

Application Number:	2018/0043	Application Type:	Full
Proposal:	Full application for the erection of 26 dwellings (amendment to planning approval 2011/0637 which approved the erection of 82 houses with new access roads from Rockcliffe Road and Grafton Villas)	Location:	Land Off Rockcliffe Road Bacup Lancashire
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	26 th March 2018
Applicant(s):	Barnfield Construction Limited	Determination Expiry Date:	2 nd May 2018
Agent:	Liberata UK Ltd		

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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):	

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

Approve full planning permission subject to the conditions set out at the end of this report and a Section 106 Agreement unless it is proven on viability grounds that planning obligations would render the scheme unviable.

APPLICATION DETAILS

2. SITE

This application relates to a site which is located to the south of Bacup town centre, between the A681 Market Street, the A671 Rochdale Road and the A6066 New Line.

The site is of approximately 3.4 hectares in area (including the housing already constructed) and is of irregular shape. The site is bounded:

- to the North by houses that front Grafton Villas, bungalows on Anderson Close and long-standing industrial premises at the end of River Street;
- to the West by the River Irwell and the backs of extensive industrial premises;
- to the East by Rockcliffe Road, a garage-court & housing served off Pine Street, a field and the grounds of St Saviours Community Primary School; &
- to the South by a flat/overgrown area of land formerly occupied by a railway line and beneath which runs a stream called Trough Syke, beyond which the land rises up towards New Line.

Whilst it can be said that the site slopes down from Rockcliffe Road in the east towards the western and southern boundaries, it does not do so in a uniform way. From Rockcliffe Road and the garage-court & housing served off Pine Street the site slopes down steeply to a more gently-sloping plateau that extends from the dwellings on Grafton Villas and Anderson Close to a steeply-sloping bank down to the flat land formerly occupied by the railway line beyond the southern boundary. This plateau is bounded to the west by a steeply-sloping bank on a NE-SW axis, at the base of which is again a gently-sloping plateau that extends to the south of the industrial premises at the end of River Street and alongside the River Irwell.

Public Footpath No 486 crosses the site however this has been subject to a temporary closure order as the site is hoarded.

The site lies within the Urban Boundary of Bacup and planning permission has previously been granted for the residential development of this site.

3. PROPOSAL

The application is a full application for the erection of 26 dwellings on the site to replace the originally consented remaining 57 on this site. The proposed development will utilise the already agreed road and drainage design, with the following changes proposed:

- Reduction in scale and density of built form;
- Increase in area of public open space, biodiversity and landscaping;
- Removal of units at the south end of the site (outside of bend)
- Removal of corner units
- Bin stores relocated to rear gardens (previously at front of properties due to terraced configuration of some units);
- Semi-detached layouts
- Surface water drainage attenuation ponds have been reinstated to their originally proposed location and size.

4. CONSULTATION RESPONSES

Consultee	Comments	Conditions
LCC Highways	No objection subject to conditions	Yes
Tree Officer	Concerns raised with landscape plan	No
Contaminated Land Officer	Requested additional information	Yes
LCC School Planning Team	Have confirmed that an education contribution is not required from this development	No
Environment Agency	Requested further information in respect of groundwater contamination.	Yes
Ecology	Requested conditions to protect the ecological value of the site	Yes

5. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order site notices were posted on 7th February 2018 and placed in the Rossendale Free Press on 9th February 2018. 247 neighbour letters were sent on 5th February 2018.

In total 1 representations have been received which are summarised below

- Concern is the access road from Rockcliffe Road in respect of safety

Rossendale Civic Trust

- In general terms support this Application, and also welcome the work over some years by Rossendale BC's Planning Officers to secure improvements to past proposals and permissions for major housing developments on this site.
- RCT do not see how the design and layout respects this location.
- It's not clear if there is a proposed, or already agreed, Section 38 Highways Act Agreement
- RCT note this Rossendale tradition of allowing access to new developments from such narrow steep streets. Is Bold Street worse than Rawtenstall's Union Street?
- Concerned over the size of rooms proposed
- Site Access: Appears to be from Market Street, via the whole length of Rockcliffe Road, which on its climb to site entrance is narrow and often one way. A more practical and access: from Rochdale Road, via Green Hill Road to top end of Rockcliffe Road, ought to be considered.

6. ASSESSMENT

Principle of the Development

1. The site is located within the Urban boundary within a in a reasonably sustainable location in terms of its proximity to the Town Centre and bus services.
2. 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 Framework). Notwithstanding this, Policy 1 directs new development to the Urban Boundary (the site is within this area).
3. Members will note that there is extensive planning history at this site with the most recent planning approval in 2012 for 82 dwellings comprising of 13 two bedroomed units, 61 three bedroomed units and 8 four bedroomed units. The approved layout incorporates a loop-road that connects directly to Rockcliffe Road at the north-eastern corner of the site. This new road, descending at quite a steep gradient from Rockcliffe Road will initially require construction of a retaining wall to its north side to support it.
4. This planning approval has been implemented as the first 25 houses, all of which are affordable dwellings, have been constructed. As such this consent is extant and the principle of residential development of the site is established.

Design, Appearance and Layout

5. Paragraph 17 of the Framework includes 12 core planning principles including [planning should]:

*“Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and
Take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.”*

6. Paragraph 58 of the Framework aims to ensure that developments:

*“Will function well and add to the overall quality of the area;
Respond to local character and history, and reflect the identity of local surroundings and materials;
Are visually attractive as a result of good architecture and appropriate landscaping.”*

7. Policy 24 of the Core Strategy seeks to ensure that new development is *“compatible with its surroundings in terms of style, siting, layout, orientation, visual impact, local context and views, scale, massing, height, density, materials and detailing”*.
8. The first properties constructed on this site have been constructed with grey-tiled roofs and, for the most part, stone-clad front elevations, though with significant areas of render to other elevations. Each of the houses is setback from the road serving it with both a front and a rear garden. A number of the properties have a large retaining wall at the back of the rear gardens which is due to the land level difference at the rear of the properties.
9. The layout of the proposed dwellings follows the format of the already constructed dwellings however it is proposed to construct the dwellings out of buff brick. This is not considered to be appropriate as the proposed dwellings should replicate the design of the existing dwellings to create a unified development. The proposed materials will need to be amended in this regard.

10. The design of the properties is relatively simple which reflects the character of the area and subject to amended materials the design and layout is considered to be acceptable.
11. The site, including the adjacent land the first 25 dwellings are sited on, covers approximately 3.4 hectares. This equates to approximately 15 dwellings per hectare which is a very low density. The efficient and effective use of land is encouraged nationally however it is important to note that in the case of this site the topography and ground conditions significantly reduce the amount of developable land. As such whilst the density appears low and the development proposes extensive areas of landscaping the proposed development seeks to develop as much of the site as possible and will enable the completion of this stalled site.

Neighbour Amenity

12. The only immediate residential neighbours to the proposed dwellings are the already constructed dwellings on Anderson Close. Proposed plots 17-24 back onto to the existing dwellings and will be approximately 31 metres away (at the closest point) extending up to approximately 40m (at the furthest point). Plot 24 will be approximately 16m away (at the closest point) from the side gable of the end property on the cul de sac.
13. It is important to note that the proposed dwellings are on the highest part of the site and as such will be between approximately 8.25 and 8.7 metres higher than the existing dwellings. The existing dwellings already have retaining wall structures at the rear of their gardens to address the level change. Plots 23 and 24 are approximately 5.7m higher than the nearest existing dwelling at the end of the cul de sac.
14. Internally within the proposed layout plots 13-16 will back onto plots 1-4 but at a much higher land level due to the topography. At their closest points 22m is retained between the rear elevations of the dwellings but plots 13-16 are between approximately 5.25 and 6.75m higher than plots 1-4.
15. The Council's standard spacing standards requires the following separation distances between dwellings:
- Maintain a minimum distance of 20m between habitable room windows in properties that are directly facing each other; and
 - Maintain a minimum distance of 13m between a principal window to a habitable room in one property and a two storey blank wall of a neighbouring property; and
 - Maintain a minimum distance of 6.5m between a principal window to a habitable room in one property and a single storey blank wall of a neighbouring property.
16. However it is important to note that where there are significant level changes, as is the case here, an extra 3 metres for every 2.5m level difference should be added to the separation distance maintained in accordance with the Council's guidance.
17. In the case of this site in order to meet the required spacing distances, taking into account the additional distances to accommodate the level differences, would not be possible and would see the site undevelopable. Separation distances are imposed to protect neighbour amenity through loss of privacy and loss of amenity. In the case of this site the level differences are so significant that the windows of the proposed houses along with the garden areas will not enable any overlooking into the neighbouring properties to the detriment of the neighbours amenities.

18. Given the above the application is considered acceptable in terms of neighbour amenity.

Highways and Parking

19. The proposed loop road, which has been partly constructed to serve the existing dwellings, follows the route of the highway approved as part of the extant consent at this site running from Anderson Close to Rockcliffe Road and as such the principle of the highway layout as proposed has already been accepted.
20. As part of the previous application the Highway Authority considered it preferable not to be reliant on a single vehicular access hence approval of the two entrance/ egress points. However, it was advised that there is a need for certain off-site highway works to be funded by the applicant in the interests of highway safety. As part of the previous consent the number of houses on the site that can be occupied prior to the new road connecting directly with Rockcliffe Road was limited and traffic calming was proposed along the new road to reduce speeds of traffic descending from Rockcliffe Road down the new road.
21. The Local Highway Authority have been consulted as part of this application and raised no objection. The Highway Engineer has however made the following comments:
- All construction traffic must use the new site access at Rockcliffe Road via the route Rockcliffe Road, Rockcliffe Lane, Lane End Road and Rochdale Road and vice versa with only emergency use permitted via the Anderson Drive access. This is due to the route via River Street, Bold Street, Grafton Villas and Anderson Close and Drive being unsuitable to accommodate further construction traffic.
 - The proposed site setup plan requires an amendment to show the correct routing of construction vehicles (as described above) and to show that the turning head on Anderson Drive adjacent to number 49 is not included within the compound and remains in use for the purposes of vehicles turning vehicles e.g. refuse vehicles collecting waste on Anderson Drive.
 - The turning head should not be removed until such time as it is safe and practical to pass along the full length of Anderson Drive to its junction with Rockcliffe Road, unless a suitable temporary alternative can be found.
 - A wheel washing area should be shown on the plan and all wheels should be washed prior to exiting onto the public highway to prevent any mud or debris being deposited onto the highway. In the event of any mud deposited onto the highway it shall be swept immediately to avoid any highway safety issues.
 - The gradient of the estate road must not exceed 1:12, the proposed site plan A1729-LIB-S1-A1 01-ZZ-LL-P2-001 indicates sections where this gradient maybe exceeded. The developer should confirm that a gradient not exceeding 1:12 can be achieved.
 - Traffic calming measures are considered necessary on the estate road to ensure that a 20mph speed limit is self-enforcing.
22. These comments can either be addressed by condition or by amending the submitted plans. Conditions are suggested at the time of writing this report however the plans may be amended prior to Development Control Committee.
23. The proposed development incorporates the erection of 26 three bedroom properties each with driveway space to accommodate 2 vehicles in accordance with the Council's parking standards. The parking is therefore considered acceptable for the properties.
24. Footpath 486 crosses the site and is proposed to be diverted as part of the development. This footpath has been subject to a temporary closure order for a significant period of time due to land condition concerns and the fact that development of the site stalled. The

applicant will need to apply to Rossendale Council to utilise its powers under section 257 of the Town and Country Planning Act 1990 to divert the footpath.

Drainage and Flood Risk

25. The application is supported by full drainage proposals as the drainage accords with the previously designed drainage layout for the scheme.
26. As part of the previous application at this site the Environment Agency commented that they had no objection to the principle of the development providing surface-water discharge rates to the River Irwell are restricted. No comments on drainage or flood risk have been raised by the Environment Agency as part of this application.
27. No comments have been received from United Utilities or LCC as the Lead Local Flood Authority at the time of writing this report.

Contamination

28. The previous use of the proposed development site is recorded to include a historic landfill known as Land off Lane End Road. This presents a risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site partly lies over a Secondary A aquifer and surface water features are located close to the site boundary.
29. The application was originally supported by a Geoenvironmental Site Investigation Report however given the age of the document the Council's Contaminated Land Consultant and the Environment Agency have advised that the information is reassessed in accordance with currently accepted standards and guidance.
30. Whilst the Environment Agency are satisfied that it will be possible to suitably manage the risk posed to controlled waters by this development, further detailed information has been requested. This can be addressed by condition.

Ecology and Landscaping

31. A detailed ecological assessment has been provided in support of the application which confirms that whilst the site is of local ecological value, adequate mitigation is possible within the development footprint.
32. Ecological issues include loss of part of a district wildlife site, proximity to the River Irwell, bats, badgers, nesting birds and invasive species.

District Wildlife Site

33. The development will result in the loss of part of a district wildlife site. The site is however apparently in negative condition much of the original ecological value have been lost to natural succession. Given the ecological value of the site and the area of land set aside for mitigation the Ecologist is satisfied that no net loss can be achieved.

Negative impact on the ecological potential of the River Irwell

34. The EU Water Framework Directive requires environmental objectives be set for all surface and ground waters to enable them to achieve good status or potential for heavily modified water bodies by a defined date. One objective is to prevent further deterioration which can include changes to flow pattern, width and depth of channel, sediment availability/transport and ecology and biology.

35. There is a significant buffer between the actual housing and the River Irwell, but landscaping works will be up to the riparian boundary. There is therefore a risk during development of debris, dust and pollutants entering the watercourse. This however can be addressed by condition.

36. It is proposed to take surface water drainage from the site direct to the River Irwell via a system of SUDs. In terms of the Water Framework Directive the development should have no net negative impacts in terms of flow, sediment and pollutants. This can be addressed by condition.

Bats

37. There is negligible risk that any bat roosts are present on site. However boundaries of the site have the potential to act as bat foraging and commuting habitat. It has been recommended that any external lighting demonstrates no negative impacts on these features and the Ecologist accepts this recommendation subject to a condition.

Badgers

38. Currently there is no evidence of badger setts on the site although previous surveys have found evidence of badgers. Given this the Ecologist has recommended a condition to check for badgers prior to earth works occurring.

Nesting Birds

39. Potential bird nesting habitat is present on site, for species that breed in trees and scrub and for ground nesting birds. All British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended. In this regard the Ecologist has recommended a condition restricting works to trees and shrubs.

Invasive Species

40. Three species listed under schedule 9 part 2 of the Wildlife & Countryside Act 1981 (as amended) were identified within the site, although two are outside the housing footprint but within the landscape proposals. The Ecologist has recommended a condition to see the eradication of these species.

Contributing to and Enhancing the Natural Environment

41. Section 109 NPPF states that the planning system should contribute to and enhance the natural and local environment. Without mitigation and or compensation the development would have a negative impact. However significant areas, more than half the site, are set aside for landscape and ecology, which if designed and managed adequately will be enough to achieve no net loss and should if designed well achieve net gain.

42. A detailed survey at the correct time of year has not occurred therefore the full ecological value of the land to be lost and potential for the retained area to be enhanced has not been determined. As such the Ecologist has recommended a condition requiring the submission of a Landscape and Environmental Management Plan.

43. Following the Supreme Court ruling (Morge vs Hampshire County Council – Supreme Court ruling Jan 2011) the Local Authority now have a responsibility to consult Natural England on proposals which may affect protected species and ask the following questions:

- Is the proposal likely to result in a breach of the Habitats Regulations?
- If so, is Natural England likely to grant a licence?

44. Natural England has not been consulted on the proposals as it is not considered that that the proposals will result in a breach of the Habitats Regulations.
45. Following the high court decision (R (on the application of Simon Woolley) v Cheshire East Borough Council, June 2009) the Local Planning Authority have a legal duty to determine whether the three 'derogation tests' of the Habitats Directive implemented by the Conservation (Natural Habitats &c.) Regulations 1994 have been met when determining whether to grant planning permission for a development which could harm a European Protected Species. The three tests include:
- (a) the activity must be for imperative reasons of overriding public interest of for public health and safety;
 - (b) there must be no satisfactory alternative and
 - (c) favourable conservation status of the species must be maintained.
46. This requirement does not negate the need for a Licence from Natural England in respect of Protected Species and the Local Planning Authority are required to engage with the Directive.
47. The Framework (para 118) confirms that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.
48. As such the Framework adopts a tiered/ cascade approach in that the first test is whether there is an alternative to developing the site. The principle of development this site has been established by the grant of planning permission however since the first 25 houses were constructed the remainder of the site has been left hoarded and undeveloped. As such the completion of the development will benefit the wider area. As such it is considered that the first two derogation tests and the alternative site test within the Framework are met in that there is no satisfactory alternative.
49. The next test is whether a favourable conservation status of protected species will be maintained and whether the biodiversity impacts are adequately mitigated which as set out above is considered will be the case subject to appropriate conditions.
50. The proposals have been reviewed by the Council's Tree Consultant who commented as follows:
- The submitted Ecology report states that existing trees comprising species such as Willow, Rowan, Alder, Ash and Sycamore are to be retained which is to be welcomed as they provide maturity and certain habitat. The report also recommends the planting of native species and incorporation of species-rich hedgerows.
 - A landscape plan (A1729-LIB-S1-A1 03-ZZ-LL-P2-001 Rev C) has been submitted but, apart from indicative areas of woodland, wildflower grass, lawn and shrub planting (the latter two closely associated with the new dwellings) and an additional list of species to supplement badger foraging, there is no detail given (tree species, sizes, numbers, pest protection, grass seed mix etc) or specification for its ground preparation and implementation.
 - In the ratio between the woodland planting and wildflower grass, there is too much grass and the area of woodland should be increased. For wildflower areas to successfully establish and continue to thrive they require a specific maintenance regime; they cannot simply be mown in the same manner as normal public open

space grass areas. There needs to be a management regime which must be agreed to be implemented into the future.

- The ecology report recommends that native hedgerows be planted but none are shown when there is ample opportunity for them.
- The ornamental planted and lawn areas more closely associated with the dwellings need more detail of species, their sizes, numbers, juxtaposition, mulch, seed/turf mix etc and specification for soil depth, ground preparation, planting etc.

51. These comments have been forwarded onto the agent for the application and amended plans are expected.

Affordable Housing

52. It is noted that the first 25 units on the wider site are affordable dwellings which were constructed in accordance with the original consent and sold to Great Places Housing Association.

53. Notwithstanding the delivery of 25 affordable units on the adjacent site this is a new full planning application and as such in accordance with Policy 4 of the Adopted Core Strategy there is a requirement for this site to provide 30% affordable housing which equates to 8 units. However it is noted that this development is being delivered by an Affordable Housing provider with funding from Homes England and as such all of the units proposed will be affordable dwellings.

Planning Contributions

54. Policy 22 of the Adopted Core Strategy relates to planning obligations and states that where developments will create additional need for improvements / provision of services or facilities, contributions will be sought to ensure that the appropriate improvements are made.

55. In accordance with the Council's Open Space & Play Equipment Contributions SPD the development is required to contribute to:

- Play Areas: £541 per dwelling
- Outdoor Sports Provision: £566 per dwelling

56. The Education Authority has confirmed that no education contribution is required from this development.

Viability

57. The existing planning approval at this site was subject to a S106 Agreement which secured £147,000 (phased) for the following:

- Provision and enhancement of public open space and play facilities in the vicinity of the site
- Provision and enhancement of primary school facilities within the vicinity of the site
- Provision and enhancement of youth and community facilities within the vicinity of the site
- Provision of pedestrian and cycle links along with a payment towards bus shelters and services.

58. A viability assessment has been submitted with the application. Barnfield Construction Ltd. purchased the site in 1993 and during the construction of the first 25 units on the site it became apparent that the site had many difficulties including poor ground conditions and challenging topography. After completion of the 25 units a decision was made to review the site and reduce the number of units on the remaining land.

59. Barnfield have sought to dispose of the land and have interest from another Housing Association which has been instrumental in Barnfield lodging a new planning application for 26 affordable units. The amount offered for the land and construction of the units renders the scheme unviable resulting in excess of £300,000 deficit and as such the applicants are seeking to take forward the development without any planning obligations which would further affect the viability of the development.
60. Paragraph 173 of the Framework states that development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.
61. The viability appraisal is being assessed by the VOA and their findings will ascertain whether, taking into account the advice in the Framework, that viability is a material planning consideration, the proposal can be considered acceptable without a public open space payment.

Overall Conclusion

62. The proposed development is appropriate in principle within the urban boundary. It is considered that the development would not unduly affect the visual amenities of the area, neighbour amenity or highway safety. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies AVP2, 1, 7, 8, 9, 17, 18, 19, 23 and 24 of the Council's Core Strategy DPD (2011).

Planning Policies

In accordance with s.38 (6) Planning and Compulsory Purchase Act (2004), the application is to be determined in accordance with the development plan (the Adopted Core Strategy 2011), unless material considerations indicate otherwise. Consideration of the proposal has had regard to guidance contained within the National Planning Policy Framework (the Framework) and the development plan. The specific policies/ guidance considerations are contained within the body of the report.

Planning History

Reference	Description	Decision	Date
2004/0143	Residential development of 90 new dwellings and landscaped area	Approved	April 2007
2008/0083	Erection of 89 dwellings	Withdrawn	
2010/0094	Erection of 89 houses, entailing diversion of Public Footpath No 486, Bacup	Withdrawn	
2010/0115	Extend the time limit of Planning Permission 2004/143 (Erection of 90 Dwellings)	Approved	May 2010
2011/0637	Erection of 82 houses, including new access roads from Rockliffe Road and Grafton Villas	Approved	June 2012
2012/0322	Discharge of conditions 2,3,4,5,8,10 & 11 on planning permission 2011/0637	Conditions discharged	September 2012

2012/0443	Discharge of Condition 13 (Scheme of Siting of Compound & Routing to be used by lorries associated with the construction) from Planning Approval 2011/0637.	Conditions discharged	September 2012
2015/0023	Variation of Condition 4 (Levels), Condition 5 (Surface water regulation system) and Condition 11 (Landscaping/boundary treatment) of Planning Permission 2011/0637 for erection of 82 Houses	Never determined	
2015/0215	Minor changes to layout within loop of access road. Changes to layout and house type. Number of Proposed units adjusted from 23 to 24. all house types changed from C to C3. Area of public open space (open area 3) increased. Alignment of geotextile retaining wall adjusted.	Approved	July 2015
2015/0172	Non Material Amendment for minor changes to layout within loop of Access Road	Withdrawn	

CONDITIONS

No.	Conditions
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>All the dwellings hereby permitted shall be provided as affordable dwellings (as defined in the National Planning Policy Framework) to be managed by a Registered Provider.</p> <p>Reason: Weight has been given to the case put forward by the applicant as a Registered Provider in terms of the viability of the site in relation to the normal public open space requirements.</p>
3.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) and the garden areas for the dwellings hereby approved shall be at the same level as the building slab level for the dwelling they serve.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>
4.	<p>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.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>
5.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out in a hard permeable surface and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).</p> <p>Reason: To ensure provision of adequate off-street parking facilities within the site.</p>
6.	<p>Prior to the commencement of the construction of the dwellings hereby approved details of all external facing and roofing materials (notwithstanding any details shown on previously submitted plan(s) and specification) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken strictly in accordance with the details as approved.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
7.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p>

	Reason: In the interest of the appearance of the locality.
8.	All works shall be undertaken strictly in accordance with the hardsurfacing materials as detailed on the approved plans, and shall be completed in all respects before the final completion of the development and thereafter retained. Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.
9.	For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site and the roads adjacent to the site shall be mechanically swept as required during the full demolition and construction period. Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.
10.	If, during development, contamination not previously identified 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 a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved. Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.
11.	No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details. Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.
12.	No development, site clearance, earth moving shall take place or material or machinery brought on site until a method statement to protect the River Irwell from accidental spillages, dust and debris has been supplied to and agreed by the Local Planning Authority. All measures will be implemented and maintained for the duration of the construction period in accordance with the approved details. Reason: To avoid the risk of debris, dust and pollutants entering the watercourse.
13.	No development shall take place until it can be demonstrated that there will be no negative impacts on the ecological status/potential of the River Irwell resulting from surface water disposal post-development submitted to and approved in writing by the Local Planning Authority. The details, as approved, shall be implemented in full in accordance with a timetable which has first been agreed in writing by the Local Planning Authority. Reason: To protect the River Irwell
14.	Prior to the erection of any external lighting at the site a lighting design strategy for the street lighting shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall: <ul style="list-style-type: none"> • Identify areas/features on site that are potentially sensitive to lighting for bats; • show how and where street lighting will be installed and through appropriate lighting contour

	<p>plans demonstrated clearly that any impacts on bats is negligible;</p> <ul style="list-style-type: none"> • Specify frequency and duration of use. <p>All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.</p> <p>Reason: To ensure the development does not negatively impact on bats, their habitats or foraging grounds</p>
15.	<p>If badger setts are identified during construction all works shall cease and a qualified Ecologist shall be consulted to identify suitable mitigation measures. These measures shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of the development and implemented in accordance with the approved details thereafter.</p> <p>Reason: There has been evidence of badgers historically on the site however none recently. This condition is required in case badgers return to the site</p>
16.	<p>No works to trees or shrubs shall occur or earthworks commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority.</p> <p>Reason: To protect nesting birds</p>
17.	<p>Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam, japanese knotweed and rhododendron should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full.</p> <p>Reason: to secure the eradication and control of invasive species.</p>
18.	<p>No development shall take place until a Landscape and Environmental Management Plan has been submitted to and approved in writing by the LPA. The content of the plan shall include.</p> <ol style="list-style-type: none"> A detailed ecological assessment at an appropriate time of year of the habitats to be lost, those to be retained and those to be enhanced; A description of the features to be managed including enhancement of the riparian habitat associated with the River Irwell and the existing habitat mosaic; Management of invasive species; Management proposals for the habitats to be enhanced and created; A works schedule for the management proposals Details of the organisation responsible for implementation of the plan Utilising off-set matrices calculate the net biodiversity gain resulting from the development; A 10 years monitoring and maintenance plan <p>The works shall be carried out strictly in accordance with the approved details.</p> <p>Reason: To ensure that the development contributes to and enhances the natural and local environment.</p>
19.	<p>No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:</p> <ol style="list-style-type: none"> 1. A preliminary risk assessment which has identified: <ul style="list-style-type: none"> • all previous uses;

	<ul style="list-style-type: none"> • potential contaminants associated with those uses; • a conceptual model of the site indicating sources, pathways and receptors; and • potentially unacceptable risks arising from contamination at the site. <p>2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.</p> <p>3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.</p> <p>4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.</p> <p>Reason To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.</p>
20.	<p>Prior to any part of the permitted development being brought into use a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.</p>
21.	<p>Notwithstanding the submitted details prior to commencement of the development a construction traffic management method statement shall be 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:</p> <ul style="list-style-type: none"> i) The parking of vehicles of site operatives and visitors ii) The loading and unloading of plant and materials iii) The storage of plant and materials used in constructing the development iv) The erection and maintenance of security hoarding v) Wheel washing facilities vi) Measures to control the emission of dust and dirt during construction vii) A scheme for recycling/disposing of waste resulting from demolition and construction works viii) Details of working hours ix) Routing of delivery vehicles to/from site

	Reason: In the interests of highway safety
22.	Prior to commencement of any development a scheme for the site access on Rockcliffe Road including full engineering, drainage, street lighting and swept path analysis shall be submitted and approved in writing to the Local Planning Authority. The site access shall be completed to base course level as a minimum prior to commencement of any works. Reason: In the interests of highway safety
23.	Within 3 months of commencement of any development a scheme for the off-site highway works including full engineering, drainage, signage, road markings and street lighting shall be submitted and approved in writing by the Local Planning Authority. The off-site highway works shall include the introduction of a one-way traffic regulation order on Greenhill Road to allow traffic to flow from east to west only. The scheme shall be implemented prior to first occupation of any dwelling. Reason: in the interests of highway safety and safe access to and from the site.
24.	Within 3 months of commencement of the development a full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads shall be submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority. Reason: in the interests of highway safety and the development of the site
25.	Within 3 months of commencement of the development full engineering details of the retaining wall and embankments retaining the estate road shall be submitted 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 and the retaining wall details
26.	Within 3 months of commencement of the development details of the proposed arrangements for future management and maintenance of the estate road 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 with the Highway Authority or a private management and maintenance company has been established. Reason: To ensure the suitable management of the highway hereby approved.

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_adapted

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.

3. The new site access and associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk - please search for 278 agreement.

4. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Further details can be found by contacting PROW@lancashire.gov.uk