

Application Number:	2018/0554	Application Type:	Full
Proposal:	Outline Application: Erection of up to 80 dwellings and associated works with all matters reserved except for access.	Location:	Land On The South Side Of Commercial Street Loveclough
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	26 th February 2019
Applicant:	Hollins Strategic Land	Determination Expiry Date:	18 th February 2019
Agent:	Lydia Harper (PWA Planning)		

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

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Major
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 planning permission subject to a S.106 Agreement to secure payment of planning contributions and subject to the conditions set out in this report. Also that delegated authority is granted to the Planning Manager to refuse the application if a S.106 Agreement is not completed.

APPLICATION DETAILS

2. SITE

The application site (of approximately 3.2 hectares) lies on the west side of Burnley Road, sloping down from the road. It is bordered on its northern boundary by Commercial Street and the terraced residential properties constructed along it. A row of trees covered by a TPO runs along the north western edge of the site adjacent to Commercial Street.

To the west of the site lies Loveclough Park, a relatively modern residential development – separated from the application site by a public footpath. On the site's south side there is a playing pitch.

A row of terraced dwellings runs along the eastern side of the site adjacent to Burnley Road, and Loveclough Social Club is located slightly further north (accessed off Commercial Street).

The site itself is predominantly open fields bound by stone walling and agricultural fencing, and is considered to be a greenfield site.

The site lies in an area designated as countryside, and is located approximately 80m south of the Loveclough Fold Conservation Area, where there are two Grade II Listed Buildings (Barn South of Loveclough Farm and 11 & 12 CPA Club).

The site is also around 270m north of another Conservation Area (the Goodshawfold Conservation Area) where there are two further Grade II Listed Buildings (the Spewing Duck Well and Barn North East of Goodshawfold Farm).

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

Outline planning permission (including access only) is sought for the erection of up to 80 no. new dwellings on the site. All other matters (including appearance, landscaping, layout and scale) are reserved. An indicative site layout / masterplan has been submitted as part of the application, but this is for illustrative purposes only, and does not form part of the scheme for which approval is sought.

The proposed access to the development would be off Burnley Road, at the south east corner of the site. A single point of access is proposed for the entire development.

5. POLICY CONTEXT

National Planning Policy Framework (2018)

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 5 Delivering a Sufficient Supply of Homes
- Section 6 Building a Strong, Competitive Economy

- Section 8 Promoting Healthy and Safe Communities
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 15 Conserving and Enhancing the Natural Environment
- Section 16 Conserving and Enhancing the Historic Environment

Development Plan

Rossendale Core Strategy DPD (2011)

- AVP 4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- Policy 2 Meeting Rossendale’s Housing Requirement
- Policy 3 Distribution of Additional Housing
- Policy 4 Affordable Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 18 Biodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & 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 considerations

- National Planning Practice Guidance
- RBC Strategic Housing Land Availability Assessment (SHLAA) (2018)
- RBC Alterations and Extensions to Residential Properties SPD
- LCC Planning Obligations in Lancashire (2008)
- RBC Open Space and Play Equipment Contributions SPD (2008)
- Emerging Rossendale Borough Council Local Plan

6. CONSULTATION RESPONSES

Fire Brigade	No objection, provided comments
Limey Valley Residents Association	Objection.
LCC Highways	No objection subject to conditions.
LCC Education	No objection subject to contributions.
LCC Public Rights of Way	No comments have been received.
RBC Conservation Officer	No objection.
RBC Forward Planning	No objection, provided comments.
RBC Operations	No objection.
RBC Environmental Health	No objection.
RBC Strategic Housing	No objection, provided comments.
RBC Economic Development	Support.
RBC Tree Officer	No objection subject to conditions.
United Utilities	No objection subject to conditions.
LCC Lead Local Flood Authority	No objection subject to conditions.
Environment Agency	No comments to make on the application.
Ecology Consultant	No objection subject to conditions.
Land Contamination Consultant	No objection subject to conditions.

Coal Authority	No objection subject to conditions.
Cadent	No comments have been received.
Lancashire Constabulary	No comments have been received.

7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted on 26/11/2018 and neighbour letters were sent out on 26/11/2018. A notice was published in the Rossendale Free Press on 05/12/2018.

11 objections have been received raising the following issues:

- Harm to neighbour amenity.
- Harm to ecology / biodiversity.
- Flood risk.
- Unacceptable pressure on local infrastructure, facilities, schools and services.
- Site is outside urban boundary.
- Harm to highway safety / access / congestion.
- Conflict with local planning policy.
- Harm to visual amenity / character of countryside.
- Conflict with rural character of the area.
- Little benefit from the development.
- Inappropriate type of houses for the area.
- Disturbance to residents.
- Submitted documentation misleading.
- Application is premature as the Local Plan has not yet been through Examination in Public.

8. ASSESSMENT

The main considerations in this case are as follows:

1) Principle; 2) Visual Amenity, Countryside and Heritage Impact; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety; 5) Planning Contributions; 6) Ecology

Principle

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

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

Although located outside the urban boundary, the site is immediately adjacent to a bus route carrying services which provide links to town centres within the borough and further afield.

The nearest primary school is around 1km away (with mainly continuous lit footways between it and the site), and the nearest secondary school is around 3.8km away.

As the Council cannot currently demonstrate an up to date five year housing land supply based on Full Objectively Assessed Need (FOAN), it is considered in accordance with paragraph 11 of the Framework that the policies in the Council’s Core Strategy insofar as they relate to housing provision are out of date and should be afforded limited weight.

The site has been proposed as an allocation (H13) for housing development in the Council’s emerging Local Plan (currently at Regulation 19 stage), under policy HS4. The site is also proposed for inclusion within the revised urban boundary which forms part of the emerging Local Plan.

The Strategic Housing Land Availability Assessment (2018), which forms part of the evidence base for the emerging Local Plan concludes that the site is suitable for residential development in the medium to long term, but recognises that such development would have a significant visual impact. In the concluding assessment for the site it states:

“Development of the site is likely to have significant landscape impact and to change the local character of the area. The site is considered suitable for residential use, subject to appropriate assessment regarding landscape, flood risk, ecology, coal legacy and mineral sterilisation.”

Although some weight can be afforded to the emerging local plan as it has reached Regulation 19 stage, the plan has not yet been through an Examination in Public, nor has it been adopted by the Council. As such, the amount of weight afforded to the emerging Local Plan in this case is considered to be moderate.

The relevant policy in the emerging Local Plan (HS4) includes a requirement for the proposed housing allocation in question (which is slightly larger than the application site currently under consideration) to be comprehensively demonstrated through a masterplan. Whilst the current application does not include a masterplan for the entire proposed housing allocation, the application site does cover the majority of the land in question, and it is considered that a reserved matters application could satisfactorily provide the detail that would otherwise be provided by a masterplan-led approach, for the majority of the wider site.

The Coal Authority has raised no objection to the proposed development, subject to the inclusion of a condition requiring the submission of further information in relation to coal mining legacy issues.

In accordance with paragraph 11 of the Framework, the starting point for assessment of the application is that permission should be granted for the proposed scheme unless any adverse impacts of doing so would significantly and demonstrably outweigh the presumption in favour of sustainable development.

The impacts of the proposed scheme will be assessed individually below, prior to a balancing exercise being carried out to weigh the benefits of the scheme against any harm in the context of the presumption in favour of sustainable development.

Visual Amenity, Countryside and Heritage Impact

Approval of matters relating to the appearance, layout, scale and landscaping of the development is not sought at this stage. However, it is nonetheless important to ascertain at this stage whether the development can be delivered without having a significant adverse impact on the character and appearance of the site and the wider countryside.

Paragraph 127 of the Framework states that planning decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The site has not been assessed as part of the Council's Lives and Landscapes Assessment (Penny Bennett Landscape Architects with Annette Birch Landscape Manager, 2017), however the land south of the playing pitch (located immediately south of the site) has been reviewed. The Assessment concluded that the site to the south of the playing pitch was unsuitable for development on the grounds that the harm to the landscape would be too significant.

The Council's Conservation Officer has provided comments on the scheme, and considers that the site could be developed without unacceptable harm occurring to the character of the surrounding area, the local landscape, or the nearby Conservation Area, subject to high quality design being demonstrated at reserved matters stage, the incorporation of a robust and high quality scheme of landscaping, and the use of natural construction materials on site (natural coursed stone and slate).

Whilst there may be scope for the incorporation of limited amounts of render on certain less prominent elevations, it is considered that the proposed dwellings must be constructed predominantly of natural coursed stone (with natural slate roofs). In order to mitigate as far as possible the visual impact of the development, and ensure a high-quality appearance and compatibility with the prominent stone and slate-built properties along Burnley Road (the main public vantage point from which the application site is visible), the incorporation of natural materials is considered essential.

It is acknowledged that many other properties in the vicinity are rendered and have artificial roofing tiles, the application site is highly prominent – much more so in views from the main road than are the existing properties lower down Commercial Street and around Loveclough Park.

The Council's Tree Consultant has no objection to the proposal, which will not result in the removal of any protected trees from the site.

Notwithstanding the above, the proposed development would unavoidably result in significant encroachment of built development into an undeveloped area of countryside, and it is considered that such encroachment (however well-designed the development is) would fundamentally alter the character of the site and adversely affect views across the countryside from public vantage points (chiefly along Burnley Road).

It is considered that such an impact would result in a considerable degree of harm to the essentially open and rural character of the site, to which appropriate weight must be afforded in the planning balance.

Neighbour Amenity

Objectors' comments are noted, however it is not considered that the outline scheme now proposed would necessitate any unacceptable impact on the daylight, privacy or outlook enjoyed by the occupants of any neighbouring residential properties subject to appropriate design, scale and layout.

Scope exists for the applicant to ensure that unacceptable harm to neighbour amenity does not occur, through appropriate design of the scheme's layout, scale and landscaping at reserved matters stage.

The applicant's attention is drawn to the separation distances specified in the Council's Alterations and Extensions to Residential Properties SPD, which would need to be met in order for the development to be considered acceptable.

The outline scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

Representations have been received from members of the public raising concern over the impact that the development would have on the local highway network, highway safety and traffic congestion. In this regard, the Local Highway Authority has been consulted on the application, as it provides expert advice to the Council on such matters.

The Local Highway Authority has no objection to the proposed scheme subject to conditions including the following:

- Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved in tarmac, concrete, block pavements, or other approved materials.
- The new access between the site and Burnley Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
- No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.
- For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

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

Planning Contributions and Affordable Housing

In accordance with the requirements of Policies 4 and 22 of the Core Strategy, and the Open Space and Play Equipment Contributions SPD, the applicant has agreed to meet the following contributions:

- 30% affordable housing provision on site.
- Open space and play equipment contribution of £109,280 (£1,366 per dwelling).
- Contribution towards provision of primary and secondary school places in accordance with the methodology used by Lancashire County Council for calculation of such contributions (at this point in time, the contribution would be £472,599.30 to provide 30 primary places, and £284,847.36 to provide 12 secondary places). This would be re-calculated at the point in time when a final reserved matters application is determined.

It is considered that the above contributions are necessary to make the development acceptable (in accordance with Core Strategy Policy 22). It is therefore considered appropriate to require the signing of a S.106 Agreement prior to planning permission being granted, in order to secure the contributions.

Ecology

The Council's ecology consultant has raised no objection to the outline scheme, subject to the inclusion of conditions requiring that as part of a reserved matters application further information shall be supplied in relation to measures to be taken to minimise the risks to any amphibians present in the pond 35m to the east.

Subject to the above, the scheme is considered acceptable in terms of ecology in line with the advice received from the Council's ecology consultant.

Land Contamination and Coal Mining Risk

The Council's land contamination consultant, the Environment Agency and the Coal Authority have been consulted on the application. None now have any objection to the proposals, subject to the inclusion of conditions requiring extensive investigation and potentially remediation of the site prior to commencement of development.

Drainage and Flood Risk

The Lead Local Flood Authority (Lancashire County Council), the Environment Agency and United Utilities have been consulted on the proposed scheme, and have raised no objection subject to the inclusion of conditions.

Balancing Exercise

In line with paragraph 11 of the Framework, it is necessary to carry out a balancing exercise to ascertain whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when considered against the Development Plan and the policies contained within the Framework.

Such a balancing exercise is carried out in this case in the context of the Council not currently being able to demonstrate a five-year housing land supply, and as a result policies within the adopted Core Strategy that restrict housing development being considered out-of-date in line with paragraph 11 of the Framework.

It is also carried out having regard to the fact that the Council has already proposed the application site as a housing allocation in the emerging Local Plan, which is due to undergo Examination in Public this year. Only limited weight can be afforded to the emerging Local Plan at this stage however.

Benefits of the Development

The development would provide up to 80 new dwellings towards the borough's housing need – representing a significant benefit. The Council cannot demonstrate a five-year supply of deliverable housing sites, and such a significant number of new houses would assist in meeting the required housing numbers considerably.

The applicant has confirmed that they have received interest in this site from housebuilders, which suggests that the development (with the associated benefit to housing supply) is deliverable in the near-term.

The proposed dwellings would be situated in a location close to a public transport route, and would be located on a site proposed for allocation as a housing site (and incorporation within the urban boundary) in the emerging Local Plan (though only limited weight can be afforded to the emerging Local Plan at this stage).

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

Harm Caused by the Development

The development would essentially result in a built-up link between the residential properties at Loveclough Park and Burnley Road. This would result in significant encroachment of built development into an attractive and undeveloped area of countryside, which will undoubtedly result in harm to the essentially open and rural character of the area.

The level of harm would be considerable, and although it is considered in this case that the impact could be mitigated to a degree through the inclusion of mitigation measures (such as appropriate layout, landscaping and incorporation of natural construction materials), considerable weight must be afforded to this harm.

Other Considerations

It is not considered that the proposed scheme will have any unacceptable impacts in terms of neighbour amenity, highway safety, flood risk, pollution or ecology subject to the inclusion of conditions requested by the consultees who have provided advice on such matters. As such, the impact of the scheme in respect of these matters is considered to be neutral.

Conclusion

This is a very finely balanced recommendation. However, having regard to the above and the requirements of paragraph 11 of the Framework it is considered that subject to appropriate mitigation the considerable harm which would be caused by the development to the character of the countryside would not *significantly and demonstrably* outweigh the substantial benefit of the scheme in terms of its significant contribution towards the borough's recognised housing need.

9. RECOMMENDATION

Approve planning permission subject to conditions and the completion of a S.106 Agreement to secure planning contributions.

10. SUMMARY REASON FOR APPROVAL

Although the scheme would result in a significant degree of harm to the open and rural character of the countryside in this location, it would provide a substantial benefit in terms of a contribution towards recognised housing need in a relatively sustainable location. Subject to appropriate mitigation (which can be secured by planning conditions and a Section 106 Agreement) it is considered that the development would not unacceptably detract from visual amenity and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies 1, 8, 9, 17, 18, 21, 22, 23 and 24 of the adopted Core Strategy DPD.

11. CONDITIONS

1. An application for approval of the reserved matters (namely the layout, scale, appearance and landscaping of the development) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters 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 eighty residential units which shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Application form received on 19th November 2018.
- Site Location Plan (drawing number LOCATION PLAN 01) received on 19th November 2018.
- Access Arrangements (drawing number SK21875-001) received on 19th November 2018.
- Proposed Off-Site Improvement Works (drawing number SK21875-002) received on 2nd January 2019.
- Arboricultural Report (ref: AWA2327) received on 19th November 2018.
- Flood Risk Assessment and Drainage Management Strategy (ref: HYD343_BURNLEY.ROAD_FRA&DMS) received on 19th November 2018.

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

3. As part of any reserved matters application where layout is applied for, the applicant shall submit for the approval of the Local Planning Authority the results (in the form of a report) of a scheme of intrusive site investigation which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. The report

shall include a scheme of proposals (and a timetable) for any necessary remedial works to adequately mitigate identified risks. The development shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard against hazards associated with coal mining legacy issues.

4. 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 and native hedgerow planting shall be used around the perimeter of the site.

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

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

5. Either prior to the commencement of the development or as part of the first reserved matters application full details of the following (including samples) shall be submitted to the Local Planning Authority for its approval. No development shall take place until such approval has been given in writing by the Local Planning Authority:

- a) All external facing and roofing materials to the proposed dwellings
- b) All hard ground surfacing materials.

The dwellings shall be constructed predominantly of natural coursed stone, and shall have exclusively natural 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.

6. 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.

7. Any 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.

8. No development shall take place until a scheme for the construction of the site access and the off-site highway works has been submitted to and approved in writing by the Local Planning Authority and the necessary agreement entered into with the Highway Authority.

No part of the development shall be occupied until all of the works have been carried out in accordance with the approved details.

Reason: In the interests of highway safety.

9. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a legal agreement has been entered into the Local Highway Authority or a private management and maintenance company has been established.

Reason: In order to ensure proper management and maintenance of the streets within the development.

10. No development shall take place until full engineering, drainage, street lighting and constructional details to adoptable standards (Lancashire County Council specification) of the internal estate roads have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Prior to first occupation of any of the dwellings hereby approved the estate roads shall be completed to at least base course level and in accordance with the agreed details.

Reason: In the interests of highway safety.

11. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved in tarmacadam, concrete, or block pavements.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

12. The new access between the site and Burnley Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

13. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

14. No development shall take place until tree protection fencing has been erected to BS 5837 (2012) as detailed in the submitted Arboricultural Report (ref: AWA2327) and as shown on the tree constraints plan.

Reason: To protect trees to be retained on site.

15. As part of the first reserved matters application, further information (in the form of a report compiled by a qualified ecologist) shall be submitted in relation to measures to minimise the risks to any amphibians present in the pond to the east of the site. The submitted report shall be informed through either or both of the following:

- a) Further field survey work such as eDNA or traditional survey;
- b) A detailed reasonable avoidance measures method statement

Reason: In the interests of protecting biodiversity.

16. Prior to the commencement of development a Phase 2 Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment.

Should unacceptable risks be identified the applicant shall also submit a contaminated land remediation strategy for the approval of the Local Planning Authority prior to commencement of development. No development shall take place until the submitted scheme is approved in writing by the Local Planning Authority.

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

Reason: In the interests of mitigating hazards associated with land contamination, and preventing pollution.

17. Pursuant to condition 16 and prior to first occupation of any of the dwellings, 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.

Reason: In the interests of mitigating hazards associated with land contamination, and preventing pollution.

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

Those details shall include, as a minimum:

a) Information about the lifetime of the development:

- Design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances') - discharge rates and volumes (both pre and post development).
- Temporary storage facilities.
- The methods employed to delay and control surface water discharged from the site.
- The measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
- Details of floor levels in AOD – mitigation measures essential if various proposed plots are to remain within surface water flooding areas (FRA 7/11/18 Rev1 – Figure 4) – expected flood depths/mitigation measure details required.

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate (which has been calculated at 32l/s litres per second total for entire development site – as per FRA 7/11/18 Rev1). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Flood water exceedance routes, both on and off site.

d) A timetable for implementation, including phasing as applicable.

e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.

f) Details of water quality controls, where applicable.

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

Reason: To ensure that the proposed development can be adequately drained, and to ensure that there is no flood risk on or off the site resulting from the proposed development

19. None of the dwellings hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.

The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained, and 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.

20. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority. The submitted details, 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:
 - On-going inspections relating to performance and asset condition assessments.
 - Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

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

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

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

22. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority.

The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future policy that replaces it. The affordable housing shall remain as such in perpetuity.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of 30% of the dwellings in each phase;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing if no registered provider is involved;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to secure the necessary provision of affordable housing on the site.

12. 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. The grant of planning permission will require the applicant to enter into a Legal Agreement with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – developeras@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.
3. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
4. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.

The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

5. The submitted Phase 1 site investigation report specifically recommends that gas monitoring should be undertaken on site (section 7.3.2). A scheme of ground gas monitoring will be

required to be carried out on site, with the results to be submitted as part of an application for the approval of details reserved by conditions 3 and 16. Gas monitoring shall be carried out in accordance with the relevant up-to-date guidance. The applicant is advised to contact Martin Plant (the Council's land contamination and remediation consultant) for clarification on the specific requirements at the earliest opportunity on 0161 686 5847.