

Application Number:	2018/0318	Application Type:	Full
Proposal:	Erection of 119 no. two-storey (2, 3 and 4 bed) houses, with associated infrastructure and access works.	Location:	Land At Former Spring Mill, Whitworth
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	06/03/2019
Applicant:	Mr S Gamble (Gleeson Homes)	Determination Expiry Date:	28 th February 2019
Agent:	N/A		

Contact Officer:	James Dalglish	Telephone:	01706 238643
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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 the conditions set out in this report and a S.106 Agreement to secure payment of planning contributions. 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 relates to a site of approximately 3.5ha, located to the rear of houses fronting Eastgate and Westgate. Formerly occupied by Spring Mill, the site has limited evidence remaining of the now-demolished buildings and associated hard standings. Scrubland and tree cover has now naturally re-vegetated the vast majority of the site. Accordingly the site is partly previously developed land (limited to that part comprising land occupied formerly by Spring Mill to the west) with the majority being greenfield.

The site is located within the Urban Boundary. There are various level changes on the site, most particularly a significant drop from the east to the west.

Public footpath 70 (FP-70) runs through the centre of the site in a north-south direction and the Pennine Bridleway runs through the site in an east-west direction.

To the west of the site is Spring Mill Reservoir, which is within the ownership of United Utilities.

There is an existing access point into the site located off Eastgate and it is understood that this is within the ownership of Rossendale Borough Council.

3. RELEVANT PLANNING HISTORY

X/2002/261 - Outline - Erection of 45 no residential units including access (amended scheme) (Approved)

2008/0726 - Variation of condition from planning application 2002/261 (Withdrawn)

2009/0360 - Application for Reserved Matters Approval pursuant to Outline Permission 2002/261 for Erection of 45 no. Residential Units, and entailing diversion of Public Footpath No. 70 Whitworth (Approved)

2010/0433 - Extension of time limit 2002/261 (Approved)

4. PROPOSAL

Summary of Proposals

Planning permission is sought for the erection of 119 no. new two-storey dwellings on the site. The dwellings would be a mix of two, three and four-bedroom properties, of various detached and semi-detached designs. A materials schedule has been submitted, which shows that the dwellings would be constructed of brick with terracotta or dark grey roof tiles. UPVC window and door units would be used throughout. Each dwelling would be provided with off-street parking spaces and driveways – including garages to some plots.

The dwellings would be arranged around an internal street layout featuring several cul-de-sacs branching off a central access road leading from Eastgate. All houses would feature private garden areas, and a Local Equipped Area for Play (LEAP) is proposed within the centre of the development.

Section drawings have been provided which show that the proposed dwellings would follow the general contours of the land, though significant levelling operations will be necessary to facilitate construction.

A landscaping scheme has been submitted which shows the proposed planting of a number of trees throughout the development, which are to be of a mix of species.

Since receipt of the original plans several amendments have been carried out including:

- Revised access arrangements, including increasing pavement width in response to comments from LCC Highways.
- Revised route of proposed diversion of public footpath no. 70, to follow the perimeter of the site.
- Incorporation of tree planting buffer to western edge of development.
- Revised plans for central play area, to incorporate equipment suggested by RBC Operations team.

Previous Consideration

This application went before Committee at the meeting held on 26th February 2019, where it was deferred to enable clarity to be sought on the traffic impact from the Local Highway Authority, and to confirm that there is no objection from the Council's ecology consultant (particularly in relation to potential harm to bats).

Subsequently, the case officer has liaised with the relevant officer at the Local Highway Authority and the Council's ecology consultant to confirm their positions. They have responded as follows:

Local Highway Authority

"I can confirm that I have visited site on a number of occasions and I am familiar with the area having visited other application sites over the previous years.

There is a level of congestion on the highway network at every school and whilst it causes some disruption it is for a very short period of time. There are no collisions recorded in the previous 5 years on Hall Street and this Authority has no other evidence that there is a safety concern.

The Transport Assessment includes assessment of the junctions Market Street A671 / Hall Street and Eastgate / Westgate / Wallbank. The assessment concludes that there are no capacity or safety related concerns on the surrounding road network and there is no evidence to dispute this.

The residential estate is subject to a 20mph speed limit with physical traffic calming measures installed to ensure speed compliance.

To conclude there is no evidence of a severe impact to highway safety or capacity which would constitute an objection from the Highway Authority."

Ecology Consultant

"There are no buildings, trees or structures on the site suitable for supporting bat roosts. The site does support habitats that could be used for bat foraging and/or commuting so it is very likely that the site is used by bats, but the question to ask is whether the habitat losses that will result from the scheme will affect the conservation status of bats. The most common types of bat known in the area (Pipistrelle sp.) can typically travel up to 4km from roosting sites for feeding.

In this regard I would note that there is (very) extensive alternative habitat suitable for bats nearby and certainly within 4km, including along the Spodden Corridor and around the Reservoir. If bats are roosting in nearby houses, commuting routes between roosting sites and feeding areas will not be severed by the development because there are extensive open areas to the south and west of the application site allowing free movement.

I would conclude that the development is unlikely to affect the conservation status of bats and therefore further bat survey is unnecessary.”

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 1	Whitworth, Facit and Shawforth
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 16	Protecting and Enhancing the Built Environment
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) (2017)
RBC Alterations and Extensions to Residential Properties SPD
LCC Planning Obligations in Lancashire (2008)
RBC Open Space and Play Equipment Contributions SPD (2008)
RBC Emerging Local Plan

6. CONSULTATION RESPONSES

Whitworth Town Council	Objection.
LCC Highways	Re-confirmed no objection subject to conditions.
LCC Public Rights of Way	No comments have been received.
LCC Lead Local Flood Authority	No objection subject to conditions.
United Utilities	No objection subject to conditions.
Ecology	Re-confirmed no objection subject to conditions.
Land Contamination Officer	No objection subject to conditions.
RBC Forward Planning	No comments have been received.
RBC Operations	No objection.
LCC Education	Objection.
Environment Agency	No objection subject to conditions.
Police	No objection, provided advice.
Fire Brigade	No objection, provided advice.
RBC Environmental Health	No objection subject to conditions.
Cadent	No objection, provided information for applicant.
Tree Officer	No objection subject to conditions.
Rooley Moor Neighbourhood Forum	Concerns raised.
RBC Conservation Officer	No objection subject to amended plans.
Rochdale and Bury Bridleways Association	Objection.
Rochdale Metropolitan Borough Council	No objection.

7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted on 06/09/2018 and neighbour letters were sent out on 03/09/2018. A notice was published in the Rossendale Free Press on 14/09/2018.

187 objections and two other representations have been received raising the following issues:

- Development would put unacceptable pressure on local services, infrastructure, facilities and schools.
- Unacceptable impact on ecology / biodiversity.
- Unacceptable impact on highway network / highway safety / traffic congestion.
- Unacceptable nuisance / impact on local residents during the construction phase.
- Unacceptable encroachment / spread of development.
- Harm to visual amenity.
- Harm to neighbour amenity.
- Unsuitable type and form of development.
- Risk of pollution / land contamination.
- Site unsuitable for development.
- Unacceptable impact on public rights of way.
- Flood risk and inadequate drainage.
- Impacts on Healey Dell Local Nature Reserve.
- Impact on the historic environment.
- No affordable housing provision.
- Inadequate pre-submission consultation.
- Unsustainable development.

- Lack of green space.
- Harm to trees.
- Original planning permission on site has lapsed.

8. ASSESSMENT

The main considerations in this case are as follows:

1) Principle; 2) Visual Amenity; 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

The site is located within the urban boundary, adjacent to the existing large scale residential development along Eastgate and Westgate.

Planning permission has previously been granted for residential development (of 45 dwellings) on part of the site, however it is unclear whether that development ever lawfully commenced.

In any case, the site is within the urban boundary, where Policy 1 of the Core Strategy seeks to locate the majority of new development. Although it currently only carries limited weight, the Council's emerging Local Plan proposes to allocate the site for housing development (allocation H68).

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 paragraphs 49 and 14 of the Framework that the policies in the Council's Core Strategy insofar as they relate to housing are out of date and should be afforded limited weight.

Given its urban boundary location, and the fact that the site is proposed as a housing allocation in the emerging Local Plan, residential development on the site is acceptable in principle.

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.

Visual Amenity

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.

Policy 23 of the Core Strategy seeks to ensure that new developments:

- *Are of the highest standard of design that respects and responds to local context, distinctiveness and character*
- *Contribute positively to local identity and heritage in terms of scale, density, layout, materials and access*
- *Protect important local and longer-distance views*
- *Use locally sourced sustainable, high quality and innovative materials appropriate for the development and its surroundings including recycled materials wherever feasible*
- *Engage with their surroundings and provide adequate natural surveillance (overlooking) for neighbouring streets and spaces*

The proposed design of the dwellings themselves is acceptable; it is considered that the proposed form of the dwellings would be appropriate having regard to the red brick construction of the residential development adjacent at Wallbank.

The proposed density of the development is considered acceptable in the context of the site, and the use of open frontages and relatively spacious garden plots will help to maintain a sense of openness within the development. The incorporation of a Local Equipped Area for Play (LEAP) in the centre of the development would provide a soft landscaped focal point and will add to the sense of openness within the scheme.

Following suggestions by the Council's Conservation Officer and the case officer, amendments have been made to the layout of the scheme, including the incorporation of a more densely planted buffer of trees along the southern edge of the site. Tree planting in this area will soften the otherwise hard boundary of the development, and will help to mitigate the visual impact of the development close to the Healey Dell area.

The Council's Tree Officer has raised no objection to the proposed development subject to the inclusion of conditions.

However, the development would unavoidably result in harm to the natural character and appearance of the site. The site is currently dominated by mature trees and lower lying vegetation,

interspersed within areas of open grassland. However well designed the proposed development, it is considered that the fundamental change to the character and appearance of the site would result in harm. Weight must be afforded to this harm in the planning balance.

Whether or not the harm identified above is sufficient to warrant refusal of the application will be subject to a balancing exercise later in the report, having regard to any potential wider benefits of the scheme and any other material considerations.

Neighbour Amenity

A large number of objections have been received from members of the public, which are duly noted and the issues raised are considered in the relevant sections of this report.

It is not considered that the scheme now proposed would have any unacceptable impact on the daylight, privacy or outlook enjoyed by the occupants of any nearby residential properties, having regard to the proposed siting, orientation and levels of the proposed dwellings.

The Council's Environmental Health Officer has raised no objection to the proposed scheme subject to the inclusion of a condition relating to working hours on site during construction.

Given the proximity of nearby residential properties and the scale of the proposed development, it is considered appropriate to include the condition suggested above. Other conditions suggested by the Environmental Health Officer (relating to noise nuisance and preventing burning waste on site) are not considered appropriate for inclusion, as such matters are dealt with under separate legislation which would be enforced by the Council's Environmental Health team if necessary.

Subject to the above and the inclusion of other conditions recommended by consultees, the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

Numerous 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.

Following consultation responses received from Rochdale MBC and Rochdale and Bury Bridleways Association, the case officer liaised with the applicant who has submitted amended plans showing the incorporation of an off-street bridleway link around the perimeter of the development which would link bridleways BW114 and BW140 with a dedicated bridleway / pedestrian link. It is considered that this proposal satisfactorily alleviates concerns raised over the potential fragmentation of the bridleway network, and would provide a dedicated bridleway link through the site.

Since the application was deferred at the Committee meeting on 26th February 2019, the Local Highway Authority has reiterated that it has no objection to the proposed scheme subject to conditions including the following:

- Submission, approval and implementation of a construction traffic method statement prior to commencement of development.
- Restriction of hours in which HGV movements to and from the site can take place.
- Submission of a scheme of off-site highway works and access within 3 months of commencement of development.

- Submission of the proposed arrangements for future management and maintenance of the proposed streets within the development within 3 months of commencement of development.
- Submission of full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads within 3 months of commencement of development.
- Prior to first occupation of any house the estate roads shall be completed to at least base course level and in accordance with the agreed details.
- Prior to the occupation of each dwelling the driveways parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.
- Prior to first occupation each dwelling shall have a secure cycle store for at least 2 cycles.
- Prior to the first occupation each dwelling shall have an electric vehicle charging point.
- The Framework Travel Plan submitted shall be adhered to throughout the period of implementation and monitoring. This will include the provision of cycle vouchers for every dwelling.

Subject to the above conditions the Local Highway Authority has no objection to the scheme, and accordingly it is considered that the development could be delivered without causing undue harm to highway safety.

Planning Contributions and Affordable Housing

In accordance with Policies 4 and 22 of the Core Strategy, and the Open Space and Play Equipment Contributions SPD, the following contributions would be expected for this development:

- 30% affordable housing provision on site.
- A financial contribution of £283,559.58 to provide 18 primary school places, as requested by Lancashire County Council's Schools Team.
- A financial contribution of £213,635.52 to provide 9 primary school places, as requested by Lancashire County Council's Schools Team.
- Open space and play equipment contribution of £1,366 per dwelling.

In this case however, the applicant is proposing to incorporate a LEAP (Local Equipped Area for Play) into the scheme, which is considered to offset the requirement for a financial contribution towards open space and play equipment provision to a degree. The Council's Operations Team has been consulted on the proposed LEAP provision, and has no objection.

A viability assessment has been submitted by the applicant. The viability appraisal submitted by the applicant has been independently assessed by the VOA (Valuation Office Agency) which has concluded that a fully policy-compliant scheme (i.e. one that provides all contributions required by policy) would not be financially viable. The VOA has concluded that a maximum contribution of £152,500 can be viably supported by the development

The developer proposes that the following contributions will be provided:

- A financial contribution of £283,559.58 to provide 18 primary school places.

No affordable housing is proposed, and it is not proposed to provide any secondary education contribution.

There would be no financial contribution towards open space and play equipment provision, but instead a LEAP would be incorporated on site as part of the development.

Paragraph 57 of the Framework states:

“The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force.”

It has been adequately demonstrated to the satisfaction of the VOA that the development cannot viably support all of the contributions and affordable housing required by policy.

Having regard to the scale of the development and the proposed contributions, whilst the applicant intends to meet the required contribution towards the provision of primary school places, there is to be no contribution towards secondary school places.

As alluded to in numerous comments received from members of the public, secondary school provision in the vicinity of the site is already sparse, and if planning permission is granted for the proposed scheme this would mean that potential secondary school pupils from the development may need to travel further afield to access secondary schools (the next closest within Rossendale being Fearn's High School near Waterfoot / Stacksteads located approximately 10km away).

Such a situation is not ideal, and would not represent the most sustainable form of development as potentially pupils may not have the option of a secondary school within walking distance. Other schools would however be reachable by public transport (for instance by using the No. 464 bus service from Whitworth to Waterfoot). Lancashire County Council's Education Team has advised that pupils from the Whitworth area do already travel considerable distances to schools in other parts of the Borough.

The potential lack of secondary school provision in proximity to the site, and the pressure that would result on the local school (Whitworth High School) by a lack of financial contribution towards secondary places is considered to be harmful, and weight must be afforded to this harm. However, it is acknowledged that other schools (which Lancashire County Council has confirmed currently have capacity for additional pupils) are accessible by public transport. A main public transport corridor lies around 600m from the site.

Ecology

Since the application was deferred at the Committee meeting on 26th February 2019, the Council's ecology consultant has reiterated that they have no objection to the proposed scheme subject to conditions requiring the following:

- No vegetation clearance required to facilitate a development should be undertaken during the optimum period for bird nesting (March to July inclusive).
- Robust fencing should be erected during the construction period of any approved development to prevent encroachment into Healey Dell Biological Heritage Site.

The proposed plans show a significant amount of new tree planting both within and around the development, which will provide some mitigation for losses resulting from the development.

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

Land Contamination

Concerns have been raised over the potential for land contamination on the site, and the potential for pollution if this is not correctly managed.

In this regard, the Council's land contamination consultant and the Environment Agency have been consulted on the application. Both have raised no 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 considered necessary to carry out a balancing exercise to ascertain whether any adverse impacts of doing so would *significantly and demonstrably* outweigh the benefits of the scheme when considered against the Development Plan and the policies contained within the Framework.

Benefits of the Development

The development would provide 119 new dwellings towards the borough's recognised housing need, which is a large benefit to which substantial weight is afforded. The dwellings would be located within the defined urban boundary, adjacent to an existing residential area, on a site proposed for housing development in the Council's emerging Local Plan.

Harm Caused by the Development

The proposed scheme would unavoidably result in harm to the natural character and appearance of the site. The site is currently dominated by mature trees and lower lying vegetation, interspersed within areas of open grassland. However well designed the proposed development, it is considered that the fundamental change to the character and appearance of the site would result in harm. However, further to the amendments that have been made to the proposed scheme (such as the incorporation of additional tree planting along the boundary of the site, it is considered that whilst the development will still fundamentally alter the character of the site, the level harm has been mitigated to a degree.

Whilst the applicant proposes to make the required financial contribution towards the provision of new primary school places, the same cannot be said in respect of the required contribution towards secondary provision. Lancashire County Council has calculated that the development will generate a need of nine new secondary places, for which there would be no local provision. Pupils would therefore potentially need to travel further afield. That said, capacity has been identified at Fearn's High School and other schools within the Borough – which would be accessible from Market Street in Whitworth by public transport (bus).

The development would result in pressure on local secondary school provision which is considered to be harmful. However, having regard to the availability of alternative provision (albeit

not within walking distance, but by public transport) the weight afforded to this harm is less than substantial in this case.

Conclusion

In line with the responses received from statutory and other consultees and having regard to the proposed scheme, it is not considered that the development will have any unacceptable impacts in terms of neighbour amenity, highway safety, land contamination, flood risk or ecology.

Although a very finely balanced recommendation, it is considered that the harm which would be caused by the development to visual amenity and through the pressure exerted on local secondary school provision in this case would not *significantly and demonstrably* outweigh the substantial benefit of the scheme in terms of its significant contribution towards the borough's housing supply on a site within the established urban boundary – additionally one that is proposed for allocation as a housing site in the emerging Local Plan.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate in principle and it is considered that subject to conditions and a Section 106 Agreement, the development would not unacceptably detract from visual amenity, neighbour amenity, flood risk, land contamination, ecology, access or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies AVP1, 1, 2, 3, 4, 8, 9, 16, 18, 22, 23 and 24 of the adopted Core Strategy DPD.

10. CONDITIONS

1. The proposed development must be begun not later than three years from the date of this permission.

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

2. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Application form received on 30th August 2018.
- Site Location Plan (Rev. A) received on 9th November 2018.
- Planning Layout (Drawing Number 1013-025 REV. F) received on 12th February 2019.
- North West Materials Choice Schedule received on 30th August 2018.
- 201 Dwelling Type (Drawing Number 201/1F) received on 30th August 2018.
- 202 Dwelling Type (Drawing Number 202/1F) received on 30th August 2018.
- 212 Dwelling Type (Drawing Number 212/1-) received on 30th August 2018.
- 301 Dwelling Type (Drawing Number 301/1G) received on 30th August 2018.
- 304 Dwelling Type (Drawing Number 304/1E) received on 30th August 2018.
- 307 Dwelling Type (Drawing Number 307/1B) received on 30th August 2018.
- 309 Dwelling Type (Drawing Number 309/1E) received on 30th August 2018.
- 311 Dwelling Type (Drawing Number 311/1A) received on 30th August 2018.
- 313 Dwelling Type (Drawing Number 313/1-) received on 30th August 2018.

- 314 Dwelling Type (Drawing Number 314/1-) received on 30th August 2018.
- 401 Dwelling Type (Drawing Number 401/1G) received on 30th August 2018.
- 403 Dwelling Type (Drawing Number 403/1H) received on 30th August 2018.
- Proposed Sections (Drawing Number GLE-020) received on 30th August 2018.
- Preliminary Drainage Strategy (Drawing Number SWR-AJP-XX-00-DR-C-0900 P1) received on 30th August 2018.
- Proposed Sections (Drawing Number GLE-020) received on 30th August 2018.
- Travel Plan (Westgate Consulting Ref: 78 v3) received on 30th August 2018.
- Flood Risk Assessment (JOC Consultants ref: 16/041.01) received on 30th August 2018.
- Detailed Landscape Proposals (1 of 2) (Drawing Number 2931-1C) received on 7th November 2018.
- Detailed Landscape Proposals (2 of 2) (Drawing Number 2931-2C) received on 7th November 2018.
- Access Swept Path Drawing (Drawing Number 16/424/ATR/002 REV. A) received on 23rd January 2019.
- Proposed Site Access (Drawing Number 16/424/TR/001 REV. F) received on 23rd January 2019.
- Arboricultural Impact Assessment (Ascerta Rev. B) received on 30th August 2018.

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

3. Prior to the commencement of the development (other than works associated with site stripping, remediation and regrading of the site to provide a development platform) full details of the alignment, height and appearance of all fences, walls, gates and other means of enclosure 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.

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

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

4. Prior to the commencement of the development (other than works associated with site stripping, remediation and regrading of the site to provide a development platform) full details of the following details (including samples) shall be submitted to and approved by the Local Planning Authority in writing:

- a) Details of the colour, form and texture of all external facing materials to the proposed dwellings
- b) Details of the colour, form and texture of all hard ground surfacing materials.

The development thereafter shall be constructed utilising the approved materials.

Reason: To ensure that the development is appropriate in terms of visual amenity and to ensure that it responds to the local context of the site.

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

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

Reason: In the interests of highway safety.

6. Any HGV construction traffic movements to and from the site shall not occur before 9.30am or between 2.30pm – 3.30pm Monday-Friday during school term time.

Reason: In the interests of highway and pedestrian safety.

7. Within 3 months of commencement of development, a scheme for the site access, bridleway link, and off-site highway works shall be submitted to the Local Planning Authority for its approval.

The scheme shall include full details of the following, and shall be fully implemented prior to the first occupation of any dwelling:

- a) Enhanced pedestrian provision at the junction Eastgate / Westgate / Wallbank Drive, including kerb re-alignment, tactile paving, street lighting assessment/upgrade.
- b) Upgrade existing Bus Stop on Westgate to quality bus standard.
- c) Upgrade and link bridleway 114 from Moss Lane along the identified off-street link track through the site (as shown on drawing number 1013-025 REV.F) to bridleway 140, providing a minimum bridleway width of 3m, with a suitably constructed base and surfacing. Suitable measures to prevent unauthorised access by motor vehicles to the bridleway network shall also be incorporated.
- d) Pedestrian and cycle signage to off-road routes.

Reason: In the interests of highway and pedestrian safety.

8. Within 3 months of commencement of development, full details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to the Local Planning Authority for its approval.

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

9. Within 3 months of commencement of development, engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads shall be submitted to the Local Planning Authority for its approval.

The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

10. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling.

Reason: In the interests of highway safety.

11. Prior to the occupation of each dwelling, its associated driveways and parking areas shall be constructed in a bound porous material and made available for use. The driveways and parking areas shall be maintained as such and kept available for the parking and manoeuvring of vehicles for as long as the development is occupied.

Reason: In the interests of highway safety.

12. Prior to first occupation of each dwelling, it shall be provided with a secure cycle store for at least 2 cycles.

Reason: To promote sustainable modes of transportation in the interests of sustainable development.

13. Prior to the first occupation of each dwelling, it shall be provided with an electric vehicle charging point.

Reason: To promote sustainable modes of transportation in the interests of sustainable development.

14. The Framework Travel Plan submitted with the application shall be adhered to throughout the stated period of implementation and monitoring. This will include the provision of cycle vouchers to occupants of every dwelling.

Reason: In the interests of highway safety and to promote sustainable modes of transportation in the interests of sustainable development.

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

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

16. 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), including full details of the Return Period Summary of Critical Results by Maximum Level for all required storm events.
- 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.

b) The drainage strategy should demonstrate that the surface water run-off for the entire development site must not exceed the pre-development greenfield runoff rates generated by the 1 in 1 year, 1 in 30 year and 1 in 100 year critical storm events to rates of 62.31 l/s, 121.76 l/s and 148.98 l/s respectively. 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 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.

17. None of the development hereby permitted shall be occupied until the sustainable drainage scheme for the entire 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.

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

a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a 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.

19. All attenuation basins and flow control devices/structures shall be constructed and operational prior to the commencement of any other development and prior to any development phase (other than works associated with site stripping, remediation and regrading of the site to provide a development platform).

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

20. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment report (to cover the entire site) has been submitted to and approved in writing by the Local Planning Authority.

The submitted report shall include:

i) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report (to cover the entire site) shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. 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; and

ii) Should unacceptable risks be identified the applicant shall also submit and agree with the

Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development.

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: To safeguard against hazards associated with land contamination, and to prevent pollution.

21. Pursuant to condition 20 and prior to first occupation of any of the dwellings on site 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: To safeguard against hazards associated with land contamination, and to prevent pollution.

22. Piling or any other foundation designs using penetrative methods shall not be carried out on site other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling activity is protective of controlled waters in line with paragraph 109 of the National Planning Policy Framework.

23. No infiltration of surface water drainage into the ground shall be permitted as part of the development, other than with the prior 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 is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with the National Planning Policy Framework.

24. No vegetation clearance shall be undertaken during the optimum period for bird nesting (March to July inclusive) unless nesting birds have first been demonstrated to be absent by a suitably qualified person through the prior submission to, and approval by the Local Planning Authority, of a survey report before any such works are carried out.

Reason: To protect nesting birds.

25. At no time during the course of development shall works, machinery or materials encroach into the Biological Heritage Site and Local Nature Reserve at Healey Dell. Robust site fencing shall be erected for the duration of the construction period along the site boundaries to prevent any such encroachment.

Reason: In the interests of protecting biodiversity and preventing damage to biodiversity assets in the vicinity of the site.

26. 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.

27. The approved scheme of landscaping and planting shall be carried out in the first planting and seeding seasons following the occupation of any of the approved dwellings or the completion of the development, whichever is the earlier.

All trees to be planted shall have a minimum of 10-12cm girth.

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 the same size and species.

Reason: In the interest of the appearance of the locality and to enhance biodiversity.

28. Within three months of commencement of development on site full details (including detailed construction plans and ongoing management and maintenance arrangements) of the proposed Local Equipped Area for Play (LEAP) shall be submitted to the Local Planning Authority for its approval.

The LEAP shall thereafter be completed in accordance with the approved details and made available for use prior to first occupation of the tenth dwelling on site, or prior to substantial completion of the development, whichever is the sooner.

The LEAP shall be managed and maintained in strict accordance with the approved details for as long as the development is occupied.

Reason: To ensure the provision of satisfactory play / recreation facilities for occupants of the development, and to ensure the ongoing maintenance of such facilities.

29. No development shall take place until tree protection fencing to BS 5837 (2012) has been erected in the locations as shown on the details included within the submitted Arboricultural Impact Assessment (Ascerta Rev. B).

The tree protection fencing shall be retained and maintained for the duration of development works on site.

Reason: To protect trees to be retained.

11. 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 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 Section 278 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. 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 Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2012 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.

The developer's attention is drawn to the further advice provided at application stage by the Council's land contamination consultant and the Environment Agency.

4. The granting of planning permission does not grant consent for the diversion of any public right of way. Separate permission for such diversion must first be obtained from Lancashire County Council.
5. For the avoidance of doubt, this planning permission does not grant the applicant permission to connect to ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>