

Application Number:	2023/0142	Application Type:	Outline
Proposal:	Outline Application (including access only) for residential development of up to 40 dwellings.	Location:	Land West Of 1162 Burnley Road Loveclough
Report of:	Head of Planning	Status:	For Publication
Report to:	Development Control Committee	Date:	25/07/2023
Applicant:	Hollins Strategic Land	Determination Expiry Date:	28/08/2023
Agent:	Matthew Symons		

Contact Officer:	James Dalglish
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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	✓
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:

- 30% affordable housing provision on site.
- £1,327 per dwelling towards the improvement of playing pitches in the local area.
- Contribution of £25,740 towards improving Public Footpath FP1404094.

- Current Rossendale Borough Council S.106 monitoring and recording fees.
- Management and maintenance of on-site landscaping, public open space and communal areas.
- Any other reasonable and necessary contributions required.

(2) To carry out drafting amendments and alterations to any planning condition or S.106 Agreement, and to insert any other required planning conditions.

(3) To have to discretion to refuse planning permission if the Section 106 Agreement is not completed within a reasonable timescale.

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

APPLICATION DETAILS

2. SITE

The application site is some 3.4ha in extent and is greenfield land that is normally used for grazing. It is also currently being used for the temporary storage of soil from the adjoining development by Hollins Homes.

The site is identified as forming part of the countryside in the development plan, and is immediately adjacent to the urban boundary and the ongoing development known as 'The Foothills'.

To the north of the site lies Loveclough Park, a relatively modern residential development.

The site is located approximately 150m south of the Loveclough Fold Conservation Area, where there are two Grade II Listed Buildings (Barn South of Loveclough Farm and 11 & 12 CPA Club).

The site is also around 170m north of another Conservation Area (the Goodshawfold Conservation Area) where there are two further Grade II Listed Buildings (the Spewing Duck Well and Barn North East of Goodshawfold Farm).

Public Footpath No. 94 runs along the north and western side of the site.

3. RELEVANT PLANNING HISTORY

None on the site itself, however permissions 2018/0554 (outline) and 2020/0378 (reserved matters) relate to the development on the adjacent site by Hollins Homes (the same developer).

4. PROPOSAL

Outline planning permission (including access only) is sought for the erection of up to 40 no. new dwellings on the site. All other matters (including appearance, landscaping, layout and scale) are reserved. An indicative site layout has been submitted as part of the application, but this is for illustrative purposes only, and does not form part of the scheme for which approval is sought.

The proposed access to the development would be off the estate road being constructed within the adjacent development by Hollins Homes, at the north east corner of this site. A single point of access is proposed for the entire development.

The application proposes that around 62% of the site would be retained and enhanced as public open space, incorporating some form of walking trail with play areas positioned along the route. Landscaping and planting would be incorporated, and the existing pond would be retained. However, as this is an outline application only, full details of the specifics of the public open space provision have not been provided at this stage (they would form part of a later reserved matters planning application).

5. POLICY CONTEXT

National Planning Policy Framework

- 2 – Achieving Sustainable Development
- 4 – Decision Making
- 5 – Delivering a Sufficient Supply of Homes
- 8 – Promoting Healthy and Safe Communities
- 9 – Promoting Sustainable Transport
- 11 – Making Effective Use of Land
- 12 – Achieving Well Designed Places
- 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change
- 15 – Conserving and Enhancing the Natural Environment
- 16 – Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Local Plan

SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

SD2: Urban Boundary and Green Belt

SD3: Planning Obligations

HS1: Meeting Rossendale's Housing Requirement

HS2: Housing Site Allocations

HS3: Affordable Housing

HS4: Housing Density

HS5: Housing Standards

HS6: Open Space Requirements in New Housing Developments

HS7: Playing Pitch Requirements in New Housing Developments

HS8: Private Outdoor amenity space

ENV1: High Quality Development in the Borough

ENV2: Historic Environment

ENV3: Landscape Character and Quality

ENV4: Biodiversity, Geodiversity and Ecological Networks

ENV5: Green Infrastructure networks

ENV6: Environmental Protection

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

ENV10: Trees and Hedgerows

LT2: Community Facilities

TR2: Footpaths, Cycleways and Bridleways

TR3: Road Schemes and Development Access

TR4: Parking

Other Material Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

Cadent (Gas)	No comments received
Coal Authority	No objection
Greater Manchester Ecology Unit	No objection subject to conditions
Tree Consultant	No objection
East Lancashire NHS Trust	No comments received
Environment Agency	No objection subject to conditions
Land Contamination Consultant	No objection subject to conditions
Fire Brigade	No objection
Growth Lancashire (Heritage)	No objection
LCC Archaeology	No objection
LCC Education	No objection, no request for contribution
LCC Lead Local Flood Authority	No objection subject to conditions
LCC Public Rights of Way	No objection, request contribution
LCC Highways	No objection subject to conditions
LCC Minerals and Waste	No comments received
Limey Valley Residents Association	Objection
Penny Bennett Landscape Architects	No objection subject to mitigation at RM stage
Rosendale Primary Care Network	No comments received
Police Architectural Liaison	No objection
RBC Building Control	No comments to make on the application
RBC Environmental Health	No comments to make on the application
RBC Forward Planning	No objection
RBC Strategic Housing	Support
RBC Operations	No comments to make
RBC Property Services	No comments received
United Utilities	No objection subject to conditions

7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted on 29/03/2023 and neighbour letters were sent out on 28/03/2023. A notice was published in the Rosendale Free Press on 31/03/2023.

110 letters of objection have been received raising the following issues in summary:

- Harm to neighbour amenity.
- Harm to ecology / biodiversity.
- Devalues the idea of an urban boundary.
- Merely an extension to existing development site.
- Impact on character of the area / landscape / urban sprawl.
- Flood risk and drainage issues.
- Knock-on impacts on other areas.
- Area should be protected from development.
- Harmful change to land levels.

- Unacceptable pressure on local infrastructure, facilities, schools and services.
- Site is outside urban boundary.
- Harm to highway safety / access / congestion.
- Conflict with local and national planning policy.
- Harm to visual amenity / character of countryside.
- Conflict with rural character of the area.
- Little benefit from the development.
- Pollution.
- Inappropriate type of development.
- Disturbance to residents.
- Other identified harm from the development.

8. ASSESSMENT

Principle

The site lies outside of the Urban Boundary and wholly within the countryside as identified by the Council's adopted Local Plan.

The proposals need to be considered initially against the provisions of the Rossendale Local Plan, which primarily directs new residential development within the defined Urban Boundary via Policy SD2.

A major residential development such as that proposed on land within the countryside is contrary to Policies SS, SD1 and SD2.

The Council can demonstrate a 5 year housing land supply, however, until delivery increases to a minimum of 75% of housing requirement, the Council is currently required to apply NPPF Para 11d to the decision making process of relevant planning applications. This is known as the 'tilted balance'.

This states:

“(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

The Council's Forward Planning team have been consulted on the application and have commented as follows:

“The results of the latest Housing Delivery Test mean that the presumption in favour of sustainable development currently applies to the determination of this residential scheme and so the tilted balance is triggered. If the local development plan policies are considered to be out-of-date according to paragraph 11 d of the NPPF, it does not mean that the local plan policies are silent or should not be afforded any weight. Indeed, Inspectors have afforded substantial weight or very significant weight to adopted plan policies in cases where the presumption in favour of sustainable development applied.

The proposal is considered to conflict with strategic policy SD2 of the Local Plan as it constitutes a residential development within an area designated as countryside. The site was brought to the Inspectors' attention by the developers during the Local Plan Examination, but was not allocated in the Plan. In addition, the proposed scheme does not comply with strategic policy ENV1 and local policy ENV4 as it does not demonstrate a measurable biodiversity net gain as a result of the development, nor does it show how it would accord with the measures set out in the Climate Change SPD.

The proposal will however make a positive contribution to the housing requirement (including affordable housing) in the Borough and is therefore in alignment with strategic policy HS1 and the affordable housing policy HS3. The provision of on-site open space and financial contributions to outdoor sport provision would be beneficial and can align with policies HS6 and HS7. Other matters of relevance in the planning balance but not discussed above are likely to include potential impact on designated heritage assets (policy ENV2), flood risk (policy ENV9) and landscape (policy ENV3) and should be adequately addressed.

If following assessment of all the relevant matters, the harm resulting from the development does not significantly outweigh its benefits, than Forward Planning has no objection in principle to the proposed development."

The remainder of this report will consider whether the proposed development is likely to result in adverse impacts which outweigh any benefits and will ultimately draw a conclusion on the overall acceptability of the proposed development. Regard shall also be had to the fact that this is an outline application, and certain detailed matters would not normally be assessed at this stage.

Visual Amenity, Countryside and Heritage Impact

Approval of matters relating to the appearance, layout, scale and landscaping of the development is not sought at this stage. However, it is nonetheless important to ascertain at this stage whether the development can be delivered (in some form) without having a significant adverse impact on the character and appearance of the site and the wider countryside.

Paragraph 130 of the Framework states that planning decisions should ensure that developments:

"Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."*

Given the site's location in countryside, matters of visual amenity and landscape character are of particular importance to the overall acceptability of residential development.

Paragraph 174 of the Framework states:

“Planning policies and decisions should contribute to and enhance the natural and local environment by... recognising the intrinsic character and beauty of the countryside...”

Policy ENV3 of the Local Plan requires development to protect and enhance the character and quality of the landscape, and detailed criteria must be satisfied in this respect as set out in the policy wording.

The Council's heritage consultant (Growth Lancashire) has raised no objection to the proposals.

The Council's Landscape / Visual Impact consultant (Penny Bennett Landscape Architects) has reviewed the outline proposals, and has commented as follows:

“There would be some landscape effects resulting from developing this site however they would be modest in scale. The area proposed for development is surrounded on three sides by existing new development, the Foothills development which is the earlier phase of this development lies immediately to the east. This development does not encroach into new areas of open country in the way that some other recent development has.

There would be some loss of the sense of openness from parts of footpath 94, new development would interrupt some long views southwards, there would be a further dilution in the characteristic upland vernacular within a limited area, and the introduction of a more suburban feel which is more homogenous, less distinctive and less rooted in the local landscape.”

“The development on this site is surrounded on three sides by existing development, and from a distance, the proposals appear to infill a small area without extending the urban boundary further into open country.”

“There has been considerable new development here and while this proposal only adds to this in a minor way, there are still cumulative visual effects which have not been addressed. It is important that the visual separation of the two communities at Loveclough and Goodshaw Fold is retained as is stated in the LVA (Landscape and Visual Impact Assessment), however the steady erosion of the countryside by new residential development in this rural upland valley is leading to a permanent change in character which is not recognised in the LVA.”

The Council's Landscape / Visual Impact consultant suggests several points of mitigation which it is considered should be incorporated into any future Reserved Matters application, if the outline application is approved.

In relation to Local Plan policy HS11, the consultant states:

“In addition Policy H11 states:

‘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’

The LVA addresses some of these points but needs strengthening in order to provide a robust landscape proposal for this site. The LVA needs to fully understand the context of the site in order to fully address the mitigation and enhancement.”

As this is an outline application, details of layout, appearance and landscaping have not been provided. These would be expected as part of a detailed Reserved Matters application, and it is considered reasonable to expect that all of the points outlined in the consultant’s report which request further details, would be submitted at that stage (at which point the officers would again consult the Council’s Landscape / Visual Impact specialist).

In respect of the above, the Council’s consultant concludes that:

“Successful mitigation of landscape and visual effects can be achieved on this site providing these are addressed on the detailed proposals which have yet to be produced.”

Officers consider that the following need to be incorporated in any future Reserved Matters proposal, in line with the consultant’s recommendations:

- Incorporation of native hedgerows and green links
- Incorporation of habitat-rich public open space areas
- Incorporation of wild flower areas to the north east boundary, as a buffer between the two sites, and creation of dense scrub areas for nesting birds and scattered fruit trees in other areas
- Existing dry stone walls should be retained and restored

In conclusion, on the overall acceptability of the outline proposals, the Council’s consultant states:

“The proposed development on this site is closely associated with existing development, the proposals incorporate a new public footpath network which links into a wider area of open space where there is considerable scope for ecological enhancement, providing enhanced wetland and meadow grassland which will be appropriate in the context of the existing stepping stone habitat.

This proposal is acceptable in landscape terms subject to the landscape proposals being developed in greater detail.

The Landscape and Visual Appraisal is currently incomplete as it does not appear to give an appraisal in line with the Methodology.”

The Council’s consultant has agreed that an updated Landscape and Visual Impact Assessment (LVA) can be provided at Reserved Matters stage.

Having due regard to the intrinsic value of undeveloped countryside (as required by paragraph 174 of the Framework) and the visual and wider ranging benefits that it provides, as well as the role that it plays in characterising the local area, officers consider that the encroachment of urban development into this area of countryside would cause unavoidable harm.

However, having regard to the detailed review of the proposals which has been carried out by Penny Bennett Landscape Architects, it is considered that the level of harm that would be caused would be moderate, rather than severe. This is because the proposals will be closely related to the existing ongoing development on the adjacent land, and because the proposed development would be surrounded on three sides by existing development, rather than encroaching further out / projecting into open countryside.

Another key consideration is the mitigation of landscape and other impacts that is possible given the large proportion of the site which will be public open space – and the enhancements visually, ecologically and in relation to amenity which will be possible on the site, subject to appropriate consideration and design at Reserved Matters application stage.

Neighbour / Residential Amenity

A significant number of objections have been received from local residents, raising important points for consideration. However, it is not considered that the outline scheme now proposed would necessitate any unacceptable impact on the daylight, privacy or outlook enjoyed by the occupants of any neighbouring residential properties subject to appropriate design, scale and layout.

Scope exists for the applicant to ensure that unacceptable harm to neighbour amenity does not occur, through appropriate design of the scheme's layout, scale and landscaping at Reserved Matters stage.

The applicant's attention is drawn to the separation distances specified in the Council's Alterations and Extensions to Residential Properties SPD, which would need to be met in order for the development to be considered acceptable.

The outline scheme is considered acceptable in terms of neighbour / residential amenity, subject to conditions.

Access, Parking and Highway Safety

The Local Highway Authority has been consulted on the application, as it provides expert advice to the Council on highways-related matters.

The Local Highway Authority has raised no objection to the proposed development, and considers that the level of traffic generated from a development of this size and nature and at this location would not have a severe impact on highway safety or capacity within the immediate vicinity of the site. A condition requiring the submission of a construction management plan / method statement has been requested by the Local Highway Authority.

Subject to the above condition, on the advice of the Local Highway Authority the scheme is considered acceptable in terms of access and highway safety.

Planning Contributions and Affordable Housing

In accordance with the requirements of Policies SD3 and HS3 of the Local Plan, and the Open Space and Play Equipment Contributions SPD, the applicant has agreed to make the following contributions:

- 30% affordable housing provision on site.
- Open space and play equipment provision on site (as set out on the submitted Parameter Plan).
- £1,327 per dwelling towards the improvement of playing pitches in the local area.
- Contribution of £25,740 towards improving Public Footpath FP1404094.
- Rossendale Borough Council's fees for monitoring and recording S.106 contributions and compliance.

It is considered that the above contributions are necessary to make the development acceptable (in accordance with Policies SD3 and HS3). It is therefore considered appropriate to require the signing of a S.106 Agreement prior to planning permission being granted, in order to secure the contributions.

Separately, in relation to Policy HS5 of the Local Plan, the development would need to ensure that at least 20% of any new dwellings provided on site are specifically tailored to meet the needs of elderly or disabled residents, or are easily adaptable in line with the Optional Standards M4(2) of the Building Regulations. This can be secured by planning condition if the application is approved.

Ecology

The Council's ecology consultant has raised no objection to the outline scheme, subject to the inclusion of conditions relating to the protection of species and the enhancement of habitats on site. A condition securing details of measures to secure biodiversity net gain on the site is also recommended.

Subject to the above, the scheme is considered acceptable in terms of ecology in line with the advice received from the Council's ecology consultant.

Land Contamination and Coal Mining Risk

The Council's land contamination consultant, the Environment Agency and the Coal Authority have been consulted on the application. None of the aforementioned have any objection to the proposals, subject to the inclusion of conditions requiring extensive investigation and potentially remediation of the site prior to commencement of development.

Drainage and Flood Risk

The Lead Local Flood Authority (Lancashire County Council), the Environment Agency and United Utilities have been consulted on the proposed scheme, and have raised no objection subject to the inclusion of conditions.

Balancing Exercise

In line with paragraph 11 of the Framework, it is necessary to carry out a balancing exercise to ascertain whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when considered against the Development Plan and the policies contained within the Framework.

Such a balancing exercise is carried out in this case in the context of the Council not currently being able to demonstrate the required amount of housing delivery, and as a result policies within the adopted Core Strategy that restrict housing development being considered out-of-date in line with paragraph 11 of the Framework (i.e. a 'tilted balance').

Benefits of the Development

The development would provide up to 40 new dwellings (including affordable units) towards the borough's housing need – representing a significant benefit. The Council cannot demonstrate the required amount of housing delivery at present, and the development would assist in meeting the required housing numbers.

The proposed dwellings would be situated in a location close to a public transport route, and would be located adjacent to an on-going housing development, delivered by the same applicant (Hollins Homes) – as such, it is considered that there is a reasonable prospect of the development coming forward in the near future.

The proposed development would incorporate a substantial area of public open space, new footpaths and play equipment – which would be accessible not only for residents of the new development but also of the surrounding area. The proposals would also allow for the incorporation of a link in the proposed strategic cycleway along the valley through the site.

Having regard to all of the above, significant weight is afforded to the benefits of the proposal.

Harm Caused by the Development

The development would result in significant encroachment of built development into an undeveloped area of countryside, which will unavoidably result in harm to the essentially open and rural character of the area.

The level of harm would be moderate, and although it is considered in this case that the impact could be successfully mitigated to a degree through the inclusion of extensive mitigation measures (such as appropriate layout, habitat enhancement, open space, landscaping and incorporation of natural construction materials), moderate weight must still be afforded to this harm in the planning balance.

Other Considerations

It is not considered that the proposed scheme will have any unacceptable impacts in terms of neighbour amenity, highway safety, flood risk, pollution or ecology subject to the inclusion of conditions requested by the consultees who have provided advice on such matters (and the subsequent inclusion of appropriate further details at Reserved Matters stage). As such, the impact of the scheme in respect of these matters is considered to be neutral.

Conclusion

Having regard to the above and the requirements of paragraph 11 of the Framework it is considered that subject to appropriate and extensive mitigation (with full details submitted at Reserved Matters application stage) the moderate harm which would be caused by the development to the character of the countryside would not *significantly and demonstrably* outweigh the substantial benefits of the scheme in terms of its significant contribution towards the borough's recognised housing need, and delivery of a substantial area of enhanced public open space on the site.

9. RECOMMENDATION

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

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

- 30% affordable housing provision on site.
- £1,327 per dwelling towards the improvement of playing pitches in the local area.
- Contribution of £25,740 towards improving Public Footpath FP1404094.

- Current Rossendale Borough Council S.106 monitoring and recording fees.
- Management and maintenance of on-site landscaping, public open space and communal areas.
- Any other reasonable and necessary contributions required.

(2) To carry out drafting amendments and alterations to any planning condition or S.106 Agreement, and to insert any other required planning conditions.

(3) To have to discretion to refuse planning permission if the Section 106 Agreement is not completed within a reasonable timescale.

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

10. SUMMARY REASON FOR APPROVAL

Although the scheme would result in moderate harm to the open and rural character of the countryside in this location, it would provide a substantial benefit in terms of a contribution towards recognised housing need in a relatively sustainable location. The scheme would also deliver a substantial area of enhanced public open space. Subject to appropriate mitigation it is considered that the development would not unacceptably detract from visual amenity and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and the Council's adopted Local Plan.

11. CONDITIONS

1. An application for approval of the reserved matters (namely the layout, scale, appearance 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 up to forty residential units which shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Application form received on 19th November 2018.
- Site Location Plan (drawing number 000 rev C) received on 22nd March 2023.
- Site Access General Arrangement (drawing number SK22079-002) received on 15th June 2023.

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

3. Either prior to the commencement of the development or as part of the final reserved matters application, full details shall be provided to demonstrate how at least 20% of any new dwellings provided on site shall be specifically tailored to meet the needs of elderly or disabled residents, or shall 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 that provision is made on site for dwellings to meet the needs of elderly or disabled residents.

4. Either prior to the commencement of the development or as part of the final reserved matters application full details of the alignment, height and appearance of all fences and walls and gates to be erected shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

5. Either prior to the commencement of the development or as part of the final 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 dwellings shall be constructed predominantly of natural coursed stone, and shall have exclusively natural slate roofs.

The development thereafter shall be constructed utilising the approved materials.

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

6. The new dwellings shall be predominantly no greater than two storeys in height.

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

7. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays or Bank / Public Holidays.

Reason: In the interests of neighbour amenity.

8. 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.
- 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.
- Delivery hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

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

9. As part of the first reserved matters application, full details of the proposed public open space, recreational and play facilities to form part of the development shall be submitted to the Local Planning Authority for its approval. The submitted details shall demonstrate how the existing pond on site will be retained an enhanced, and how improvements to links to the wider public rights of way network will be incorporated.

The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the development delivers an adequate amount of benefits to public open space provision.

10. As part of the final reserved matters application, the report of an updated survey for badger setts on the site and within 30m of the site boundary shall be submitted to the Local Planning Authority for its approval.

The report shall also contain a mitigation and enhancement strategy, which shall include:

- Dates for updated surveys and monitoring of badgers that may be present;
- Reasonable avoidance measures
- Measures to protect and mitigate if required for any setts that may be present within the zone of influence of the development during construction;
- Measure to protect badgers from accidental harm during construction;
- Measures to protect any setts present within the zone of influence of the development from disturbance post development and;

- Measures to mitigate for loss of any foraging habitat

The development shall be implemented in strict accordance with the approved details.

Reason: To avoid harm to badgers.

11. If the felling of the ash tree (T1) as identified in Section 10 (Figure 2) of the submitted Ecological Survey and Assessment (by ERAP ref: 2022-131) is required, it shall be carried out in accordance with the measures outline in Sections 5.3.9 and 5.3.10 of the same report.

Reason: To avoid harm to bats.

12. No works to trees or shrubs shall occur, nor shall any earthworks commence, between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to works beginning, and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.

Reason: To avoid harm to nesting birds.

13. For the duration of development works on site, the Reasonable Avoidance Measures in respect of amphibian species and other wildlife specified in Section 5.3.14 of the submitted Ecological Survey and Assessment Report (ERAP Ltd ref: 2022-131) shall be carried out.

Reason: To avoid harm to biodiversity.

14. As part of the final reserved matters application, a Construction Environmental Management Plan (CEMP) shall be submitted to the Local Planning Authority for its approval. The CEMP shall address the risk of pollution and negative impacts to the ecological potential of the watercourse known as Limey Water. The development shall be carried out in strict accordance with the approved details.

Reason: To protect Limey Water from pollution and other negative impacts.

15. As part of the final reserved matters application, details of specific measures to enhance the value of the site for nesting birds and bats shall be submitted to the Local Planning Authority for its approval. The development shall thereafter be implemented in accordance with the approved details, and the approved enhancement measures shall be implemented in full prior to substantial completion of the development.

Reason: To enhance the value of the site for bats and nesting birds.

16. As part of the final reserved matters application, a biodiversity metric and biodiversity net gain report demonstrating a measurable net biodiversity gain on site shall be provided to the Local Planning Authority for its approval.

The net gain report will include:

- Aims and objectives of the plan;
- A baseline habitat and condition assessment;
- A post development habitat and condition proposal;
- Management Proposals for each habitat to be created and enhanced;
- Potential management constraints;
- A 30 year management and monitoring schedule;
- Milestones and Risk Assessment and;
- Details of the organisation(s) responsible for implementation, management and monitoring.

The development shall thereafter be implemented in accordance with the approved details and the biodiversity net gain measures shall be managed and maintained in accordance with the approved details for the lifetime of the development.

Reason: To secure a net gain in biodiversity on site as part of the development.

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

- i) An updated 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 all receptors that may be affected, including those off-site. Particular focus should be made on risks to human health, watercourses, 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 (including verification plan) prior to commencement of development. The verification plan shall include any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To mitigate hazards associated with land contamination and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

18. Prior to any part of the development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy (for that part of the development) and the effectiveness of that remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of any extra sampling and monitoring carried out where required by the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To mitigate hazards associated with land contamination and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework.

19. 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 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.

Reason: To mitigate hazards associated with land contamination.

20. 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 surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted (HYD785_BURNLEY.ROAD.02_FRA&DMS, Rev 1.0, 12th January 2023, Betts Hydro) 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. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. Surface water discharged from the development shall not exceed 9.8 l/s, unless otherwise agreed with the Lead Local Flood Authority and the Local Planning Authority.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep;

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing 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 building and connecting cover levels to confirm minimum 150 mm+ 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, protect 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 BRE 365.

d) Evidence of an assessment of the existing culverted watercourse to be used, to confirm that this system is in sufficient condition and has sufficient capacity to accept surface water runoff generated from the development.

e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

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 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and Policy ENV9 of the adopted Rossendale Local Plan.

21. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and storm water will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

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

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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 surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

22. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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

Reason: To ensure that surface water 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 sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

23. The occupation of the development shall not take place until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water 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 the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

24. As part of the reserved matters application in respect of layout, the application shall include full details of how a pedestrian link to footpath FP1404094 to the north of the application site will be incorporated into the scheme, and also how a suitably surfaced 3 metre wide path will be incorporated into the area of public open space to facilitate future connectivity of a strategic cycleway link.

The development shall thereafter be implemented in accordance with the approved details.

Reason: To promote sustainable modes of transport and enhance connectivity with the Public Rights of Way network.

25. As part of the final reserved matters application, full details shall be submitted for the Local Planning Authority's approval in respect of an educational information board which shall be provided within the on-site area of public open space. The board shall contain information regarding the historic Goldshaw Hill Colliery tramway, along with other information about historic uses of the site and nearby areas. The information contained on the board shall be compiled by a suitably qualified person / organisation.

The board shall thereafter be implemented on site in accordance with the approved details prior to substantial completion of the development.

Reason: To provide an educational feature relating to the history of the site, and to enhance the proposed area of public open space.

26. The proposals submitted at Reserved Matters stage shall incorporate an area of multi-functional open space in accordance with that shown on the submitted Parameter Plan (2085-URB-00-XX-SK-UD-020).

Reason: To ensure that the benefits associated with the proposed area of public open space are delivered as part of the final development.

12. INFORMATIVES

1. 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.
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.

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 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.

3. The applicant's attention is drawn to the advice contained in comments received on the application from the Environment Agency, and from the LPA's land contamination consultant. The advice has implications for the submission of a reserved matters application.
4. The applicant's attention is drawn to the advice contained in comments received on the application from the Lead Local Flood Authority (LCC). The advice has implications for the submission of a reserved matters application.