

Application Number:	2015/0489	Application Type:	Full
Proposal:	Erection of 26 detached dwellings with access from Yarraville Street (Outline)	Location:	Land at Lower Carr Farm, to the rear of Hardman Avenue and adjacent to Yarraville Street, Rawtenstall
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	7 th June 2016
Applicant:	Mr Kenneth Charlesworth	Determination Expiry Date:	Extension of time agreed until 21 st June 2016
Agent:	Graeme Luxton (GL Consultancy)		

Contact Officer:	James Dagleish	Telephone:	01706-238643
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	Departure (Major Application)

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 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

Lower Carr Farm comprises a renovated two storey stone and slate farmhouse with a private drive and associated parking, turning and outbuildings. The house sits above and to the side of fields within the applicant's ownership in an area designated as countryside.

The application site comprises an irregularly shaped parcel of land of approximately 1.4 hectares also located in an area of countryside immediately adjacent the urban boundary of Rawtenstall to the side and rear of Lower Carr Farmhouse, to the rear of No's 2-54 Hardman Avenue and to the side of No.18 Yarraville Street.

The land for its most part comprises semi-improved grassland with areas of marshy grassland within them. The land slopes downwards for its most part to where it abuts the rear gardens of the semi-detached properties along Hardman Avenue. There are a number of ditches and culverts running through the site which has a history of flooding and drainage problems due to surface water run-off from higher level land. In 2012 this caused significant flooding to the area and as a result the Council, with the applicant's consent installed an open ditch running parallel and adjacent to the rear gardens of properties along Hardman Avenue, and other works.

To its north eastern end a small part of the site forms part of a garage site containing four garages and unmanaged coarse grassland to its south and east. Both these areas are designated as Greenlands as well as Countryside. The garage site is owned by Green Vale Homes. That part of the site is separated from the rest by the private access drive to Lower Carr Farm.

Three other former farmsteads are in close proximity to the site, those being Middle Carr Farm, Higher Carr Farm and Hall Carr Farm. Middle Carr Farm is a Grade II Listed Building approximately 130 metres to the east of Hardman Avenue. These scattered farmsteads form a distinctive part of the countryside character of the area.

The site is approximately 600 meters from Rawtenstall Town Centre.

There are numerous Public Footpaths in close vicinity to the site including No. 261 which runs in part along the private access road and behind Lower Carr Farm. Others link to the wider countryside area beyond, including a bridleway to the east. Public footpath No.242 runs from the private access drive behind Yarraville Street and the garage plots, to Bocholt Way.

3. PROPOSAL

The applicant seeks outline planning permission including access, layout and scale for the construction of 26 dwellings. Permission for appearance and landscaping has not been sought, and these would be reserved matters.

The dwellings would comprise nine three-bedroomed and seventeen four-bedroomed detached dwellings accessed from the eastern end of Yarraville Street close to its junction with Hardman Avenue.

There would be three house types (A, B and C). Type A (4-bed detached) would measure 7.715m to its ridge and 4.85m to its eaves. Type B (4-bed detached) would measure 8.607m to its ridge and 4.85m to its eaves. Type C (3-bed detached) would measure 7.842m to its ridge and 4.85m to its eaves.

Following discussions between the case officer, LCC Highways and the applicant's agent, the layout has been revised to feature a continuous access road with a single turning head at its southern end. This has enabled plots 1-6 to be realigned to follow the line of the rest of the development, and sit lower down the hillside.

In respect of planning contributions the applicant has indicated they would provide the following:

- Seven of the houses on site to be reduced market value Affordable Units
- £35,516 to meet the requirements of the Council's Open Space and Play Provision SPD
- £2,600 towards the provision of refuse bins for the new dwellings

The following have also been submitted:

- An ecological appraisal, comprising a desktop study, extended Phase 1 Habitat Survey and a bat survey.
- A heritage statement
- A phase 1 contaminated land report
- A design and access statement
- A completed transport assessment form
- Photomontages from various viewpoints to demonstrate visual impact
- A Land Drainage Scheme
- A Flood Risk Assessment

The applicant has submitted a drainage scheme (revised since the previous application 2014/0310) intended to mitigate historic flooding problems associated with the site and the properties downslope on Hardman Avenue.

4. POLICY CONTEXT

National

National Planning Policy Framework (2012)

Section 1	Building a Strong Competitive Economy
Section 3	Supporting a Prosperous Rural 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 10	Meeting the Challenges of Climate Change, Flooding, etc
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	Rawtenstall
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 16	Preserving and Enhancing Rossendale's Built Environment
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

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

Planning Practice Guidance

Penny Bennett Landscape Architects - Lives and Landscapes Assessment (2015)

5. CONSULTATION RESPONSES

Environment Agency

No comments received on the current application, but the comments below were received on the previous application (2014/0310) for information:

We are able to remove our previous objection but would strongly recommend that before the application is determined the applicant reviews the Flood Risk Assessment (FRA) to address the points raised below and the concerns of Mr Forster (Property Services Manager, Rossendale BC).

Flood Risk

Firstly, we would refer you to the concerns raised by your own property services manager Michael Forster in his memo of 10 November. He is more informed in relation to the existing flood risks and flood history associated with the development site and the adjoining properties to the north. We would agree with the concerns raised by Mr Forster and note that whilst he does not raise objection to the proposal, he suggests the applicant should confirm the adequacy of existing culverted watercourses. Referring to the FRA by Infrastructure Design (ref:1182/2), there is no assessment made in relation to the capacity of the existing downstream culverts. The FRA has acknowledged the presence of the watercourses crossing the site and provided an outline design to route these through the site. However, no assessment appears to have been made in relation to the flows that these would need to convey. As such, the proposed pipe sizes shown on the drainage layout in appendix C are presumably notional.

The surface water drainage strategy outlined in the FRA is based on limiting run-off from the development to greenfield rate and this is appropriate. We assume that the statement in 6.4.4 that the site is "brownfield" is an error. It also states that potential for infiltration is unlikely to be proven. Therefore, even with a restricted discharge rate there would be an increase in volume running off the site after development. If the existing downstream receptors are blocked (as noted), or of restricted capacity, the additional volumes could make flooding worse to the adjoining properties. In view of the flood history of the location investigation of the condition and capacity of the downstream culverts is recommended as part of the FRA.

The proposal refers to filling the existing ditches that currently intercept overland flows and give the adjoining properties some protection against flooding. We would suggest that some form of boundary ditch or bund be considered to reduce residual risks to the adjoining properties.

Informative

The prior written consent of the Lead Local Flood Authority will be required under section 23 of the Land Drainage Act 1991 for the diversion and/or culverting of the ordinary

watercourses that cross the site. We have copied this response to Lancashire County Council so that they are aware of this issue

RBC (Land Drainage Officer)

No objection to the outline application subject to the imposition of a condition requiring the submission within any reserved matters application (and subsequent agreement in writing by the LPA) of a detailed scheme demonstrating the peak volumes/flow rates of all the water courses entering the site and the capacity of the new culverts calculated accordingly, with the main outfall culvert calculated to accommodate all these flows, with potential to accommodate flows from the Council's adjoining land and the surface water flows from the new development.

RBC (Forward Planning)

The proposed development is located on land designated as Countryside, on the edge of the urban boundary. The site is in a relatively sustainable location, and would contribute towards the delivery of housing within the borough.

Paragraph 14 of the NPPF 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:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate that development should be restricted

The Council cannot currently demonstrate a five-year supply of deliverable housing sites, and therefore certain Core Strategy policies concerned with the supply of housing cannot be considered up-to-date (in line with paragraph 49 of the NPPF). In light of this, despite the site being located outside the designated urban boundary (where Policy 1 of the Core Strategy seeks to locate the majority of new development), Paragraph 14 of the NPPF must take precedence in this case.

The application should therefore be determined in line with paragraph 14 of the NPPF, with the presumption in favour of sustainable development weighed against any adverse impacts of granting permission. Policies 16, 17, 18, 23 and 24 of the Core Strategy are still relevant to the determination of the application.

Policy 17 is relevant in terms of sustainable drainage, and Policy 18 is relevant in terms of landscape impact (linking with the Lives and Landscapes Assessment by Penny Bennett Landscape Architects).

RBC (Conservation Officer)

Would it be possible to give consideration to including the below conditions to ensure the proposals are in accordance with Policy 16 of the Core Strategy and Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990:

- Landscaping scheme: all native species

- Boundary wall: to match the traditional stone walling type found in the area. The exact coursing, finish, stone type and coping should be agreed in writing and implemented in accordance with agreed. Possibly provide sample panel.
- Houses should be of natural local stone and slate given the relatively visually exposed location and surrounding house type materials and adjacent listed building.
- Window design should be conditioned.

Contaminated Land Officer

The former brick works mentioned in the reports appears to be off site to the south across Hall Carr Road. The old track / road may have deviated slightly over the years and due to the sensitive residential end use I recommend a watching brief for the site with regards to contaminated land.

This could either be conditioned or a note to the applicant as follows:

If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

The Ecological Survey advises that “It is an offence under the Wildlife and Countryside Act 1981 (as amended) to cause the spread of Montbretia and Japanese Knotweed in the wild. A specialist contractor should be contacted and a Management Plan devised for the eradication of both species from the site”.

Eradication of Invasive plant species, particularly Japanese Knotweed, can be difficult and time consuming. Its control is covered by a number of legal requirements. If any invasive plant clearance will be undertaken then materials must be properly disposed of at a suitably licensed/permitted disposal facility. Waste transfer documents should be kept as evidence of correct disposal. I therefore recommend the following condition:

The developer shall submit an invasive plant species eradication plan for the approval of the LPA prior to undertaking work on site. The developer shall specify the eradication methodology and the evidence that will be provided to the LPA to verify the effectiveness of the eradication. No occupation of any affected part of the permitted development shall take place until the verification report demonstrating completion of works set out in the approved eradication strategy and the effectiveness of the treatment has been submitted to and approved in writing by the LPA.

RBC (Strategic Housing)

No comments were received.

LCC (Highways)

No objection

Public footpath 255 crosses the rear gardens of plots 22-24 and will require a diversion order.

The estate roads will be built and adopted by Lancashire County Council under a Section 38 Agreement of The Highways Act 1980.

The off-site highway works will include the re-surfacing of Hall Carr Road from its junction with Hardman Avenue in a south easterly direction to its junction with the link path to the new estate road.

Ecology Consultant

No comments were received on the current application, but Lancashire County Council (Ecology Services) provided the response below to the previous application (2014/0310):

Sufficient survey work has been carried out to inform this application and that the submitted Ecological Survey & Assessment on the whole provides an accurate assessment of the ecological value of the site and the likely ecological impacts resulting from the proposal.

It seems reasonably unlikely that the proposals would result in significant ecological impacts provided the recommendations below are followed.

If Rossendale Borough Council is minded to approve the above application or any amended proposals, it is recommended that the following matters be dealt with at the reserved matters/full application stage and/or by planning conditions (or Section 106 agreements):

At the reserved matters/full application stage the applicant will need to demonstrate that there would be adequate replacement planting and habitat creation to ensure that the biodiversity value of the site is maintained, as a minimum, and enhanced (in line with the NPPF).

I recommend that species rich native hedgerows are planted around site boundaries and there be appropriate tree planting through the site, along with installation of bird nest boxes and bat roosting opportunities. The submitted Ecological Survey & Assessment (ERAP Ltd, August 2014, ref: 2014_065) also provides appropriate recommendations and these should be followed.

Landscape planting/habitat creation and planting along site boundaries should comprise native species and habitats appropriate to the locality.

No tree felling, vegetation clearance works, demolition work, works affecting stone walls or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

In order to ensure that impacts on amphibians and hedgehogs are avoided the recommendations detailed in section 5.7 & 5.8 of the Ecological Survey & Assessment report (ERAP Ltd, August 2014, ref: 2014_065) shall be implemented in full

All plants listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) which occur on the site, such as Japanese Knotweed and Montbretia, shall be eradicated from the site and working methods shall be adopted to prevent their spread in accordance with Environment Agency guidance and codes of practice.

Prior to the commencement of works there shall be a repeat survey of the site and surrounding land for the presence of badgers. The report of the survey (together with

proposals for mitigation/compensation, if required) shall be submitted to Rossendale Borough Council for approval in consultation with specialist advisors. Any necessary and approved measures for the protection of badgers will be implemented in full.

All shrubs, trees and woodland areas being retained in or adjacent to the application area will be adequately protected during construction, in accordance with existing guidelines (e.g. BS5837: 2012 Trees in relation to design, demolition and construction recommendations).

External lighting associated with the development shall be kept to a minimum, shall be directional and designed to avoid excessive light spill and shall not illuminate woodland area to the north and south of the site or any bat roosting opportunities installed within the site.

LCC (Rights of Way)

It looks from the amended site plan on the planning application website that there will be two recorded footpaths affected by this development. Even if a public right of way recorded on the Definitive Map is not visible, or available to be walked on the ground, it legally exists until there is a legal order to extinguish or divert the route. Part of footpath PRW-14-4-242 will require diverting before the development goes ahead and the remainder of that path and footpath PRW-14-4-255 must be taken into consideration when setting out the location of fences, hedge planting and drainage ditches etc.

I've attached some plans that should assist with the identification of the alignment of the public rights of way, including a copy of an extract of the Definitive Map (First Review) and the Definitive Statements.

Unless it is proposed to alter the layout of the development to avoid the recorded route of the footpaths, the necessary diversion order should be made by Rossendale Borough Council, as the Planning Authority under the provisions of the Town and Country Planning Act 1990 Section 257 (TCPA90 S257). Unless there are exceptional circumstances, a new footpath created by a diversion order should have a minimum width of 2 metres and run over land that is well drained and firm underfoot, thereby ensuring the route is safe and convenient for the public to use in all weather conditions.

I would be grateful if you could send me details of any diversion proposal at an early stage for comment on the alignment and specification of the proposed routes.

I would also draw your attention to the British Standard for Gaps, Gates and Stiles (BS5709:2006 – guidance note attached) in relation to the fences around the field at Lower Carr Farm. Gates and Stiles can only be installed if historically they were on the route (and if it was a gate, it can't be changed to a stile), or if they are authorised as new limitations under the provisions of the Highways Act 1980 Section 147. As such they will only be authorised for livestock purposes and must conform to BS5709:2006 (stiles are not acceptable on new routes).

In addition, I would ask the developer to note that the necessary public path order must be made and confirmed prior to construction on the public right of way. There is no provision under the Town and County Planning Act 1990 to allow for retrospective diversion of paths that are already affected by either a partially completed or completed development. Under certain circumstances it might be appropriate for the footpath to be temporarily closed

during the development but this does not provide for the construction of any building or other structure that affects the existing route of the public right of way.

LCC (Planning Contributions)

No requirement for an education contribution.

United Utilities

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: Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

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 and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

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.

Management and maintenance of Sustainable Drainage Systems

Regardless of the stage in the planning process, we recommend the Local Planning Authority includes a condition in their Decision Notice regarding a management and maintenance regime for Sustainable Drainage Systems. We suggest the following condition should be appropriate for most instances;

Condition 3: Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including

mechanical components) and will include elements such as on-going inspections relating to performance and asset condition assessments, operation costs, 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.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

The applicant can discuss any of the above with Developer Engineer, Matthew Dodd, by email at wastewaterdeveloperservices@uuplc.co.uk.

We recommend the developer also contacts the Local Planning Authority along with the Lead Local Flood Authority to discuss surface water drainage as they will ultimately be the decision maker on this matter.

Lancashire County Council (Lead Local Flood Authority)

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority:

Condition 1 - Development is in accordance with the submitted FRA

The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (23 November 2015 / ID Project No 1182 / Paul Graveney) and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by critical storm events (1 in 1 year, 1 in 30 year and 1 in a 100 year plus 30% for climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of compensatory flood storage as stated in the FRA in Table 3 under section 6.5.6
3. Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
4. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
5. Confirmation of the opening up of any culverts across the site.
6. Finished floor levels are set no lower than 300mm above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reasons

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
3. To ensure the structural integrity of existing <and proposed> flood defences thereby reducing the risk of flooding.
4. To ensure safe access and egress from and to the site.
5. To reduce the risk of flooding from blockages to the proposed culvert(s).
6. To reduce the risk of flooding to the proposed development and future occupants.

Condition 2 - Outline application: reserved matters to include surface water drainage scheme to be agreed

As part of any reserved matters application and prior to the commencement of any development the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority.

1. Surface water drainage scheme which as a minimum shall include:
 - 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, means of access for maintenance and easements where applicable, 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 flood levels in AOD;
 - b) The drainage scheme should demonstrate that the surface water run-off must not exceed greenfield run-off rate. 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 where applicable;
 - f) Site investigation and test results to confirm infiltrations rates;
 - g) details of water quality controls, where applicable.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reasons

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development, elsewhere and to future users.
3. To ensure that water quality is not detrimentally impacted by the development proposal.

Although we are satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to properties off Hardman Avenue

Condition 3 - 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 4 - 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.

Informative 1 - Response does not grant permission to connect to the ordinary watercourse

For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-awatercourse.aspx>

Lancashire Badger Group

No objection to the application.

National Grid

Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure apparatus is not affected by any of the proposed works.

Whilst National Grid does not object to the application, the applicant's attention is drawn to their recommendations contained within their full consultation response.

6. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 05/02/2016, site notices were posted on 19/01/2016 and 101 letters were sent to neighbours on 18/01/2016. Further letters of re-consultation were sent to neighbours on 04/13/2016 following receipt of an amended layout plan from the applicant.

13 letters of objection and 2 other representations have been received.

The main points of objectors has been summarised below:

- Landscape impact
- Harm to visual amenity
- Loss of open space
- Impact on wildlife
- Land unsuitable to build houses on
- No need for the proposed type of housing in this location
- The development would make flooding problems worse for nearby houses
- Increased traffic, would cause increased danger and congestion on local roads
- There isn't capacity in the local schools
- The scheme would adversely affect the character of the settlement and have an adverse impact on local views and viewpoints.

- The photomontages do not show any nearby vantage points or views from Bocholt Way.
- The area has existing flooding, drainage and excess surface water issues
- The applicant suggests the proposed houses would allow residents to move to larger houses, however, due to high levels of unemployment in the area this is aspirational.
- The southwest corner on the site impacts on a popular local bridleway. There is no reference to it in the application or a suggested mitigation for the restriction of access.
- Loss of privacy and overlooking of existing properties
- Disturbance from construction machinery
- Roads not gritted in winter, the development would result in more abandoned cars on nearby roads in winter
- Local infrastructure / utilities may not be able to cope with the development
- Insufficient employment in the borough for additional residents
- Development would erode the visual buffer around Lower Carr Farmhouse and Hall Carr Farm
- Development would erode the openness of the countryside
- Detached dwellings are inappropriate in this location
- Insufficient information has been provided regarding drainage
- There has been no bus service on Hardman Avenue for years
- Traffic Noise

7. **ASSESSMENT**

The main considerations of the application are:

1) Principle /Housing Policy; 2) Contribution to Housing Supply and Needs; 3) Flood Risk; 4) Affordable Housing; 5) Visual Amenity/Heritage Impact; 6) Neighbour Amenity; 7) Access/Parking/Highway Safety; 8) Ecology; 9) Planning Contributions.

Principle/Housing Policy

The Council's Core Strategy seeks to locate development within the defined urban boundary. All of the houses would be on land designated in the Council's Core Strategy as Countryside. In addition two of the houses would be sited on land designated as Greenlands within an area of Countryside.

The scheme does not accord with the Development Plan in respect of housing policy and is also contrary to its policy on the protection of Greenlands (contained within Core Strategy Policy 17).

However, the Council cannot currently demonstrate a five-year supply of deliverable housing sites based on Full Objectively Assessed Need (FOAN), and therefore certain Core Strategy policies concerned with the supply of housing cannot be considered up-to-date (in line with paragraph 49 of the NPPF).

Paragraph 14 of the NPPF 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:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- specific policies in the NPPF indicate that development should be restricted

The site is in a relatively sustainable location adjacent to the Rawtenstall urban boundary, and would contribute towards the delivery of housing within the borough.

The Council considers that it is not currently in a position to demonstrate an up to date five year housing land supply based on Full Objectively Assessed Need (FOAN). That being the case it is considered in accordance with paragraphs 49 and 14 of the Framework that the policies in the Council's Core Strategy insofar as they relate to housing are out of date and should be afforded limited weight.

Accordingly, the starting point for assessment of the application is that permission should be granted for the proposed scheme unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The main issues for consideration in my opinion are:

- Contribution to housing supply and needs,
- Flood risk;
- Affordable housing provision;
- Effect on visual amenity / character and appearance of the countryside / heritage impact;
- Impact on neighbour amenity;
- Access, parking and impact on highway safety;
- Impact on ecology;
- Planning contributions

These issues will be considered below.

Contribution to Housing Supply and Needs

The scheme being for 26 new dwellings it would make a significant contribution to reducing the shortfall in housing supply for the Borough over the plan period. Accordingly I attach some weight in favour of the proposal in respect of its contribution to housing supply.

Flood Risk

The applicant has worked with the Council's Land Drainage Officer and officers from Lancashire County Council (Lead Local Flood Authority) to amend the drainage design that was submitted as part of the previous application (2014/0310). The applicant proposes that the amended drainage layout will address historic surface water run-off / flooding problems associated with the site, resulting in improved drainage and reduced flood risk for not only the application site but for existing properties downslope to the west.

The following individuals and organisations have been consulted and have provided responses relating to flood risk / drainage:

- RBC Land Drainage Officer (Michael Forster): No objection to the outline application subject to the imposition of a condition requiring the submission within any reserved matters application (and subsequent agreement in writing by the LPA) of a detailed scheme demonstrating the peak volumes/flow rates of all the water courses entering

the site and the capacity of the new culverts calculated accordingly, with the main outfall culvert calculated to accommodate all these flows, with potential to accommodate flows from the Council's adjoining land and the surface water flows from the new development (and the subsequent implementation of the agreed scheme).

- LCC (Lead Local Flood Authority): No objection to the scheme subject to the imposition of conditions requiring: the development to be carried out in accordance with the submitted Flood Risk Assessment; the submission and approval of a detailed surface water drainage scheme at reserved matters application stage (and the subsequent implementation of the agreed scheme); that the development is not occupied until the sustainable drainage scheme is completed in full and that the scheme is managed and maintained thereafter, and; that no development shall commence until details of a management and maintenance plan for the sustainable drainage system are submitted and approved (and subsequently implemented thereafter).
- United Utilities: No objection to the scheme subject to the imposition of conditions relating to foul water, surface water and the management / maintenance of the sustainable drainage scheme.
- Environment Agency: No comments were provided on the current application, but advice was provided on the previous application (2014/0310), as set out in Section 5 of this report for information.

Given the technical nature of the drainage design and its implications for flood risk on the site and the wider area, the case officer is guided on such matters to a large extent by the advice of the specialist organisations and individuals above. None of the organisations or individuals consulted have an objection to the approval of the current outline application, subject to the imposition of various conditions, and I have no reason to disagree with their assessments.

As such, the proposed scheme is considered acceptable in terms of flood risk / drainage subject to the imposition of conditions as outlined above.

Affordable Housing

The applicant proposes to provide seven affordable units on site which would equate to around 30% of the housing proposed on the site. This would broadly accord with the minimum requirement set out in Policy 4 of the Core Strategy. Given the location of the site it is considered that affordable housing would be desirable.

The application does not specify which of the dwellings on site are proposed to be designated as affordable units. This will need to be clarified at reserved matters stage, and it is considered appropriate to impose a condition requiring the submission of such details.

Subject to the above condition, and the signing of a Section 106 Agreement to secure the provision of the affordable units, the scheme would satisfy Policy 4 of the Council's Core Strategy in respect of Affordable Housing provision.

Visual Amenity /Heritage Impact

Subject to the imposition of conditions requiring the submission and agreement of details of facing materials, window design, landscaping and boundary treatments at the reserved matters stage I am satisfied, taking into account the comments from the Council's Conservation Officer that the scheme would not harm the character and setting of the Grade II Listed Middle Carr Farm.

The development is of a significant size and is in an elevated position, and would have an impact on the essentially open and rural character of the countryside area in which it would be located. It would have an undeniable impact on landscape character in both long and short distance views, and when viewed from nearby public rights of way.

The development would largely sit within Area A as identified in the Penny Bennett Landscape Architects landscape assessment for the area above Hall Carr in Rawtenstall (contained within the Lives and Landscapes Assessment 2015). The overall landscape assessment for Area A concludes that it is suitable for development, with mitigation. In Penny Bennett Landscape Architects' response to the previous application, it was suggested that the proposed timber post and rail boundary fencing was inappropriate and the use of stone walling or native hedge boundaries would be more appropriate. It was also suggested that the proposed layout of the properties on plots 1-6 (which ran perpendicular to the slope of the ground) was out of keeping with the rest of the development, and would be more acceptable if realigned to follow the natural contours of the hillside and the line of the rest of the development.

Following discussions between the case officer and the applicant's agent, an amended plan has been received which includes the use of stone boundary walling in certain locations around the perimeter of the proposed development.

Despite the amended plan showing the use of some stone boundary walls, it is however still considered appropriate to impose a condition requiring the submission and agreement of full details of boundary treatments at reserved matters stage, to ensure that appropriate (local coursed stone walls and native hedge) boundary treatments are used in the development. The use of local stone walling and native hedges would be important in properly mitigating the undeniable visual impact of the scheme.

The amended plan also includes the reorientation of plots 1-6 to follow the line of the wider development. It is considered that the amended layout of these plots now more closely follows the contours of the hillside, and would now be visually compatible with the line of the wider development.

As stated previously, the development would have an undeniable impact on landscape character given its scale and elevated position. It would also have an impact on the essentially open and rural character of the countryside in this location. However, in my opinion the amended plans that have been received do go a considerable way toward mitigating any unacceptable harm that may have been caused by the original proposal to landscape character / visual amenity. This is an outline application, and the applicant has not applied for the reserved matters of appearance and landscaping. As such, further approval of those matters must still be sought in future, and there is an opportunity at that stage for the Council to ensure that the appearance of the individual dwellings, landscaping and boundary treatments are appropriate and acceptable. The matters for which approval is sought at outline stage (layout, scale and access) are considered to be broadly acceptable on balance.

It is considered appropriate to impose a condition requiring that the proposed facing materials (particularly the stone used in construction of the elevations and the roofing materials) are submitted and approved prior to the commencement of development to ensure visual compatibility with surrounding properties in both short and long distance views. It is also considered appropriate to require that the new dwellings are faced in natural stone with natural slate roofs, to ensure compatibility with surrounding properties

and ensure that the development is of a high quality design and appearance given its elevated position and wide ranging visibility.

Given the Council's position in relation to being unable to demonstrate a 5-year housing land supply, the current application must be determined in accordance with Paragraph 14 of the NPPF – which states that planning permission should be granted unless any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits, or where specific policies in the NPPF indicate that development should be restricted.

In this case, no specific policies in the NPPF indicate that the development should be restricted, and in my opinion the impact of the scheme on landscape character / heritage / visual amenity has now been adequately mitigated to the extent that it does not *significantly and demonstrably* outweigh the benefits of the development (in terms of the delivery of market housing, affordable housing and the potential reduction in flood risk to nearby properties).

Subject to the above conditions, the application is considered acceptable in terms of visual amenity.

Neighbour Amenity

The housing would be significantly higher than the existing dwellings to the west, such that in some instances finished floor levels would be approximately 6m higher than those on Hardman Avenue. I note the objectors' comments in this regard.

Separation distances would vary from a minimum of around 27m from the rear elevations of Nos. 46-56 Hardman Avenue to the rear elevations of plots 12-15, to around 35m from the rear elevations of Nos. 14-20 Hardman Avenue to the front elevations of Plots 4-6.

Section 2.1 of the Council's Alterations and Extensions to Residential Properties SPD contains guidance on separation distances between habitable room windows. It specifies that there should be a minimum of 20m between habitable room windows in properties that are directly facing each other, and that where there is a significant change in levels between such properties an extra 3m of separation should be added for each 2.5m or one storey of height difference.

Taking into account the above, I am satisfied from the sections drawings and site layout plan provided that the proposed scheme complies with the above in respect of separation distances between the properties on Hardman Avenue and plots 1-16, and as such would not unduly affect the privacy enjoyed by residents of the existing properties. Given the separation distances involved, I do not consider that the proposed scheme would result in an unduly significant reduction in daylight to properties on Hardman Avenue. Although the new dwellings would be on a significantly higher level than those on Hardman Avenue, the proposed scale of the new dwellings (ridge heights: Type A – 7.715m, Type B – 8.607m, Type C – 7.842m) would not be unusually large.

Whilst the proposed scheme would result in a change in outlook from the rear elevations of existing properties on Hardman Avenue, the scheme complies with the guidance contained in Section 2.1 of the Alterations and Extensions to Residential Properties SPD and Policy 24 of the Core Strategy, and I consider that it complies with policy in terms of neighbour amenity.

Access / Parking

I note the objectors' concerns regarding the increase in the volume of traffic on the surrounding roads which are double parked at times due to a lack of off street parking provision.

However, the scheme has been assessed by the Highway Authority who has raised no objection in this regard. Furthermore the new road would be to adoptable standard and parking within the site would accord with current standards, so there is no reason to consider that parking generated by the scheme would overflow onto Hardman Avenue/Yarraville Street.

The scheme is considered acceptable in terms of highway safety.

Ecology

Although comments were not received on the current application, LCC's Ecology Section did provide comment on the previous application – and it is considered that those comments are still relevant to the current scheme.

Having regard to the submitted ecology report, LCC's Ecology Section did not object to the scheme subject to conditions.

Planning Contributions

No contributions have been sought by LCC Highways or LCC Education. A contribution of £2,600 (£100 per dwelling) has been agreed with the applicant, to provide refuse bins for the new dwellings.

Having regard to the Council's SPD there would be a requirement to make a contribution of £35,516 towards Open Space and Play provision, which the applicant has agreed to meet.

Subject to the signing of a Section 106 Agreement to secure the above, the development is considered acceptable in terms of planning contributions.

9. RECOMMENDATION

That Committee be minded to grant Planning Permission subject to:

- a. A S.106 Obligation to secure payment of Contributions of £2,600 to cover the cost of bin provision, £35,516 towards open space and play equipment provision in the local area, and the provision of 7 affordable housing units on site; 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 21st June 2016.

10. SUMMARY REASON FOR APPROVAL

The proposed development site is in the Countryside (though the site is in a relatively sustainable location adjacent to the Rawtenstall urban boundary), and as such the

development is inappropriate in principle. However, the Council considers that it is not currently in a position to demonstrate an up to date five year housing land supply based on Full Objectively Assessed Need (FOAN). That being the case it is considered in accordance with paragraphs 49 and 14 of the NPPF that the policies in the Council's Core Strategy insofar as they relate to housing are out of date and should be afforded limited weight. On balance, it is considered that in this case the benefits of the development (in particular flood risk reduction to nearby residential properties and contribution to housing supply) outweigh any adverse impacts (particularly the effect on the character and appearance of the Countryside, increased traffic generation and impact on outlook from neighbouring properties). The development is otherwise in accordance with 8, 9, 18, 19, 22, 23 and 24 of the adopted Core Strategy DPD and accordingly, planning permission should be granted in line with paragraph 14 of the NPPF.

11. **CONDITIONS**

1. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: Required by Section 92 of the Town and Country Planning Act 1990.

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:

- 13/1057/200E – Proposed Site Plan – Date stamped 25th April 2016 by the Local Planning Authority
- 15/1057/201B – Design Sections – Date Stamped 11th May 2016 by the Local Planning Authority

Reason: To accord with the permission sought and granted.

3. Details of the landscaping of the site (hereinafter called “the reserved matters”), which shall also include details of boundary treatments around the edge of the site and around individual plots, and details of all external surfacing materials to be used on the site, shall be submitted to and approved in writing by the Local Planning Authority before any development begins, and the development shall be carried out as approved. Boundary treatments shall consist of local coursed stone walling and native hedgerows.

Reason: The application is in outline only and is not accompanied by detailed plans, and to ensure that the development is appropriate with regard to visual amenity, the character and appearance of the Countryside, neighbour amenity and biodiversity conservation, in accordance with Policies 1, 18, 23 and 24 of the adopted Core Strategy DPD.

4. Details of the appearance of the scheme (a reserved matter), which shall include a Materials Plan detailing all proposed materials to be used on the site (dwelling elevations, roofing materials, windows, heads, sills, doors, garage doors, rainwater goods, downspouts, and all external hard surfaces) shall be submitted to and approved in writing by the Local Planning Authority before any development begins, and the development shall be carried out as approved. Notwithstanding the above, the new dwellings shall be constructed of natural coursed stone and shall have natural slate roofs.

Reason: The application is in outline only and is not accompanied by detailed plans, and to ensure that the development is appropriate with regard to visual amenity and the character and appearance of the Countryside, in accordance with Policies 1, 23 and 24 of the adopted Core Strategy DPD.

5. No development shall take place until full details of a surface water drainage scheme for the site have been submitted to, and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The surface water drainage scheme shall as a minimum shall include:

- 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, means of access for maintenance and easements where applicable, 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 flood levels in AOD;
- b) The drainage scheme should demonstrate that the surface water run-off must not exceed greenfield run-off rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Information demonstrating the peak volumes/flow rates of all the water courses entering the site with the capacity of the new culverts calculated accordingly, calculations to demonstrate the ability of the main outfall culvert to accommodate all these flows with the potential to accommodate additional flows from adjoining land and surface water flows from the new development.
- d) 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 where applicable;
- f) Site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.
- h) Information demonstrating that no surface water shall discharge to the public sewerage system either directly or indirectly.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users, and to ensure that water quality is not detrimentally impacted by the development proposal, in accordance with Policies 1, 23 and 24 of the Core Strategy DPD.

6. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (23 November 2015 / ID Project No 1182 / Paul Graveney) and the following mitigation measures detailed within the FRA:

- a) Limiting the surface water run-off generated by critical storm events (1 in 1 year, 1 in 30 year and 1 in a 100 year plus 30% for climate change) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- b) Provision of compensatory flood storage as stated in the FRA in Table 3 under section 6.5.6
- c) Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
- d) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- e) Confirmation of the opening up of any culverts across the site.
- f) Finished floor levels are set no lower than 300mm above Ordnance Datum (AOD).

The mitigation measures shall be fully implemented prior to occupation of any of the dwellings hereby approved and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority in consultation with the Lead Local Flood Authority.

Reasons:

In accordance with Policies 1, 23 and 24 of the Core Strategy DPD:

- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.
- To ensure the structural integrity of existing (and proposed) flood defences thereby reducing the risk of flooding.
- To ensure safe access and egress from and to the site.
- To reduce the risk of flooding from blockages to the proposed culvert(s).
- To reduce the risk of flooding to the proposed development and future occupants.

7. 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 to and approved in writing by the Local Planning Authority, in consultation with the Lead Local Flood Authority. The management and maintenance plan, 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:

In accordance with Policies 1, 23 and 24 of the Core Strategy DPD:

- 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.

8. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with policy 24 of the Core Strategy DPD.

9. The reserved matters (landscaping) application shall include a statement containing full details of measures to be carried out to conserve and enhance the biodiversity value of the site. The details shall include the planting of native hedgerows around the site boundary and appropriate tree planting throughout the site, along with installation of bird nest boxes and bat roosting opportunities. The recommendations contained within the submitted Ecological Survey & Assessment (ERAP Ltd, August 2014, ref: 2014_065) shall be implemented in full.

Reason: To conserve and enhance biodiversity, in accordance with Policy 18 of the Core Strategy DPD.

10. No tree felling, vegetation clearance works, demolition work, works affecting stone walls or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist demonstrate that nesting birds would not be affected. Such a survey shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any such works during the dates specified above.

Reason: To conserve and enhance biodiversity, in accordance with Policy 18 of the Core Strategy DPD.

11. Prior to the commencement of development there shall be a repeat survey of the site and surrounding land for the presence of badgers. The report of the survey (together with proposals for mitigation/compensation, if required) shall be submitted to and approved in writing by the Local Planning Authority, and any approved measures for the protection of badgers shall be implemented in full.

Reason: To conserve and enhance biodiversity, in accordance with Policy 18 of the Core Strategy DPD.

12. No development shall take place until a scheme demonstrating the full details and location of the seven affordable housing units to be provided on the site has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full and thereafter adhered to in perpetuity.

Reason: To ensure the appropriate provision of affordable housing units on the site for the lifetime of the development, in accordance with Policies 4 and 22 of the Core Strategy DPD.

13. If, during development, any contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: In the interests of mitigating pollution and risk to the development from contaminated land, in accordance with Policy 24 of the Core Strategy DPD.

14. No development shall take place until an invasive plant species eradication plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall specify the eradication methodology and the evidence that will be provided to the LPA to verify the effectiveness of the eradication. No occupation of any affected part of the permitted development shall take place until the verification report demonstrating completion of works set out in the approved eradication strategy and the effectiveness of the treatment has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of preventing the spread of invasive plant species and mitigating risk to the development from such species, in accordance with Policies 18 and 24 of the Core Strategy DPD.

15. Notwithstanding the provisions contained within the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent amendment), no fencing, walls or other means of enclosure, or hard surfaces shall be constructed between the front (principal) elevation of any dwelling hereby permitted and the highway / access road, without planning permission first being granted by the Local Planning Authority.

Reason: To maintain the satisfactory appearance of the development in the interests of visual amenity, in accordance with Policies 1, 23 and 24 of the Core Strategy DPD.

16. No development shall take place 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 site activities
- viii) Details of working hours

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.

12. INFORMATIVES

1. For the avoidance of doubt, this planning permission does not grant the applicant consent to connect to the ordinary watercourse(s) and it does not mean that Land Drainage Consent will be given. The prior written consent of the Lead Local Flood Authority will be required under section 23 of the Land Drainage Act 1991 for the diversion and/or culverting of the ordinary watercourses that cross the site.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-awatercourse.aspx>

2. Part of footpath PRW-14-4-242 will require diverting before the development goes ahead and the remainder of that path and footpath PRW-14-4-255 must be taken into consideration when setting out the location of fences, hedge planting and drainage ditches etc.

The necessary public path order must be made and confirmed prior to any construction on a public right of way. The developer is advised to contact Lancashire County Council's Rights of Way team in this regard prior to the commencement of any development on site.

3. The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

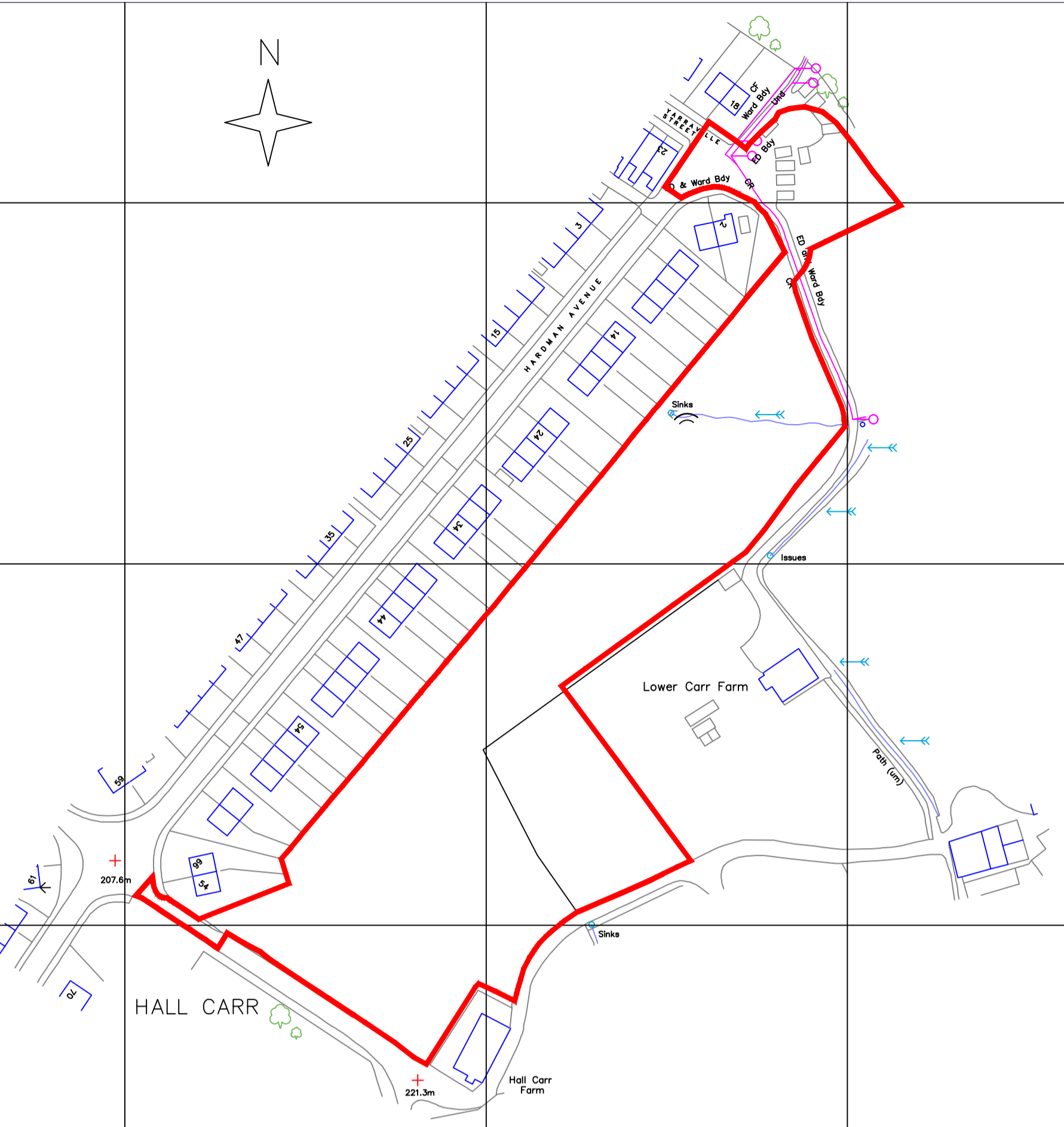
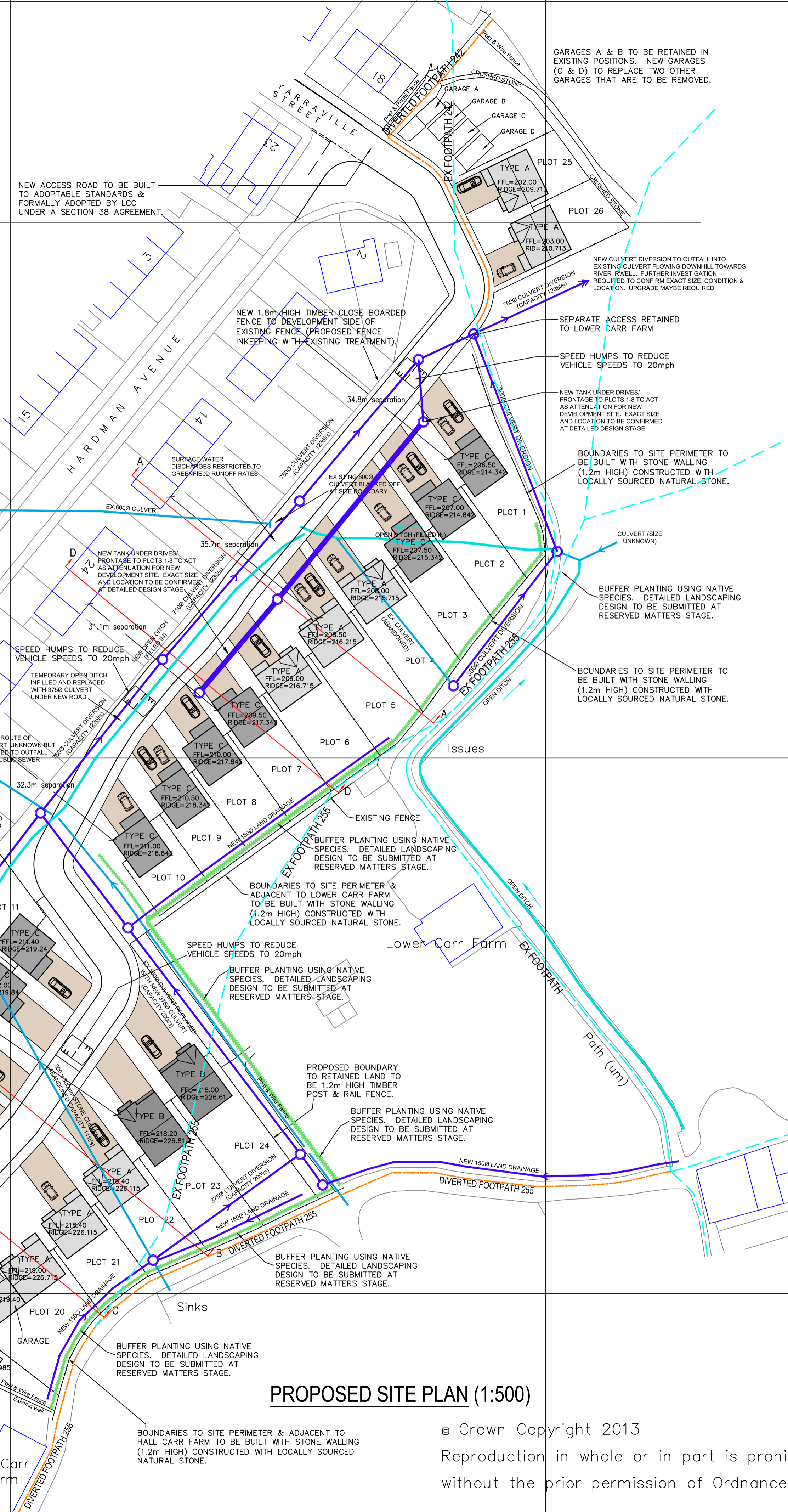
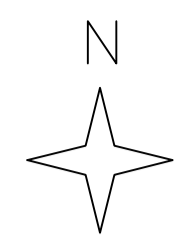
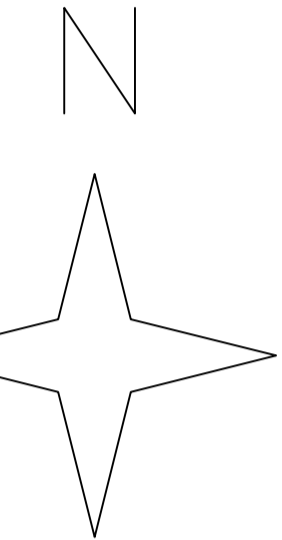
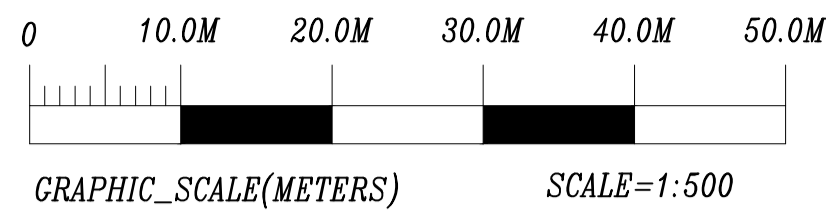
Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

4. 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, 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.

5. Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure apparatus is not affected by any of the proposed works.

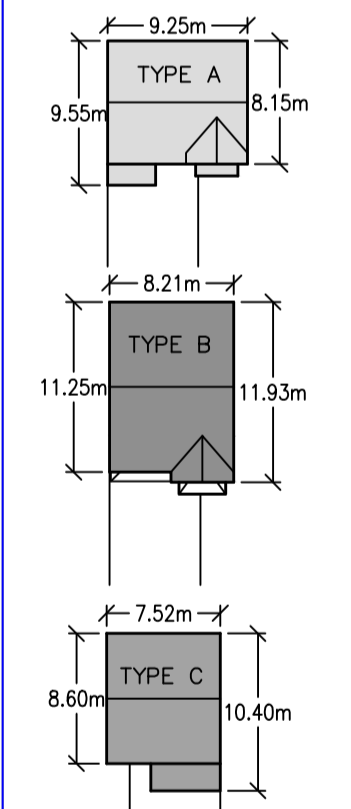


HALL CARR

PROPOSED SITE PLAN (1:500)

NOTES~

SCHEDULE OF UNITS:
26 UNITS COMPRISING:
15No TYPE A
2No TYPE B
9No TYPE C



HOUSE TYPE A & B TO HAVE A MINIMUM OF 3 OFF-STREET PARKING SPACES TO INCLUDE 1 SPACE TO INTEGRAL GARAGE...
ALL DWELLINGS TO HAVE A SECURE CYCLE STORE.
SUFFICIENT EXTERNAL SPACE PROVIDED TO ALL DWELLINGS FOR STORAGE OF BINS...
REFER TO DRAWING REF: 1182-002 FOR PROPOSALS FOR UPGRADING AND DIVERTING EXISTING CULVERTED WATERCOURSES TO SITE...
NEW ROAD CONSTRUCTION AND CYCLE & PEDESTRIAN LINK PATH TO BE BUILT TO ADOPTABLE STANDARDS...

BOUNDARIES TO SITE PERIMETER TO PLOTS 1-4, 7-10, 17-24, & 25-26 TO BE WITH STONE WALLING (1.2m HIGH) CONSTRUCTED WITH LOCALLY SOURCED NATURAL STONE.

BOUNDARY DIVISIONS TO REAR GARDENS TO PLOTS 1-3, 7-10, 17-24, & 25-26 TO BE FORMED WITH 1.2m HIGH TIMBER POST & RAIL FENCES.

SITE BOUNDARY TO WEST (TO REAR GARDENS OF DWELLINGS ON HARDMAN AVENUE) TO BE 1.8m HIGH CLOSE BOARDED TIMBER FENCE...

FENCES BETWEEN PLOT DIVISIONS TO PLOTS 4-6, & 11-16 TO BE 1.8m HIGH CLOSE BOARDED TIMBER FENCES.

NEW DEVELOPMENT TO USE LOCAL BUILDING MATERIALS, FOR BOTH BUILDINGS AND BOUNDARIES, AND STYLE TO BE IN KEEPING WITH THAT OF LOCAL FARMS AND HAMLETS.

BOUNDARIES TO SITE PERIMETER TO PLOTS 1-4, 7-10, 17-24, & 25-26 TO BE WITH STONE WALLING (1.2m HIGH) CONSTRUCTED WITH LOCALLY SOURCED NATURAL STONE.

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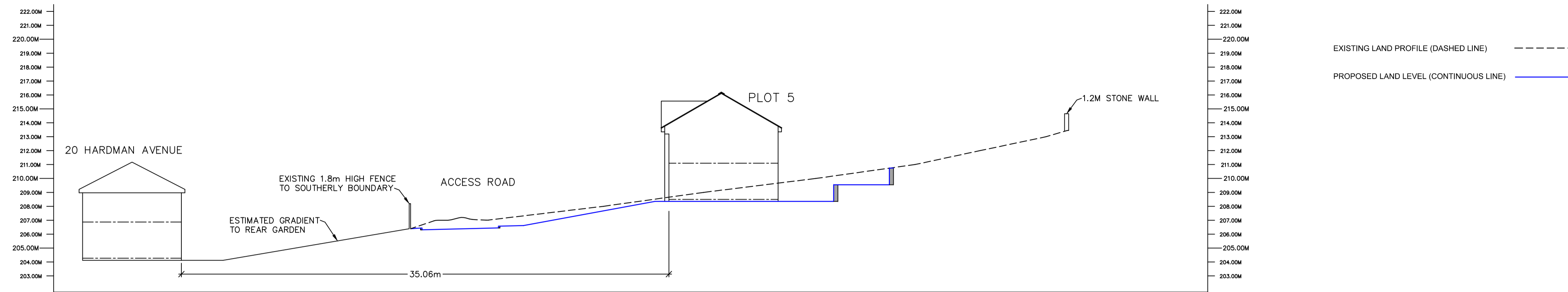
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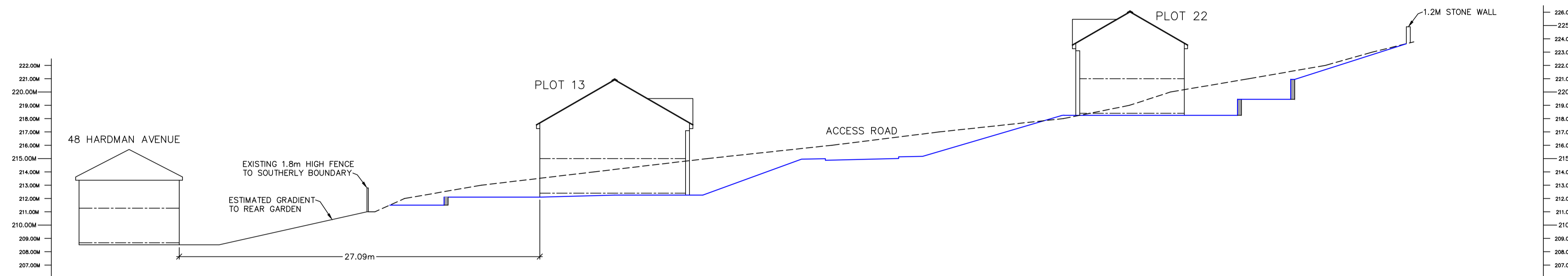
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Amendments	Proposed residential development to land to the east of Yarrawille Street, Rawtenstall~		
Title	Proposed residential development to land to the east of Yarrawille Street, Rawtenstall~		
Client	MR K. CHARLESWORTH		
Drawn No.	13/1057/200E - Proposed site plan		
Date	Plot Scale	Drawn by	Status
18.11.2013	A1@1:500	JPE	ISSUE
JPE CONSULTANCY LIMITED ARCHITECTURAL DESIGN & PLANNING 9 Woodend Drive, Stourbridge, Cheshire, SK15 2JF Telephone 01795 627 988 jpe@jpeconsultancy.co.uk			



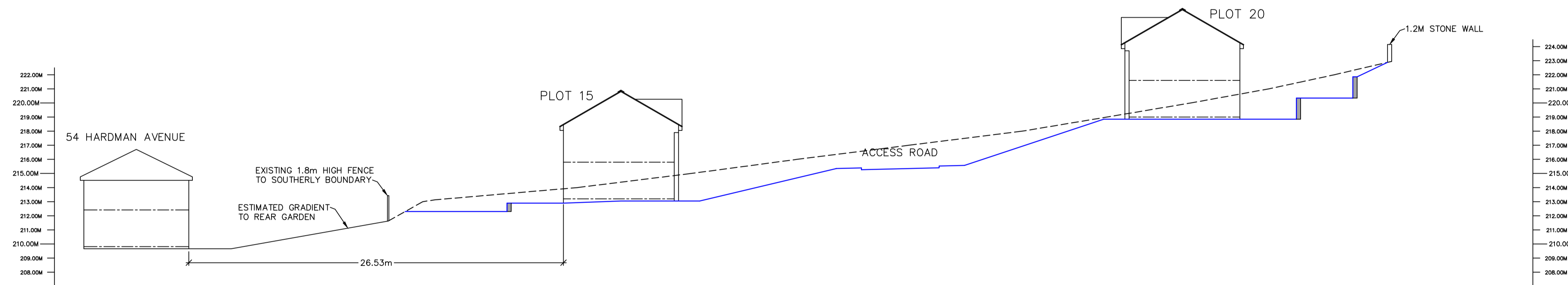
HEIGHT IN METRES
(REFER TO TOPOGRAPHICAL SURVEY)

DESIGN SECTION A-A (1:100)



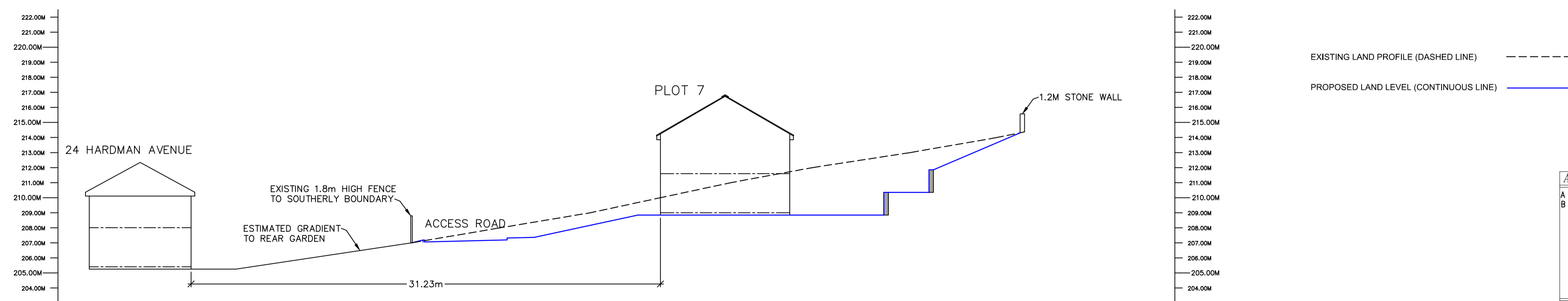
HEIGHT IN METRES
(REFER TO TOPOGRAPHICAL SURVEY)

DESIGN SECTION B-B (1:100)



HEIGHT IN METRES
(REFER TO TOPOGRAPHICAL SURVEY)

DESIGN SECTION C-C (1:100)



HEIGHT IN METRES
(REFER TO TOPOGRAPHICAL SURVEY)

DESIGN SECTION D-D (1:100)

EXISTING LAND PROFILE (DASHED LINE) - - - - -
PROPOSED LAND LEVEL (CONTINUOUS LINE) ———

EXISTING LAND PROFILE (DASHED LINE) - - - - -
PROPOSED LAND LEVEL (CONTINUOUS LINE) ———

EXISTING LAND PROFILE (DASHED LINE) - - - - -
PROPOSED LAND LEVEL (CONTINUOUS LINE) ———

EXISTING LAND PROFILE (DASHED LINE) - - - - -
PROPOSED LAND LEVEL (CONTINUOUS LINE) ———

Amendments		Client	
A	12.04.16 JPE SECTION A-A UPDATED FOLLOWING AMENDMENT TO LAYOUT TO PLOTS 1-10.	MR K. CHARLESWORTH	
B	11.05.16 JPE TO SECTION B-B SEPARATION DISTANCE CORRECTED BETWEEN 48 HARDMAN AVENUE & PLOT 13.	Dwg. No. 15/1057/201B - DESIGN SECTIONS	
Date	19.11.2015	Plot Scale	A1@1:200
Drawn by	JPE	Status	ISSUE
Title		JPE CONSULTANCY LIMITED ARCHITECTURAL DESIGN & PLANNING 9 Wooded Drive, Stonebridge, Chester, CH15 2JF Telephone 07875 627 988 jim@jpeconsultancy.co.uk	
RESIDENTIAL DEVELOPMENT TO LAND TO THE EAST OF YARROWVILLE STREET, RAWTENSTALL~			