

<b>Application Number:</b>	2022/0318	<b>Application Type:</b>	Outline
<b>Proposal:</b>	Outline application (including access only) for the development of up to 40 dwellings.	<b>Location:</b>	Land At Lane End Road Bacup Lancashire
<b>Report of:</b>	Head of Planning and Building Control	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	08.10.2024
<b>Applicant:</b>	Mr D Settle	<b>Determination Expiry Date:</b>	30/08/2023 (extension of time agreed until Friday 11 <sup>th</sup> October 2024)
<b>Agent:</b>	Steven Hartley (Hartley Planning & Development Associates)		

<b>Contact Officer:</b>	Storm Grimshaw
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	Major
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	✓
<b>Other (please state):</b>	

## 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 outline planning permission and that the determination of the application hereafter be delegated to the Head of Planning as follows:

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

- 30% affordable housing provision on site (8 x social / affordable rent and 4 x affordable home ownership, with at least 3 of these affordable home ownership units made up of First Homes).
- £2414 per dwelling towards the improvement of existing open spaces located outside of the site and improvement of playing pitches in the local area (inclusive of maintenance fee).
- Current Rossendale Borough Council S.106 monitoring and recording fees.
- Management and maintenance of on-site landscaping, public open space and communal areas.
- Any education contribution requested by the Local Education Authority until the date the S.106 agreement is signed.
- 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 discretion to refuse planning permission if the S.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 1.46ha in extent and is predominantly greenfield land normally used for grazing. The site is located within the urban boundary and forms part of a housing site allocation (ref. H30) in the Local Plan, although a small section of the application site in the northeast corner falls outside of the allocation.

The site contains a single dwellinghouse, Troughsyke House, accessed from Pine Street to the north, and includes a domestic garage and cabin. A dilapidated farm building and domestic garages also occupy the site, with the latter used by residents of Moorlands Terrace. The topography of the site slopes steadily southwest.

The site is surrounded by residential development on all sides except to the south where a belt of woodland separates the site from the grounds of St. Saviour's Community Primary School. The built environment contains a mix of traditional and modern properties of different house types, styles and materials. The terraced properties along Pine Street border the site to the north, whereas the terraced properties along Moorlands Terrace border the site to the east. Lane End Road borders the most eastern part of the site.

The site is around 100m to the west of Lane Ends Lane Farmhouse, Land End Road – a Grade II Listed Building. The Former Vicarage, St Saviour Church and St Saviour Church (Grade II Listed Buildings) are over 250m to the southwest of the site.

No public footpaths run through the site. Public footpath 1401486 runs along Anderson Drive to the west.

### **3. RELEVANT PLANNING HISTORY**

2020/0382 – Outline planning permission (with access and all other matters reserved) for a residential development of up to 40no. dwellings with associated works.

*Application never formally registered as valid.*

#### **4. PROPOSAL**

Outline planning permission (including access only) is sought for the erection of 40no. dwellings on the site. All other matters (including appearance, landscaping, layout and scale) are reserved.

The proposed access to the development would be off Lane End Road bordering the site to the east. A single point of vehicular access is proposed for the development.

An indicative site layout has been submitted as part of the application alongside house type drawings, but these are for illustrative purposes only, and do not form part of the scheme for which approval is sought.

The illustrative site layout shows a primary internal estate road taken from the proposed access off Lane Ends Road and leading to Pine Street to the north. Two cul-de-sacs would be created and pedestrian access into the site would be permitted from routes to the north and west. A large SuDs pond would be created in the southwest corner of the site and public open space would be incorporated to the centre, with further landscaping and planting in areas.

However, as this is an outline application only, full details of the specifics of the SuDS pond, public open space provision, house types etc. have not been provided at this stage as they would form part of a later reserved matters planning application.

It should be noted that the application has been revised from that originally submitted, as previously the only reserved matter was landscaping.

#### **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  
 Housing Site Specific Policy H30 – Land off Rockcliffe Road and Moorlands Terrace, Bacup  
 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  
 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  
 TR4: Parking

### **Other Material Considerations**

National Planning Practice Guidance  
 Alterations and Extensions to Residential Properties SPD  
 Open Space and Play Equipment Contributions SPD  
 Climate Change SPD  
 Planning (Listed Buildings and Conservation Areas) Act 1990

## **6. CONSULTATION RESPONSES**

<b>Consultee</b>	<b>Response</b>	<b>Conditions Recommended?</b>
Cadent (Gas)	No objection.	No
Coal Authority	No comments to make on the application.	N/A
Greater Manchester Ecology Unit	No objection.	Yes
Environment Agency	No objection.	Yes
Land Contamination Consultant	No objection.	Yes
Growth Lancashire (Heritage)	No objection.	No
LCC Development Management Group	No comments received.	N/A
LCC Lead Local Flood Authority	No objection.	Yes
LCC Planning Contributions	No comments received.	N/A
LCC Public Rights of Way	No objection.	No
LCC Highways	No objection.	Yes
RBC Building Control	No objection.	No
RBC Environmental Health	No comments received.	N/A
RBC Forward Planning	No objection.	No

RBC Tree Consultant	No objection.	Yes
RBC Operations	No comments received.	N/A
United Utilities	No objection.	Yes
LCC School Planning Team	No contribution required at this stage	N/A
Fire Brigade	No objection.	No

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published, site notices were posted and letters sent to neighbouring properties, including when the application was revised.

33 objections have been received raising the following issues in summary:

- Harm to neighbour amenity.
- Harm to ecology / biodiversity / wildlife.
- Merely an extension to existing development site.
- Impact on character of the area / landscape
- Flood risk and drainage issues.
- Area should be protected from development.
- Unacceptable pressure on local infrastructure, facilities, schools and services.
- Overdevelopment within Bacup.
- Pressure on services such as gas, water, sewers, electricity.
- Loss / lack of open spaces, green spaces and agricultural land.
- Harm to highway safety / access / congestion, which is already impacted by the nearby school, poor access and limited visibility.
- Local roads are poorly maintained and will be worsened as a result of the development.
- Loss of parking.
- Impact on nearby school and users' amenity.
- Noise pollution.
- Disturbance to residents.
- Impact of development on existing properties, and disturbance of ground – which occurred when construction commenced on nearby site.
- Boundary disputes and the incorporation of land outside of the applicant's ownership within the site.
- Lack of affordable housing.

## 8. LAND OWNERSHIP

During the course of the application it has been raised by local residents that the application site incorporates land outside of the applicant's ownership including land behind the rear gardens of properties along Moorlands Terrace and domestic garages.

This matter has been raised with the applicant and land ownership certificate B has subsequently been signed and submitted to the Council, with the requisite notice served on those with an interest in the land.

The planning system entitles anyone to apply for permission to develop any plot of land, irrespective of ownership, and therefore the application could be determined even if the matter of

landownership was unresolved. Land ownership/boundary disputes are private matters and not material considerations in the determination of a planning application.

Notwithstanding the above consideration has been given to whether the loss of the disputed land would prejudice the delivery of no.40 units on the remaining developable area of the site, and officers are satisfied that the proposed number of units could be accommodated if the disputed land was omitted from the site area.

## 9. ASSESSMENT

### Principle

The site is mostly contained within housing allocation H30 (Land off Rockcliffe Road and Moorlands Terrace, Bacup) in the adopted Local Plan. Therefore, subject to compliance with the site-specific criteria outlined in policy H30 in the Local Plan, residential development on this site is acceptable in principle. It should be noted that part of the housing allocation has previously been granted planning permission for no. 26 dwellings and this development is now complete.

The site specific policy is set out below:

*Development of up to 37 dwellings will be supported provided that:*

- 1. A Heritage Statement and Impact Assessment is provided and suitable mitigation measures are identified and secured to conserve the setting of the nearby Grade II listed buildings: Lane Ends Farmhouse, and Church of St Saviour.*

Consideration of the heritage assets referenced in the site specific policy will be considered in the relevant section below.

The site specific policy states '*Development of up to 37 dwellings will be supported...*', and paragraph 94 of the Local Plan notes the remaining developable area of the site has a capacity of 37 dwellings. Despite this it is not considered that the proposed development of up to no.40 dwellings on the site would be unacceptable in principle. Consideration will however be given to whether the development can be delivered (in some form) without having an adverse impact on other material considerations (i.e. character and appearance of the site, sustainable drainage etc.).

Whilst the sustainability of the site's location has already been established as part of the preparation of the Local Plan, it is worth noting the following. The site is within walking distance (less than 250m) of a bus stop located on Rochdale Road served by a frequent bus route. St. Saviour's Community Primary School is also within walking distance, and a large supermarket is around 750m from the site with smaller convenience stores in closer proximity. Employment opportunities, shops and services and a health centre can also be found in existing employment sites and Bacup Town Centre which are close by.

Paragraph 11 of the Framework contains a presumption in favour of sustainable development. It states that development proposals that accord with the development plan should be approved without delay and that where relevant development plan policies are out-of-date, planning permission should be granted unless:

- 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*

- 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 cannot currently demonstrate the necessary level of housing delivery within the Borough, and therefore the weight to be afforded to the Council’s Local Plan policies which are most important in the determination of any planning application is a matter for the decision maker. The need for an assessment / balancing exercise under paragraph 11(d) of the Framework is therefore triggered at the time of writing.

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

Approval of matters relating to the appearance, layout, scale and landscaping of the development is not sought at this stage, and these would be expected as part of a detailed Reserved Matters application. 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.

Paragraph 135 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.”*

Strategic Policy ENV1 of the Local Plan aims to deliver high quality development in the Borough and sets out the main design considerations which need to be taken into account for all proposals for new development.

Objectors’ commented are noted, however it needs to be acknowledged that the land has already been allocated for housing in the Local Plan and is located within the urban boundary where residential development is expected to be delivered.

Whilst there are significant concerns with the layout, appearance and design of the development shown on the illustrative site plan and illustrative house types, such drawings are for illustrative purposes only, and officers consider that the application site can accommodate no.40 dwellings within the boundaries of the site alongside any required infrastructure (i.e. internal estate roads, SuDS pond), public open space and soft landscaping etc. without having a significantly adverse visual impact.

### Heritage Impact

The site is located close to Grade II listed Lane Ends Farmhouse. The Grade II listed Church of St Saviour and Former Vicarage sit some distance to the west of the site.

A Heritage Statement and Impact Assessment does not accompany the application, nonetheless the Council's heritage consultant (Growth Lancashire) has raised no objection and has confirmed the proposal meets the objectives of the Framework and ENV2 of the Local Plan.

### 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 result in 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.

Adequate 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, LCC Highways, has been consulted on the application, as it provides expert advice to the Council on highways-related matters. LCC Highways have raised no objection to the development and, subject to mitigation measures, have concluded that the development would not have a significant impact on highway safety, capacity or amenity in the local area.

Local residents have raised concerns regarding the development's impact on access and highway safety, particularly in relation to the proximity of the nearby primary school. The Local Highway Authority acknowledge such concerns in their response, and have requested physical traffic calming measures are provided by the developer along Lane End Road under a S278 agreement with Lancashire County Council.

Concerns relating to the impact of construction vehicles can be addressed via the submission of a Construction Method Statement, which LCC Highways have recommended.



Subject to conditions, on the advice of the Local Highway Authority the scheme is considered acceptable in terms of access, parking 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 (8 x social / affordable rent and 4 x affordable home ownership, with at least 3 of these affordable home ownership units made up of First Homes).
- £2,414 per dwelling towards the improvement of existing open spaces located outside of the site and improvement of playing pitches in the local area (inclusive of maintenance fee).
- Any education contribution requested by the Local Education Authority until the date the S.106 agreement is signed
- 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.

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.

The Local Education Authority's (LEA) latest position (dated 19/09/2024) advised a contribution towards school places in the local area is not required for the proposed development at this stage. Given the application is now being presented before Members, the Council have asked the Education Authority to confirm if their latest response is the final position assessment of the development's impact on school places. No further comments have been received, but if the LEA do request a contribution, it can be included in any S.106 Agreement.

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 level of housing delivery. As such, the presumption in favour of sustainable development is in place and the amount of weight to be afforded to Local Plan policies is a matter for the decision maker.

### Benefits of the Development

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

The development would be located on an allocated site which is considered to be in a sustainable location, close to public transport routes, a primary school and within walking distance of convenience stores and other services and facilities.

The development would incorporate an area of public open space which would be accessible not only for residents of the new development but also of the surrounding area.

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

### Harm Caused by the Development

For the reasons set out above no harm has been identified as a result of the development at this stage. The current application is outline (including access) only and detailed matters such as the layout of the development and the appearance of the individual dwellings would be considered under a separate Reserved Matters application.

Whilst the concerns and issues raised by objectors are noted, there are no material planning considerations at this stage which would amount to harm caused by the development.

### Conclusion

Having regard to the above and the requirements of paragraph 11 of the Framework, it is considered that the development accords with the Framework and the policies contained with the Local Plan and therefore outline planning permission should be granted.

## 10. RECOMMENDATION / CONCLUSION

See section 1 of this report.

## 11. SUMMARY REASON FOR APPROVAL

The development would provide a substantial benefit in terms of contributions towards recognised housing need in a sustainable location, and is appropriate in principle. Subject to conditions and a suitably worded S.106 Agreement, it is considered that the development would not unacceptably detract from visual amenity, neighbour amenity or highway safety, and could suitably mitigate any harm in terms of ecology/protected species, flood risk and surface water drainage, and land contamination. It is considered that the development is in accordance with the National Planning Policy Framework and the Council's adopted Local Plan.

## 12. 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 applications 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 signed 23/06/2022 and subsequently updated and received 10 November 2023
  - Location Plan received 29 March 2023
  - Proposed Site Plan (including point of access) drawing no. DS-16-11-23 received 16 November 2023
  - Flood Risk & Drainage Strategy Report prepared by T J Booth Associates and dated 03/01/2024

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 submitted to and approved in writing by the Local Planning Authority 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.

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 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 7:00am and 6:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays and Bank / Public Holidays.

Reason: In the interests of neighbour amenity.

8. 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) Routing of delivery vehicles to/from site

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

9. No construction traffic shall access the site via the privately maintained streets Pine Street and Moorlands Terrace and no construction deliveries shall be made to site between 8.30-9am and 2.30-3.30pm during school term time.

Reason: Pine Street and Moorlands Terrace are partly unmade, privately maintained highways and not suitable to accommodate heavy vehicles, and to avoid construction traffic conflicting with school drop off and collection times.

10. Prior to the commencement of development a scheme for the site access and off-site highway works shall be submitted to and approved in writing by the Local Planning Authority. The works shall include the following and shall be implemented in full prior to the first occupation of any dwelling:

- a. Lane End Road new site access and traffic regulation order to prevent parking in the visibility splays.
- b. Lane End Road new footway along the frontage of the site and dropped kerb crossing points with tactile paving at the termination points on both sides of Lane End Road to tie into the opposite footways.
- c. Lane End Road scheme of physical traffic calming measures to include raised tables at footway termination points subject to detailed design.

Reason: To ensure a safe and suitable access to the development, to maintain pedestrian safety and highway safety, and to support walking and cycling in the local area.

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, (as amended) or any subsequent amendment hereafter, there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land (visibility splay) hereinafter defined any building, wall, fence, hedge, tree, shrub or other device over 1m above road level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road / access from the continuation of the nearer edge of the carriageway of Lane End Road to points measured 25m to both sides along the nearer edge of the carriageway of Lane End Road, from the centre line of the access, in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority in conjunction with the Highway Authority.

Reason: To ensure adequate visibility at the street junction or site access.

12. Prior to commencement of the development details of the proposed arrangements for future management and maintenance of the estate roads within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure the estate roads are appropriately managed and maintained for the lifetime of the development.

13. Prior to commencement of the development, full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the estate roads are planned and approved in good time to a satisfactory standard for use by the public and are completed prior to occupation.

14. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the estate roads are completed to a satisfactory standard for use by the public and are completed prior to occupation.

15. Prior to first occupation the dwellings without a garage shall have a secure, covered cycle store for a minimum of 2 bicycles.

Reason: To promote sustainable modes of travel.

16. As part of the first reserved matters application, full details of the proposed public open space to form part of the development 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 public open space shall be provided in full prior to occupation of 50% of the dwellings on site.

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

17. 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.

18. If the development hereby approved does not commence before 30<sup>th</sup> April 2026, an updated bat survey assessing the bat roosting potential of the existing buildings within the boundaries of the site shall be submitted to and approved in writing by the Local Planning Authority, prior to any development taking place.

Reason: To avoid harm to bats.

19. 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 first been agreed in writing by the Local Planning Authority.

Reason: To avoid harm to nesting birds.

20. Prior to any earthworks or vegetation clearance a reasonable avoidance measures method statement for mammal, amphibians and reptiles covering site clearance and construction shall be submitted to and approved in writing by the LPA. The approved method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid harm to biodiversity.

21. Prior to any earthworks an updated invasive species survey and method statement detailing eradication measures for Japanese knotweed and any other invasive species recorded on the site shall be submitted to and approved in writing by the LPA. The approved method statement shall be adhered to and implemented in full unless otherwise agreed in writing by the LPA.

Reason: To ensure invasive species are suitably controlled or eradicated.

22. As part of the final reserved matters application, a biodiversity metric, biodiversity net gain report and a biodiversity net gain plan 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.

23. 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.

24. 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 (FLOOD RISK & DRAINAGE STRATEGY REPORT Rev 1 / 0, 25/01/23, T J Booth Associates) 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.

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 existing surface water drainage systems to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.

d) 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 173 and 175 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

25. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater 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 173 of the National Planning Policy Framework.

26. 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;

- 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 175 of the National Planning Policy Framework.

27. The occupation of the development shall not be permitted 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 173 and 175 of the National Planning Policy Framework.

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

Reason: To mitigate risks associated with land contamination and prevent pollution.

29. Pursuant to condition 28; 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. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To mitigate risks associated with land contamination and prevent pollution.

30. As part of the final reserved matters application, an Arboricultural Impact Assessment and Arboricultural Method Statement shall be submitted to the Local Planning Authority for its approval. The development shall be carried out in strict accordance with the approved details.

Reason: To protect trees.

31. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: 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 caused by mobilised contaminants. This is in line with paragraph 170 of the National Planning Policy Framework.

32. Foul and surface water shall drain on separate systems.

Reason: To secure proper drainage.

### 13. INFORMATIVES

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority.
2. The grant of planning permission will require the applicant to enter into a S278 Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the

right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. 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](mailto:developeras@lancashire.gov.uk).

3. The applicant will require an agreement with the appropriate Water and Sewerage Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.
4. The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principle agreement(s) should be submitted to the Local Planning Authority.
5. The applicant's attention is directed to the LLFA's site specific advice set out in their comments dated 24 January 2024.
6. Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions)

Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

7. 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.
8. 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.
9. The applicant's attention is directed to the Council's Contaminated Land Consultant's advice set out in their comments.
10. The applicant's attention is directed to the Environment Agency's advice set out in their comments.

11. Whilst the buildings to be demolished have been found to be very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found during demolition all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).
12. It is the applicant's responsibility to investigate the existence of any pipelines that might cross or impact their proposed site and also to demonstrate the exact relationship between United Utilities' assets and the proposed development. The applicant should not rely solely on the detail contained within asset maps when considering a proposed layout.





LOCATION PLAN 1:1250





### schedule of plots

- plots 1 + 8      4 bed detached with attached 2 car garage
- plots 2 - 7 inclusive      4 bed detached with integral 1 car garage
- plots 9 - 18 inclusive      2.5 storey 3 bed semi-detached
- plots 19 - 40 inclusive      2 storey 3 bed town house

### proposed site plan

*Included for illustrative purposes only*

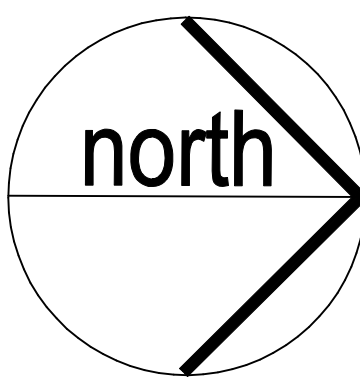
proposed residential development at  
**Lane End Road**  
**Bacup**

plan scale 1:500 @ A1

0m 50m

drawing number DS-26-01-24



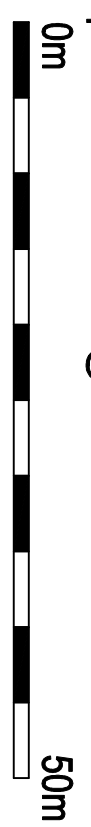


overall site area (within the red line)  
amounts to 1.65 ha or thereabouts

**proposed site plan**  
(including point of access)

proposed residential development at  
**Lane End Road**  
**Bacup**

plan scale 1:500 @ A1



drawing number DS-16-11-23















