition should be used to provide additional or updated ecological surveys to make sure that the mitigation is appropriate. This is important for outline applications as there is a significant time lag between the grant of a permission and the start of development, due to the need to gain reserved matters approval in between.

Bats: The trees on the site, although mature were not found to have any potential roost features which could support bats. The foraging/commuting value of the site is considered to be low value, although it is likely that some bats will use the woodland edge and hedgerow for foraging. Any new external lighting proposed for the site should be designed to minimise impact on nocturnal mammals and this can be secured by a planning condition.

Nesting Birds: The site supports habitats that have the potential to support nesting birds. The nests of all wild birds are protected under the Wildlife and Countryside Act, 1981 (as amended). Site clearance including ground work and vegetation clearance should be timed to avoid the main bird nesting season (March – August inclusive) unless the measures within R4 of the Applicant's Ecological Assessment are followed.

Biodiversity Net Gain: 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), it is appropriate for a financial contribution to be made towards enhancing biodiversity offsite within the local area. Using DEFRA guidance, the appropriate contribution would be £3,890 (approximating a 10% gain based on the area of the development site).

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 which has been reviewed by the Lead Local Flood Authority and United Utilities. No objections have been raised subject to conditions requiring the final details of a sustainable drainage scheme, A Construction Phase Surface water Management Plan, An Operation and Maintenance Plan & Verification Report of a Constructed Sustainable Drainage System.

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 Coal Mining Risk Assessment and a Preliminary Contamination Risk Assessment which have been reviewed by the Coal Mining Authority and the Council's Contaminated Land Officer.

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.”

The application as originally submitted did not propose any affordable housing. The applicant submitted a Viability Appraisal to support their case. This has been appraised by the Council’s Consultant Surveyors who have recommended that this development can support 10% on site affordable housing with an overage clause, that if resulting sales values exceed £200 per square foot, a further financial contribution would have to be made towards off site affordable housing. The on - site affordable housing units shall be available for affordable rent.

In this case, as the layout of the development has not been applied for and a commitment to on site open space cannot be secured, it is necessary to secure a financial contribution towards off site open space. This would be £1,366 per dwelling for open space / play equipment / sports pitch provision and would be payable upon occupation of the 7th dwelling on site.

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

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), it is appropriate for a financial contribution to be made towards enhancing biodiversity offsite within the local area. Using DEFRA guidance, the appropriate contribution would be £3,890 (approximating a 10% gain based on the area of the development site).

The applicant is willing to enter into a S.106 Agreement. This would secure the delivery of the proposed affordable housing units, off-site public open space and the off-site contribution to biodiversity / habitat enhancement.

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 material planning considerations including neighbour amenity, highway safety and environmental matters. 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. An application for approval of the reserved matters (namely the layout, scale, and appearance of the development) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

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

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

- Application form received on 9th January 2020.
- Site Location Plan (drawing number LOCATION PLAN 298-18-SK01) received on 9th January 2020.
- Landscape Statement (ref: e/pj/0751) received on 9th January 2020.
- Arboricultural Report Statement (ref: CW/9742-AS) received on 9th January 2020.
- Flood Risk Assessment received on 12th November 2021.

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

3. As part of any reserved matters application where layout is applied for, the applicant shall submit for the approval of the Local Planning Authority the results (in the form of a report) of a scheme of intrusive site investigation which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. The report shall include a scheme of proposals (and a timetable) for any necessary remedial works to adequately mitigate identified risks. The development shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard against hazards associated with coal mining legacy issues.

4. Either prior to the commencement of the development or as part of the first reserved matters application full details of the re-instatement of any stone walls

and also the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on the submitted plans) shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the above there shall be 1.8m boundary treatments between the rear gardens of each individual dwelling, and natural stone walling and native hedgerow planting shall be used around the perimeter of the site.

No dwelling shall be occupied until all fences, walls and other boundary treatments shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences, walls and other boundary treatments shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: The required details are not provided as part of this outline application and are required at an early stage in order to ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.

5. Either prior to the commencement of the development or as part of the first reserved matters application full details of the following (including samples) shall be submitted to the Local Planning Authority for its approval. No development shall take place until such approval has been given in writing by the Local Planning Authority:

- a) All external facing and roofing materials to the proposed dwellings
- b) All hard ground surfacing materials.

The development thereafter shall be constructed utilising the approved materials.

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

6. Notwithstanding the details shown on the submitted plans the new dwellings shall be no greater than 2.5 storeys in height.

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

7. Any 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.

Reason: In the interests of neighbour amenity.

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

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

Reason: In the interests of highway safety.

9. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a legal agreement has been entered into with the Local Highway Authority or a private management and maintenance company has been established.

Reason: In order to ensure proper management and maintenance of the streets within the development.

10. No development shall take place until full engineering, drainage, street lighting and constructional details to adoptable standards (Lancashire County Council specification) of the internal estate roads, pedestrian and cycle routes and the emergency access route have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Prior to first occupation of any of the dwellings hereby approved the estate roads shall be completed to at least base course level and in accordance with the agreed details.

Reason: In the interests of highway safety.

11. No development shall take place until full details of highway, pedestrian, cycle, drainage, landscape and ecological connectivity to the adjoining site to the east, forming the remainder of housing allocation H36 in the Adopted Rossendale Local Plan have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter, be constructed in accordance with the approved details.

Reason: In order to achieve a satisfactory standard of comprehensive development.

12. No development shall take place until full details of the stopping up of the existing turning head adjacent to numbers 2,3 and 4 in Moor View have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

No dwelling hereby permitted, shall be occupied until the formal stopping up procedure has been commenced under section 247 of the Town and Country Planning Act.

Reason: In the interests of highway safety.

13. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

The parking of vehicles of site operatives and visitors;
The loading and unloading of plant and materials;
The storage of plant and material used in the construction of the development;
The erection and maintenance of security hoarding;
HGV delivery times and routeing to/from the site;
Contact details for the site manager.

Reason: In the interests of highway safety.

14. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved in tarmacadam, concrete, or block pavements.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

15. The new access between the site and Moor View shall be constructed in accordance with the Lancashire County Council 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.

16. 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 and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period. The details of the wheel washing facilities shall be

submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the development.

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

17. No development shall take place until tree protection fencing has been erected to BS 5837 (2012) and they shall be maintained in situ for the duration of the works.

Reason: To protect trees to be retained on site.

18. All of the recommendations contained within the approved Arboricultural Statement Report including the Arboricultural Method Statement shall be implemented prior to any other development works taking place on site.

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

19. Notwithstanding the submitted details, no development shall take place until the precise details of the landscaping scheme and a landscape management/maintenance programme have been submitted to and approved in writing by the Local Planning Authority. These details shall include species mix and an implementation programme. The landscape proposals 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 interests of achieving a satisfactory standard of development.

20. Prior to the commencement of development, a detailed plan showing all the proposed service runs on the site which must avoid all tree root protection areas shall be submitted to and approved in writing by the Local Planning Authority.

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

21. As part of the first reserved matters application, further information (in the form of a report compiled by a qualified ecologist) shall be submitted in relation to measures to minimise the risks to any amphibians present in close proximity to the site. The submitted report shall be informed through either or both of the following:

- a) Further field survey work such as traditional survey;
- b) A detailed reasonable avoidance measures method statement

Reason: In the interests of protecting biodiversity.

22. 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 protecting biodiversity.

23. 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 protecting biodiversity.

24. Prior to the commencement of development a Phase 2 Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. 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.

Should unacceptable risks be identified the applicant shall also submit a contaminated land remediation strategy for the approval of the Local Planning Authority prior to commencement of development. No development shall take place until the submitted scheme is approved in writing by the Local Planning Authority.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of mitigating hazards associated with land contamination, and preventing pollution.

25. Pursuant to condition 24 and prior to first occupation of any of the dwellings, a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating hazards associated with land contamination, and preventing pollution.

26. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment (04/11/2021, Ref 74553.01R1, GeoSmart).

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.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

27. 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 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.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;

iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

- iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
- vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

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

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

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems

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

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

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere; 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.

29. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The submitted details, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company.

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

- On-going inspections relating to performance and asset condition assessments.
- Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

30. 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 a 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.

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

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

32. The development shall not begin until a scheme for the management and maintenance of public open space on the site has been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to secure the necessary provision for the management and maintenance of public open space.

33. 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.

12. INFORMATIVES

1. The Local Planning Authority has an Adopted Local Plan (adopted in December 2021) and a series of Supplementary Planning Documents, which can be viewed at:

https://www.rossendale.gov.uk/info/210148/local_plan/10629/

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The grant of planning permission will require the applicant to enter into a Legal Agreement with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.
3. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
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.

5. If at any time ant protected species are found or are suspected of being present on the site and adversely affected by the development, work should cease immediately and the Local Planning Authority or an ecologist should be contacted immediately.