

Application Number:	2021/0289	Application Type:	Outline
Proposal:	Outline planning permission for residential development of land with all matters reserved save for access, for up to 41 dwellings	Location:	Land North Of Chapel Villas Todmorden Road Bacup
Report of:	Planning Manager	Status:	For Publication
Report to:	Planning Manager	Date:	July 2022
Applicant:	Developments South West Limited	Determination Expiry Date:	12 th August 2021 EofT 20.02.22
Agent:	Daniel Connolly		

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

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

1. RECOMMENDATION

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

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

- a) The delivery of 30% affordable housing on site with 10% of the total number of homes available for affordable home ownership and the remainder for social rented housing.
- b) At least 20% of houses provided to adaptable standards via reference to M4(2) of Building Regulations.
- c) A financial contribution towards play equipment and playing pitches (location of spending to be agreed). Currently £2057 per dwelling.
- d) A financial contribution of £5,440 towards the improvement of the surface and infrastructure of footpath 14-1-FP370. Subject to no connectivity to the site.
- e) A financial contribution of £89,300 toward off site biodiversity enhancement (location of spending to be agreed)
- f) A financial contribution towards the provision of primary school places. The current requirement is for 13 places subject to indexation and is currently £17,827 per place.

(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 4 months 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.

APPLICATION DETAILS

1. SITE

The site consists of a series of three pastoral fields on sloping ground, to the north-west of Todmorden Road. The application site extends to circa 1.8 hectares and comprises agricultural land set adjacent to the open countryside. The site is set back from Todmorden Road, being positioned behind the rear gardens of a pair of semi-detached properties and to the north of a residential property known as Bull Hall Barn. Residential properties nos. 1, 2 and 3 Bull Hall sit to the south west of the site. To the immediate north, east and west the site adjoins other greenfield land on the edge of the urban area.

The site boundaries are demarcated by a 1.3 m high stone wall along the west, north and east boundary lines and a post and rail fence along the southern line. There are also a number of sections of hawthorn hedges around the perimeter and a section which runs up the centre of site in a north south direction. There are a number of trees positioned within the site, but these are mainly around the perimeter and at the vehicular access which is taken directly off Todmorden Road. Within the site boundary is an existing access road which provides access to Bull Hall Barn.

There is a public footpath to the western edge of the site between the application site and the site which is subject to planning application 2020/0008 and an unnamed lane runs between Todmorden Road to the south and Todmorden Old Road to the north along which a public footpath is located. This lane and footpath adjoin part of the north eastern site boundary.

The site 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: 2020/0008) which Committee was minded to approve on 8th February 2022. Therefore, the site subject to this application and also

the site, subject to application 2020/0008 comprise the whole of the H36 allocation in the adopted Local Plan.

The site is situated within the urban boundary, as defined by the Local Plan. It is greenfield in planning terms.

The site lies within the Coal Authority's defined high risk development area.

2. RELEVANT PLANNING HISTORY

2020/0008 Land adjacent to Greens Farm_Outline Application (including access and landscaping): Construction of 29 no. new dwellings with associated works. This application is currently "Minded to grant" subject to the completion of a Section 106 agreement to secure 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.

3. PROPOSAL

Outline planning permission (including details of access,) is sought for the erection of up to 41 dwellings for the open market on this site. "Access" means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.

The layout, scale, appearance and landscaping of the development are reserved matters and the details are not for considered in this application.

As submitted, the application was for up to 63 houses. As a result of the Council's concerns regarding the amount of development the applicant has subsequently reduced this to up to 41 houses.

The existing access will be reconfigured to provide a new and upgraded access and two cul-de-sacs will be provided either side of a naturalised and landscaped area. Access will continue to be provided within the site to Bull Hall Barn.

The application is accompanied by an illustrative layout showing a mix of detached, semi-detached houses and short terraces of three houses. These will be set back from Todmorden Road and around 2 cul-de-sacs. The houses are shown with gardens and parking. A belt of woodland to the north of the site will be retained and a landscape buffer to the east. An open landscaped area is shown between the two cul-de-sacs.

4. POLICY CONTEXT

National Planning Policy Framework (2021)

Section 2	Achieving Sustainable Development
Section 4	Decision Making
Section 5	Delivering a Sufficient Supply of Homes
Section 8	Promoting Healthy and Safe Communities
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well Designed Places
Section 14	Meeting the Challenge of Climate Change, Flooding and Coastal Change

Development Plan

Rossendale Local Plan 2019-2036

- Strategic Policy SS: Spatial Strategy
- Strategic Policy SD1: Presumption in Favour of Sustainable Development
- Strategic Policy SD2: Urban Boundary and Green Belt
- Policy SD3: Planning Obligations
- Strategic Policy HS1: Meeting Rossendale’s Housing Requirement
- Policy HS2: Housing Site Allocations
- Policy HS5: Housing Standards
- 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
- Policy HS16: Self Build and Custom Built Houses
- Policy H36 - Land at Todmorden Road, Bacup
- Policy ENV1: High Quality Development in the Borough
- Policy ENV3: Landscape Character and Quality
- 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 (2008)

5. CONSULTATION RESPONSES

Fire Brigade	No comments received
LCC Highways	No objections see report below
LCC Public Rights of Way	Comments received see report below
United Utilities	Request drainage conditions be applied.
LCC Lead Local Flood Authority	No objections subject to appropriate conditions
Land Contamination Officer	The LPA can address contaminated land issues via planning condition
RB Environmental Health	No objection subject to conditions.
Greater Manchester Ecology Unit	The developer’s ecological consultant identified potential ecological issues relating to bats, amphibians, badgers, hedgehog, nesting birds and biodiversity enhancement.
Arboriculturalist	No objection in principle
LCC Education	Based upon the latest assessment, LCC object to the application. This objection will be

	withdrawn if a contribution for the provision of 13 primary school places is made. They will not be seeking a contribution towards secondary school places.
LCC Minerals	No comments received
RBC Property Services	No comment received
Environment Agency	No comments received
Cadent	No comments received
RBC Operations Waste and Recycling	No details provided therefore unable to comment
Coal Authority	The Coal Authority considers that an adequate assessment of the coal mining risks associated with this site has been carried out (as required by the NPPF paras. 178-179) and they have no objection to the granting of outline consent. In order to ensure that sufficient information is provided by the applicant to demonstrate to the LPA that the site is safe and stable for the development proposed recommend planning conditions.
Forward Planning	Recommend a conditions to retain stone walls and hedgerows.

6. REPRESENTATIONS

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 8th June 2021 and a site notice was posted next to the site on 10th June 2021. A notice advertising the proposals as Major Development was also published in the Rossendale Free Press on 11th June 2021.

Approximately seven objections have been received to the proposal expressing the following concerns:

Landscape

Buildings will appear prominent on rural hillside and from the extensive public footpaths in the vicinity of the site.

Extra housing on rural greenfield sites will not enhance the local environment or benefit local and town residents.

Strategic Policy SD2 states that all new development should take place within the urban boundary except where it enhances the rural character of the area.

Number of houses

Policy HS2 of the Local Plan requires a masterplan for development of the site to provide a comprehensive approach.

Too many houses proposed.

Sustainability

The bus service to Todmorden only operates in the daytime every two hours.

Nearest shop is over 1000m away whereas the recommended maximum distance is 800m

The NPPF requires priority to be given to cycle and pedestrian movements and the needs of people with disabilities and reduced mobility. The return journey from the town to the site is up a very steep hill.

Flooding

Site is crisscrossed with culverts and underground streams which are already overloaded. Some culverts were removed and never reconnected when work undertaken to form a new driveway to Bull Hall Barn.

The land is already flooding on the surface fields and public footpath.

The sewer network carrying water off the land and housing is already proving to be inadequate. Bacup centre floods with increasing regularity. Removing farm fields, trees and the provision of extra housing and paved areas will increase the frequency of flooding.

Contamination

This location is in a Development High Risk Area identified on the Coal Authorities interactive map. The land is likely crossed with historic shallow coal mine workings, with mine entrances and unknown numbers of shafts, audits, and bell pits.

Old mines in the vicinity could contaminate the streams that flow into the Greave Clough Brook which then flows into the River Irwell. Currently the River Irwell is treated for mine water pollution at a Coal Authority facility at Broad Clough. The poor condition of the River Irwell in the recent past, has cost millions of pounds to treat.

Possible release of mine gas.

Access and Traffic

Dangerous access onto Todmorden Road which is a busy road and near a bend where frequently parked cars.

Safety near to Sharneyford School.

Congestion at the bottom of Todmorden Road and Bacup centre is bad at the best of times

Speed limit seldom adhered to.

Lack of local jobs will result in people commuting and more traffic on what is already a busy road.

Additional noise, smell and pollution from potentially 100 extra cars.

Todmorden road is virtually inaccessible in bad weather. Height of the site and the steepness of the internal reads will mean more parking on Todmorden Road in winter increasing the danger.

Level of parking provided.

Residential amenity

Loss of privacy, Overlooking of existing properties and loss of sun and light.

Recreation/Schools/Health

Lack of school places. Local school is already full to capacity.

Lack of some healthcare facilities and NHS dentists within easy reach of the development.

There is a small park on Todmorden Road but question if this is sufficient.

Ecology

Badgers, Deer, grass snakes, newts, badgers, foxes and nesting birds in this area. Sparrow Hawk seen hunting around this site. The building of this development will affect the habitat of these and other wildlife.

This site, along with other sites in Rossendale, is situated adjacent to the Moorland fringe, which is a priority habitat.

Should be planting trees not cutting them down.

Other

There is no on-site affordable housing numbers, no section 106 agreement or building design code agreed with the Council for this site.

Building next to a retaining wall and possibility of collapse

7. ASSESSMENT

Principle

The site is located within the urban boundary and is allocated for residential development under Policy HS2 of the Local Plan. The policy allocates a wider parcel of land (ref H36), for up to 53 units, to be delivered in years 1-10 of the plan period. Policy H36 states:

“Development of up to 53 dwellings will be supported provided that:

- 1. A Landscape Assessment is submitted with details relating to layout, design and landscaping showing how the development would respect the landscape character of the site and the views into and from the site;*
- 2. A Tree Impact Plan and Tree Constraints Plan are submitted with their findings secured and agreed prior to development taking place on site;*
- 3. Existing boundaries of the site are retained and repaired where appropriate using dry stone walls;*
- 4. Access is taken from a single access point from Todmorden Road (subject to site being delivered under one comprehensive scheme);*
- 5. A coal mining risk assessment is submitted alongside intrusive site investigations which inform the potential remedial works and/or mitigation measures necessary and guide the layout of the development;*
- 6. Flood Risk Assessment and drainage management strategy is submitted which guides the layout of the development and secures the appropriate mitigation measures necessary;*
- 7. An Ecological Assessment is undertaken which identifies suitable mitigation measures for any adverse impacts on the Grasslands Networks habitat.”*

The acceptability of the proposal against the criteria above will be considered in the remaining sections of this report.

Accordingly, a proposed residential development is acceptable in principle.

Amount of development and illustrative layout

Having established the principle of residential development, the next test is to determine whether the site is capable of accommodating up to 41 dwellings. The key policy of relevance to this assessment is Policy H36 which is the site specific policy relating to this site and the adjacent piece of land which makes up the balance of the allocation.

The policy notes that the site has strong landscape character, therefore development should include appropriate landscape measures to minimise adverse visual impact.

The illustrative site layout demonstrates how up to 41 houses with parking, gardens and garages could be accommodated within the site, along with open space.

The applicant submitted a Landscape Visual Statement as required by Policy H36. It recommended that the street scene to Todmorden Road features terraces and rows of properties fronting directly onto the road. *“The roadside verge within the site offers a section of breathing space along Todmorden Road from the otherwise built up frontage. In order to retain the mature trees present it is recommended that this area is retained as an area of open space to form a*

threshold to the development beyond with the development frontage then featuring outward facing properties to continue the active frontage albeit set back from the road”.

The Visual Statement also advised that a softened western edge to the development would be appropriate to ensure the visual amenity of users of the footpath and the belt of woodland to the north of the site should be retained and protected and used to form a characteristic woodland backdrop and edge to settlement expansion.

As submitted, the application was for the erection of 63 dwellings. This has now been reduced to 41 following concerns raised by officers. The plans have been amended to include the above recommendations of the applicant’s Landscape Visual Statement and now proposes a density of 22.8 dwellings per hectare.

It is noted that in the case of application 2020/0289 (the remainder of the allocation) the proposed development was for approximately 14.6 houses per hectare, 29 dwellings in total. Overall across the allocated site, the proposed density would be low, at 18.5 houses per hectare. Although the total of 70 houses across both parts of the allocated site would considerably exceed the allocation in the Local Plan of up to 53 houses the proposal would represent low density development. It is noted that the illustrative layout submitted in the case of the application for the other part of the site, all dwellings are to be detached, except for one row of 4 terraced properties. In this case the mix of housing is greater, adding to overall mix of housing across the site which is acceptable and provides a more balanced development. It is considered that the proposed density would strikes an appropriate balance between the efficient use of land in this sustainable location and the need to respect the wider setting set out in the adopted policy.

Access, Parking and Highway Safety

“Access” means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. Access is a matter for approval as part of this application.

Policy H36 criterion 4 requires access to be a single point from Todmorden Road subject to the site being delivered under one comprehensive scheme. The two parts of the allocated site are however in different ownerships and separate planning applications have been submitted. The proposal for the Land adjacent to Greens Farm is accessed off a new spur road and pedestrian access formed between the gardens of properties in Moor View.

Lancashire County Council Highway Engineers have advised that the proposed access arrangements (including carriageway width of 5.5m, 2 x 2m wide footways, 6m radius, sightlines and dropped crossings with tactile paving) as shown in drawing P21006-001B are acceptable.

Highways also consider that the Transport Statement submitted is acceptable and reflects previous discussions with LCC Highways regarding information such as, study area, trip generation, accident data and sustainable travel.

Section 5.4 of the Interim Travel Plan indicates that the nearest bus stops are located just to the south and north of the site on Todmorden Road. The stops on Todmorden Road consist of just poles and flags. The applicant is willing to fund an upgrade to a set of bus stops so that a pair of Disability Discrimination Compliant stops are provided. Therefore as a measure to support sustainable travel to and from the site LCC Highways request that the two stops to the North East of the proposed sites access are upgraded as part of the section 278 works (to secure off-site highway works).

The Travel Plan submitted as part of the planning application meets the submission criteria of the Local Highway Authority for an Interim Travel Plan. They advise that it is important that the Interim Travel Plan is adhered to and a Full Travel Plan is developed and implemented in line with the agreed timescales. This will be secured by planning condition.

When taking all of the above into consideration LCC Highways has no objections to the outline planning application and is of the opinion that the proposals should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

A reserved matters application will need to demonstrate that the parking meets the standards set down in the Local Plan, which is two spaces for a two to three bed roomed dwelling and three spaces for a dwelling with four or more bedrooms. The proposal must also accord with the National Design Guide paragraph 86 which advises that :

“Well-designed parking is attractive, well landscaped and sensitively integrated into the built form so that it does not dominate the development or the street scene. It incorporates green infrastructure, including trees, to soften the visual impact of cars, help improve air quality and contribute to biodiversity. Its arrangement and positioning relative to buildings limit its impacts, whilst ensuring it is secure and overlooked.”

Subject to the applicant entering into a Section 278 Agreement and the use of planning conditions / Section 106 Agreement, the proposed development is considered acceptable.

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 and each other such that the proposal is unlikely to result in unacceptable detriment for any neighbours in terms of light, outlook, privacy or being an overbearing development.

To help address issues of disturbance during the construction phase a condition is recommended in respect of the submission of a Construction Method Statement. This would cover restricting the hours when construction works and deliveries take place to safeguard existing residents from excessive noise at unsocial hours.

Subject to the imposition of a condition to this end it is considered that the development will have no significant impact upon neighbouring properties in terms of light, privacy or noise.

Adaptable Housing Standards

Policy HS5 of the Local Plan seeks that in housing developments of five dwellings or more, in line with the National Planning Practice Guidance: at least 20% of any new housing provided on a site should be specifically tailored to meet the needs of elderly or disabled residents, or be easily adaptable in line with the Optional Standards M4(2) of the Building Regulations.

This will be secured within a section 106 agreement.

Footpaths and public rights of way

Working with partners the Council emphasises developing good quality urban and rural networks of footpaths and bridleways and ensuring the broader benefits, including for biodiversity are retained.

Lancashire County Council Public Rights of Way (LCC PROW) have advised that public footpath 14-1-FP370 runs along the outer edge of this proposed development and advise that the site should be connected to it.

Due to the gradient and line of footpath 14-1-FP370 between Todmorden Road and the point past Bull Hall Barn, it is not possible to amend the status of FP370 to enable a connection for cyclists to Todmorden Old Road. However if the development was to link to footpath 14-1-FP370, it would be possible to upgrade the northern section of the footpath to a bridleway.

Public rights of way have advised that if the planning application is approved without connectivity to the footpath, they will request a financial contribution of £5,440 to improve the surface and infrastructure of footpath 14-1-FP370 which would be secured in a section 106 agreement

Their preferred option is that the planning application is approved with a condition requiring the upgrading of Footpath 370 to a bridleway and in that case they would request S106 funding of £40,000 to upgrade footpath 370 to a bridleway or £24,000 if the new bridleway was a stone path instead of tarmac.

However, it is considered that the requirement to upgrade footpath 370 to a bridleway would not meet the criteria of “necessary” and “reasonable” required by the PPG on the Use of Planning Conditions as there are no policy requirements for this and the upgrade is not essential in order for the Council to consider approving this application. The lesser requirement to improve the surface and infrastructure would be a reasonable requirement that would meet the tests. It is therefore recommended that this is sought by way of a Section 106 agreement.

Within the proposed layout that accompanies the application, footways are proposed alongside the main access road through the site however there is no specific provision for cycling.

LCC PROW have advised that given the size of this development it may not be possible to provide a segregated cycle route within the site to meet the requirements of Local Transport Note 1/20 July 2020 – Cycle Infrastructure design, which reflects the latest developments in cycle infrastructure design to help cycling become a form of mass transit in many more places. However, as a minimum one of the footways alongside the access road servicing the site should be widened to at least 3m and a shared use facility created for pedestrians and cyclists to segregate them from the highway and vehicular traffic. This can be addressed by way of a condition which will require it to be reflected in a reserved matters application.

They have further advised that any intended landscaping should be at least 3 metres away from any Public Rights of Way both within the proposed development site and within close proximity external to the site – this is to ensure that there is no overhang over a Right of Way or roots growing through the footpath surface. Landscaping any closer than 3 metres to a Right of Way creates a health and safety risk creating trip hazards and future maintenance issues on the footpath. It is suggested that this is added as an informative.

Any drainage should ensure that surface water is not drained towards or onto a Public Right of Way either within the site or within close proximity to a Public Right of Way external to the proposed site. This will protect the public right of way from flooding, therefore sufficient drainage should take this into account. In addition, any change in land levels should ensure that public rights of way in the vicinity are not affected by the changes e.g. leaving the Right of Way vulnerable to wet weather conditions and potential flooding.

Ecology

Version Number:	1	Page:	10 of 24
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Greater Manchester Ecology Unit have provided advice in respect of the application. They have advised in respect of the following protected species:

Bats -One tree was identified as having bat roosting potential. This tree is shown as retained on the indicative layout. As this is an outline application and therefore the layout liable to amendment. The removal of the tree may have the potential to cause harm to bats and shall not occur unless a further bat survey has been provided. It would however appear that features likely to provide bat foraging and commuting potential are largely retained and that significantly higher bat foraging habitat is present nearby both to the north and south. The Ecologist is therefore satisfied that whilst bats may forage across the site, that this can be retained/mitigated through good design of the layout and avoidance of inappropriate lighting and resolved as part of reserved matters.

Great Crested Newts and other amphibians -There is an artificial pond and ditch on the site. Both are likely low risk for great crested newts and the consultants have recommended general reasonable avoidance measures for all amphibians based on this rather than recommend further survey work. There are however additional ponds within 100m to the north acknowledged in the report, but with no detail on whether they were actually assessed/visited. If great crested newts were present they are close enough that a license or district licensing would be required given the scale of the development. To date the applicant has been unable to gain access to these.

It would be unreasonable at this stage to not determine the application based on a third party denying access to ponds where there are clear opportunities to resolve the issue at reserved matters and where updated surveys would in any event be required.

The Council will have an opportunity at reserved matters stage either through the developer having gained access to the land to the north or through agreement with Natural England that District Level Licensing (DLL) is a viable option for this site. If both options fall through there is then the option of the developer putting up amphibian drift fencing and carrying out a terrestrial search within their site for amphibians. It is therefore recommended that a condition is applied requiring updated great crested newt information as part of reserved matters either in the form of surveys of the ponds to the north (if access was gained), terrestrial surveys and/or evidence that Natural England would accept the development in to the DLL scheme.

Badgers- No evidence of badgers was found on site, though they are known to be present in the wider area. As this is an outline application, no further measures are required at this time, with an update recommended as part of any reserved matters application.

Nesting Birds -The development will result in the loss of bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. A condition is therefore recommended in respect of No works to trees or shrubs occurring between the 1st March and 31st August in any year unless a detailed bird nest survey has been carried out immediately prior to clearance.

Hedgehog and Other Mammals- Foxes were recorded on the site and it was noted that hedgehog (UK Biodiversity Priority Species) may utilise the site, though it is likely sub-optimal, with surrounding habitats more likely to provide shelter. These can be dealt with as part of the reserved matters.

Enhancing the Natural Environment -Section 174 of the NPPF 2021 states that the planning policies and decisions should contribute to and enhance the natural and local environment. Local Plan Policies ENV1 and ENV4 have similar requirements to protect areas of biodiversity and protected species and all development proposals should seek to protect and enhance biodiversity

and will be required to quantify any net gains. The development will result in the loss of primarily semi-improved grassland a low ecological value habitat, replaced with buildings, hard standing, gardens and a public open space around the ditch and pond.

A biodiversity net gain metric v3 has been submitted and GMEU have advised that:

“They are forecasting a large biodiversity loss on-site as a result of the development. There appears little scope based on the current layout to achieve net gain on-site for loss of grassland given the proposed habitats they are creating on-site will achieve good condition. The loss of hedge could potentially be mitigated on-site. Mitigation for loss of a watercourse is unlikely.

Options are therefore for a reduction in the on-site level of development or off-site compensation or a combination of the two. Based on a loss of 8.93 Biodiversity units it would require financial compensation of £89,300.”

Accordingly a financial contribution of £89,300 is required and will be secured by section 106 agreement in order for the proposed development to comply with Policy ENV4.

Landscaping

Landscaping is a reserved matter. It is noted that The Housing allocation criterion 2 requires that a Tree Impact Plan and a Tree Constraints Plan are submitted and their findings secured and agreed. This can be conditioned. It is considered that the proposed development is capable of being policy requirement.

Policy ENV5 advises that Development Proposals must seek to avoid the loss of, and minimise the risk of harm to existing trees, woodland, and or hedgerows of visual or nature conservation value. It is therefore recommended that a landscaping condition should require the retention of hedgerows wherever possible.

Policy ENV3 advises that the distinctive landscape character of Rossendale includes sweeping moorlands and pastures enclosed by dry stone walls, and stone built settlements. It is therefore recommended that the dry stone walls on the site should be retained where possible and this is required by condition.

The Council's Arboricultural Advisor has indicated that:

“An Arboricultural Impact Assessment in accordance with BS 5837 (2012) has been submitted which is satisfactory and should be used to inform the layout of the proposal.

Although in outline for access only, an illustrative layout shows trees having to be felled to allow the construction of plots 18 to 23 inclusive. Whilst the majority of the trees proposed to be removed for those plots are not of high value, Ash T5 is reported as being of B2 quality and therefore worthy of retention and the layout could be redesigned to accommodate the tree at layout reserved matters stage.

However, the illustrative layout shows that significant replacement planting in mitigation is proposed and, provided a suitable agreed planting scheme is submitted, the removal of this tree might be considered acceptable. It should be borne in mind the Chalara Ash Dieback is prevalent now in the area and it is feasible that T5 could succumb.

Tree Elm T1 is important and the protection measures must be fully implemented for any access work to be implemented.

The AIA provides tree protection measures and fence positions but this may need to be amended later when the layout is considered and finalised.”-

These matters will be dealt with more fully at the Reserved Matters stage and it is considered that the proposed development is capable of being policy compliant at Reserved Matters stage.

Flood Risk

Policy H36 criterion 6 requires the submission of a flood risk assessment and drainage management strategy.

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of a number of conditions including that the Development is in accordance with the submitted Flood Risk Assessment And Drainage Management Strategy, a Final Sustainable Drainage Strategy to be submitted, and a Construction Phase Surface Water Management Plan be submitted and a Operation and Maintenance Plan & Verification Report of Constructed Sustainable Drainage System be submitted.

United Utilities have also requested conditions in respect of drainage. Those proposed by the Lead Local Flood Agency are more detailed and will be recommended if this application is approved.

Coal Mining/Contamination

The Local Plan allocation HS36, Criterion 5, requires a coal mining risk assessment is submitted alongside intrusive site investigations which inform the potential or remedial works and/or mitigation measures necessary and guide the layout of the site.

The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards, which need to be considered in relation to the determination of this planning application. The site has been subject to historic underground recorded coal mining at shallow depth and is likely to have been subject to historic underground unrecorded coal mining at shallow depth. The Coal Authority has records which confirm that thick coal seams outcropped across the site and that there is a recorded mine entry (shaft), within the planning boundary.

The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site. This information has been used to inform the Coal Mining Risk Protecting the Public and the Environment in Mining Areas 2 Assessment Report (May 2021, prepared by Betts Geo Environmental Ltd), which accompanies the planning application.

Based on this review of information obtained, the report confirms that intrusive site investigations are necessary to check for the presence of shallow coalmine workings and to identify any necessary remedial measures. The Report confirms that the investigation of the mineshaft will also be necessary and that its position may impact on the development layout, which at this time remains indicative.

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. Further gas investigations may also impact on layout.

Environmental Protection have advised that contamination can however be addressed by way of planning conditions.

Affordable Housing and Planning Contributions

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.”

Affordable Housing

Policy HS3 advises that *“New housing developments of 10 or more dwellings (0.50 hectares or part thereof) will be required to provide 30% on-site affordable housing from market housing schemes subject to site and development considerations (such as financial viability). Of the total number of homes to be provided at least 10% should be available for affordable home ownership as part of the overall affordable housing”*

“The affordable housing shall be provided in line with identified needs of tenure, size and type as set out in the latest available information on housing needs.”

It is considered that at the current time there is a need for affordable housing to rent and that the affordable housing provided in addition to the 10% of the total should be provided as housing for rent.

The applicant has advised that they have been considering the matter of viability and how abnormal costs may / will have an impact on potential S106 financial contributions relating directly to the development. At this stage they have decided not to contest any viability position and will not be looking to make any viability arguments associated with this outline planning application.

They believe that the site is wholly capable of being brought forward for residential development, nothing in any of the technical work done to dates suggests otherwise. However more intrusive investigative work associated with the historical mining of the land will be required at some point in the future, and will no doubt inform any detailed or reserved matters proposals.

Open Space and Play Equipment

In this case the layout of the development has not been applied for. The illustrative site plan shows some open space on the site and it is recommended that a condition be included on this outline application to require a similar amount of open space as part of the layout of the site at Reserved matters stage and that a financial contribution towards off site play equipment and sports pitch provision is requested.

From 5th May 2022 this is £2,057 per dwelling for open space / play equipment / sports pitch provision and subject to indexation.

Education

Lancashire County Council have advised that based on the latest information that they object to the application but the objection will be withdrawn if the following education requirements are met.

Number of bedrooms	Yield applied per dwelling	Number of dwellings	Primary yield for this development
1	0.01		
2	0.07		
3	0.16		
4	0.38	41	15.58
5	0.44		
Totals		41	(16.0) 16 places

Latest projections for the local primary schools show there to be 6 places available in 5 years time. Collectively other developments approved are expected to generate demand for an additional 3 spaces and LCC are therefore seeking a contribution for 13 spaces but will not be seeking a contribution for secondary school places. Calculated at current rates this would result in a claim of £17,828 x 13 places = £231,751. Lancashire County Council intend to use the primary education contribution to provide additional primary places at Bacup Thorn Primary School and/or Bacup St Mary's Roman Catholic Primary School. These are the closest primary schools to the development that have space to accommodate and expansion.

LCC have advised that as this is an outline application the development impact should be reassessed on reserved matters approval, taking into account detailed bedroom mix information..

Public Rights of Way

As detailed above a contribution of £5,440 is required to improve the surface and infrastructure of footpath 14-1-FP370.

8. CONCLUSION

The development would provide a substantial benefit in terms of a contribution towards a recognised housing need in a relatively sustainable location and allocated site and is appropriate in principle. Subject to conditions and a suitably worded Section 106 Agreement it is considered the development would not unacceptably detract from material planning considerations including neighbour amenity and highway safety and environmental matters. It is considered that the development is in accordance with the NPPF and the Council's adopted Local Plan.

9. RECOMMENDATION

See Section 1 of this report.

11. CONDITIONS

1. An application for the approval of the reserved matter (namely the layout, scale and landscaping 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 42 residential units and shall be carried out in accordance with the following plans and documents unless otherwise required by other conditions:

- Application form received on 28th August 2018.

- Site Location Plan (TOD 001 LP) received on 13/05/21.

-The planning layout (BAC12 PL01 Rev D) received on 10/06/22 in respect of access. In all other respects the plan is for illustrative purposes only and does not imply acceptability.

Reason: To ensure that the development complies with the approved plans.

Ecology/Landscaping

1. As part of any reserved matters application an updated ecological assessment shall be provided.

Reason: To ensure that any permission is based on the most up to date information and to ensure the protection of the wild life on the site.

4. The removal of tree called T1 may have the potential to cause harm to bats as identified in the Arboricultural Impact Assessment Ascerta ref. P.1417.21 and shall not be removed unless a further bat survey has been provided to and agreed in writing by the local planning authority.

Reason: To safeguard bats.

5. As part of reserved matters, measures to incorporate foraging and commuting for bats across the site shall be provided based on up to date bat activity surveys. This will be supplied to and agreed in writing by the LPA.

Reason: To safeguard bats.

6. Updated great crested newt information shall be submitted as part of a Reserved Matters application either in the form of surveys of the ponds to the north (if access was gained), terrestrial surveys and/or evidence that Natural England would accept the development into the District Level Licensing scheme.

Reason: To safeguard great crested newts.

7. As part of reserved matters a detailed scheme of landscaping shall be submitted and agreed in writing by the Local Planning Authority. The submitted plan shall demonstrate that a similar amount of open space is provided to that shown on the illustrative plan submitted as part of this application and wherever possible the retention of existing stone walls and hedges within the site

The approved details shall be implemented in full during the first planting season following substantial completion of the development or prior to occupation of the first dwelling on site (whichever is the sooner), and any plants / trees which become damaged, diseased or die within ten years of being planted shall be replaced with similar specimens in the following planting season.

Reason: To enhance the visual amenity of the site and provide semi natural open space for the amenity of residents of the development.

8. As part of any reserved matters an updated landscape appraisal shall be provided to and agreed in writing by the Local Planning Authority

Reason: To ensure the protection of the ecological value and amenity of the site.

9. As part of the reserved matters a further arboricultural impact assessment including details of tree and hedge protections measures shall be submitted to and agreed in writing by the Local Planning Authority

Reason: To ensure the protection of trees and hedges on the site in the interests of biodiversity and visual amenity.

10. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed shared landscaped areas within the development have been submitted to and approved by the Local Planning Authority. The landscaped area shall thereafter be maintained in accordance with the approved management and maintenance details.

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

Boundary Treatment

11. As part of the reserved matters application full details of 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.

Existing stone boundaries of the site shall be retained and repaired where appropriate using dry stone walls.

No dwelling shall be occupied until all fences, walls and other boundary treatments shown in the approved details have been erected in conformity with the approved details..

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."

Coal Mining

11. As part of the reserved matters application a report shall be submitted of findings arising from intrusive site investigations carried out to assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow mining / mine entry); and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones. Any remedial works and mitigation measures required should be implemented in full.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development.

Flood Risk/Drainage

12. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment and drainage 2 management strategy (HYD569_TODMORDEN.ROAD_FRA&DMS - Rev 1.1 – 06 MAY 2021) 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 in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

13. 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 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

14. 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.

15.No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed. Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

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

Materials

16. 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.

Scale

17. 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.

Highways and Parking

18. 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.

18. As part of the reserved matters application or prior to the commencement of the development details of proposed cycle storage (capable of accommodating two cycles) and an electric vehicle charging point shall be provided in conjunction with each of the dwellings hereby approved. The cycle stores and charging points shall be constructed in the approved positions and in accordance with the approved details before the dwelling to which they relate is first occupied and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of securing sustainable development.

19. The new estate road 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.

20. No part of the development hereby approved shall commence until a scheme for the construction of the site access (based on the submitted drawing P21006- 001B) and the off-site works (Bus stop improvements - Upgrading of the two bus stops to the North East of the sites access on Todmorden Road to Quality Bus Standard, EA compliant) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

21. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 20 has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.

Reason: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.

22. The submitted Interim Travel Plan (dated May 2021) as accepted must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum of 5 years.

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

Construction Management Plan

23. 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. which shall not be outside the hours of 08:00 to 18:00 Monday to Friday 08:00 to 13:00 Saturday and not at all on Sundays or Bank or Public Holidays.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development. No development shall take place, including any works of demolition, 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:

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

24. 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.

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

Contaminated Land

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

- i) A Preliminary Risk Assessment report (phase 1), including a conceptual model and a site walk over survey;

ii) 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

iii) 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 ensure that the development is suitable for the proposed end use.

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

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. Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. It is recommended that you check with The Coal Authority prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at <https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>.

3. Any form of development over or within the influencing distance of a mine entry can be dangerous and raises significant safety and engineering risks and exposes all parties to potential financial liabilities. As a general precautionary principle, the Coal Authority considers that the building over or within the influencing distance of a mine entry should wherever possible be avoided. In exceptional circumstance where this is unavoidable, expert advice must be sought to ensure that a suitable engineering design is developed and agreed with regulatory bodies which takes into account of all the relevant safety and environmental risk factors, including gas and mine-water. Your attention is drawn to the Coal Authority Policy in relation to

new development and mine entries available at:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

4. Where development is proposed over areas of coal and past coal workings at shallow depth, the Coal Authority is of the opinion that applicants should consider wherever possible removing the remnant shallow coal. This will enable the land to be stabilised and treated by a more sustainable method; rather than by attempting to grout fill any voids and consequently unnecessarily sterilising the nation's asset. Prior extraction of surface coal requires an Incidental Coal Agreement from the Coal Authority. Further information can be found at: <https://www.gov.uk/get-a-licence-for-coal-mining>
5. For the avoidance of doubt, this response does not grant the applicant permission to connect to or alter the ordinary watercourses and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Failing to do so can result in the LLFA taking enforcement action. <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-awatercourse>.
6. United Utilities have advised that for larger premises or developments of more than one property, including multiple connections, where additional infrastructure is required, a water network behaviour/demand modelling exercise would be required to determine the network reinforcements required to support the proposed development. With this in mind they recommend the applicant contacts us at the earliest opportunity.
7. In respect of the Construction Management Plan the Applicant should note the following:
 - There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
 - There must be no storage of materials in the public highway at any time.
 - There must be no standing or waiting of machinery or vehicles in the public highway at any time.
 - Vehicles must only access the site using a designated vehicular access point.
 - There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
 - A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk All references to public highway include footway, carriageway and verge.
8. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development 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.
9. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

10. 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.
11. Any intended landscaping should be at least 3 metres away from any Public Rights of Way both within the proposed development site and within close proximity external to the site – this is to ensure that there is no overhang over a Right of Way or roots growing through the footpath surface. Landscaping any closer than 3 metres to a Right of Way creates a health and safety risk creating trip hazards and future maintenance issues on the footpath.
12. As part of the layout of the site submitted for Reserved Matter one of the footways alongside the access road servicing the site should be widened to at least 3m and a shared use facility created for pedestrians and cyclists to segregate them from the highway and vehicular traffic.
13. Planning permission does not provide the developer with the right to obstruct a Public Right of Way without the appropriate legal order in place – a Right of Way should not be used to store materials/machinery or vehicles. Without the appropriate legal Order in place the developer could be subject to enforcement proceedings. If any works on site are likely to cause a health and safety risk to users of a Public Right of Way a temporary closure notice should be in place prior to works commencing. If a permanent diversion is required to any public right of way associated with the proposed development a Diversion Order should be certified prior to commencing work on the footpath
14. 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.
15. 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.