

<b>Application Number:</b>	2015/0334	<b>Application Type:</b>	Full
<b>Proposal:</b>	Full Major: Erection of 34no. dwellinghouses with car parking, landscaping and associated infrastructure.	<b>Location:</b>	Land Off Oaklands Drive And Lower Cribden Avenue Rawtenstall Rossendale
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Report Written:</b>	8 December 2015
<b>Applicant:</b>	McDermott Homes Ltd	<b>Determination Expiry Date:</b>	15 December 2015
<b>Agent:</b>	N/A		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	✓
<b>Other (please state):</b>	<b>Major</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 to peaceful enjoyment of possessions and protection of property.

## 1. RECOMMENDATION

That Committee be minded to approve Planning Permission subject to a S.106 Obligation to secure payment of Contributions and subject to the Conditions set out in Section 11.

## 2. SITE

The application site extends to approximately 1.57 hectares and is steeply sloping in a southerly direction. It is located 200 metres to the north of Haslingden Road in Rawtenstall and is surrounded by residential development. To the south are residential properties on

Oaklands Drive, to the west are residential properties on Lower Cribden Avenue, to the north is Mickledore Barn and Haslingden Old Road beyond, and further dwellings within the Mickledore Estate are located to the east of the site. Therefore the site is located within an established residential area. The dwellings within the surrounding area are of a mix of ages and styles and are constructed using a variety of materials.

The site is predominantly characterised by a sloping area of dense vegetation, areas of hardstanding and scattered tree cover. Some of the trees within the approximate centre of the site are covered by a Tree Preservation Order (TPO). Large areas of the site have been heavily disturbed over the last 10-12 years by preliminary vegetation clearance and earthworks in association with an earlier consent for residential development. This can be seen by two level terraced areas on the steep slopes although over recent years the site has been relatively undisturbed.

The full site is within the Urban Boundary of Rawtenstall and is an allocated Housing Site as shown on the Proposals Map. It is not within a Conservation Area and is not adjacent to any listed buildings. Land to the north of the site beyond Haslingden Old Road is within the Green Belt.

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

- 2010/091 – Discharge of conditions 3, 4 and 12 of 2007/016.
- 2007/237 – refusal of permission for variation of materials of 2007/016.
- 2007/016 – permission granted for 48 dwellings subject to planning conditions and S106.
- 2006/485 – planning permission refused for 31 dwellings.
- 1997/155 – planning permission for 31 dwellings refused.
- 1992/149 – planning permission granted for 15 dwellings.
- 1991/685 – outline erection of 16 dwellings withdrawn.
- 1988/468 – erection of detached house (Plot 15 Lower Cribden Avenue) approved.
- 1987/514 – reserved matters (one plot) approved.
- 1987/226 – reserved matters (one plot) approved.
- 1986/315 – outline planning permission granted for 27 dwellings.
- 1986/171 – outline planning permission granted for 5 dwellings.

### **4. PROPOSAL**

Planning permission is sought for the erection of 34no. dwellings including car parking, landscaping and associated infrastructure. The 34 dwellings includes 11 different house types consisting of the following:

- 14 x 5-bedroom dwellings;
- 13 x 4-bedroom dwellings;
- 7 x 3-bedroom dwellings.

The application is submitted in full and therefore all details of house types including elevations and floor plans are provided. 33 of the 34 dwellings have integral garages and all dwellings have further parking spaces on driveways within the curtilage of the properties. The dwellings are large, executive-style homes, some of which incorporate balconies. Proposed materials include artificial stone and roof tiles with, and windows with heads and cills. All of the dwellings have private amenity space located at the front and rear.

The development is arranged on a linear layout which accommodates the topography of the site and east / west contours. It utilises access from Oaklands Drive (which will serve plots 1-26) and Lower Cribden Avenue (which will serve plots 27-34) and will form two cul-de-sacs and two turning heads.

The layout necessitates the removal of the trees from within the site, including those covered by a TPO, which is in accordance with the previous approval (application reference 2007/016). Accordingly the application is accompanied by a full landscaping plan.

The application is accompanied by the following supporting documents:

- Planning and Design and Access Statement
- Sustainability Report
- Flood Risk Assessment
- Topographical Survey
- Extended Phase 1 Habitat Survey and Protected Species Survey
- Phase 2 Geo Environmental Site Investigation Report
- Utilities Statement
- Heads of Terms

The applicant engaged in pre-application discussions with Officers prior to the submission of this application.

## 5. **POLICY CONTEXT**

### **National**

#### **National Planning Policy Framework (2012)**

Section 1 Building a Strong Competitive Economy

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 11 Conserving and Enhancing the Natural Environment

Section 12 Conserving and Enhancing the Historic Environment

### **Development Plan Policies**

#### **Rossendale Core Strategy DPD (2011)**

AVP 4 Strategy for Rawtenstall, Crawshawbooth, Goodshaw and Loveclough

Policy 1 General Development Locations and Principles

Policy 2 Meeting Rossendale's Housing Requirement

Policy 3 Distribution of Additional Housing

Policy 4 Affordable & Supported Housing

Policy 8 Transport

Policy 9 Accessibility

Policy 17 Rossendale's Green Infrastructure

Policy 18 Biodiversity and Landscape Conservation

Policy 19 Climate Change and Low & Zero Carbon Sources of Energy

Policy 22 Planning Contributions

Policy 23 Promoting High Quality Design & Spaces

Policy 24 Planning Application Requirements

### **Other Material Planning Considerations**

National Planning Practice Guidance (2014)

## **6. CONSULTATION RESPONSES**

### **Tree Officer (Pendle Borough Council)**

*“It is proposed to plant a line of 12 – 14 cms Heavy Standard Betula pendula and Malus Red Sentinel as alternating species along the south boundary. The trees are more densely spaced behind plots 1 to 11 at almost two trees per plot but to increase the screening potential, the numbers could be slightly increased so there are two per plot. The proposed species are of suitable stature for the location and will provide a certain degree of screening but they are deciduous and will therefore be less effective in winter. It may therefore be preferable to substitute one of the two (preferably sub the Malus to retain the native Birch) for an evergreen species such as Ilex (Holly, preferable as it is native), Nothofagus or a tree form of Cotoneaster.*

*Due to the slope of the site the new houses are higher up than the existing on Oaklands Drive but the trees are on the new plots. The result is that it is not in the existing residents’ gift to maintain the trees to ensure maximum screening. It may therefore be necessary to place the new trees under TPO to control their maintenance and ensure adequate ongoing future screening.*

*Notwithstanding the comment above about substitution, the planting schedule and accompanying specification are satisfactory.”*

### **Lancashire County Council (Lead Local Flood Authority)**

No objection subject to conditions:

*“The FRA (5450/R1) submitted in support of this application states that surface water will be managed using connections to existing UU surface water systems. The Planning Practice Guidance (PPG) establishes a hierarchy for surface water disposal, which encourages a SuDS approach:*

*Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- o into the ground (infiltration);*
- o to a surface water body;*
- o to a surface water sewer, highway drain, or another drainage system;*
- o to a combined sewer.*

*According to the FRA an initial desk top study has been carried out which indicates that the ground conditions are clay and therefore it will not be possible to use infiltration based surface water disposal techniques. In order to satisfy the above requirement the LLFA would advise the applicant to undertake permeability testing to ensure infiltration is not a suitable method of surface water disposal. The following section of this response contains further information about permeability testing. The LLFA will require evidence that infiltration techniques are not possible before other options for surface water disposal are accepted.*

### **Sustainable Drainage Systems: Infiltration & Permeability Testing**

*The applicant is reminded that Paragraph 103 of the NPPF requires priority use to be given to SuDS and in accordance with Paragraph 80, Section 10 of the Planning Practice Guidance the*

*preferred means of surface water drainage for any new development is via infiltration. The applicant must submit evidence as to why each 'level' of this hierarchy cannot be achieved.*

*Prior to designing site surface water drainage for the site, a full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means. For example, should the applicant intend to use a soakaway, they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.*

#### *Lead Local Flood Authority Position*

*The Lead Local Flood Authority wishes to withdraw its objection to the proposed development which will be acceptable subject the inclusion of the following planning condition(s), in consultation with the Lead Local Flood Authority:*

#### *Condition 1 - Appropriate surface water drainage scheme to be submitted*

*No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.*

*Those details shall include, as a minimum:*

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;*
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 19.4 litres per second (for a 1 in 1 year event), 38 litres per second (for a 1 in 30 year event) and 46.4 litres per second (for a 1 in 100 year event). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.*
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);*
- d) Flood water exceedance routes, both on and off site;*
- e) A timetable for implementation, including phasing as applicable;*
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;*
- g) Details of water quality controls, where applicable.*

*The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.*

#### *Reasons*

- 1. To ensure that the proposed development can be adequately drained.*
- 2. To ensure that there is no flood risk on or off the site resulting from the proposed development*
- 3. To ensure that water quality is not detrimentally impacted by the development proposal*

Condition 2 - No Occupation of Development until completion of SuDS in accordance with agreed SuDS Scheme and Management & Maintenance Plan

No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

*Reasons*

1. To ensure that the drainage for the proposed development can be adequately maintained.
2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

Condition 3 - Surface Water Lifetime Management and Maintenance Plan

No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

*Reasons*

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

**Lancashire County Council (Education Contributions)**

No contribution required for this development.

**Lancashire County Council (Highways)**

“I would raise no objection in principal to the proposed development of 34 detached 4 and 5 bedroom homes and I have noted that an extant permission exists for 29 detached homes, 4 semi-detached homes and 15 apartments in the site.

I would recommend the following amendments to the plan:-

## *Sustainability - connectivity*

*In accordance with the NPPF paragraph 75, planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks.*

*A footpath link should be added to the site plan from the Oaklands Drive estate road extension alongside plot 17 to public footpath 240, which connects Haslingden Road to Haslingden Old Road and the wider public footpath network and to Whittaker Park via Cedar Avenue. I would recommend a minimum width of 2 metres.*

*A footway should be provided on both sides of Oaklands Drive across the frontages of numbers 32 and 43 Oaklands Drive to connect the existing and proposed footways on the development. These works, which are outside the red edge and on the adopted highway, should be completed following construction of the turning head on the new development, (sketch attached). The sections of highway to be formally stopped up can be progressed with the Department for Transport under Section 247 of the Town and Country Planning Act to permit development in conjunction with an approved planning application.*

## *Layout - adoption*

*Lancashire County Council will seek to enter into a Section 38 agreement under the Highways Act 1980 with the developer to formally adopt the new estate roads. I have attached a plan which shows the extent of the adopted highway as it currently stands and the developer should ensure that they can obtain title to the land abutting the adopted highway which forms the new estate road.*

## *Conditions*

*1. 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 and timing of deliveries*
- iii) The storage of plant and materials used in constructing the development*
- iv) The erection and maintenance of security hoarding*
- v) Wheel washing facilities*
- vi) Measures to control the emission of dust and dirt during construction*
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works*
- viii) Details of working hours*

*2. A pre-commencement and post development survey should be completed by the developer and submitted to the LPA for the section of Union Road between Brynbella Drive and Lower Cribden Avenue. A scheme and timetable to reinstate any damage should be submitted to and agreed by the LPA and subsequently implemented at the cost of the developer under the appropriate agreement with the Highway Authority.*

### *3. Completion of Streets / Estate Street Phasing Plan*

*No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street*

*Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.*

#### *4. Management and Maintenance of Estate Streets*

*No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980].*

#### *5. Submission of Details - Adoptable Streets*

*No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.*

*6. Upon completion of the turning head within the development on Oaklands Drive, the existing turning head outside 43 Oaklands Drive shall be formally stopped up under Section 247 of the Town and Country Planning Act and new footways shall be constructed on both sides of the road to link the developments. The appropriate agreements and specification shall be agreed into with the Highway Authority.”*

### **The Coal Authority**

Confirmed there is no requirement to consult the Coal Authority.

### **Greater Manchester Ecology Unit**

*“Thank you for consulting the Ecology Unit on the above planning application.*

*The Ecology Survey and Assessment report has been prepared by suitably qualified consultants and is to appropriate standards. I do not consider that any further surveys need to be undertaken prior to deciding the application. The application site is not designated for its nature conservation value and it is not adjacent to or close to any designated sites. It is considered to currently have only low potential to support any specially protected or priority species.*

*The site comprises open greenspace on sloping land. It would appear to have undergone disturbance relatively recently as it is dominated by young regenerating habitats, including scrub, ruderal vegetation and open grassland. There are some more mature scattered trees. These habitats will have some local nature conservation value.*

*The proposed development does include landscaping, incorporating new hedge planting, (limited) new tree planting and garden spaces that will go some way to compensating for losses of greenspace to the new houses. However, there is no contiguous 'block' of greenspace within the proposed layout.*

*While I have no overall objection to the scheme on ecological grounds, although I would recommend -*

*o That consideration be given to requiring the development to make a contribution towards the creation and/or management of greenspace (POS?) as compensation for the loss of open greenspace to the scheme, for wildlife conservation purposes and in the interests of public amenity.*



*o That no vegetation clearance required by the scheme be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).”*

### **Environment Agency**

Confirmed it is not necessary to consult the EA.

### **Lancashire Constabulary**

*“The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.*

### **Crime Risks**

*Within the last 12 months period, the recorded crime in the vicinity of the proposed development gives little cause for concern. That is not to say that it will not do so in the future.*

### **Observations**

*I note that the applicant makes no reference to the proposed physical security to be incorporated into the build.*

*In order to maintain the reductions relating to the risk of crime and anti-social behaviour I make the following recommendations.*

### **Recommendations**

- 1. In order to provide a safe, secure and sustainable environment for residents, I recommend that this development should be built in accordance with Secured by Design Standards. In particular Part 2 of Secured by Design - physical security should be incorporated into the scheme. Design Guides - New Homes 2014 is available at [www.securedbydesign.com](http://www.securedbydesign.com).*
  - 2. Windows should be PAS 24/2012 tested and certificated. Front, rear and side doorsets should be doors of enhanced security tested and certificated to PAS 23/24 standards, front doorsets should be fitted with a viewer and security bar/chain.*
  - 3. The front and rear of dwellings should be protected with a dusk till dawn lighting unit to deter potential offenders and reduce the fear of crime.*
  - 4. The rear and side of the dwellings should be secured with a 1.8m fencing arrangement such as close boarded or similar. Access to the vulnerable rear of the dwellings should be restricted with a secure 1.8m lockable gating arrangement fitted as flush with the front of the building line as possible. The proposed bolt on the boundary treatment plans is in the wrong location, it should be fitted lower down the gate towards the middle.*
- Further advice on the requirements of Secured by Design is available from this office or at [www.securedbydesign.com](http://www.securedbydesign.com)*

### **RBC Operations**

*“With reference to this application, please see attached and below, which is what I provide as a standard if any developer requests information about waste collections.*

1. Fully laden collection vehicles weigh approximately 26 tonnes. Service manholes and road surfaces should be constructed with this in mind.
2. The submitted plans for the development should show the location of waste storage and waste collection points,
3. The collection vehicle should be able to approach within 10m of any collection point,
4. Consideration must be given to parked cars and the impact that they have on access and obstruction to collection points,
5. All reversing will reviewed to ensure it can be undertaken safely and in a controlled manner and must not be over a distance greater than 12m,
6. Recycling and refuse bins are picked up from the rear of the collection vehicles. This should be reflected in the proposed routes for collection vehicles,
7. The need for collection vehicles to reverse into developments from a major road, or reverse onto a major road when exiting should be minimised (<http://www.highways.gov.uk/> for the definition of a 'major road').

*Whilst looking at the site plan I do not envisage any issues, although, would it be possible for the developer to provide a swept path analysis to show how a refuse wagon will enter, turn and exit in forward gear to ensure that point 5 will be adhered to."*

### **Rossendale Civic Trust**

*RCT's objections are:-*

*A. Poor road access to existing 64 houses from Haslingden Road, very steep gradients along Oaklands Drive, restricted width leading to footpath parking, and doubts over future winter gritting. To provide 26 or more dwellings, as per the extant permission, there should be a Section 106 Agreement to provide winter grit bins in common areas, which will be the responsibility of an annual service charge funded residents scheme management company.*

*B. House designs are too tall, intrusive on skyline and do not respond to local traditions for such exposed sites.*

*C. Density does not meet targets in approved and adopted 2011 Local Plan Core Strategy.*

*3 Poor Road Accessibility. Oaklands Drive, in common with too many other areas of Rossendale makes use of existing narrow and steep highways, often with terraced houses and residents parking to both sides, to access areas of new housing. Oaklands Drive's entrance gradient is very steep: 1:6.1 to 1:5.5. Union Road's longer climb up to Lower Cribden Avenue is c1:7. National guidance sees gradients steeper than 1:12 as "departures from standards".*

*4. Oaklands Drive - winter gritting and limited capacity: It's understood that Lancashire County Council's primary gritting priority extends only to Ambleside Avenue where its gradient is 1:7-8, beyond there and up to the top bend it's a secondary priority. It's also understood that this and the alternative of providing and filling grit bins is currently under review. Note that this section of Oaklands Drive is also used by parents' cars and taxis dropping off and picking up from Belmont School - located behind the trees to left of this photo. This section is all that there is for residents to park at times when snow and ice impede access further up Oaklands Drive.*

*The LCC Map, on next page, shows how Union Road, Oaklands Drive, and Mount Street all climb up from Haslingden Road, at these steep gradients. Mid 60's highway planning, that provided the two halves of Hollin Way in Crawshawbooth, was clearly absent in this area, with no roads taken across the slope at a flatter gradient up from the A681 Haslingden Road; a*

poor legacy of the Highway Authority and it's agents. Maybe LCC were more interested in their Motorway projects.

5. *Density, Layout and Design.*

Compare the extant permissions higher density of c31/Ha to the c22/Ha now proposed. Due to use of some linked and more narrow frontaged house, as well as from the 2 blocks of apartments.

6. *Private Drives in many parts of Rossendale, including Oaklands Drive are really too steep. Those proposed here look to be c1:10, far better than many, but would be better at c1:15 and note Lifetime Homes: The entire parking space (whether pre or post widened) should have a firm surface and be level (no gradient exceeding 1:60 and/or no crossfall for drainage exceeding 1:40).*

7. *As well as blocking open views, RCT see these proposed houses, with steep pitched and hipped end roof forms, also broken up by their extensive use of gables, stand out as somewhat alien, more of the lowlands, than the more simple upland character of housing in Rossendale.*

8. *Steep roof pitches, note the existing flatter pitches and ask whether there is an aim for future loft conversions and an even more complicated roofscape to detail, construct and maintain in a location facing into wet winds blowing up into the valleys of Rossendale.*

9. *Too low a density - does not accord with Local Plan, nor with NPPF.*

*These proposed 34 dwellings on 1.57Ha are at c22/Ha well below the Local Plan Stage 1 Core Strategy's target of 50/Ha for most sites in Haslingden, Rawtenstall, Bacup and Whitworth. RCT note that the quoted "extant" permission 2007/016 for 48 dwellings would at least be, at c31/Ha, within the Local Plan's target of 30/Ha for elsewhere in Rossendale. RCT also note, in the current consultation on Lives and Landscapes' Stage 2, the close by site H27 Kirkhill Rise, which has on 2.2Ha some 66 dwellings = 30/Ha.*

10. *2011 approved and adopted Local Plan Core Strategy Policy 2: Meeting Rossendale's Housing Requirement, section 5. Encouraging higher density developments (50+ dwellings per hectare) in sustainable locations, such as within and adjacent to Rawtenstall, Bacup, Haslingden and Whitworth and where well served by public transport, with a minimum density of 30dph across the Borough.*

11. *"Report to Rossendale Borough Council by Roland Punshon BSc Hons, MRTPI an Inspector appointed by the Secretary of State for Communities and Local Government 10 October 2011"Appendix D: Monitoring and Implementation Strategy:-*

*70% of all new residential development in Rawtenstall, Bacup, Haslingden and Whitworth to be built at 50 dwellings per hectare. 85% of all new residential development in all other areas to be built at 30 dwellings per hectare.*

12. *NPPF March 2012 while not giving specific national targets does expect density to be considered; as it clearly has been, and at a time when the NPPF was in its consultation stage.*

6. *Delivering a wide choice of high quality homes*

47. *To boost significantly the supply of housing, local planning authorities should: set out their own approach to housing density to reflect local circumstances.*

13. *Houses on a slope. RCT draw attention to these 4 at Clough End Road, on a sheltered site close to Haslingden, as a neat example of higher density housing set into sloping ground, that*

could be used with some adjustments to suit a far more exposed site: such as a simpler roof form;  
while balconies, to match existing houses on Lower Cribden Avenue and Oaklands Drive, should really be on leeward not windward elevations.

14. Conclusion: In view of the fact that there is already an extant permission, RCT's conclusion is that we could only accept it if the density was right, the design was better and there was provision for residents, existing and likely, to deal with gritting for winter access.

### **RBC Forward Planning**

*"This proposal is for 34 dwellings. The site is 1.57 ha in area (gross), predominantly green field, within the defined Urban Boundary (as shown on the Proposals Map of 1995), with an extant planning approval for 48 dwellings. The current Proposals Map (1995) identifies the land as a housing allocation, albeit this policy was not saved.*

#### **Five year housing land supply**

*Paragraph 49 of NPPF indicates that housing applications should be considered positively with Local Plan policies not considered to be up to date if a 5 year supply cannot be demonstrated. The Government within NPPF and NPPG places considerable emphasis on housing delivery and the existence or otherwise of a five year land supply is a key component in delivering this aspiration.*

*The Council is of the opinion that it does have a five year land supply and that Core Strategy housing policies, in particular Policy 2, are therefore relevant. The most recent 5 year land supply, published in August 2015, indicates that there is a Housing Land Supply of between 6.9 and 7.2 years, depending on what scenario is selected. It should be noted that this site was included in the 5 Year Housing Land Supply document as a committed site for 49 (sic) dwellings, based on its extant permission. The approach taken by the Council to five year land supply has previously been successfully defended at appeal. It is also important to note that the Core Strategy Inspector fully took into account the previous backlog prior to 2011 incorporating these numbers in the overall housing figure, that low delivery in 2011-2013 was a reflection of the prevalent economic conditions rather than land supply limitations and that all the peak delivery figures within the housing trajectory are over the next five years (2015-16-2019/20).*

*The recent consultation on "Lives and Landscapes" Local Plan Part 2 identified land suitable for construction of over 2,800 houses. This site was not identified as a potential allocation in part due to its extant planning approval. It is recognised that a number of these sites have been subject to challenge within the responses received to the consultation but nevertheless the Council considers that there is sufficient land available to meet its 5 year land supply targets.*

*The Council updated its SHLAA figures as part of the "Lives and Landscapes" consultation. The SHMA is also currently being updated. Each of these pieces of work provide an up to date information on the current housing land supply and confirm more fully the position of the five year housing supply.*

#### **Planning history**

*The site has an extant planning permission (2007/0016) for 48 dwellings, with a technical start having been made. This provided for 29 detached houses, 4 semi-detached and 15 apartments. The current application seeks to amend this mix to 34 detached dwellings.*

### Core Strategy

*The proposal accords with Policy 1 of the Core Strategy as it is located within the urban area. Residential uses on this land, which has no specific value for recreation or open space, and is surrounded by housing, would make best use of the site, albeit the number of units is lower than previously approved.*

*This land is predominantly green field. Policy 2 indicates that un-allocated greenfield land should only be permitted where it is (i) for 100% affordable or supported housing or (ii) forms a minor part of a larger scheme, or (iii) it can demonstrate significant social, economic or environmental benefits. While it is recognised that new housing per se does deliver benefits both in construction and for those who will occupy it, there is no indication that 100% of the housing would be affordable, neither is the development part of a larger scheme. There is also no reference that the housing proposed would exceed the requirements of the existing Building Regulations and be of particularly high energy efficiency specification. However, I am aware that this land has been ear-marked for housing in the past and is in a residential area and that Rawtenstall has a lower target for new housing on previously developed land than other parts of Rossendale. The density of this scheme is low at just less than 22 dwellings per hectare of total area, falling short of the minimum density of 30 dwellings to the hectare. However, not all of the land, particularly in the central area, can be developed due to the steep gradients on-site.*

*Policy 3 indicates that the majority of new housing should be constructed in the Rawtenstall area, about 30% of the overall requirement. The development is within the defined Rawtenstall area being located in the Longholme Ward.*

*Policy 4 requires a minimum of 30% affordable housing on greenfield sites of more than 8 dwellings. Hence it would be expected that this proposal for 34 dwellings would deliver 10 affordable units.*

*Policy 9 addresses accessibility. The site is relatively close to Rawtenstall town centre (1.4 km). The topography of the area impacts on walking and cycling, especially for those with any disability or pushing a buggy, etc. There are no proposals to improve sustainable access.*

*Policy 17 is partly met by the use of an element of tree planting, which will also serve to screen the existing housing.*

*Policy 19 requires that designs should mitigate climate change particular energy efficient design and the use of SUDS to mitigate flood risk.*

*Policy 23 promotes high quality design and Policy 24 addresses wider planning application issues.*

### Conclusion

*Overall this is considered to be a suitable location for housing, being in the urban boundary within the Rawtenstall housing tier and I further note that there is an extant permission for 48 units, which could be built out. However, this scheme included 15 apartments, which are difficult to finance and, given the topography of the local area, I consider this site to be more suitable to typical 'family' accommodation."*

### **RBC Environmental Health**

Contaminated land – no comments received.

*“In relation to noise I recommend that the standard hours of construction condition is attached to any permission granted to protect the occupiers of the nearby residential property.”*

## **United Utilities**

With reference to the above planning application, United Utilities wishes to draw attention to the following as a means to facilitate sustainable development within the region.

### Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

United Utilities must stress that land drainage will not be permitted to communicate directly or indirectly with the public sewerage system.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement.

Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with Daniel McDermott Developer Engineer at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk) as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

### Drainage Conditions

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

#### Foul Water

##### Condition 1

Foul and surface water shall be drained on separate systems.

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

## Surface Water

### Condition 2

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to qbar rates.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

The applicant can discuss further details of the site drainage proposals with Developer Engineer, Daniel McDermott by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk). For further information regarding Developer Services and Planning, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>.

### Justification for Pre-commencement condition

If a 'Pre-commencement' condition has been requested in this correspondence, please consider the following information as justification of this request.

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 6, we have been asked to provide written justification for any pre-commencement condition we may have recommended to you in respect of surface water disposal.

The purpose of the planning system is to help achieve sustainable development. This includes securing the most sustainable approach to surface water disposal in accordance with the surface water hierarchy.

It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to use up a significant volume of capacity in our infrastructure. If we can avoid and manage surface water flows entering the public sewer, we are able to significantly manage the impact of development on wastewater infrastructure and, in accordance with Paragraph 103 of the NPPF, minimise the risk of flooding. Managing the impact of surface water on wastewater infrastructure is also more sustainable as it reduces the pumping and treatment of unnecessary surface water and retains important capacity for foul flows.

As our powers under the Water Industry Act are limited, it is important to ensure explicit control over the approach to surface water disposal in any planning permission that you may grant.

Our reasoning for recommending this as a pre-commencement condition is further justifiable as drainage is an early activity in the construction process. It is in the interest of all stakeholders to ensure the approach is agreed before development commences.

### Water Comments

Each individual unit will require a separate metered supply at the applicant's expense and all internal pipework must comply with current water supply (water fittings) regulations 1999.

The level of cover to the water mains and sewers must not be compromised either during or after construction.

Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains/public sewers.

Should this application be approved the applicant must contact our water fittings section at Warrington North WwTW, Gatewarth Industrial Estate, off Liverpool Road, Sankey Bridges, Warrington, WA5 1DS.

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a press notice was published and site notices were posted around the site. 52 individual letters were sent to neighbours on 26 August 2015, and a second round of consultation was undertaken in relation to amended plans. A petition containing 64 signatures from residents of Oaklands Drive, Ambleside Avenue and Langdale Avenue has been received. 14 objection letters have been received, of which 5 submitted a further objection towards the amended plans. The key issues are summarised below:

- On-road parking is already an issue for wheelchair users and emergency services
- Added noise of extra traffic
- Difficulty in landscaping due to land being steep and having natural springs, existing issue with drainage
- Garden levels and balconies will affect privacy of existing properties on Oaklands Drive
- 3-storey houses on the rear street will be detrimental to existing surrounding properties and their value
  - 3-storey layout differs from all existing dwellings in the area
  - Distance between south elevation of proposed dwellings and north elevation of existing dwellings on Oaklands Drive does not appear large enough, not detailed on plans
  - Junction of Oaklands Drive and Haslingden Road is inadequate for existing number of properties in terms of design, vision, traffic calming and surfacing. Increased traffic will create a larger risk of accidents
  - Adjoining footpath is unsuitable for use due to paving, lighting and overgrowth
  - Access as per extant permission is deemed acceptable despite increase in traffic since extant permission in 2008
  - Concerns for construction vehicle access and parking
  - Concerns for road cleaning during construction period
  - Nothing to prevent future dormer extensions which would make the houses 4-storey
  - Planting schedule shows trees close to a boundary dry stone wall. When trees mature the roots could displace the wall
  - Sewerage infrastructure struggles with waste from existing properties
  - Traffic for Belmont School is already a large issue with taxis and minibuses parked in the area obscuring visibility
  - Number of proposed houses is too large
  - Over-saturation of houses in the area affecting house prices
  - No provision for shops or services, doctors, dentists, schools

## **8. ASSESSMENT**

The main considerations of the application are:

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1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Ecology; 5) Access / Highway Safety; 6) Flood risk; and 7) Planning Contributions.

### Principle

The site is within the defined Urban Boundary of Rawtenstall where development is acceptable in principle, in line with Policy 1 of the Core Strategy.

The development will contribute toward the delivery of the borough's housing target, in line with Policy 2 of the adopted Core Strategy. The Council has taken the view in previous planning decisions relating to this site that it comprises partly previously developed land and partly greenfield. The full site benefits from an implemented planning consent for 48no. dwellings (application reference 2007/016) which could be built out at any time. Indeed, the site is included within the Council's 5 Year Housing Land Supply Report (August 2015) as a residential development site currently under construction. In addition, the site is allocated for housing on the Proposals Map.

The development would also accord with Policy 3 of the Core Strategy, which states that *"the largest number of additional houses will be built in the Rawtenstall area, equating to approximately 30% of the overall requirement."*

The Councils' Forward Planning Team have been consulted on the proposal and their full response is set out in Section 6. They conclude that this is considered to be a suitable location for housing, being in the urban boundary within the Rawtenstall housing tier and having regard to the extant permission for 48 units, which could be built out.

For the reasons above the proposed residential development at this site is acceptable in principle and is in accordance with the Core Strategy housing policy.

### Visual Amenity

The application site is within an elevated position on a hillside to the north of Oaklands Drive and to the east of Lower Cribden Avenue, there are dwellings to all sides of the site, in particular to the north which are further up the slope towards the skyline. Given this context, the proposed development would not appear to encroach beyond the established developed urban area, and it is not considered that it would be unduly harmful to landscape character in long distance views.

The dwellings have been designed to reflect the topography of the site and so are split-level with two storey elevations facing north, and three storey elevations facing south. A range of designs / house types are proposed to add interest to the development, however materials will be consistent throughout the scheme to ensure there is cohesion. Some of the properties include balconies, patio doors and other detailing to add interest. The largest dwellings are located within plots 27-32 which is the highest part of the site which offers commanding views. The design and massing of the proposed dwellings is considered to be acceptable in line with Policy 23 of the Core Strategy, and it is considered that the style of the proposed dwellings will not appear incongruous when viewed from surrounding vantage points both in the immediate locality and from further afield.

The applicant proposes to use artificial stone and tiles. Officers have considered the mix of materials used on other dwellings within the locality and note there is a mixture of artificial stone and concrete tiles, and a smaller number of properties of natural stone and slate

construction particularly within the Mickledore Estate to the east. For these reasons it is pertinent to impose a condition to ensure that samples of the proposed facing and roofing materials are submitted and approved prior to the commencement of development to ensure visual compatibility with the surrounding developments in both short and long distance views. It is also necessary to impose a condition which requires full details of all windows, doors, garage doors, rainwater goods and guttering, in the interests of visual amenity.

The south eastern portion of the site contains a number of trees, some of which are covered by Tree Preservation Orders, which lend character to the site and soften its boundaries visually. As with the previous scheme (2007/016) the proposed scheme would see several trees (including some covered by TPOs) felled or pruned to facilitate the development, and their replacement with several new trees in different locations. The applicant has provided a robust landscaping scheme showing the proposed locations of new trees, hedges and grassed areas. This includes attractive front gardens with hedges and tree planting fronting the roads, and also a substantial landscape buffer between within the rear gardens of plots 1 to 16. This will contain heavy standard trees, and will assist in screening the dwellings from those existing on Oaklands Drive.

The Council's Tree Officer has concluded that the landscaping scheme is acceptable however recommendations have been made as to how it can be enhanced further. This includes planting trees in each of the plots 1-11, and that the evergreen species such as Ilex (Holly, preferable as it is native), Nothofagus or a tree form of Cotoneaster to ensure the screening is effective in winter. The applicant has agreed to undertake the amendments has supplied a revised landscaping plan.

In terms of density, Policy 2 of the Core Strategy states that densities should normally meet a minimum of 30 dwellings to the hectare. In this case the site area extends to approximately 1.57 hectares and therefore with 34 dwellings the proposed development has a density of 22 dwellings per hectare (DPH). However, the applicant has stated that the site has a natural gradient which ranges between a level difference of 28m and 31.5m from the South West boundary to the North West boundary. This gives us a gradient of 1 in 4.85 to 1 in 4.7. Along with road access limitations and topography, steep banking has to be created to the top, middle and bottom of the site in order to facilitate reasonable roads and property access. In addition to this, there is a drainage easement to the North East of the site. For these reasons the developable area is reduced to 1.2 hectares, which increases the density to 28 DPH. The applicant has also stated within the submission that the density along the continuation of Lower Cribden Avenue reflects the size and scale of the properties they precede along this road, in accordance with the NPPF. In addition, the provision of two turning heads also has an impact on the useable area of this site. Accordingly, for reasons above Officers are satisfied that the proposed density of 28 DPH is acceptable.

Subject to the proposed conditions, the scheme is considered acceptable in terms of visual amenity and landscaping.

### Neighbour Amenity

Several local residents objected to the scheme by letter, and a petition containing 64 signatures has also been received. The key issues raised are summarised in Section 7 of this report and they primarily relate to highway issues (this is considered further in the heading 'Access / Highway Safety') and separation distances. The objections have been taken into account where possible in the consideration of the application and Officers have negotiated several changes to the scheme (particularly in terms of separation distances) since it was initially submitted and it is considered a good attempt has been made to address any concerns

relating to material planning matters either through changes by the applicant or by the imposition of appropriate conditions. The key changes made are summarised below:

- The applicant has moved the dwellings on plots 1-11 further north, away from the existing dwellings on Oaklands Drive. The separation distances are marked on the Site Layout Plan and show distances of between 25 and 26 metres, and this is up to 5 metres further in certain locations than the scheme approved in 2007.
- Projecting balconies have been removed from the 'Easingham' house type so as to avoid overlooking into the rear of dwellings on Oaklands Drive.
- A planning condition removing permitted development rights in relation to extensions and dormer windows will be imposed so as to control any future development in the interests of the amenity of the neighbours.
- The development includes a landscaped buffer in the rear gardens of plots 1-16 and the applicant has agreed to enhance planting within plots 1-11. The proposed trees will take a degree of light from the south-facing rear elevation of plots 1-11, however this will be shown on the plans and is a matter for the developer to make potential purchasers aware. The planting will not take light from the rear gardens of dwellings on Oaklands Drive as they are sited to the north.

The Council's Environmental Health department has no objection to the scheme, and it is considered appropriate to impose conditions on working hours (as part of a broader condition requiring the submission and approval of a construction method statement) to protect neighbour amenity in line with their comments.

Taking into account the design of the dwellings, the increased separation distances, and the proposed landscaping scheme, Officers are satisfied overall that the scheme as now planned is considered acceptable in terms of neighbour amenity, subject to the proposed conditions.

### Ecology

The Greater Manchester Ecology Unit has confirmed that the Ecology Survey and Assessment report accompanying the application has been prepared by suitably qualified consultants and is to appropriate standards. The Ecologist has concluded that no further surveys are required prior to deciding the application and notes that the site is not designated for its nature conservation value and it is not adjacent to or close to any designated sites. It is considered to currently have only low potential to support any specially protected or priority species. The following points were also raised:

- The proposed development does include landscaping, incorporating new hedge planting, (limited) new tree planting and garden spaces that will go some way to compensating for losses of greenspace to the new houses. However, there is no contiguous 'block' of greenspace within the proposed layout.

*The landscaping section above describes how Officers have negotiated with the applicant to enhance the landscaping proposals.*

- While I have no overall objection to the scheme on ecological grounds, although I would recommend that consideration be given to requiring the development to make a contribution towards the creation and/or management of greenspace (POS?) as compensation for the loss of open greenspace to the scheme, for wildlife conservation purposes and in the interests of public amenity.

*Normally a development of this nature would be required to provide a financial contribution towards off-site public open space (POS). In this case the previous applicant paid a contribution of £48,000 towards POS and because that scheme was not built out, it would not be acceptable for Officers to request payment from the current applicant.*

- That no vegetation clearance required by the scheme be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

*This can be secured by planning condition.*

For the reasons above I am satisfied that the development would be acceptable in terms of its ecological impact and compliant with the NPPF and Policies 17 and 18 of the Core Strategy.

### Access / Highway Safety

In commenting on the scheme, the Local Highway Authority was mindful that planning permission has been implemented for 29 detached homes, 4 semi-detached homes and 15 apartments in the site. The previous scheme utilised the access points of Lower Cribden Avenue and Oaklands Drive, as per the current scheme, although the number of units using them has now reduced by 14. The Highway Engineer has no objection to the scheme, they have found that the proposal provides car parking in line with the Council's standards, and amendments have been made to the layout of the scheme where possible in line with their comments following discussions between the case officer and the applicant's agent. The following amendments to the scheme were recommended, and the Planning Officer's comments on these are set out below in italics:

- A footpath link should be added to the site plan from the Oaklands Drive estate road extension alongside plot 17 to public footpath 240, which connects Haslingden Road to Haslingden Old Road and the wider public footpath network and to Whittaker Park via Cedar Avenue. I would recommend a minimum width of 2 metres.

*The applicant agreed to insert the link to footpath 240 which leads to Haslingden Road and Haslingden Old Road. However, after consultation with residents it has raised concerns in relation to safety and security. Officers have sought advice from the Police Architectural Liaison Officer and in terms of crime risks, within the last 12 months the recorded crime in the vicinity of the proposed development gives little cause for concern. The crime statistics and low numbers of reported incidents surrounding this location give no justification for the proposed footpath link to be removed. On this basis Officers recommend that the link shall remain as part of the proposal.*

- A footway should be provided on both sides of Oaklands Drive across the frontages of numbers 32 and 43 Oaklands Drive to connect the existing and proposed footways on the development.

*The applicant has undertaken this amendment.*

- Lancashire County Council will seek to enter into a Section 38 agreement under the Highways Act 1980 with the developer to formally adopt the new estate roads. Lancashire County Highways will adopt the two new roads and after supplying a swept path analysis, RBC Operations have confirmed that the roads and turning heads can accommodate their refuse vehicles.

*This will also be secured by planning condition.*

A number of planning conditions are also recommended which are listed in Section 11 of this report. It is important to highlight that one of the recommended conditions requires the developer to undertake a survey of the road before and after the development from the section of Union Road between Brynbella Drive and Lower Cribden Avenue. Any damage resulting from the construction must be repaired.

Members of the public have raised objections on the grounds of poor access up the estate roads during bad weather, which exacerbates on-street parking, particularly on Oaklands Drive in close proximity to Belmont School. Members will be aware that on other similar schemes where such issues have been raised, the Highway Engineer has advised that there are insufficient grounds to refuse the application due to winter weather which may result in vehicles parking on the highway network for a very small percentage of the time throughout the lifetime of the development.

Overall there is a net reduction in units of 14, compared to the previously implemented scheme, and as no objections have been raised from the Highway Authority, Officers do not consider a recommendation for refusal on highway grounds could be substantiated. Subject to the conditions, it is considered that the proposed scheme as it now stands is acceptable in terms of access / highway safety.

#### Flood risk

Lancashire County Council has confirmed there is no objection to the proposal on flood risk grounds, subject to the use of planning conditions which include the provision of a surface water drainage scheme and a plan for its future maintenance. Subject to these conditions, the proposal is acceptable with regards to flood risk and drainage.

#### Planning Contributions

The following contributions have been sought in relation to the scheme:

- Bin Provision - at a rate of £100 per dwelling, this would equate to £3,400.
- Affordable housing - Policy 4 of the Core Strategy seeks a minimum of 30% affordable housing on greenfield sites of over 8 dwellings. At pre-application stage, the Council's Housing Manager agreed that an off-site contribution toward affordable housing is suitable in this case, and £300,000 was agreed as an appropriate sum.

Lancashire County Council has advised Officers that the proposal does not necessitate a contribution towards education provision.

With regards to Public Open Space (POS), a contribution is normally payable for a scheme of this nature in accordance with the SPD, however, the applicant for the previous scheme (2007/016) paid the Council £48,000 for POS as part of the 48 dwelling scheme, and this was received and spent in 2012 on existing outdoor recreational facilities within Rossendale in accordance with the S106 Agreement. For this reason no further contributions are necessary.

Officers consider that the above contributions are necessary to make the development acceptable (in accordance with Core Strategy Policy 22) and meet the three tests in paragraph 203 of the NPPF (namely that the contributions are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development). 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.

## **9. SUMMARY REASON FOR APPROVAL**

The proposed development is appropriate within the urban boundary and is in a sustainable location. The site has planning permission for a larger scheme of 48 dwellings, and given that it is contained on all sides by existing residential development, it is not considered that the proposed scheme would cause undue harm to landscape character in long distance views, despite its relatively elevated position. It is considered that the development would not unduly detract from visual and neighbour amenity or highway safety subject to the use of planning conditions. For these reasons the development is in accordance with the National Planning Policy Framework and Policies AVP 4, 1, 2, 3, 4, 8, 9, 17, 18, 19, 22, 23 and 24 of the adopted Core Strategy DPD.

## **10. RECOMMENDATION**

That Committee be minded to grant Planning Permission subject to:

- a) A S.106 Obligation to secure payment of Contributions of £3,400 to cover the cost of bin provision, and £300,000 towards off-site affordable housing provision; and
- b) The Conditions set out below.

It is recommended that delegated authority is given to the Planning Manager to refuse planning permission in the event that the Planning Obligation is not signed by 15 December 2015.

## **11. CONDITIONS**

### Time limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

### Approved drawings

2. The development shall be carried out in accordance with the following plans unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority:
  - Site Layout PL01 B (amended plan received 27 October 2015)
  - Sections PL-05
  - Plot Landscape Proposals c-1321-01 revision B (amended plan received 27 November 2015)
  - MUS 1.70 and 1.71
  - PEN SP 1.70 and 1.71
  - WEE 1.70 and 1.71
  - EAS 1.70a and 1.71a
  - RIV 1.70 and 1.71
  - GAR 1.71
  - PEN 1.70 and 1.71
  - LON 1.70 and 1.71

- LIT 1.70 and 1.71
- HUR 1.70 and 1.71
- BEA 1.70 1.71

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

### Highways

- Any ground / construction works associated with the development hereby approved, including deliveries to the site, shall not take place except between the hours of 7:00am and 7:00pm Monday to Friday and 8:00am and 1:00pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

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

Reason: In the interests of pedestrian and highway safety and neighbour amenity in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

- A pre-commencement and post development survey should be completed by the developer and submitted to the LPA for the section of Union Road between Brynbella Drive and Lower Cribden Avenue. A scheme and timetable to reinstate any damage should be submitted to and agreed by the LPA and subsequently implemented at the cost of the developer under the appropriate agreement with the Highway Authority.

Reason: In the interests of pedestrian and highway safety and neighbour amenity in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

- No development shall be commenced until an Estate Street Phasing and Completion Plan has been submitted to and approved in writing by the Local Planning Authority. The Estate Street Phasing and Completion Plan shall set out the development phases and the standards that estate streets serving each phase of the development will be completed.

Reason: In the interests of pedestrian and highway safety and neighbour amenity in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

- No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been

submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

Reason: In the interests of pedestrian and highway safety and neighbour amenity in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

8. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interests of pedestrian and highway safety and neighbour amenity in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

9. Upon completion of the turning head within the development on Oaklands Drive, the existing turning head outside 43 Oaklands Drive shall be formally stopped up under Section 247 of the Town and Country Planning Act and new footways shall be constructed on both sides of the road to link the developments. The appropriate agreements and specification shall be agreed into with the Highway Authority.

Reason: In the interests of pedestrian and highway safety and neighbour amenity in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

#### Drainage

10. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
  - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
  - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 19.4 litres per second (for a 1 in 1 year event), 38 litres per second (for a 1 in 30 year event) and 46.4 litres per second (for a 1 in 100 year event). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
  - d) Flood water exceedance routes, both on and off site;
  - e) A timetable for implementation, including phasing as applicable;
  - f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
  - g) Details of water quality controls, where applicable.



The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that water quality is not detrimentally impacted by the development proposal and to accord with the NPPF and Policy 24 of the Rossendale Core Strategy.

11. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system, and to accord with the NPPF and Policy 24 of the Rossendale Core Strategy.

12. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
  - i. on-going inspections relating to performance and asset condition assessments
  - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. To reduce the flood risk to the development as a result of inadequate maintenance. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system, and to accord with the NPPF and Policy 24 of the Rossendale Core Strategy.

13. Foul and surface water from the development hereby approved shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution in accordance with Policies 19 and 24 of the Council's Core Strategy.

14. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to qbar rates.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF.

#### Landscaping and ecology

15. The landscape scheme hereby approved (dwg c-1321-01 revision B) shall be carried out within the next planting season following commencement of development. Any trees or shrubs dying within five years of planting shall be replaced with the same species within twelve months.

Reason: In the interests of visual amenity and to comply with Policy 24 of the Rossendale Core Strategy.

16. No vegetation clearance required by the scheme shall be undertaken during the optimum period for bird nesting (1 March to 31 July inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

Reason: In the interests of protecting biodiversity in line with Policy 18 of the Council's Core Strategy and the NPPF.

#### Materials

17. Prior to the commencement of development a Materials Plan detailing all proposed materials to be used on the site (dwelling elevations, roofing materials, windows, heads, cills, doors, garage doors, balconies, rainwater goods, downspouts, and all external hard surfaces) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

18. Prior to the commencement of development samples of all proposed materials identified on the Materials Plan shall be made available on site for inspection, and the external elevation sample shall be provided by means of the erection on site of a one metre square sample panel including proposed mortar mix and joint detail, for the written approval of the Local Planning Authority. The panels so approved shall be retained on the site and shall not be removed until such time as the external walls are complete. The approved materials shall be retained thereafter unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

#### Permitted development rights

19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) details of the position, type and height of all fences, walls and gates to be erected on the site shall be submitted to and approved in writing by the Local Planning

Authority prior to installation. All boundary treatment shall be retained as approved thereafter.

Reason: Insufficient details have been submitted with the application and in the interests of the visual amenities of the area, and in order to comply with Policies 23 and 24 of the adopted Core Strategy.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Schedule 2 Part 1 Classes A (enlargement, improvement or other alteration), B (additions to the roof e.g. dormers), and F (hard surfaces) other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard neighbour amenity and the visual amenities of the area, and to ensure that adequate soft landscaping is retained within the curtilage of the dwellings in accordance with Policies 1 and 24 of the Core Strategy.

## **12. INFORMATIVES**

1. In order to provide a safe, secure and sustainable environment for residents, Lancashire Constabulary have recommended that this development be built in accordance with Secure By Design standards. The applicant's attention is drawn to the advice given by Lancashire Constabulary in their consultation response, outlined in Section 6 of this report.
2. United Utilities advised that a separate metered water supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999. The applicant may contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact their Property Searches Team on 03707 510101 to obtain maps of the site. United Utilities also advise that due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; the applicant should contact a Building Control Body to discuss the matter further.
3. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at [http://www.rossendale.gov.uk/a\\_to\\_z/service/309/core\\_strategy](http://www.rossendale.gov.uk/a_to_z/service/309/core_strategy), and operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant. In this case the applicant did engage in pre-application discussions. The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.