

SCHEDULE OF ACTIONS MATTER 10 (HOUSING SITE ALLOCATIONS: BACUP, STACKSTEADS, BRITANNIA AND WEIR)

ACTIONS 10.1 – 10.9

1 INTRODUCTION

1.1 During the Hearing Session on Matter 10 (Housing Site Allocations: Bacup, Stacksteads, Britannia and Weir), as part of the emerging Rossendale Local Plan Examination, the Inspector requested further information for certain housing site allocations proposed in the Plan.

2 ACTION 10.1

ACTION REF. NO.	ACTION
10.1	<u>H28 – Sheepphouse Reservoir, Britannia</u> Produce a note to demonstrate that the site could be delivered in years 1-5

2.1 The land at Sheepphouse Reservoir, Britannia, has been promoted as a suitable site for residential development by CBRE, on behalf of the site’s landowner United Utilities (UU), from as early as 2008 as part of the Council’s site allocation process for preparing a Local Plan.

2.2 This has led to regular correspondence between the Council and the two parties, as well as the submission of representations by CBRE in respect of the site to a number of Local Plan documents. In support of the site’s allocation, CBRE also submitted technical assessments to demonstrate the development potential of the site and these have covered matters such as the topography of the site, flood risk and drainage considerations, ecological value, landscape and visual impact, and highways and access.

2.3 In the 2019 Submission Version of the emerging Local Plan the Council adopted a cautious approach when estimating the site allocation’s delivery timescale and considered years 6-10 of the Plan period to be appropriate. However, prior to the Local Plan examination hearings, UU confirmed on 30th August 2019 that a number of new studies were being undertaken in preparation for bringing the site to market, and this was followed by the submission of a pre-application for residential development on the site on 30th September 2019. The Council considered this additional work in bringing the site forward for development to be evidence of the landowner’s commitment of delivering the site’s capacity in years 1-5 of the Plan period. Therefore, the Council revised the site allocation’s estimated delivery timescale during the Local plan examination hearings.

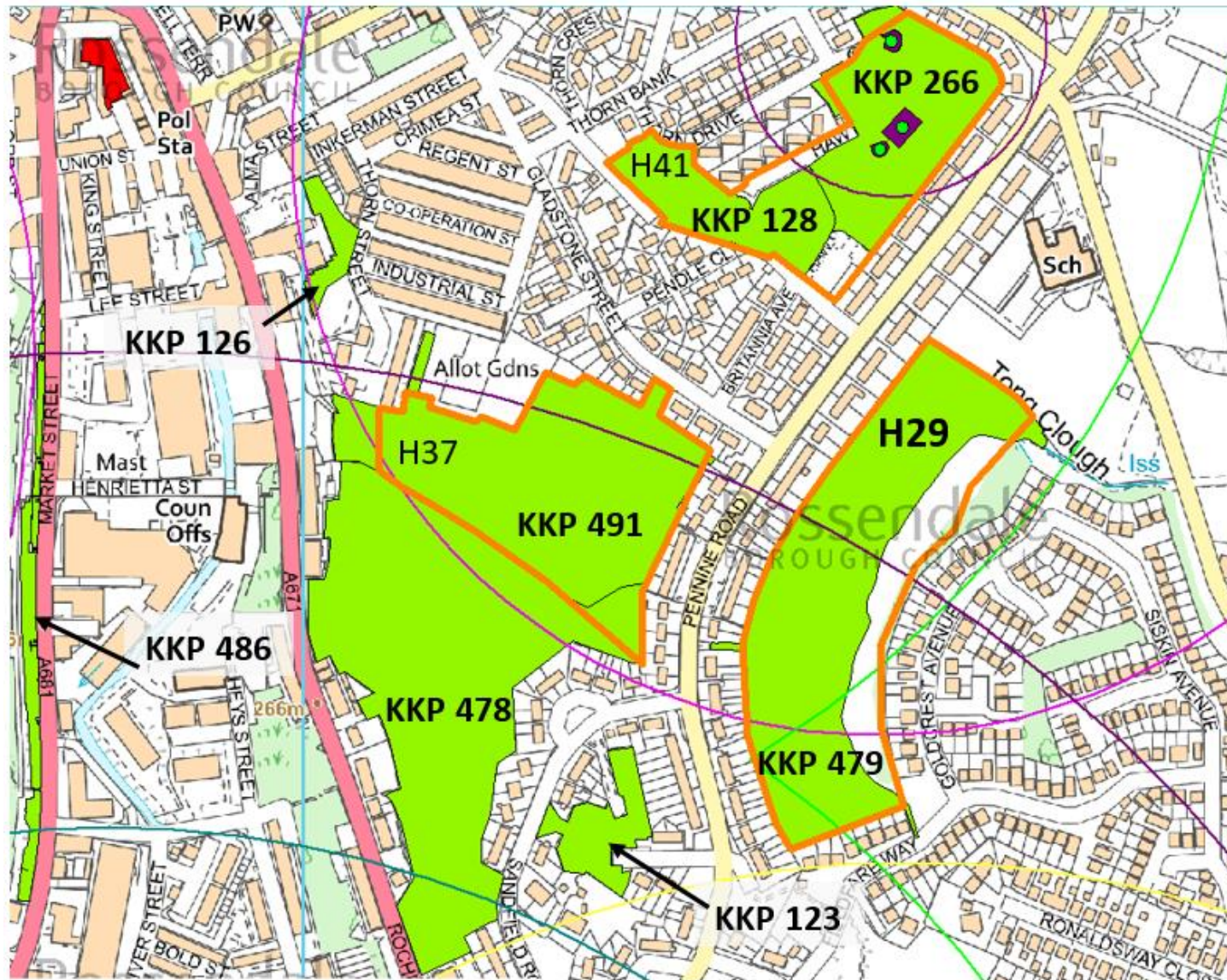
- 2.4 The pre-application is under consideration by the Council's Development Management team and consists of an updated Indicative Masterplan, a Draft Ecological Statement, and a pre-application Highways and Transport Note. In respect of the site's access and highway matters, CBRE confirmed on 5th June 2020 that UU and their appointed consultants are in discussions with LCC seeking pre-application advice.
- 2.5 The details of the submitted pre-application, alongside the previous technical assessments submitted by CBRE, demonstrate the landowner's commitment to bringing the site forward and support the site allocation's estimated delivery in years 1-5 of the Plan period.

3 ACTION 10.2

ACTION REF. NO	ACTION
10.2	<u>H29 – Pennine Road, Bacup</u> Produce a note to demonstrate suitability of development on this site in relation to paragraph 97 of NPPF (justification of loss of open space)

- 3.1 Paragraph 97 of the NPPF states that existing open space should not be built on unless one of three criteria are met, one being that an assessment has been undertaken which has clearly shown the open space to be surplus to requirements.
- 3.2 The site has been recorded in the Open Space Assessment 2020 (OSA) as urban greenspace and is located within the Bacup Analysis Area, which the OSA identified as being sufficient against the quantity standard for urban greenspace by 0.27ha. The allocation of H29 for housing in the emerging Local Plan would impact the quantity in provision of urban greenspace in the area and the Council accepts that the site has not been specifically identified as being surplus to requirements. However, the conflict with paragraph 97 of the Framework is only one factor to weigh in the balance.
- 3.3 The site assessed as part of the OSA, referenced as KKP 479, falls below the quality threshold of 45% and is considered low quality with a score of 37.2%. The site is within the catchment of several existing urban greenspaces in the surrounding area, although some of these sites such as KKP 491 and KKP 266/128 are also allocated for housing in the Plan. Figure A shows the open space provision close to H29 and identifies those which are also allocated for housing in the Plan (site allocations outlined in orange).

Figure A: Open space provision close to site allocation H29



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- 3.4 Having regard to the findings of the OSA, the Council is proposing to remove housing site allocation H41 (Thorn Bank) from the Plan and retain the site as open space. In respect of site allocation H37 (Gladstone Street), the site assessed as part of the OSA is significantly larger in size than the site allocated for housing and therefore a significant area of open space, identified as urban greenspace, would also remain in this location. As such, the allocation of H29 would not create an accessibility gap in urban greenspace provision.
- 3.5 On this basis, the site allocation review for H29 in Appendix 4 of the OSA concludes the site 'does not need to be retained if quality improvements to the other sites in the area were to be undertaken.' Most of the land associated to H41 (Thorn Bank) is owned by Rossendale Borough Council and as it is now proposed to be retained as open space this will be targeted for enhancement through the use of S106 contributions. Part of KKP 478, the urban greenspace which H37 forms part of, also falls under the ownership of Rossendale Borough Council and this will also be considered for improvements.
- 3.6 Section 12.5 of the OSA provides the Council with recommendations for specific sites of open space and KKP 336 is included under Recommendation 3:
- *Recognise low quality and value sites and how they may be able to meet other needs*
- 3.7 Other typologies that have been identified as having a quantity shortfall in the Bacup Analysis Area are natural and semi-natural greenspace and allotments, however, it is not considered appropriate to change the site's typology to those with an identified need. The site is largely surrounded by residential development within the defined urban boundary and is therefore not suitable to be considered natural and semi-natural greenspace, as such sites are normally large expansive sites, reservoirs or nature reserves. Likewise, it is not considered appropriate to seek a change in typology for the site to meet the shortfall in allotments, which is minor at only 0.02ha.
- 3.8 Overall, the Council has to balance the demand for future development needs with the provision of open space and it is considered that the contribution the site allocation would have in meeting the borough's housing need would outweigh any materially adverse impact upon the provision of open space.

4 ACTION 10.3

ACTION REF. NO.	ACTION
10.3	<u>H30 – Tong Farm, Bacup</u> Produce a note to confirm whether access can be achieved

- 4.1 During the hearing session on Matter 10 concerns were raised over the potential access to site allocation H30 being a constraint to development. This was in reference

to an objection submitted by the Local Highway Authority on the planning application (ref. 2019/0318) submitted on the site allocation for outline planning permission (including access only) for the erection of up to 33 no. dwellings.

- 4.2 Since the hearing session, the Local Highway Authority withdrew their objection to the proposed scheme and, in principle, raised no objection to the proposal subject to conditions. The Local Highway Authority’s response is dated 9th October 2019 and can be viewed in full [here](#).
- 4.3 The application (ref. 2019/0318) was approved 13th January 2021 and outline planning permission was granted for up to 33 no. dwellings.

5 ACTION 10.4

ACTION REF. NO	ACTION
10.4	<u>H35 – Shadlock Skips, Stacksteads</u> Inspector to confirm view on whether site is suitable for housing development, particularly in relation to Flood Zone 3 and access to site

- 5.1 Action 10.4 does not require the Council to provide a response, however, with reference to accessing the site allocation, the Council would like to make the Inspectors aware that the Local Highway Authority provided brief comments on the site allocation prior to the Local Plan Examination. The Local Highway Authority stated, “No footway on one side of the A681. Other than this no issues.”
- 5.2 Access to the site allocation would be taken from the A681, which is located to the north of the site allocation. The highway has no footway to the north, but includes a footway to the south that adjoins the site access. Therefore, in light of the Local Highway Authority’s comments, the Council does not consider access to be a constraint on the site’s suitability for housing development.
- 5.3 In respect of the site’s flood risk, please have regard to the Council’s [Flood Risk Topic Paper \(2019\)](#).

6 ACTION 10.5

ACTION REF. NO.	ACTION
10.5	<u>H36 – Hare and Hounds Garage, Newchurch Road, Stacksteads</u> Produce a note to confirm landowner’s current intentions relating to car wash on site

- 6.1 The landowner confirmed by email on 14th May 2020 that the land relating to site allocation H36 is still available for residential development. Therefore, use of the car wash located on site would cease once progress was made on delivering the site.

7 Action 10.6

ACTION REF. NO.	ACTION
10.6	<u>H37 – Land off Gladstone Street, Bacup</u> Produce a note to confirm whether access can be achieved

- 7.1 The main landowner of site allocation H37 is Lancashire County Council (LCC) who confirmed on 22nd May 2020 that the land under their ownership is still available for residential development.

- 7.2 However, the delivery of site allocation H37 is dependent upon achieving access directly from Gladstone Street over land which is outside LCC’s ownership and control. The County Council confirmed they have attempted to identify the owner(s) of the land, but this has been made difficult due to the adjoining land having no registered land title on the Land Registry.

- 7.3 LCC feel they have not exhausted all reasonable avenues of enquiry in their attempts to contact the owner(s) of the adjoining land and have therefore requested the land be retained as a housing allocation, alongside a revised timescale for the site’s estimated delivery. The revised estimated delivery for H37 is years 6-10 of the Plan period, therefore, if the Inspectors retain the site allocation, the Council considers it appropriate to revise the estimated delivery to years 10-15 in order to reflect the on-going attempts to identify the landowner of the adjacent land. LCC’s response to Action 10.6 is included in full in Appendix 1 of this response.

- 7.4 With regards to access/highway safety, the Council has consulted the Local Highway Authority on the proposed access to the site allocation and they have submitted the following response:

H37 Gladstone Street

“The proposed access is located between nos. 37 and 39 Gladstone Street which currently provides access to the fields behind the existing residential properties on Gladstone Street. The distance between the curtilage of these two properties is approximately 15m with a level access rising slightly as progress is made into the site. The available width would allow for the creation of a vehicular / pedestrian access comprising of a 5.5– 6.5m carriageway and 2m footways on either side. The prevailing speed limit in the area is 20mph and the appropriate visibility splays in line with the recommendations of Manual for Streets can be achieved.”

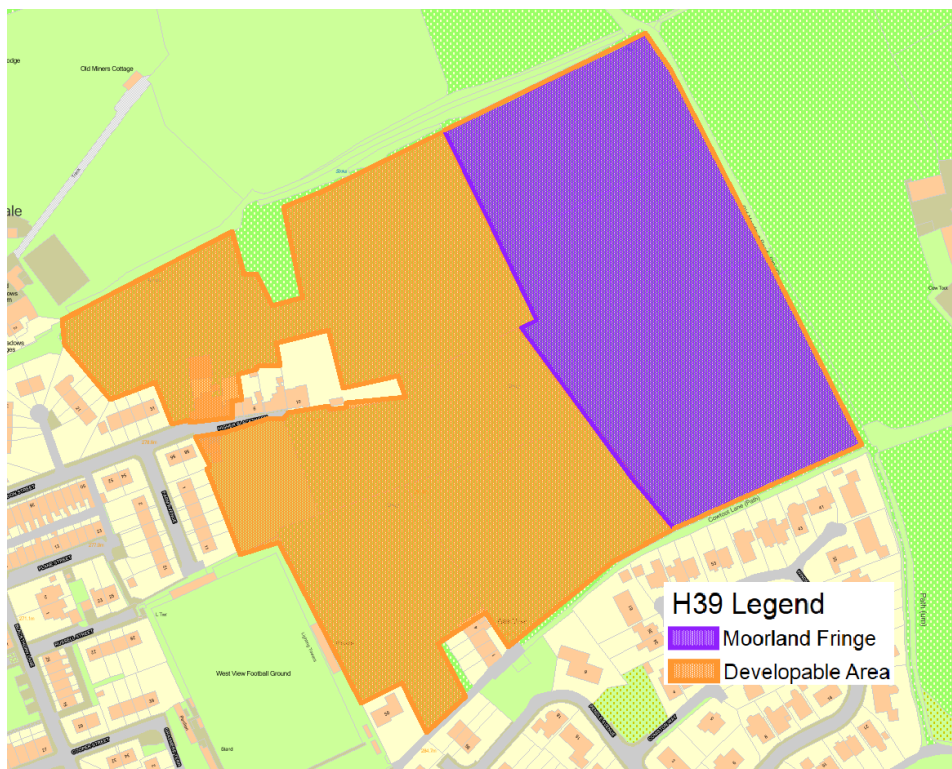
- 7.5 Therefore, in light of the comments above, it is expected that an appropriate means of access to the site from Gladstone St. could be achieved from a highway safety perspective.

8 Action 10.7

ACTION REF. NO.	ACTION
10.7	<u>H39 – Land off Cowtoot Lane, Bacup</u> Produce a note on its developability given the event of the constraints and the changes in circumstances/site boundary outlined at the hearing. The potential funding position and matters relating to coal, surface water, landscape and access/highways safety should be covered in the note.

- 8.1 During the Hearing Session on Matter 10, the Council confirmed the site area for site allocation H39 would be amended to take into account the retention of the football ground located to the west. A detailed parameters plan, recognising the retention of the football ground, was made available at the Hearings and this provided an indicative layout of the site which avoided development to the north. The parameters plan was included in Appendix 1 of the Council's response to Action 8.3 and 8.4.
- 8.2 However, following comments received from the First Tranche Consultation on Examination Library 8, the Council has re-evaluated the site allocation and has now revised the developable area to predominantly exclude land to the east. This land sits in a more prominent position in comparison to other parts of the site and is identified as being part of the Moorland Fringe Landscape Character Type. Figure B below shows the revised site area for the site allocation, including the developable area. The extent of the Moorland Fringe, as shown on Figure B, has been slightly reduced to include land which is likely to be required in order to accommodate suitable access to the site. The Landscape Character Types for the surrounding area can be viewed on [Lancashire County Council's Maps & Related Information Online \(MARIO\)](#).

Figure B: Revised site and developable for site allocation H39



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8.3 Excluding both the football ground and the Moorland Fringe, the revised developable area for site allocation H39 is 4.17ha. Following the methodology for sites with a developable area greater than 2ha, as set out in Appendix D of the 2018 SHLAA Report, 75% of the site is identified as developable providing a revised net developable area of 3.13. Applying a density of 30 dwelling per hectare, the revised capacity of site allocation H39 is no. 94 units.

8.4 The constraints raised in Action 10.7 will be covered under separate sections.

Funding Position

8.5 The Council has withdrawn from the Accelerated Construction programme, however, it is not considered that this would preclude the site's delivery of 94 dwellings within years 1-10 of the Plan period.

8.6 The land associated to H39 is wholly owned by Rossendale Borough Council and the authority is taking a proactive approach in bringing the site forward for development in order to meet the borough's housing need.

Coal Mining Legacy

8.7 During the Hearing Session for Matter 10, concerns were raised over the site's coal mining legacy and the constraint this may have on any future development of the site. In light of this, the Council consulted The Coal Authority who responded on 11th December 2019 and which is included in Appendix 2 of this response.

8.8 Regarding the land associated to H39, The Coal Authority states:

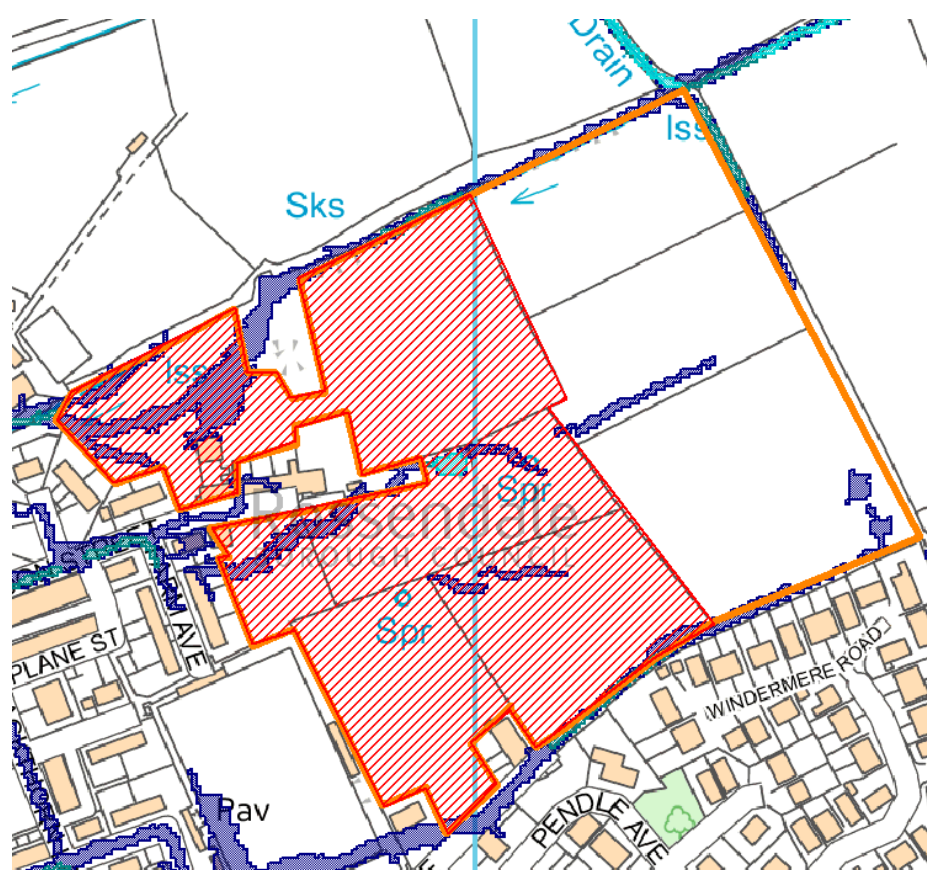
“Our records indicate that there are 3 mine entries (adits) along the northern boundary of the site. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth.”

- 8.9 The Coal Authority would not consider that a site with a coal mining legacy should be excluded from being allocated for development, as remedial works and mitigation measures can be carried out in most cases in order to ensure the safety and stability of any development proposed. Furthermore, The Coal Authority has confirmed that it does not consider that the coal mining legacy features present on the site impact significantly on its developability
- 8.10 Any future planning application submitted to the Council for development on the site allocation would need to be supported by a Coal Mining Risk Assessment. In the case of mine entries being present on site, this would be expected to inform the remedial works and/or mitigation measures necessary, as well as guide the layout of the development in order that adequate separation can be provided between certain legacy features and their zone of influence and any building proposed.

Surface Water

- 8.11 An assessment of the site’s flood risk was undertaken as part of the [2016 Strategic Flood Risk Assessment](#) (SFRA) and the site reference is SFRA30 – Land off Cowtoot Lane. The site falls wholly within Flood Zone 1 with minor areas of the site at risk of flooding from surface water.
- 8.12 Figure C identifies the areas at risk of flooding from surface water within the revised site boundary of H39. The areas of low risk (1 in 1000 years event), identified on Figure C in dark blue, are most common on the site allocation. Areas of medium (1 in 100 year events) and high risk (1 in 30 years events), coloured in lighter shades of blue on Figure C, are extremely minor and are limited to the north and south edges of the site allocation, as well as a minor section to the centre.
- 8.13 The site assessment, recorded in [Appendix B](#) of the 2016 SFRA, states there is no significant surface water risk on the site and recommends development could be allocated subject to a FRA. As such, it not considered that the risk of surface water flooding would preclude the developability of the site.

Figure C: Surface water risk within site allocation H39



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Landscape

- 8.14 The site area of H39 was assessed as part of the Lives and Landscape Assessment and the study considered a significant proportion of the site not suitable for development on landscape grounds.
- 8.15 Some of the site allocation's capacity would have to be located on land outside of the area identified as suitable for development in the Lives and Landscape Assessment, however, consideration should be given to the revised net developable area of the site allocation, which has been reduced significantly from that recorded in the 2019 Submission Version of the emerging Local Plan. Moreover, the revised developable area is less prominent than the previous indicative developable area identified on the parameters plan and is largely surrounded by the existing built environment.
- 8.16 Overall, the Council has to balance the demand for future development needs with the potential harm a development may have on the character of the countryside, and taking into account Rossendale's restricted topography and limited supply of available land, the Council believes the contribution the site allocation would have in meeting the borough's housing need would outweigh any potential harm to the site's landscape.

Access / Highway Safety

- 8.17 The Council has re-consulted the Local Highway Authority on the potential access options to the site and Lancashire County Council Highways have stated they would favour the proposed site being accessed from both Cowtoot Lane to the south and

Gordon Street to the west, with the internal estate road providing links between the two.

- 8.18 Both routes are in close proximity to uses that would be expected to generate visitors, including young children, which could impede vehicles movements to/from the estate, but it would appear the Highway Authority's concerns over highway safety could be satisfied subject to suitable mitigation measures in the form of traffic calming for both route options.
- 8.19 In their response, the Highway Authority also considers an additional scenario of the site being accessed solely from Gordon Street, with alternative pedestrian / cycle access to the site in order to improve its permeability. The Highway Authority's latest comments on the site allocation are included in full below:

Land off Cowtoot Lane

The proposed site has generated preliminary discussions regarding the potential for the site access being solely off Cowtoot Lane. Highway safety concerns have been raised regarding the presence of a primary school and football club the parents / visitors to which have the potential to impede vehicle movements to/from the estate. An alternative access route has been considered via Gordon Street however there is a children's playground along this route and connection to the wider highway network may at times be problematic especially for larger vehicles. The highway authority would favour the proposed site being accessed from both Cowtoot Lane and Gordon Street with the internal estate road providing links between the two. This would reduce the direct impact of the development on either of these routes and allow residents to make an informed choice as to the appropriate route to take accounting for the prevailing traffic conditions. As mentioned previously, neither of these routes are without issues and it will be necessary for mitigation measures in the form of traffic calming to be considered for both route options. The other possible option is for the estate access being taken solely from Gordon Street. With this scenario it would be prudent to consider alternative pedestrian / cycle access to improve the permeability of the site. There are 2 possible options, a link to Cowtoot Lane to access the school and the footway alongside 11 Farm Avenue. This latter option has not been considered previously, but the adoption records for this area show the existence of an adopted route alongside the gable of No.11 and running to the rear of nos 11 - 1. The route has been subsumed within the garden curtilage of No 11 however if no formal stopping up procedure has taken place and there are no other legal obstacles then the re-opening of this route should be considered.

- 8.20 Given the Highway Authority's response and meeting with the Forward Planning department on 2nd July 2020, the Council does not expect the site's proposed access and potential impact on highway safety to prevent the site being delivered within years 1-10 of the Plan period.

9 Action 10.8

ACTION REF. NO.	ACTION
	<p>H40 – Land off Todmorden Road, Bacup i. Re-consult with Coal Authority regarding suitability of land</p>

10.8	(especially in relation to historic bell pits) – produce a note to confirm whether a solution can be found; ii. Produce a note to confirm the location of the access to the site and whether this is achievable; iii. Produce a note to demonstrate the site is deliverable in Years 1-5 iv. Produce a note to confirm the correct Heritage Impact Assessment for each relevant SHLAA parcel with the site – and whether this has been taken into account appropriately
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9.1 In order to address the matters and constraints raised in Action 10.8, the Council’s response will address each point under separate sections:

Coal Mining Legacy

9.2 During the Hearing Session on site allocation H40 for Matter 10 concerns were raised over the site’s coal mining legacy and the constraint this may have on any future development of the site. In light of this, the Council consulted The Coal Authority who responded on 11th December 2019 and which is included in the appendix of this report.

9.3 Regarding the land associated to H39, The Coal Authority states:

“Our records indicate 2 mine entries may be present, one adjacent to the site boundary with Todmorden Road and one adjacent to the site boundary with Old Todmorden Road. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth.”

9.4 While the presence of historic bell pits on the site cannot be discounted, the Coal Authority would not consider that a site with a coal mining legacy should be excluded from being allocated for development, as remedial works and mitigation measures can be carried out in most cases in order to ensure the safety and stability of any development proposed. Furthermore, The Coal Authority has confirmed that it does not consider that the coal mining legacy features present on the site impact significantly on its developability.

9.5 Any future planning application submitted to the Council for development on the site allocation would have to be supported by a Coal Mining Risk Assessment. In the case of mine entries being present on site, this would be expected to inform the remedial works and/or mitigation measures necessary, as well as guide the layout of the development in order that adequate separation can be provided between certain legacy features and their zone of influence and any building proposed.

Site Access

9.6 During the Hearing Session for Matter 10 concerns were raised over the potential access to site allocation H40 and where this would be taken from. The Council has re-consulted the Local Highway Authority and they have confirmed that if the site was to come forward as a whole then the Highway Authority would prefer a single point of access to be created from Todmorden Road, where a suitable access arrangement is achievable.

9.7 A formal planning application proposing to construct 29 dwellings (ref. 2020/0008) has been submitted for the western parcel of land forming the site allocation, identified as SHLAA16052, and the proposed access to the site is to be taken from Moor View

(between nos. 3 and 4 Moorview), off Moorside Crescent. The Local Highway Authority has previously held pre-application discussions in respect of this site being accessed from Moor View and they considered this would be acceptable if the site came forward as a standalone development. Therefore, the Local Highway Authority consider the formation of an access from Moor View to be achievable.

- 9.8 The Highway Authority's latest comments on the site allocation are included in full below:

H40 Land off Todmorden Road

Pre application discussions have taken place (2018) in respect of a smaller element of the site. These discussions were for a 49 unit residential development with access taken from Moor View (between Nos. 3 and 4. As a standalone development this would be acceptable and discussions have since progressed regarding the formation of the access from Moor View. However if the site were to come forward as a whole then the highway authority's preference would be for the creation of a single access point to be taken from Todmorden Road where an acceptable access arrangement is achievable. Any potential development along the site frontage onto Todmorden Road should take into account the need to maintain sightlines appropriate for the prevailing traffic speeds.

Deliverability

- 9.9 The Council's intention of identifying the land off Todmorden Road, Bacup, for residential development was that a comprehensive scheme would be produced for the whole allocation. However, it would appear that the site allocation is being progressed as two separate parcels of land and, while the Council supports, in principle, the development of housing in this location, it remains the Council's preference for the site allocation to be developed as a whole.
- 9.10 As noted above, an outline planning application (including access and landscaping) for the construction of 29 no. dwellings is currently being considered by the Council and the applicant has previously held discussions with the Local Highway Authority regarding the site's access.
- 9.11 The remaining area of the site allocation is being progressed as one residential scheme and the landowners have appointed a Planning Agent, Hourigan Connolly, to bring the site forward for development. A pre-application for residential development on this part of the site allocation has been submitted by Hourigan Connolly and a formal response from the Council was issued on 28th October 2020. Following receipt of the pre-application advice, Hourigan Connolly have confirmed that the landowner has instructed a number of consultants to undertake technical investigative work and have also engaged with the Local Highway Authority as part of their formal pre-application process. Subject to the timely receipt of advice from statutory bodies, Hourigan Connolly expect to submit an outline planning application by the end of March 2021.
- 9.12 Access to this parcel of land is dependent upon achieving access directly from Todmorden Road, over land which is owned by Rossendale Borough Council. An agreement has yet to be reached between the landowners and the Council, however, the landowners reiterated their commitment to working with the Council on 29th April 2020 in bringing the site forward and available for development in years 1-5 of the Plan period, which the Council is also committed to.

Heritage Impact Assessments

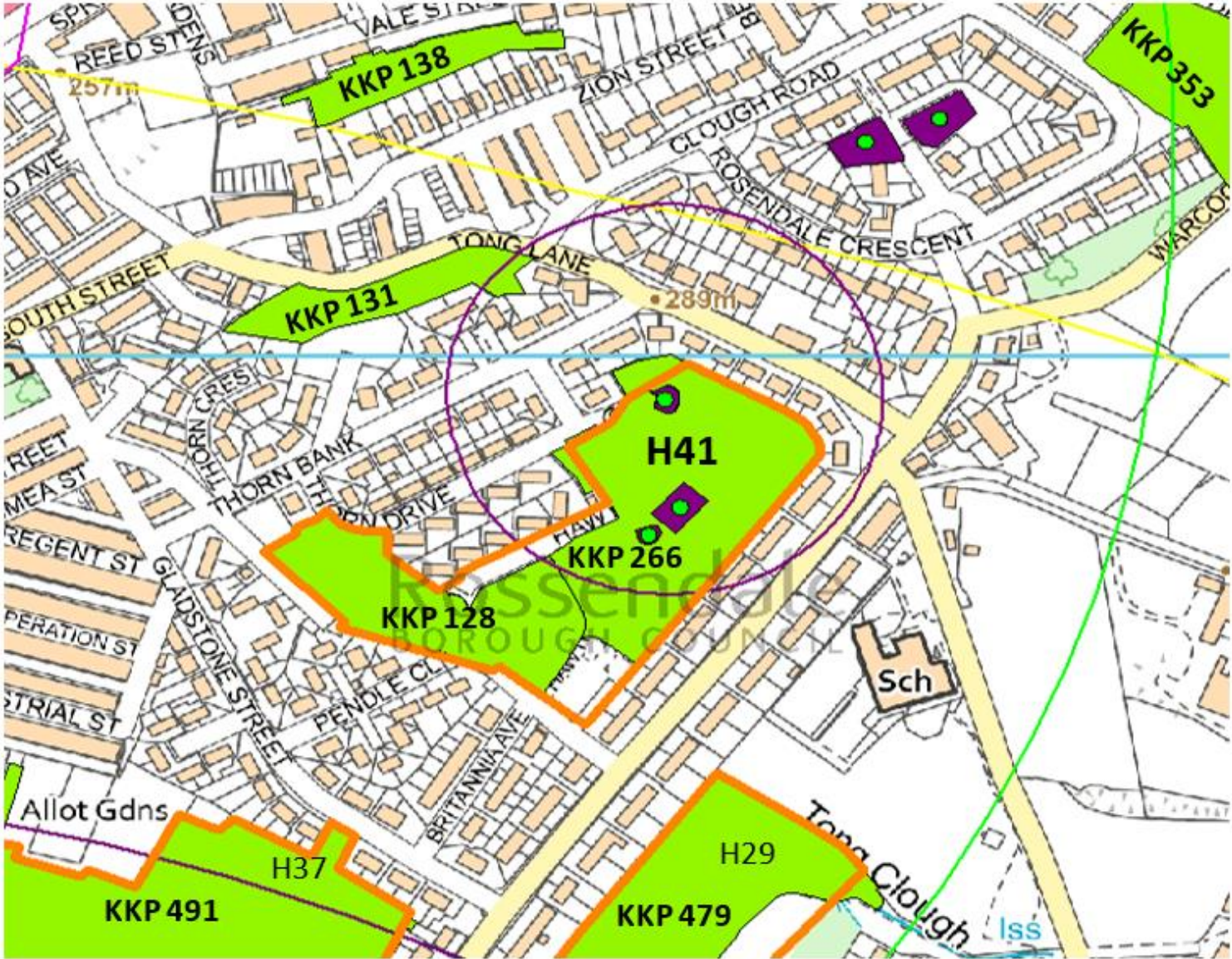
- 9.13 The site allocation consists of three parcels of land identified as part of the Council's Strategic Housing Land Availability Assessment: SHLAA16052 (Green Farm, Todmorden Old Road); SHLAA16051 (Bull Hall Barn, Todmorden Road, Bacup) and SHLAA18419 (Land off Todmorden Road). Heritage Impact Assessments (HIAs) have been completed for all three SHLAA sites and all consider development of the sites acceptable, subject to careful consideration of the nearby heritage assets, mitigation measures, and suitably designed schemes which respond to the local vernacular.
- 9.14 The HIAs for SHLAA16051 & SHLAA16052 were included in the response to the Inspector's Preliminary Question 11 ([EL1.002g](#)). However, the HIAs state each site is located within the Green Belt, when in fact both are located within countryside. This error has been amended and the revised HIAs are included in Appendix 3 of this response. The HIA for SHLAA18419 is also included in Appendix 3.

10 Action 10.9

ACTION REF. NO.	ACTION
10.9	<u>H41 – Thorn Bank, Bacup</u> Produce a note to demonstrate suitability of development on this site in relation to paragraph 97 of NPPF (justification of loss of open space)

- 10.1 Paragraph 97 of the NPPF states that existing open space should not be built on unless one of three criteria are met, one being that an assessment has been undertaken which has clearly shown the open space to be surplus to requirements.
- 10.2 As part of the Open Space Assessment, the housing allocation has been assessed as two separate sites, with the western parcel referenced as KKP 128 and the eastern parcel referenced as KKP 266. The sites have been recorded as urban greenspace and are located within the Bacup Analysis Area. KKP 266 is the larger of the two and includes three key sites providing provision for children and young people, referenced as KKP 266.1, 266.2, and 266.3.

Figure D: Open space provision forming site allocation H41 and nearby provision



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- 10.3 KKP 128 rates below the quality threshold with a score of 38.3% but rates above the value threshold with a score of 23%, whilst KKP 266 rates above the quality and value thresholds with a score of 49.5% and 39% respectively. The provision provided for children and young people on KKP 266 also scored high in terms of quality and value, with all three sites above the threshold for each standard.
- 10.4 In terms of accessibility, the site is within the catchment of several existing urban greenspaces in the surrounding area, and although some of these sites are allocated for housing in the Plan, there would be no accessibility gap in urban greenspace provision if H41 was allocated. Nevertheless, the OSA has highlighted that both sites of open space comprising H41 have a potential role in serving an accessibility gap in parks and gardens provision that has been identified to the east of the Bacup Analysis Area.
- 10.5 The Council has to balance the demand for future development needs with the provision of open space and, in this case, it does consider that the allocation of H41 for housing would have a materially adverse impact upon the provision of open space in the Bacup Analysis Area. Therefore, the Council proposes to remove the site allocation from the Plan and retain KKP 128 and 266 as open space. Given both sites fall under public ownership the Council would look to enhance the open space through developer contributions, and this is in line with the site's recommendation as set out in the OSA.

**Matter 10: Appendix 1 – Lancashire County Council’s response to
Action 10.6**

Storm Grimshaw

From: Sheasby, Brian [REDACTED]
Sent: 20 May 2020 14:29
To: Storm Grimshaw
Subject: RE: H37: Land off Gladstone Street, Bacup

Hello Storm,

I should be obliged if you would accept the following by way of a planning justification for maintaining the housing allocation of land off Gladstone Street, Bacup.

The County Council welcomed the support of Rossendale Council for a housing allocation of both our own and other adjoining land situated off and to the south west of Gladstone Street in Bacup. The site is in a particularly sustainable location being within easy walking distance of the amenities of the town centre. It would also offer a dual opportunity to deliver either good quality, affordable housing or assist in a rebalancing of the local housing market in line with evidenced local need/demand.

The Inspector has rightly identified that the delivery of the site is wholly dependent upon achieving an appropriate standard of access directly from Gladstone Street over land which is outside the County Council's ownership or control. In anticipation of this, the County Council has endeavoured to identify and contact those ownership interests in order to secure their agreement and co-operation. Unfortunately, it has taken the County Council longer than anticipated to take back in hand its own land and because the adjoining Tonge Estate land does not have registered title it has been necessary to use alternative measures to find a contact for the owner(s) which has created further delay. Nevertheless, we do not feel we have exhausted all reasonable avenues of enquiry at this time and remain hopeful we can resolve this situation in the coming months.

We would respectfully request therefore that the land be retained as a housing allocation, with a realistic timeframe attached to its projected delivery date within the life of the Local Plan. Alternatively, if the Borough Council feels unable to take its draft allocation forward to adoption would it remain sympathetic to a future application when we are able to fully demonstrate how and when a housing scheme could be delivered?

Yours sincerely

Brian

Brian Sheasby MRTPI
Planning Review Officer
Estates Service
Lancashire County Council
[REDACTED]
[REDACTED]

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Matter 10: Appendix 2 – The Coal Authority’s Comments on Site Allocations H39 & H40



The Coal
Authority

Rossendale Emerging Local Plan - Site allocations located in High Risk Development Areas Consultation

Contact Details

Planning and Local Authority Liaison Department
The Coal Authority
200 Lichfield Lane
Berry Hill
MANSFIELD
Nottinghamshire
NG18 4RG

Planning Email: planningconsultation@coal.gov.uk
Planning Enquiries: 01623 637 119

Date

11 December 2019

Dear Storm

Rossendale Emerging Local Plan - Site Allocations H39 and H40

Thank you for your e-mails received on the 2 December 2019 and 11 December 2019 in respect of the above.

I have now checked the site against the data we hold and our records indicate the following:

Site H39 – Cowtoot Lane

Our records indicate that there are 3 mine entries (adits) along the northern boundary of the site. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth.

Site H40 – Todmorden Road

Our records indicate 2 mine entries may be present, one adjacent to the site boundary with Todmorden Road and one adjacent to the site boundary with Old Todmorden Road. The site is also in an area of recorded and likely unrecorded coal mine workings at shallow depth.

Where mine entries are present on a site that can have implications for the quantum of development which can be accommodated. We do not support building over or within influencing distance of a mine entry where this can be avoided. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

In answer to your questions, from a site allocation viewpoint where a quantum of development is being specified for a site within a Local Plan document then coal mining legacy features, such as mine entries, which may form a constraint to accommodating the amount of development should be considered in detail and their impacts assessed as part of the site selection process. However, this may not be the case where a specific number of dwellings has not been identified, for example when allocating a site for upto 50 houses.

We do not consider that any sites should be excluded from the allocation process on the basis that coal mining legacy is present, as remedial works and in some cases mitigation measures, can be carried out in most cases in order to ensure the safety and stability of any development proposed. There are however, some features where we would recommend a stand-off 'no build zone' be defined, namely around mine entries and surface mining high-walls, and in these cases it is about managing expectations in respect of the development which can be accommodated on site.

Both of the sites identified would need to be supported by Coal Mining Risk Assessments (CMRA) should any formal planning applications for development be submitted. In cases where mine entries are present within, or close to a site, we would expect the CMRA to be informed by intrusive site investigations to either locate these features or discount them from being present on the application site. The findings of these investigations should not only be used to inform the remedial works and/or mitigation measures necessary but also to guide the layout of the development in order that adequate separation can be provided between these features and their zones of influence and any building proposed.

It is not considered that the coal mining legacy features present on the two sites identified impact significantly on their developability. As noted above development layouts which come forward for these two sites will need to take account of these features and be supported by all relevant information. This should demonstrate that the risks posed by coal mining legacy has been properly considered. It does not however appear that the legacy features present would result in risks being posed which are insurmountable or cannot be address by well thought out schemes and robust remedial strategies.

I hope this helpful but please do not hesitate to contact me should you wish to discuss these comments further.

Kind regards

Melanie

Melanie Lindsley BA (Hons), DipEH, DipURP, MA, PGCertUD, PGCertSP, MRTPI
Development Team Leader (Planning)

Matter 10: Appendix 3 – Heritage Impact Assessment for each SHLAA site comprising site allocation H40

Site	Bull Hall Barn, Todmorden Road, Bacup
Description of site	The site is located to the North West of Bacup town centre. Set up and back from Todmorden Road. The parcel of land is within an area of countryside with views onto the hillside and open fields beyond.
Heritage assets potentially affected	Bacup Conservation Area + Setting of Grade II 142 – 144 Todmorden Road
Significance	<p>The Bacup Conservation Area was designated to protect the special Architectural and historical interest and significance of Bacup. The Area is densely populated with Nationally Listed and None Designated Heritage Assets of which hold high significance.</p> <p>Pair of cottages, later C18, altered. Watershot coursed sandstone, stone slate roof with chimneys on ridge at left junctions. Two storeys, each cottage one bay; some signs of vertical joint between them at 1st floor level; doorways to right hand side, that to No. 142 now covered by small gabled porch; one window each floor, altered at ground floor of No. 144 but otherwise original: stepped triple-light to No. 142, and 2 stepped 5-light windows at 1st floor. Probably used for domestic weaving.</p>
Contribution site makes to significance	The plot is located some distance from the Conservation Area however there are clear views into and out of the Conservation Area the plot forms countryside and open space which is a positive contribution. The Grade II Cottages just up the road from the site do from a wider part of terraces, however these two have been selected for their special character. The area which is proposed has always formed open space and this adds to the setting of the cottages and the development of the area.
Possible impact of loss of site and development on significance of asset	Potential negative views out of the Conservation Area. Impact on the setting of the Listed buildings, however these can be mitigated against
Secondary effects e.g. increased traffic movement	
Opportunities for development to enhance or better reveal significance	Not a consideration

Possible mitigation measures	
Design requirements? Form and appearance of development : Prominence, scale and massing, materials, density, number, layout and heights of buildings	The design of the dwelling should look to the local vernacular and ensure that they are constructed from natural stone, roofs finished in natural slates and windows to be constructed from timber. They shall be restricted to two stories and ensure that roof pitches look to the surrounding area. Standard design will not be acceptable and there shall be no use of render or brick. They layout of the development will require consideration and the use of standard housing development plots will not be acceptable. The use of terraced dwelling could be considered as an option for housing.
Location of development within the site: Topography, open space, landscaping, protection of key views, visibility	The development should be sited closest to the south and set down the hillside. There will need to be a landscaping scheme to help to soften the built form, however with the other consideration this can be lesser.
Acceptable/unacceptable in accordance with Planning (Listed Buildings and Conservation Areas) Act 1990 & NPPF (with any necessary mitigation measures?) (Conserve and enhance and presumption in favour of sustainable development)	Acceptable So long as the number of dwellings is reduced from 29, the boundary of the site is pulled further. The design of the dwelling should look to the local vernacular and ensure that they are constructed from natural stone, roofs finished in natural slates and windows to be constructed from timber. They shall be restricted to two stories and ensure that roof pitches look to the surrounding area. Standard design will not be acceptable and there shall be no use of render or brick. Landscaping plan will be essential to ensure that natural buffering is created.

Positively prepared in terms of meeting objectively assessed development and infrastructure needs where it is reasonable to do so, and consistent with achieving sustainable development (including the conservation of the historic environment)

Justified in terms of any impacts on heritage assets, when considered against reasonable alternative sites and based on proportionate evidence

Effective in terms of deliverability, so that enhancement is maximised and harm minimised

Consistent with national policy in the NPPF, including the need to conserve heritage assets in a manner appropriate to their significance

Site	Green Farm, Todmorden Old Road
Description of site	The site is located to the North West of Bacup town centre. Set up and back from Todmorden Road. The parcel of land is within an area of countryside with views onto the hillside and open fields beyond. There is existing band of mature trees to the north and south east of the plot of land.
Heritage assets potentially affected	Bacup Conservation Area + Setting of Grade II 142 – 144 Todmorden Road, Pinfold C120 Metres East of Cow Toot Farm. Historic Landscape
Significance	<p>The Bacup Conservation Area was designated to protect the special Architectural and historical interest and significance of Bacup. The Area is densely populated with Nationally Listed and None Designated Heritage Assets of which hold high significance.</p> <p>Pair of cottages, later C18, altered. Watershot coursed sandstone, stone slate roof with chimneys on ridge at left junctions. Two storeys, each cottage one bay; some signs of vertical joint between them at 1st floor level; doorways to right hand side, that to No. 142 now covered by small gabled porch; one window each floor, altered at ground floor of No. 144 but otherwise original: stepped triple-light to No. 142, and 2 stepped 5-light windows at 1st floor. Probably used for domestic weaving.</p> <p>Pinfold, date unknown but probably C18. Dry stone walled circular enclosure c. 50 metres diameter, with gap for entrance on south east side. Slightly damaged. Very conspicuous feature on hillside, visible from some parts of town centre.</p> <p>While having less weight consideration of the wider historic landscape surrounding Bacup of which will see a further parcel infilled and sense of place lost.</p>
Contribution site makes to significance	The plot is located some distance from the Conservation Area however there are clear views into and out of the Conservation Area the plot forms countryside and open space which is a positive contribution. The Grade II Cottages just up the road from the site do from a wider part of terraces; however these two have been selected for their special character. The area which is proposed has always formed open space and this adds to the setting of the cottages and the development of the area. There are also noted views onto the Pinfold and development in and around the area could potentially see the loss of some of these views.

Possible impact of loss of site and development on significance of asset	Potential negative views out of the Conservation Area. Impact on the setting of the Listed buildings, however these can be mitigated against.
Secondary effects e.g. increased traffic movement	
Opportunities for development to enhance or better reveal significance	Not a consideration
Possible mitigation measures	
Design requirements? Form and appearance of development : Prominence, scale and massing, materials, density, number, layout and heights of buildings	The design of the dwelling should look to the local vernacular and ensure that they are constructed from natural stone, roofs finished in natural slates and windows to be constructed from timber. They shall be restricted to two stories and ensure that roof pitches look to the surrounding area. Standard design will not be acceptable and there shall be no use of render or brick. They layout of the development will require consideration and the use of standard housing development plots will not be acceptable. The use of terraced dwelling could be considered as an option for housing.
Location of development within the site: Topography, open space, landscaping, protection of key views, visibility	The development should be sited closest to the south and set down the hillside. There will need to be a landscaping scheme to help to soften the built form, however making use of existing mature tree would in part assist with this.
Acceptable/unacceptable in accordance with Planning (Listed Buildings and Conservation Areas) Act 1990 & NPPF (with any necessary mitigation measures?) (Conserve and enhance and presumption in favour of sustainable development)	Careful consideration is required to design a scheme that has minimal impact on the setting of the asset in development of H43. Subject to design, layout and materials and reduction of site boundary or a buffer zone to the north western edge of the site, H43 may be acceptable.

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Effective in terms of deliverability, so that enhancement is maximised and harm minimised

Consistent with national policy in the NPPF, including the need to conserve heritage assets in a manner appropriate to their significance

Site	Bull Hall Barn, Todmorden Road, Bacup
Description of site	The site is located to the North West of Bacup town centre. Set up and back from Todmorden Road. The parcel of land is within an area of countryside with views onto the hillside and open fields beyond.
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Significance	<p>The Bacup Conservation Area was designated to protect the special Architectural and historical interest and significance of Bacup. The Area is densely populated with Nationally Listed and None Designated Heritage Assets of which hold high significance.</p> <p>Pair of cottages, later C18, altered. Watershot coursed sandstone, stone slate roof with chimneys on ridge at left junctions. Two storeys, each cottage one bay; some signs of vertical joint between them at 1st floor level; doorways to right hand side, that to No. 142 now covered by small gabled porch; one window each floor, altered at ground floor of No. 144 but otherwise original: stepped triple-light to No. 142, and 2 stepped 5-light windows at 1st floor. Probably used for domestic weaving.</p>
Contribution site makes to significance	The plot is located some distance from the Conservation Area however there are clear views into and out of the Conservation Area the plot forms countryside and open space which is a positive contribution. The Grade II Cottages just up the road from the site do from a wider part of terraces, however these two have been selected for their special character. The area which is proposed has always formed open space and this adds to the setting of the cottages and the development of the area.
Possible impact of loss of site and development on significance of asset	Potential negative views out of the Conservation Area. Impact on the setting of the Listed buildings, however these can be mitigated against
Secondary effects e.g. increased traffic movement	
Opportunities for development to enhance or better reveal significance	Not a consideration

Possible mitigation measures	
Design requirements? Form and appearance of development : Prominence, scale and massing, materials, density, number, layout and heights of buildings	The design of the dwelling should look to the local vernacular and ensure that they are constructed from natural stone, roofs finished in natural slates and windows to be constructed from timber. They shall be restricted to two stories and ensure that roof pitches look to the surrounding area. Standard design will not be acceptable and there shall be no use of render or brick. They layout of the development will require consideration and the use of standard housing development plots will not be acceptable. The use of terraced dwelling could be considered as an option for housing.
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