

Application Number:	2015/0517	Application Type:	Outline
Proposal:	Outline application for residential development for up to 30 dwellings, with all matters reserved	Location:	Land At Johnny Barn Close, Cloughfold, BB4 7TL
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	7 th November 2017
Applicant(s):	Hurstwood Holdings	Determination Expiry Date:	21/11/2017
Agent:	Mr Michael Gilbert (Peter Brett Associates)		

Contact Officer:	James Dagleish	Telephone:	01706 238643
Email:	planning@rossendalebc.gov.uk		

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

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That planning permission is approved subject to the conditions set out in section 11.

APPLICATION DETAILS

2. SITE

The site comprises an area of improved grassland with mature trees bordering Edge Lane. The site is used for agricultural purposes and is currently used to graze sheep.

Vehicular access to the site can be achieved via a vehicular access gate at the northern end of Johnny Barn Close. Ground levels slope down towards the southern site boundary. The site is bound to the north east by pasture land, south east by an access track which is also a Public Right of Way; to the south west by Johnny Barn Close; and to the north-west by the existing settlement and dwellings located on Edge Lane. A Public Right of Way passes adjacent to the northern corner of the application site between Edge Lane and the wider countryside to the north. The northern edge of the Cloughfold Conservation Area is located adjacent to the western corner of the site.

The site is located adjacent to but outside the defined urban boundary.

3. RELEVANT PLANNING HISTORY

2014/0520 - Outline application for residential development comprising 47 dwellings with all matters reserved except for access and layout (Withdrawn)

4. PROPOSAL

The application seeks outline planning permission for the development of up to 30 No. dwellings with all matters reserved.

The matters of appearance, layout, landscaping, access and scale are reserved for future consideration, and would require a further application in the event of outline planning permission being granted.

Whilst approval is not sought for the layout of the site and the proposed access at this stage, a parameters plan has been submitted which provides an indicative insight into how the site may be developed.

To support the application for outline planning permission, the applicant has submitted the following documents:

- Design and Access Statement
- Ecological Assessment
- Flood Risk Assessment and Drainage Strategy
- Landscape and Visual Appraisal
- Planning Statement
- Plans and drawings
- Transport Statement

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 10 Meeting the challenge of climate change, flooding and coastal change
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP3 Waterfoot, Cowpe, Lumb and Water
- AVP4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- 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 and Zero Carbon sources of Energy
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

- National Planning Practice Guidance
- RBC Alterations and Extensions to Residential Properties SPD
- LCC Planning Obligations in Lancashire (2008)
- RBC Open Space & Play Equipment Contributions SPD
- Cloughfold Conservation Area Appraisal, Character Appraisal and Management Proposals Plan

6. CONSULTATION RESPONSES

Consultee	Response
LCC Lead Local Flood Authority	No objection subject to conditions
LCC Highways	No objection subject to conditions
Contaminated Land	No objection subject to conditions
RBC Operations	No objection, requested planning contribution
RBC Conservation Officer	No objection subject to conditions
LCC Public Rights of Way	Objection
Environment Agency	No comments to make on the application
United Utilities (Water)	No objection subject to conditions
United Utilities (Electricity)	No objection
LCC Planning Contributions	No objection, requested planning contribution
Ecology	No objection subject to conditions

Consultee	Response
Natural England	No objection
Rossendale Civic Trust	Objection
Tree Officer	No objection subject to conditions

7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted on 01/02/2016 and 135 neighbour letters were sent out on 26/01/2016. A notice was also published in the Rossendale Free Press on 05/02/2016.

Since the above, further publicity has taken place as follows:

- 135 neighbour letters were sent out on 07/09/2016 publicising the receipt of an amended flood risk assessment and drainage strategy for the proposed scheme
- 135 neighbour letters were sent out on 29/08/2017 publicising the receipt of a further amended flood risk assessment and drainage strategy for the proposed scheme

In total, 104 objections and other comments have been received. The following issues have been highlighted in the letters received:

- Access problems
- Traffic congestion
- Harm to highway and pedestrian safety
- Inadequate parking provision
- Increase in surface water runoff and flood risk
- Concern over the impact on the countryside and adjacent conservation area
- Impact on neighbour amenity
- Inappropriate design, layout and type of development
- Impact on biodiversity
- Concern over the status of the adjacent public footpath
- Concern over the presence of an underground reservoir on the hillside above the site
- Concern over the impact on private water supplies

8. REPORT

The main considerations in this case are as follows:

1) Application History; 2) Principle; 3) Benefits of the Development; 4) Visual Amenity, Countryside Impact and Heritage Impact; 5) Neighbour Amenity; 6) Access, Parking and Highway Safety; 7) Ecology; 8) Flood Risk; 9) Planning Contributions; 10) Land Contamination

Application History

Members will recall that an outline planning application was submitted to the Council in 2014 (ref: 2014/0520) for the development of 47 dwellings on the site, with all matters reserved except for access and layout.

The above application was withdrawn following discussions between officers and the applicant's agent; as officers had concerns with the application relating to:

- Unacceptable landscape and visual impact
- Unacceptable impact on the rural setting of the adjacent Conservation Area
- The proposed layout would fail to respond to the site's context
- Insufficient detail relating to the ecological impact of the proposed development
- Insufficient detail relating to how the development would avoid increasing flood risk
- As a result of the above, the proposed scheme would not deliver sustainable development

In 2015, a revised planning application (the current application) to attempt to address the issues with the previous planning application. The application is a reduced scheme of up to 30 houses, and is for outline planning permission with all matters reserved.

The application initially proposed a surface water drainage scheme which would result in the discharge of surface water into a culvert along Edge Lane. However, Lancashire County Council, as the Lead Local Flood Authority (LLFA) objected to the scheme as the proposed drainage strategy did not adequately demonstrate that the development would avoid increasing flood risk elsewhere.

Various extensions to the application determination period have been agreed with the applicant (in accordance with para 34 (2) (c) of the Town & Country Planning (Development Management Procedure) (England) Order 2015), in order to enable amendments to be carried out to the proposed drainage strategy to seek address the concerns of the LLFA. The neighbours have been re-notified of the amendments made to the proposed scheme.

In 2016, an amended flood risk assessment was submitted by the applicant in support of the scheme, providing more evidence as to the suitability of the proposed drainage scheme. However, the LLFA maintained its objection to the scheme. The applicant thereafter required a considerable amount of time to reassess the drainage of the proposed scheme.

In August 2017, an amended flood risk assessment and drainage scheme was submitted by the applicant. The document proposed an alternative drainage strategy for the site, which would avoid increasing surface water flows into the culvert along Edge Lane, and would instead direct all surface water from the site through an attenuation system and into United Utilities drainage network along Johnny Barn Close.

Excavations were carried out on the site in September 2017, without the benefit of planning permission- the owners of the land were advised to cease all unauthorised activity on the land in respect of these excavations. It is understood that the works were intended to investigate the extent of any land contamination on the site. The matter was investigated by the Council's Planning Enforcement Team, and is separate to the consideration of the current planning application.

However, the LLFA considered that the excavations could have affected surface water drainage on the site and as such the applicant submitted an addendum to their most recent flood risk assessment which takes into account the impact of the recent excavations on surface water drainage.

The acceptability of the current planning application in terms of flood risk, drainage and all other matters is assessed below.

Principle

Presumption in Favour of Sustainable Development

Paragraph 14 of the Framework contains a presumption in favour of sustainable development. Whilst sustainability has several aspects, one of the considerations in this case is the sustainability of the site's location.

The closest convenience shop (located at the junction of Peel Street and Newchurch Road) is around 230m away from the site. The closest supermarkets (Asda on St. Mary's Way and Lidl off Bacup Road in Rawtenstall) are both around 1.6km away.

There are bus stops in both directions on Newchurch Road around 240m from the site, which are served by the No. 10 bus, which provides links to Rawtenstall town centre, New Hall Hey and Waterfoot centre. Further bus services to town centres both within and outside the borough can be accessed from Rawtenstall town centre.

Given the presence of the bus stops in close proximity to the site, and the proximity of the local convenience store, it is considered that visiting the local shop on foot or taking public transport to the nearest supermarkets and town centres would be a viable option for occupants of the proposed dwellings.

The site is not in a particularly isolated location, and is well served by the existing road network.

Given the above, it is considered that the proposed development site is in a relatively sustainable location.

The Council's 5-Year Housing Land Supply

The Council cannot currently demonstrate a five-year supply of deliverable housing sites (the Council can currently demonstrate between 2.4 - 2.6 years' supply), 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 Framework).

As the Council cannot currently demonstrate an up to date five year housing land supply based on FOAN, 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, in accordance with the Framework the starting point for assessment of the application is that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the presumption in favour of sustainable development. The impacts of the proposed development will be assessed below.

Benefits of the Development

Provision of New Homes

The proposed scheme would deliver up to 30 new dwellings towards the Borough's housing need, which is considered to be a significant benefit. As such significant weight (proportionate to the significance of the benefit) must be afforded to such a benefit in the planning balance.

Provision of Affordable Housing

The submitted documentation indicates that 30% of the dwellings on site are to be 'affordable houses', which is in line with the requirement contained within Policy 4 of the Core Strategy for 30% affordable housing provision for developments of over 8 dwellings on greenfield sites.

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

The proposed development could potentially deliver up to 9 shared ownership affordable housing units on site, contributing towards the borough's affordable housing need.

Subject to the above condition and the signing of a Section 106 Agreement to secure the provision of the affordable units, this is considered to be a significant benefit of the scheme, to which due weight must be afforded.

Visual Amenity, Countryside Impact and Heritage Impact

Permission is not sought at this stage for the layout, scale, appearance or landscaping of the development. Full details of these matters will be subject to a reserved matters application, and a more detailed assessment of the design will be carried out at that stage.

Policy 1 of the Core Strategy seeks to ensure that new developments complement and enhance the surrounding area through the use of inclusive design and locally distinctive materials. Policy 23 of the Core Strategy requires that new developments respect and respond to local context, distinctiveness and character.

The submitted indicative site layout and parameters plan demonstrate that the proposed dwellings would be located on the lower half of the site, and that the scheme would avoid siting dwellings on the more elevated rear part of the site where they would be more prominent.

It is considered that the concerns over the prominence and visual / landscape impact of the dwellings on the upper part of the site as included in the previous application (ref: 2014/0520) have been addressed in the current application. Whilst the proposed scheme would undoubtedly have a significant impact on the appearance of the site, and would result in the encroachment of built development into the countryside in this location, the indicative development parcels as shown on the submitted parameters plan demonstrate that the scheme would avoid siting dwellings where they would have the largest impact on the essentially open and rural character of the surrounding landscape.

The proposed dwellings would be located on the flatter, lower southern part of the site and would relate visually to the existing dwellings at Johnny Barn Cottages / Johnny Barn Close without resulting in unacceptable encroachment into the elevated areas of open countryside to the north and north east.

The Council's Conservation Officer has suggested the conditions relating to the following:

- *Layout to show gradual decrease in housing to the north of the site*
- *Height should be limited to two storeys and should mirror the scale of surrounding buildings*
- *All planting should be native species and include hawthorn.*
- *The design should be simple.*
- *Materials should be conditioned to include natural stone and natural slate. Artificial stone and artificial slate are not appropriate in this sensitive location. Render may be appropriate in limited amounts on hidden locations, bearing in mind the visibility of the site from the north. The exact colour and texture should be conditioned.*
- *Paving type should be conditioned and any strong bright or dark colours should be avoided. Muted brown greys that reflect the locality are best.*

It is considered appropriate to include conditions in line with the above recommendations; however it is not considered necessary to include a condition requiring a gradual decrease in housing density to the north of the site could be conditioned as the layout of the scheme would be a reserved matter for separate consideration at a later date. In addition, it is not considered that such a condition could be made sufficiently precise.

It is considered appropriate to include a condition requiring that natural coursed stone is used in the construction of the dwelling elevations and natural blue slate is used in the construction of the roofs to ensure a high quality visual appearance and compatibility with properties nearby and within the nearby Conservation Area.

A high quality landscaping and boundary treatment scheme will be required to ensure that the development properly complements the surrounding area. The planting of appropriate native tree species would soften the visual appearance of the development, and provide visual association with the mature trees found immediately to the west of the site.

It is considered appropriate to include a condition requiring the use of natural stone walls in any future scheme of boundary treatment around the perimeter of the site to ensure compatibility with the local context and palette of materials found in the vicinity.

Neighbour Amenity

At this stage, approval of the proposed layout, scale, appearance, access and landscaping of the development is not being sought. A more detailed assessment of the acceptability of the development in terms of neighbour amenity will be made at reserved matters stage.

However, the submitted indicative site plan demonstrates that up to 30 dwellings could potentially be developed on the site whilst maintaining adequate separation distances between the proposed dwelling elevations and existing neighbouring properties (also taking into account the differences in levels between the site and neighbouring properties), in line with Section 2.1 of the Council's Alterations and Extensions SPD. A reserved matters application would need to demonstrate full compliance with the requirements of the SPD.

Given the above, it is not considered that the outline scheme would result in an unacceptable loss of privacy, daylight or outlook for the occupiers of nearby residential properties.

It is considered necessary to include a condition restricting the height of any dwellings on the site to two storeys, in order to ensure that the privacy, outlook and daylight of neighbouring properties are not unacceptably compromised. Such a condition has also been recommended by the Council's Conservation Officer in order to limit the visual impact of the scheme.

Given the proximity of the site to nearby residential properties it is considered appropriate to include a condition restricting hours of construction to avoid noise nuisance being caused to occupants of such properties.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The Local Highway Authority has no objection to the proposed scheme, and has commented as follows:

“Sustainability

The nearest bus stops are located within walking distance, approximately 300 metres from the site on Newchurch Road. The half hourly bus service connects the site to Rawtenstall, Waterfoot, Bacup and Bury where the shops, health services and other facilities are located. The nearest Primary School is located approximately 900 metres from the site and there is a secondary school bus running along Newchurch Road past the site.

To promote the sustainability of this site, I would recommend that the nearby bus stop is upgraded. I have provided details of this in the paragraph headed 'off-site highway works'.

Off-site Highway Works

I would recommend that the bus stop to the south east of the site, for passengers travelling towards Waterfoot and Bacup, is moved and that a bus shelter is installed to provide an improved passenger service. The works would be completed under an agreement with Lancashire County Council with the costs borne by the developer.

A Traffic Regulation Order should be pursued by Lancashire County Council to ensure that the sightlines are maintained at the junction of Johnny Barn Close and Newchurch Road for highway safety.

Parking

I would recommend that the plots located at the junctions, turning heads and the private drives have the maximum parking provision to ensure that driver sightlines and adequate manoeuvring space is maintained for highway safety reasons. Particular plots 4, 19 & 30 with 3 in line parking spaces which are not practical for day-to day use and I would recommend that the parking layout is amended to provide 2 or the 3 spaces side by side.

All driveways should be a minimum length of 6 metres and garages should measure 3m x 6m internally.

All the properties should have a secure cycle store (excluding the plots with garages).
Internal Layout

The minor access road serving plots 9 – 30 should be widened from 4 metres to 4.8 metres to allow a large vehicle to pass a parked car.

Public Footpaths

A 2m wide pedestrian link should be provided in the vicinity of plot 6 to public footpath 171 which connects to Edge Lane and a similar link to public footpath 185 from the turning head near plots 17-18.”

The applicant does not seek approval for the proposed access to, or layout of the development as part of this outline application. However, it is considered that the submitted plans demonstrate that in principle a safe and suitable access to the site can be provided via Johnny Barn Close based on the comments of the Local Highway Authority.

The Local Highway Authority has suggested the inclusion of three conditions on any approval, relating to the following:

- No development to take place until a construction method statement has been submitted to and agreed in writing by the Local Planning Authority.
- No part of the development to commence until a scheme for the construction of the site access and off-site works of highway improvement has been submitted to and approved by the Local Planning Authority.
- No development to take place 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.

Lancashire County Council’s Public Rights of Way officer has objected to the proposed scheme, having concerns over the following:

- Unclear whether the proposed development would result in an increase in flood risk to the public rights of way network within the vicinity.
- Plans need to be amended to show Public Footpath No. 171 in its entirety, and assurance is needed that any proposed flood risk mitigation / drainage works will not impact on the footpath.
- Development will increase footfall on the surrounding Public Rights of Way network, and the intentions of the developer in terms of agreeing to maintain the rights of way network are unclear.

In terms of the above, it is considered that a condition can be included to ensure that if any drainage works are proposed in the northern section of the site above the proposed dwellings which may affect any public rights of way, full details of any mitigation measures to prevent unacceptable impacts on the rights of way shall be submitted and agreed at reserved matters stage.

At this stage, the proposed plans are indicative and do not represent a finalised development layout or proposed drainage scheme for the site. As such it is not considered necessary to require amended plans showing the full route of Public Footpath No. 171 at this stage. The suggested condition above will ensure any unacceptable impacts on the footpath are avoided, and full details will be required at reserved matters stage.

In terms of the surrounding public rights of way network, the development is likely to increase footfall. However, the footpaths are generally outside of the application site and in any case their maintenance would be a separate matter to be dealt with by Lancashire County Council in liaison with the land owner.

Subject to the above conditions, the scheme is considered acceptable in terms of access, parking and highway safety.

Ecology

Paragraph 109 of the Framework states:

“The planning system should contribute to and enhance the natural and local environment by:

- *Minimising impacts on biodiversity and providing net gains in biodiversity where possible”*

Policy 18 of the Core Strategy states:

“The Council will expect any development proposals to:

- *Take opportunities to create features of biodiversity value including within new developments, where practicable.”*

The Council’s ecology consultant has commented as follows:

“The application site is not designated for its nature conservation value and is not close to any designated sites. The habitats on the site are dominated by species-poor agricultural grassland of limited ecological value, and the site has only low potential to support any specially protected species. The site cannot therefore be considered to currently have substantive ecological value.

There are some features on the site with some local value (broad-leaved trees, marshy grassland and dry stone walls), but I note that it ought to be possible to retain the trees on the site and with new Landscaping any local losses are capable of being mitigated.

The site could be used by small numbers of ground nesting birds and the wall has some limited potential to support small numbers of reptiles and nesting birds, although again risks to nesting birds and reptiles are capable of being mitigated.

I therefore have no overall objections to the application on nature conservation grounds.”

Three conditions have been recommended by the Council’s ecology consultant, requiring the following:

- That any ground works or site clearance works required for the scheme be undertaken outside of the optimum period for bird nesting.
- That if it is required to remove or rebuild the dry stone wall at any time then this work should be undertaken by hand with the possible presence of reptiles and nesting birds borne in mind.
- Prior to any ground works commencing the site should be inspected for the possible presence of Badgers.

Subject to the above conditions, the scheme is considered acceptable in terms of ecology.

Flood Risk

Details of the evolution of the current application in terms of its drainage strategy and flood risk assessment are included under the earlier heading within this section of the report titled ‘Application History’. This section of the report will consider only the current drainage proposal for the site, which involves directing the entirety of surface water flows from the site into United Utilities assets to the south of the site, via an attenuation system (as detailed on the drawing titled ‘Proposed Surface Water Management Strategy’ contained within Appendix F of the Flood Risk Assessment dated August 2017).

At this stage, as approval for the layout of the proposed scheme is not being sought, detailed drainage proposals for the site have not been submitted. However, the applicant has sought to demonstrate that in principle it is possible to develop up to 30 dwellings on the site without increasing flood risk on site or elsewhere, in order to accord with paragraph 100 of the Framework.

The Lead Local Flood Authority (LLFA) has expressed concerns regarding the unauthorised diversion of a watercourse on land above the application site which is in the applicant's ownership. It is understood that the diversion of the watercourse has caused surface water to enter a culvert which runs along Edge Lane. However, the watercourse in question is outside of the current application site and it is understood that the LLFA intends to take its own enforcement action against the unauthorised diversion.

The applicant could choose to incorporate a solution to the above issue into the final drainage scheme for the application site, details of which would be evident at reserved matters stage, or may choose alternative means to address this issue but it is separate to the consideration of this planning application.

Notwithstanding the above, the Lead Local Flood Authority (Lancashire County Council) has confirmed that it has no objection to the proposed scheme following receipt of the latest Flood Risk Assessment and drainage strategy, subject to the inclusion of six conditions on any approval. The requested conditions are:

- Development to be carried out in accordance with the approved Flood Risk Assessment and the mitigation measures included within it.
- Detailed surface water drainage scheme to be submitted at reserved matters stage.
- No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.
- 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.
- Removal of permitted development rights to ensure that no structure shall be erected within permeable paved areas, including the filter drains to the north of the proposed development.
- All attenuation/storage and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

United Utilities has confirmed that it has no objection to the proposed scheme of drainage as detailed in the Flood Risk Assessment dated August 2017.

Planning Contributions

The Local Education Authority (Lancashire County Council) has advised that the proposed development would result in a material increase in the demand for primary school places that could not be met by existing provision. It has indicated, based upon its latest assessment, that there is a requirement for a contribution for up to three primary school places based on a proposed scheme of up to 30 dwellings.

As such, it is considered necessary for a planning obligation to secure a financial contribution of the required additional primary school places in the surrounding area. This contribution would be secured by a S.106 Agreement, with the total sum finalised once the number of dwellings is confirmed.

Having regard to the Council's Open Space and Play Equipment Contributions SPD there would be a requirement to make a contribution of £541 per dwelling towards Open Space and Play provision at Staghills Playground and £556 per dwelling towards the improvement of playing pitches at Marl Pits.

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

Land Contamination

Following excavation works that took place on site during September 2017, the Council required the applicant to submit a contaminated land assessment report in order to investigate the risk posed by any contaminants on site.

The Council's land contamination consultant has no objection to the proposed outline scheme based on the submitted details, subject to the inclusion of conditions requiring the following:

- The applicant shall compile a revised report containing the preferred option(s) to form a contaminated land remediation strategy for the site. The report shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.
- Prior to first use or occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

The northern portion of the site (which lies outside the proposed area of development, but still within the red edge of the site) has not been fully investigated for the presence of contaminated land. As such, it is considered appropriate to include wording requiring the submission of a detailed contaminated land assessment report and mitigation scheme if any drainage works are proposed in the area in question, within the condition requiring the submission of a detailed surface water drainage scheme for the site.

Subject to the inclusion of conditions in line with the above, the proposed scheme is considered acceptable in terms of land contamination.

Balancing Exercise

Paragraph 14 of the Framework contains a presumption in favour of sustainable development, and in relation to the determination of planning application states:

"For decision-taking this means:

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
 - *specific policies in this Framework indicate development should be restricted."*

The scheme would deliver up to thirty new residential units in a relatively sustainable location, and would represent a significant contribution towards the borough's identified housing need. It would also deliver a significant number of affordable housing units.

The scheme has been amended several times following discussions between the case officer and the applicant's agent, and has evolved to a stage which is considered acceptable (subject to conditions) in terms of visual amenity, countryside impact, heritage impact, impact on neighbour amenity, highway safety, flood risk, ecology and land contamination.

The proposed scheme would undoubtedly have an urbanising impact on the character and appearance of the site, which is currently open fields and it is acknowledged that this impact would be adverse.

However, it is considered that the proposed scheme has addressed previous concerns (with the previous application ref: 2014/0520) over landscape, countryside and heritage impact to a degree that (subject to conditions) they no longer outweigh the benefits of the proposed scheme.

In assessment of the scheme against paragraph 14 of the Framework it is now considered that any adverse impacts of granting planning permission would not *significantly and demonstrably* outweigh the benefits in this case, subject to the inclusion of conditions as detailed in the sections of the report above.

9. RECOMMENDATION

Approve subject to conditions.

10. SUMMARY REASON FOR APPROVAL

The proposed development site is considered to be in a sustainable location within the countryside and 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 the supply of housing are out of date and should be afforded limited weight. It is considered that the development would not be unacceptable in terms of visual, countryside and heritage impact, neighbour amenity, highway safety, flood risk, ecology or land contamination. In this regard it is not considered that any negative impacts of the development would significantly and demonstrably outweigh the presumption in favour of sustainable development. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies 1, 8, 9, 16, 17, 18, 19, 21, 22, 23 and 24 of the Council's Core Strategy DPD (2011).

11. CONDITIONS

1. An application for approval of the reserved matters (namely the layout, scale, appearance, access and landscaping of the development) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. The outline planning permission hereby approved relates to the erection of up to thirty residential units which shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:
- Application form date stamped 20th January 2016 by the Local Planning Authority.
 - Site Location Plan (drawing number HH/JBC/LP/01 Revision D) date stamped 30th August 2017 by the Local Planning Authority.
 - Parameters Plan (drawing number HH/JBC/PP/01 Revision C) date stamped 20th January 2016 by the Local Planning Authority.
 - Flood Risk Assessment by Peter Brett Associates Ref: 29669/4001 (Revision 1) date stamped 30th August 2017 by the Local Planning Authority.

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

3. Either prior to the commencement of the development or as part of the first reserved matters application full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on the submitted plans) shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the above there shall be 1.8m boundary treatments between the rear gardens of each individual dwelling, and natural stone walling shall be used around the perimeter of the site.

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

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

4. Either prior to the commencement of the development or as part of the first reserved matters application full details of the following details shall be submitted to and approved by the Local Planning Authority in writing:
- a) Details of the colour, form and texture of all external facing materials to the proposed dwellings
 - b) Details of the colour, form and texture of all hard ground surfacing materials.

Notwithstanding the above, the dwellings hereby approved shall be constructed in natural coursed stone, and shall have natural blue slate roofs.

The development thereafter shall be constructed utilising the approved materials

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

5. Notwithstanding the details shown on the submitted plans the new dwellings shall be no greater than two storeys in height.

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

6. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

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

Reason: In the interests of highway safety.

7. No development shall commence until a scheme for the construction of the site access and off-site highways works has been submitted to and approved in writing by the Local Planning Authority. The off-site highway works shall include the provision of a bus shelter at the eastbound bus stop located to the south east of the site on Newchurch Road. No part of the development shall be occupied until the works have been carried out in accordance with the approved details.

Reason: In the interests of highway safety and to ensure that safe and adequate access will be secured at the site at an early stage of the development

8. Prior to the occupation of any of the dwellings hereby approved details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be 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 or a private management and Maintenance Company has been established.

Reason: To ensure that the estate streets serving the development are maintained to an acceptable standard in the interest of residential / highway safety.

9. Prior to the construction of any of the streets referred to in the previous condition, full engineering, drainage, street lighting and constructional details of the streets shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interests of highway safety.

10. Prior to the occupation of the first dwelling house hereby approved full details of the proposed arrangements for future management and maintenance of the communal areas and areas of landscaping within the development shall be submitted to and approved by the Local Planning Authority. The communal areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and Maintenance Company has been established.

Reason: To ensure that the communal areas serving the development and landscaped areas are maintained to an acceptable standard in the interest of residential / highway safety.

11. Notwithstanding any information submitted with the application, either prior to the commencement of development or as part of the first reserved matters application a report containing the preferred option(s) to form a contaminated land remediation strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.

Reason: In the interests of mitigating pollution, risk to controlled waters and risk to the development from contaminated land.

12. As part of the first reserved matters application, if any surface water drainage works (which may be required in connection with the approved development) are proposed to be carried out on the northern part of the site above where the approved dwellings are to be sited as shown on the approved Parameters Plan (drawing number HH/JBC/PP/01 Revision C date stamped 20th January 2016 by the Local Planning Authority), then that part of the site shall be subject to the following:

- a) An investigation and preliminary risk assessment of land contamination, which shall be submitted to and approved in writing by the Local Planning Authority.

The above assessment shall investigate the nature and extent of any contamination on the northern part of the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place.

The submitted report shall comprise:

- i. Where potential risks are identified by the Preliminary Risk Assessment, a site investigation survey of the extent, scale and nature of contamination and;

ii. An assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

iii) Where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

b) Full details (including any necessary mitigation proposals) demonstrating how unacceptable flood risk impacts on any public rights of way within the application site will be avoided.

The development shall thereafter be carried out in full accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage, protect public rights of way and to manage the risk of land contamination, flooding and pollution.

13. Pursuant to conditions 11 and 12 and prior to first occupation of the dwellings hereby approved, a verification report, which validates that all remedial works and mitigation measures undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote sustainable development, secure proper drainage, protect public rights of way and to manage the risk of land contamination, flooding and pollution.

14. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Peter Brett Associates Ref: 29669/4001 (Revision 1) (date stamped 30th August 2017 by the Local Planning Authority), and the following mitigation measures detailed within the FRA:

- a. Limiting the surface water run-off generated by the critical storm periods for 1 in 1 year, 1 in 30 year and 1 in 100 year + allowance 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 approx. 500m³ within the site and 1000m³ above the site as indicated in section 5.3.29 of the FRA
- c. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- d. Confirmation of the location of pipes from the existing reservoir (north of the site) across the site.
- e. Finished floor levels are set no lower than 150mm above Ordnance Datum (AOD).

Reasons:

- i. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
- ii. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

- iii. To ensure safe access and egress from and to the site.
- iv. To reduce the risk of flooding from severance of the pipe network from the reservoir and reservoir itself
- v. To reduce the risk of flooding to the proposed development and future occupants.

15. As part of the first reserved matters application a detailed surface water drainage scheme for the development shall be submitted to, and approved in writing by the Local Planning Authority. The submitted surface water drainage scheme shall include the following as a minimum:

- a) Information about the lifetime of the development design storm period and intensity (1 in 30 and 1 in 100 year + allowance for climate change – with reference to Environment Agency advice on ‘Flood Risk Assessments: Climate Change Allowances’), 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 floor levels in AOD;
- b) The drainage scheme should demonstrate that the surface water run-off must not exceed the discharge rate agreed with United Utilities at 15 litres per second. 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 approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme.

Reasons:

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

16. 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:

- i. To ensure that the drainage for the proposed development can be adequately maintained.
- ii. 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.

17. 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:

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

18. 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 structure shall be erected within permeable paved areas, including the filter drains to the north of the proposed development, as delineated on drawing 29669/4003/002, Land at Johnny Barn Close Proposed Surface Water Management Strategy in the approved Flood Risk Assessment document.

Reasons:

- i. To ensure safe access and egress from and to the site.
- ii. To reduce the risk of flooding to the proposed development and future occupants

19. All attenuation/storage and flow control devices/structures are to be constructed and operational prior to the commencement of any other development and prior to any development phase.

Reasons:

- i. To ensure site drainage during the construction process does not enter watercourses at un-attenuated rate.
- ii. To prevent a flood risk during the construction of the development

20. The first reserved matters application shall include full details of the location of the affordable housing units to be provided on the site. The affordable housing shall thereafter be provided in accordance with the approved scheme.

Reason: To ensure the appropriate provision of affordable housing units on the site.

21. No development shall take place until a repeat survey of the site and surrounding land for the presence of badgers has been undertaken, and the results of the survey (together with proposals for mitigation/compensation, if required) in the form of a report have been submitted to and approved in writing by the Local Planning Authority. Any approved measures for the protection of badgers shall be implemented in full as part of the development.

Reason: In the interests of protecting any badgers which are present on the site.

22. No ground works, site clearance or other works that may affect nesting birds shall take place between 1st March and 31st July inclusive, unless a survey by a competent ecologist demonstrates 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: In the interests of protecting nesting birds.

23. Any removal or rebuild of any dry stone walls as part of the development shall be undertaken by hand. If any reptiles or nesting birds are found at any time then works to the dry stone walls must cease and advice sought from a suitably qualified person about how best to proceed. Works to the dry stone walls shall not recommence until a method statement compiled by a suitably qualified person (including measures to avoid harm to reptiles and nesting birds) has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved method statement.

Reason: The dry stone walls have the potential to accommodate reptiles and nesting birds and mitigation is required in the interests of protecting reptiles and nesting birds.

24. 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 and appropriate tree planting throughout the site, along with installation of bird nest boxes and bat roosting opportunities.

Reason: To conserve and enhance biodiversity.

25. The first reserved matters application shall include full details of proposed finished ground floor levels and external ground levels of the development hereby approved, and shall include full details of the finished ground floor levels of all neighbouring dwellings located directly adjacent to the site.

Reason: In the interests of neighbour amenity.

26. All of the dwellings hereby permitted shall be sited within the area labelled 'indicative development parcels' on the approved Parameters Plan (drawing number HH/JBC/PP/01 Revision C date stamped 20th January 2016 by the Local Planning Authority). No dwellings shall be sited outside of this area.

Reason: In the interests of visual amenity.

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

Reason: In the interests of neighbour amenity.

28. A tree survey to BS 5837 (2012) shall be undertaken by a suitably qualified person / organisation and shall be submitted to the Local Planning Authority as part of the first reserved matters application. The tree survey shall cover all existing trees within the site boundary and shall set out any mitigation measures necessary for the protection of those trees during construction works.

Reason: In the interests of visual amenity and protecting biodiversity.

INFORMATIVES

1. 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/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not 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.

2. If, during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the Local Planning Authority.