

Application Number:	2022/0146	Application Type:	Full
Proposal:	Outline Application for Erection of eight dwellings with associated access and parking	Location:	Shaw Clough Street, Scout Bottom, Waterfoot
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	January 2023
Applicant:	Mr James Kirwin	Determination Expiry Date:	13 th May 2022 Extension of time 29 th June 2022
Agent:	Mr Jim Eccles		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	Yes
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, Chair of Development Control Committee and Vice Chair as follows:

- (1) To complete a suitable Section 106 Agreement to secure the ongoing maintenance of the communal access and other communal areas within the development

- (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

2. SITE AND SURROUNDING AREA

The site is located on the south side of Shaw Clough Street. It is currently covered in grass and trees with some evidence of clearing and more recent tipping. It slopes up to the south and east towards Piercy Higher Mount. To the northwest of the site are residential properties in Shaw Clough Street and Burnley Road East. Four dwellings are currently being developed from existing buildings in Clough Street (8-10 and a disused garage) by the applicant. To the south is a terrace of 4 dwellings in Piercy Meadow. To the east of the site is the Piercy Road industrial estate.

A public footpath 14-4-FP229 runs along the northern edge of the site providing access from Shaw Clough Street to Piercy Higher Mount and Ashworth Lane.

The site is located within the Urban boundary.

3. RELEVANT PLANNING HISTORY

There is no planning history on this site.

4. PROPOSAL

Outline planning permission (including details of access, appearance, layout and scale) is sought for the erection of 8 dwellings.

This application was previously before members in June 2022 when they were minded to grant the application subject to the prior completion of a Section 106 agreement. The applicant instructed solicitors to agree the section 106 agreement and both parties have worked towards this. Unfortunately a complication has arisen regarding an area of unregistered land. The applicant's position is that all the land is within their ownership and has been for several decades with the land not having been fenced off or claimed by any other party during that time. They will therefore be seeking to register the land but this could take a significant period of time. As a result they have proposed amending the scheme to remove this area of land, located in the south west corner of the site from the application site and have requested this amendment to the scheme. In an attempt to maintain the density of the site they have proposed a change from two detached dwellings and six semi-detached dwellings to eight semi-detached houses.

A new private access would be constructed into the site. The houses are proposed to be two storeys high, arranged in a linear pattern along the new private roadway. Each property will have a driveway with parking for two cars and constructed with permeable block pavings.

The proposed dwellings would be constructed with natural stone facings under a slate roof and with upvc windows and doors in an anthracite grey colour.

Some work has been undertaken in preparing the site for development but following the serving of a temporary stop notice work ceased.

National Planning Policy Framework

National Planning Policy Framework 2021

- Section 2 Achieving sustainable development
- Section 5 Delivering a sufficient supply of homes
- Section 6 Building a strong, competitive economy
- 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, etc.
- Section 15 Conserving and enhancing the natural environment.

Development Plan

Rossendale Local Plan 2019-2036

Strategic Policy SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

SD2: Urban Boundary and Green Belt

HS1: Meeting Rossendale's Housing Requirement

HS5: Housing Standards

HS8 Private Amenity Space

Policy ENV1: High Quality Development in the Borough

Policy ENV4: Biodiversity, Geodiversity and Ecological Networks

Policy ENV6: Environmental Protection

Policy ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality

Policy ENV10: Trees and Hedgerows

Policy TR4: Parking

Other Material Considerations

National Planning Practice Guidance

RBC Alterations & Extensions to Residential Properties SPD (2008)

National Design Guide

5. REPRESENTATIONS

To accord with the General Development Procedure Order neighbour letters were sent out to surrounding properties on 29/03/22 and a site notice was posted near to the site on 01/04/22.

Seven Responses were received raising the following issues:

Ecology

- Site regularly visited by wildlife including deer, foxes, badgers and squirrels.

Highway Safety and parking

- The footpath will now have to be crossed by traffic at the bridge where the developer has already knocked down the retaining wall,
- There is no footpath in the area and parked cars often make Shawclough Street even narrower.
- Shawclough Street is already too congested with traffic due to recent builds and too narrow to accommodate regular traffic.
- No provision for visiting parking and none nearby.
- Although not a 'designated' footpath, a footpath connects Piercy Road with Shawclough Street, which has been used for many years by residents & walkers. The Meadow adjoins a designated footpath which will be impeded by the proposed access on this planning application.
- Dirt on roads

Boundary of site

- From the plans, the border with the adjoining property is vague and need to ensure safety of neighbours using their gardens.

Flooding

- Close to river which has flooded on a number of occasions.
- Flooding seems to have been an issue with a previous application regarding building houses on the Piercy Works Site in 2019.
- Possible well on the site.

Tipping/Japanese knotweed

- Submitted report states evidence of historic tipping. This has only occurred since the developer was renovating another property on Shawclough Street and landscaping on Piercy Higher Mount.

Management of the site

- Management of site and on site workers not adhering to health and safety requirements namely in use of PPE.
- Quality of work by developer elsewhere in Rossendale

6. CONSULTATION RESPONSES

Lancashire County Council Highways - No objections

Environmental Protection - See below

Tree Consultant - See comments below

GM Ecology Unit – See report below

United Utilities – request further detail of drainage see below

7. ASSESSMENT

The main considerations in this case are as follows:

- 1) Principle
- 2) Visual Amenity
- 3) Residential Amenity
- 4) Access, Parking and Highway safety
- 5) Ecology/Trees
- 6) Drainage

Principle

The principle of the development has been in effect agreed by the previous recommendation to approve the development.

In this case the development is within the Urban boundary. The site is located around 0.15km from St Annes, Edgeside Primary School and church (along the public footpath). There is a public house nearby on Burnley Road East and a local shopping area in Waterfoot, approximately 1.2km away. There are bus stops within walking distance of the site on Burnley Road which is served by service 483 Burnley – Bury and Local service 10 Edgeside – Rawtenstall which supports travel during the peak periods.

It is considered that the development would be in a relatively sustainable location and in accordance with the aims of paragraphs 112 of the Framework 2021 and policy SD1 and SD2 of the Local Plan. The development will assist in meeting the housing needs of the Borough. This is a small development that is likely to be carried out relatively quickly. The proposals can therefore also be seen as meeting the requirements of Section 5 of the NPPF, specifically paragraph 69 and 71, which states that ‘small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly’

Visual Amenity

Section 15 of the NPPF–Conserving and Enhancing the Natural Environment, at Paragraph 174 states that “planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services”.

Section 12 of the NPPF (2021) relates to Achieving well-designed places. Paragraph 130 advises that Planning policies and decisions should ensure that developments “*are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.*” Paragraph 134 advises that “*Development that is not well designed should be refused*”.

Policy ENV1 of the Local Plan requires that all new development in the Borough will be expected to take account of the character and appearance of the local area, including “*Siting, layout, massing, scale, design, materials, lighting, building to plot ratio and landscaping*”.

It is considered that the reduction in the area of the site and the amendment to the layout of the development will be satisfactory in respect of layout, building to plot ratio and would continue to allow scope for landscaping of the site.

Design changes were suggested as part of a pre-application submission to improve the overall appearance of the houses including: the addition of chimneys, roofs to overhang the elevations, windows set back in reveals, windows to have vertical proportions and changes to the style of front door. With the exception of the addition of chimneys these suggestions have been incorporated into the submitted design. The applicants have indicated that they opted not to add chimneys because the houses would not be provided with solid fuel or gas fire appliances and there is no functional requirement for a flue and chimney stack. The inclusion of chimneys requires a significant amount of additional structural work and it is considered that the cost of this would not be justified for budget family housing where there is no functional need.

In their pre-application response, the Council advised that there were too many driveways/parking spaces in a continuous line, and that these should be broken up with front gardens. The

development has now been reduced to 8 dwellings and single width driveways have been included to allow the introduction of landscaped areas between individual houses.

The proposed dwellings would be constructed with natural stone facings under a slate roof and with upvc windows and doors in an anthracite grey colour. The materials are considered appropriate in this location.

It is considered that the design of the proposed dwellings is acceptable and would be in accordance with the policies within the NPPF and Policy ENV1 of the Local Plan.

Residential Amenity

Both national and local policies aim to protect the amenity of all existing and future occupants of land and buildings. The Alterations and Extensions to Residential Properties Supplementary Planning Document (SPD) states that new development should protect the amenity of residents ensuring that each resident has an acceptable level of privacy and satisfactory level of daylight. Important factors such as overlooking and overshadowing will be taken into consideration.

The proposal would accord with the separation distances set down in the SPD and would not result in the overlooking of neighbouring properties and would not cause overshadowing or a loss of light.

The applicant has indicated that the dwellings would have a Gross Internal Area of 86 sq m. The Technical Housing Standards – nationally describe space standard published 27 March 2015 states that a two storey dwelling with 3 bedrooms suitable for 4 persons should have a minimum gross internal floor area and storage of 84 m². The applicant has amended the plans to ensure the rooms meet the requirements of the Technical Housing Standards in respect of the dimensions of bedrooms and floorspace.

The proposal would not impact on the residential amenity of any other residential properties in the area and themselves would have a satisfactory level of amenity.

Access, Parking and Highway Safety

The Highway Development Control Section of Lancashire County Council have been consulted and have advised they have no objections regarding the proposed development and are of the opinion that the proposed development will not have a significant impact on highway safety, capacity or amenity in the immediate vicinity of the site. The increase in traffic movements along Shawclough Road is not likely to cause a severe impact to highway users, subject to the conditions relating to construction traffic management and the public footpath.

Shawclough Street is an adopted highway including the bridge structure (4785A) over Whitewell Brook (main river) and retaining wall (33898R) to the brook in LCC ownership. There is no weight limit across the bridge but the alignment limits the access for larger vehicles. The south- eastern section of the street is unmade and without a surface water drainage system, although there are a number of street lighting columns on this section of the street. Public footpath 229 connects Shawclough Street to Ashworth Lane and runs along the north eastern boundary of the site.

Each dwelling has parking for 2 cars on the driveway, a secure cycle store and EV charging point. This is considered acceptable.

Ecology/Trees

Paragraph 174 (d) of the NPPF advises that: *Planning policies and decisions should contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*

Policy ENV1 of the Local Plan states that:

All development proposals should provide:

“landscaping as an integral part of the development, protecting existing landscape features and natural assets, habitat creation, etc.”

Also there should be *“no adverse impact on the natural environment, biodiversity and green infrastructure unless suitable mitigation measures are proposed and the Council will seek biodiversity net gain consistent with the current national policy”*

Policy ENV4 of The Local Plan advises that

“All development proposals should seek to protect and enhance biodiversity, and will be expected to quantify any net gains”

The application is outline and the Council’s Arboricultural advisor has indicated that he has no objections in principle. An Arboricultural Impact Assessment and Method Statement have been submitted and he considers both are satisfactory.

The removal of trees T1, T2, T3 and G3 as proposed is acceptable. The Method Statement specifies the necessary protection of the retained trees and should be conditioned to be implemented in full.

Greater Manchester Ecology Unit have advised:-

The application includes a Preliminary Ecological Appraisal which has been undertaken by an experienced ecological consultancy. The survey found the site to have some limited ecological value, mostly associated with the trees and scrub on the site. As these could be used by nesting birds they recommend a condition regarding timing of works to the trees.

They advise that the site plan and the Design and Access statement refer to the use of native tree species in the landscaping for the site but no detailed planting plans appear to have been submitted. This matter will however form part of the Reserved Matters planning application.

GMEU have advised that they would expect any such scheme to include measures to enhance biodiversity at the site and to provide a net gain for biodiversity, in line with the requirements of the National Planning Policy Framework.

Japanese knotweed was found on the site and a method statement for its control has been submitted. This method statement is acceptable and this can be dealt with by way of a condition.

Drainage/Flooding

United Utilities have requested that the applicant provides a detailed drainage plan including proposed manhole cover and invert levels and finished floor levels prior to determination of this application. However, should planning permission be granted without the provision of this information they request a planning condition is attached to any subsequent Decision Notice.

It is considered appropriate that this matter is dealt with by way of a condition.

A Flood Risk Assessment has been submitted as part of the application. The indicative flood maps provided by the Environment Agency locate the residential development of the site within Flood Zone 1. i.e. land defined as having an annual probability of fluvial flooding of less than 1 in 1000 (0.1%) in any year. However, the access road is shown to be on the periphery of Flood Zone 2, i.e.

land defined as having an annual probability of fluvial flooding of less than 1 in 100 (0.1%) in any year. The development site has been categorised in accordance with the Strategic Flood Risk Assessment (SFRA) and Environment Agency (EA) Flood Maps as being located within a Low to Medium Flood Risk Area from fluvial flooding. This is related to flood risk from the Whitewell Brook watercourse.

The assessment confirms that the finished floor levels of the new residential dwellings will be set at a minimum of 215.90m AOD. This level is a minimum 2.39m higher than the 1 in 100 year + 46% climate change and the 1000-year flood levels. Thus, there is no flood risk to the proposed buildings or to the future occupiers.

The report further states that other flood risk sources such as groundwater, sewer and overland flows have been considered and have been found not to be a flood risk generator to the site.

Contamination

The Council's contamination consultant has advised that:

The desk based survey and site walkover identify a number of potential sources of contamination including stockpiles on site. A site investigation is recommended covering soils and gas. The need for a water investigation/assessment will be determined by conditions found on site during the other investigations. A watching brief for unexpected contamination is proposed. Geotechnical matters should be cleared with Building Control.

The report advises that considerable earthworks are anticipated and it recommends the proposed site investigations are reassessed once details of the earthworks are known. This is important as contamination could potentially be hidden or exposed during earthworks. The proposed residential plots are particularly sensitive to any contamination that may be present.

The Ecological Appraisal advises a management/eradication plan is recommended to deal with Japanese Knotweed on the site. A suitable condition to require this can be attached if a positive planning decision is granted, to ensure this work is completed. Japanese Knotweed can be particularly problematic with regards to waste disposal if there is other contamination also present (e.g. asbestos).

Planning Obligations

As the proposal is for no more than nine dwellings it is not a requirement to provide any 'affordable housing' or 'on-site' public open space as part of the development. nor is it a requirement to make any contribution towards the upgrading of public open space 'off site' or to make a financial contribution towards the provision of new school places in the locality.

The communal areas of landscaping will be required to be maintained for the lifetime of the development, and the Council should seek to secure this in a Section 106 Agreement.

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.

In this case the requirement for 1 unit to meet the above standards could be required by way of condition.

8. CONCLUSION

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 the approval of the reserved matter (namely the 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 8 residential units and shall be carried out in accordance with the following plans and documents unless otherwise required by other conditions:

- 20/1270/100 – Location plan Received 18/03/22.
- 22/1270/200 – Site overview plan Received 18/03/22.
- 22/1270/201D - Proposed site layout Received 22/12/22.
- 22/1270/202A – House type SCO1- Layout Plan Received 09/06/22
- 22/1270/203 – House type SC01-Elevations Received 18/03/22
- 22/1270/204A – House type SC02 – Layout Plan Received 09/06/22
- 22/1270/205 – House type SC02-Elevations Received 18/03/22
- 22/1270/206 - Cross sections House type SC01-Elevations Received 18/03/22

Reason: To define the permission and in the interests of the proper development of the site

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

4. As part of the application for approval of reserved matters a scheme showing proposed Biodiversity Enhancement Measures shall be submitted to and approved in writing by the Local

Planning Authority. The approved scheme shall be implemented prior to first occupation of the development (or in accordance with a phasing plan which shall first be agreed in writing with the local planning authority) and shall be retained thereafter.

Reason: To ensure the enhancement of biodiversity on the site in accordance with Section 15 of the NPPF and in accordance with policies ENV1 and ENV4 of the Rossendale Local Plan.

5. The measures set down in the Arboricultural Method Statement prepared by Mulberry and dated 29th December 2021, for the protection of the retained trees shall be implemented in full and during the construction of the development.

Reason: To ensure the protection of trees on the site.

6. No removal of or works to any trees, shrubs or brambles shall take place during the main bird breeding season 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To safeguard nesting birds, in accordance with the requirements of Policy ENV4 of the Local Plan 2021-2036 and Section 15 of the National Planning Policy Framework.

7. 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. 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: To ensure a satisfactory appearance to the development and provide reasonable standards of privacy to residents.

8. All works shall be carried out in accordance with the details contained in Invasive Weed Management Plan by Nightingale Environmental Ltd dated 14-02-22 (Ref NIG/DN20102).

Reason: To ensure the appropriate treatment of Japanese knotweed found on the site.

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

i) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and

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

Reason: To ensure the development is suitable for the proposed end use.

10. Pursuant to condition 9 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.

Reason: To ensure the site is suitable for the proposed end use

11. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

12. 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:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works

- viii) Details of working hours – no large vehicle deliveries during school drop off/pick up
- ix) Measures to protect pedestrians on the public footpath.

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

- 13. a) No development shall take place until a photographic record has been undertaken of the condition of Shawclough Road and this has been submitted to and agreed in writing by the Local Planning Authority.
- b) Prior to the first occupation of the 8th dwelling a further photographic record shall be undertaken of the condition of Shawclough Road, accompanied with a timetable and details of works to make good any damage. This shall be submitted to and agreed in writing by the Local Planning Authority and implemented to their satisfaction.

Reason: To ensure the road is reinstated to the condition which existed prior to the commencement of the development.

- 14. The access road shall be constructed in a bound porous material to at least base course level prior to first occupation and fully completed upon full occupation.

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

- 15. The parking spaces, secure cycle parking and EV charging point (Wallpod:EV) as shown on the submitted drawing 22/1270/201- Proposed site layout shall be constructed/installed prior to first occupation of the dwellings.

Reason: In the interests of securing sustainable development.”

- 16. No development shall take place until details have been submitted to and agreed in writing by the Local Planning Authority that at least 1 of the houses provided on site will 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. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure the provision of adaptable housing to meet the needs of local residents and in accordance with Policy HS5 of the Local Plan 2019-2036.

12. INFORMATIVES

- 1. The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the National Planning Policy Framework.
- 2. 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.

3. 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.
4. All parties involved with waste and soil movement at the site should be aware that materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. Illegal deposits can include moving waste soil material on sites, or between sites, without the appropriate permits, exemptions or duty of care.
5. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. The applicant should be advised to contact Lancashire County Council's Public Rights of Way section by email on PROW@lancashire.gov.uk, quoting the location, district and planning application number, to discuss their proposal before any development works begin.
6. The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council for further information by emailing the Highway Development Control Section at developeras@lancashire.gov.uk .