

<b>Application Number:</b>	2019/0596	<b>Application Type:</b>	Outline
<b>Proposal:</b>	Outline application for the demolition of the existing buildings and erection of 14no. dwellings with all matters reserved except for access.	<b>Location:</b>	Wavell House Holcombe Road Helmshore Rossendale Lancashire
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	21 July 2020
<b>Applicant:</b>	Brilie Properties Ltd.	<b>Determination Expiry Date:</b>	24 July 2020
<b>Agent:</b>	Hourigan Connolly		

<b>Contact Officer:</b>	<b>Lauren Ashworth</b>	<b>Telephone:</b>	<b>01706 238637</b>
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	✓
<b>Other (please state):</b>	

## HUMAN RIGHTS

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

### Article 8

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

### Article 1 of Protocol 1

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

## 1. RECOMMENDATION

That Members resolve that they would be minded to grant planning permission and that the determination of the application hereafter be delegated to the Planning Manager and Chair of Development Control Committee as follows:

(1) To complete a suitable Section 106 Agreement to secure:

- A financial contribution of £1,366 per dwelling towards public open space.

(2) To carry out drafting amendments to any planning condition including adding any conditions as may be required by the Lead Local Flood Authority.

(3) To have to discretion to refuse planning permission in the circumstance that the Section 106 Agreement is not completed within four months of the resolution to grant planning permission.

(4) That upon satisfactory completion of the above legal agreement that planning permission be granted subject to the following conditions or as amended by (2) above.

## **APPLICATION DETAILS**

### **2. SITE**

The site extends to 0.48 hectares and is located on the western side of Holcombe Road, to the south west of Helmshore and around 1.8km from Haslingden Town Centre. The site lies to the east of a network of public rights of way.

The site itself comprises Wavell House, which is a two storey building in office use, and a large car park to the rear. There are two further smaller buildings located in the car park, to the rear of the main building. The site is currently leased by Rossendales Ltd who use the premises for B1 office purposes. Officers understand that the building was constructed in the 1980s for the former Airtours travel company.

Access into the site is taken from Holcombe Road, to the south side of the building, directly opposite the Station Road / Holcombe Road junction.

The surrounding area is characterised predominantly by residential uses. To the east and south are residential dwellings, and to the west is open countryside. Planning permission for change of use from offices to 48 residential apartments was approved with conditions in 2014 (2014/0297) on the adjoining mill building immediately to the north. The permission was implemented and the apartments are occupied.

The site is shown on the Adopted Proposals Map (1995) as an 'Employment Site' however; this policy was not saved by the adopted Core Strategy (2011). The site is within the Urban Boundary and is 'brownfield' in planning terms. It is not within a Conservation Area nor does it contain listed buildings or Tree Preservation Orders. The site lies within Flood Zone 1 and partly within Zone 2.

### **3. RELEVANT PLANNING HISTORY**

2016/0202 - Variation of Condition 2 of Planning Permission 2014/0297 (to vary external alterations/appearance of buildings). Approved.

2014/0297 - External works (including changes to elevations of building & landscaping) to facilitate the change of use from offices to 48 no residential apartments. Approved.

x/1993/508 – Construction of car park and erection of gate house. Approved.

### **4. PROPOSAL**

Outline planning permission is sought for the erection of up to 14 no. dwellings with all matters reserved except for access.

Access is proposed from Holcombe Road using a new priority junction to replace the existing dropped kerb crossing access. This will be sited slightly in a North West direction away from the Station Road junction.

An illustrative layout submitted with the application demonstrates how it is possible to accommodate up to 14 dwellings plus gardens, parking and garages.

## **5. POLICY CONTEXT**

### **National Planning Policy Framework (2019)**

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 14	Meeting the challenge of climate change, flooding and coastal change
Section 15	Conserving and Enhancing the Natural Environment

### **Development Plan**

#### **Rossendale Core Strategy DPD (2011)**

AVP 5	Strategy for South-West Rossendale
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 10	Provision for Employment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

### **Other material considerations**

RBC Emerging Local Plan  
National Design Guide  
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)

## 6. CONSULTATION RESPONSES

Consultee	Objection (yes or no)	Conditions
LCC Highways	No	Yes
LCC Lead Local Flood Authority	Awaiting response	Awaiting response
United Utilities	No	Yes
Greater Manchester Ecology Unit	No	Yes
Land Contamination Consultant	No	Yes
RBC Environmental Health	No	Yes
RBC Tree Officer	No	Yes
RBC Operations	No	No
Fire Brigade	No	Advisory comments made
LCC Education	No	No contribution sought
RBC Economic Development	No	No
Cadent	No	No
Environment Agency	No	Yes

### Other responses

#### *East Lancashire Hospitals NHS Trust*

The East Lancashire Hospitals NHS Trust is a provider of acute and planned health services for residents of East Lancashire and Blackburn with Darwen, and has provided a response towards this planning application. It states that the existing service delivery infrastructure for acute and planned health care is unable to meet the additional demand generated as a result of the proposed development. The Trust has calculated that the development must contribute £19,647 to provide additional services to meet patient demand. Members will note that the Trust further recommends the application be refused if the applicant is unwilling to meet the contribution.

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices, neighbour letters and a press notice was published. Four objections have been received and the main points are summarised below:

- Concerns over right of access (this is not a material planning consideration but is a private matter between the parties).
- Between bays 2 and 3 on the car park there is water coming from the hill. It is like a river when it rains and runs down through the car park out onto the main road. It freezes in the winter and turns to ice. This could cause major flooding.
- Proximity to neighbouring properties
- Affecting local wildlife
- Conflict with Local Plan
- Inadequate access
- Inadequate parking provision
- Increase of pollution
- Over development
- Strain on community facilities
- Increase in traffic
- Loss of privacy from the proposed houses to the existing apartments in the adjoining Power Mill development.

## 8. ASSESSMENT

### Principle

#### *Loss of employment*

The site is shown on the Adopted Proposals Map (1995) as an 'Employment Site' however this policy was not saved by the adopted Core Strategy (2011). The site is within the Urban Boundary and is 'brownfield' in planning terms. In the Emerging Local Plan the site is noted as an existing employment use, and is proposed to be allocated (ref EE20) and therefore protected for employment uses (B1, B2 and B2) by Policy EMP2.

The site is currently in active employment use and therefore Policy 10 of the Core Strategy is relevant. It states that the loss of existing employment sites and buildings to non-employment generating uses will only be supported where certain criteria are met:

*“(a) re-development for employment uses has been adequately demonstrated to the satisfaction of the Council to be economically unviable and the site is unlikely to be used for existing or future employment purposes, or  
(b) the access to the site is poor and cannot be adequately improved, or  
(c) the current, or any alternative employment, use has a significant adverse impact on the neighbouring land uses, or  
(d) the site and/or buildings are significant heritage assets and their re-use or development is the most appropriate means to secure and maintain an acceptable and viable use that is consistent with their conservation, and in all cases:*

*(e) the site has been marketed for 12 months, or less in exceptional circumstances, using a methodology agreed by the Council, and*

*(f) the development will have no unacceptable adverse impacts on surrounding land uses. The re-use and retention of suitable buildings, including those in rural areas, for appropriate employment generating uses will be supported where:*

- it assists diversification of the existing employment base, or*
- it supports the creation or growth of a local business, or*
- it retains buildings of significant architectural, historic or artistic interest, or*
- it contributes to a wider regeneration initiative, and in all cases*
- The proposal promotes the enhancement of the environment and accessibility provision, minimises transport impacts and makes best use of the existing space.”*

Policy 10 contains two main elements. Firstly, an application will need to satisfy one of the criteria (a) to (d) and then must comply with (e) and (f).

The applicant submitted a Planning Statement and a Marketing Statement within which it seeks to make the case that the proposed development is compliant with Policy 10 (a). Whilst the information does demonstrate compliance with the duration of marketing required by Policy 10 (e), Officers considered that the applicant had failed to demonstrate that it would not be viable to redevelop the site for employment purposes, to make it more attractive to businesses, for example; by way of sub-division for a larger number of smaller spaces, or alterations to make it open-plan etc. Without such detail, Officers were not satisfied that the future use of the building for employment purposes is not viable, and concluded that the scheme fails to comply with Policy 10.

After a meeting with the applicant and agent to discuss these findings in May 2020, they were provided an opportunity to provide more detailed information. The applicant submitted additional supporting information later that month which provides the following key pieces of information:

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- That despite over 18 months of marketing, no firm interest in employment-generating uses has been realised. Furthermore, the marketing exercise failed to generate interest or any offers that would lead to the re-use of the building for any use.
- Interest was sought on an “all offers” basis. There was no set asking price and there was room for negotiation.
- The building reflects its age, with a mid-80s specification. It is in need of significant refurbishment and two companies who viewed the premises stated that “the building would need significant investment” to meet their needs.
- Calculations have been submitted which estimate it would cost circa £2.3m to convert to a small unit business centre and marginally less to being up to a standard for a single occupant. The value of the building is circa £1.6m.
- There is no single office employer in Rossendale large enough to occupy Wavell House, nor has a single-user from elsewhere come forward. Wavell House is and will continue to be unattractive to the market for employment purposes, it is poorly located and there is better space available elsewhere.
- The current COVID-19 global pandemic is likely to change office practices and the need for administrative office space in the future.

Having reviewed the additional supporting information, Officers are now satisfied that the applicant has not only adequately marketed the site, but has now demonstrated that there is little prospect of future employment uses on this site, as required by Policy 10. Consequently, non-employment generating uses are acceptable in principle.

#### *Proposed residential development*

It has already been demonstrated that the re-use of the site for non-employment purposes accords with Policy 10 of the Core Strategy.

Policy 1 directs new development to the Urban Boundary (the site is within this area) and requires individual planning applications to make the best use of under-used, vacant and derelict land and buildings. Policies 2 and 3 are supportive of housing development on previously developed land within the Urban Boundary.

The site lies well within the 200m / 2.5min walk to a public transport facility, which is the bus stops on Holcombe Road, which are directly outside of the site. The no. 11 service provides buses into Rawtenstall 6 days per week. There are restaurants / cafés / drinking establishments, mill shops, Helmshore Primary School and Snig Hole Park within walking distance of the site. The site is predominantly surrounded by residential development; hence a residential scheme would be compatible in this location.

A scheme of up to 14 dwellings on this brownfield site within a sustainable location would contribute to reducing the shortfall in housing supply for the Borough over the plan period and the development would be acceptable in principle.

#### Other material considerations

##### *Fall-back position*

Class O of Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, allows the change of use of the buildings and land at this site (B1 a offices) to residential dwellings (C3). Development under this class is permitted subject to an application first being made to the Local Planning Authority for a determination as to whether prior approval will be required as to: a) transportation and highways impacts; b) contamination; c) flooding; and d) impacts of noise from

commercial premises. Finally, development under Class O must be completed within 3 years from the prior approval date.

The applicant considers that this permitted development right represents a fall-back position. Given that the site is likely to become vacant during this year unless a new tenant is secured, it is reasonable to assume that the site owner needs to fully explore alternative options for this site. By engaging in pre-application discussions with the Local Planning Authority last year, it is clear that the owner intends one way or another, to redevelop this site. As such, Officers would agree that exercising the permitted development rights under Class O could be a realistic option in this case, and it is noted that no issues have been raised in relation to highway and noise considerations; however, no response has been received to date from the Lead Local Flood Authority.

Officers recognise that Class O has the potential to be exercised, and therefore this fall-back position weighs in favour of a proposal for residential development.

### Access

“Access” means the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network. This matter is for approval. The application is accompanied by a Transport Statement and an Access Layout drawing, which identifies the location of the site access on Holcombe Road and site lines, and the internal estate road (for adoption) and shared private driveways (not for adoption).

Lancashire County Council Highways was consulted on the application and raised no objection on highway grounds. In reaching this conclusion the Highway Engineer made the following observations:

- The site access is proposed to be a 5.5m carriageway with 2m footways located on either side. The visibility splays quoted are 2.4m x 43m which is appropriate to the existing speed limit on Holcombe Road.
- A traffic survey conducted in 2015 confirms that these sightlines are acceptable with 85th%ile speeds of 30mph and 29mph recorded for north and southbound traffic respectively.
- There are no recorded injury accidents in the vicinity of the development.
- Currently there is parking on both sides of Holcombe Road in the vicinity of the proposed access and in order to improve the visibility for emerging vehicles and provide an enhanced crossing opportunity for pedestrians a kerbed build out formed around the entrance would be required. This would be secured through a Section 278 Agreement (for off-site highway works).
- Access to public transport would be enhanced by introducing bus bay markings on the northbound bus stop location and raising the kerbs on both the north and southbound locations. As above, this would be secured through a Section 278 Agreement.

Subject to the applicant entering into a Section 278 Agreement and the use of planning conditions, Lancashire County Council Highways raises no objection to this development and as such it is compliant with paragraph 108 of the Framework.

### Indicative Layout

The Illustrative Site Layout demonstrates how up to 14no. dwellings with parking, gardens and garages could be accommodated within the boundary of the site. This achieves a density of approximately 29 dwellings per hectare, which is normal for a development of family housing. Each dwelling has a reasonable sized front and rear garden and dwellings are shown as a mix of

terraces, detached and semi-detached. Five of the plots are illustrated as facing Holcombe Road, and the remainder are within the site itself. All dwellings are arranged around an internal access road which is proposed for adoption by the Highway Authority.

Officers are aware of an objection from an occupier of an apartment at The Power Mill which lies directly to the north of plots 12-14, on the grounds of loss of privacy. If planning permission is approved, the illustrative layout is neither fixed nor approved, meaning that any future developer will apply for “layout” at a later date, but of no more than 14 dwellings. When layout is considered at the reserved matters stage, it will be assessed against the Residential Alterations SPD and would need to accord with the detailed policies and general guidance contained therein, including separation distances between the new dwellings themselves and existing neighbouring housing. Neighbours would be notified of the reserved matters application and would have an opportunity to comment.

### Flood Risk

The application is accompanied by a Flood Risk Assessment and Drainage Strategy, which identifies that the site lies predominantly in Zone 1 with a small element along the eastern edge in Zone 2. The report concludes that the majority of the site is at low risk of flooding from all sources and that a minimal part of the site in the south-eastern section (near to the site access) is shown at risk of fluvial flooding. The report recommends that finished floor levels are 150mm above surrounding ground levels.

Comments from the Lead Local Flood Authority are awaited and will be reported to Members in an Update Report.

### Contamination

The application is accompanied by a Phase 1 Geo-Environmental Desk Study, which identifies a number of potential contamination sources including: a former mill, made ground, former landfill 30m to the east, reservoirs off site and radon. The report concludes that a site investigation will be required which shall include ground investigation covering groundwater/surface water / planting / human health, monitoring for vapours generated from off-site, and health and safety measures.

The Desk Study has been reviewed by the Council’s Contamination Officer who has raised no objection subject to pre-commencement conditions requiring the submission of a site investigation and risk assessment.

The Environment Agency has reviewed the report in terms of the risk to controlled waters and note that the previous use of the proposed development site as a mill presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. They state that controlled waters are particularly sensitive in this location because the proposed development site is located upon a Secondary Aquifer and adjacent to Musbury Brook and the River Ogden.

Based on the information provided, the EA finds that further detailed investigation is required before built development is undertaken and suggest that this can be secured by planning condition. Subject to a condition, the EA considers that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

As such Officers are satisfied that subject to conditions, the scheme can be made acceptable with regards to ground conditions and controlled waters, and therefore is compliant with Paragraph 178 of the National Planning Policy Framework.

## Ecology and biodiversity

The application is accompanied by an Arboricultural Assessment and a Preliminary Bat Roost Assessment.

In summary, the Council's Ecological Advisor agreed with the applicant's ecological consultant that no significant ecological issues have been identified, and that issues relating to bats, nesting birds and landscaping can be addressed via planning condition or informative.

More specifically in relation to bats, the Council's Advisor has commented that the buildings were assessed by a suitably qualified consultant as low risk, the building generally in good condition, with potential access points restricted. The Council's Advisor recommends that Section 4.1 of the bat report is conditioned.

In relation to nesting birds, no evidence of nesting by birds was found with nesting potential restricted to some ornamental shrubs along the frontage and trees around the boundary that are likely to be retained. However as all British birds nests and eggs (with certain limited exceptions) are protected by Section 1 of the Wildlife & Countryside Act 1981, as amended, the Council's Advisor recommends a standard condition which prohibits work to trees outside of the bird nesting season.

Section 170 of the Framework states that the planning system should contribute to and enhance the natural and local environment. As this site consists almost entirely of hard standing, and the indicative layout includes gardens and trees, the Council's Ecological Advisor is satisfied that any future residential development will achieve net gain and that this can be secured through a planning condition that requires a soft landscaping scheme.

As such, subject to planning conditions, the scheme is acceptable in terms of ecology, biodiversity and landscaping.

## Neighbour Amenity

Given the proximity of nearby residential properties and the scale of the proposed development, which includes demolition of a large building, the Council's Environmental Health Officer has requested a planning condition that restricts hours of construction to 0800-1800 Monday to Friday and 0800-1300 on Saturdays.

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

## Developer Contributions

### *Public open space*

In accordance with Policy 22 of the Core Strategy and the Open Space and Play Equipment Contributions SPD, a development of up to 14no. dwellings is required to contribute up to £19,124 towards play areas and outdoor sports provision. This is calculated at £1,366 per dwelling. The final amount payable will be dependent upon the number of dwellings contained within the layout at the reserved matters stage. Officers are liaising with the Parks Team to establish a location in close proximity to the development to direct the monies.

As a result, a contribution of up to £19,124 will be required to mitigate the impact of the development and will be secured via a Section 106 Agreement.

Members will note that East Lancashire Hospital Trust have made a request that the developer pay a contribution of £19,647 to mitigate potential healthcare impacts resultant from the development. In respect of this matter the local authority, in this instance, will not be seeking to pursue or enforce this request for a contribution. The authority is considering taking legal advice to establish whether the current methodology utilised by the trust and the subsequent contribution request would be considered CIL compliant and thereby whether it would meet the tests of reasonableness. It should be noted that the Trust states that if the applicant is unwilling to meet the request of a contribution that the Trust will object to the proposal on the grounds of the direct and adverse impact of the development on the delivery of health care in the Trust's area.

## 9. RECOMMENDATION

That Members resolve that they would be minded to grant planning permission and that the determination of the application hereafter be delegated to the Planning Manager and Chair of Development Control Committee as follows:

(1) To complete a suitable Section 106 Agreement to secure:

- A financial contribution of £1,366 per dwelling towards public open space.

(2) To carry out drafting amendments to any planning condition including adding any conditions as may be required by the Lead Local Flood Authority.

(3) To have to discretion to refuse planning permission in the circumstance that the Section 106 Agreement is not completed within four months of the resolution to grant planning permission.

(4) That upon satisfactory completion of the above legal agreement that planning permission be granted subject to the following conditions or as amended by (2) above.

## 10. CONDITIONS

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

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted for up to 14 residential units shall be carried out in accordance with the following approved plans unless otherwise required by the conditions below:

Drawing Title	Drawing Number
Location Plan	1646BPL/WHH-LP01
Illustrative Site Layout in so far as it relates to access only	1646BPLWHH-IL01

Reason: To accord with the permission sought and granted.

3. Details of the appearance of the scheme (a reserved matter), shall include a Materials Plan detailing all proposed materials to be used on the site (dwelling elevations, roofing materials, windows, heads, sills, doors, garage doors, rainwater goods, downspouts, and all external hard surfaces) which shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters, and the development shall be carried out as approved. Notwithstanding the above, all dwellings shall be constructed of natural coursed stone and shall have natural slate roofs.

Reason: The application is in outline only and is not accompanied by detailed plans, and to ensure that the development is appropriate with regard to visual amenity.

4. As part of the landscaping reserved matters application, full boundary treatment details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with approved details prior to occupation of the dwellings.

Reason: The application is in outline only and is not accompanied by detailed plans, and to ensure that the development is appropriate with regard to visual amenity.

5. The existing access shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads (concurrent with the formation of the new access).

Reason: To limit the number of access points to, and to maintain the proper construction of the highway.

6. No development shall commence until a scheme for the construction of the site access and the off-site works of highway improvement have been submitted to and approved in writing by the Local Planning Authority. The off-site works could include a kerbed build-out formed around the entrance, bus bay markings on the northbound bus stop location, and raising the kerbs on both the north and southbound locations. None of the dwellings shall be occupied until the works have been carried out in accordance with the approved details.

Reason: To ensure that the final details of the highway scheme/works are acceptable before work commences on site.

7. Details of secure covered cycle storage areas and electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. They shall be installed at each dwelling prior to the dwelling's occupation and retained thereafter.

Reason: To ensure that the development provides sustainable transport options.

8. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the demolition and 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 on site and details of mechanical sweeping of adjacent roads
- 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) Timing and routing of HGV delivery vehicles to/from site
- x) Contact details for the site manager.

Reason: In the interests of highway safety and residential amenity.

9. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment & Drainage Strategy (Ref No: 12564-FRA & Drainage Strategy-01, Rev: 01, Dated: 15.11.2019) which was prepared by Waterco. No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

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

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

11. No development shall commence (except for demolition and enabling works as agreed with the Local Planning Authority) until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

1. A preliminary risk assessment which has identified:
  - all previous uses
  - potential contaminants associated with those uses
  - a conceptual model of the site indicating sources, pathways and receptors
  - potentially unacceptable risks arising from contamination at the site
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those offsite.
3. A site investigation report shall be submitted to and approved in writing by the Local Planning Authority. The site investigation shall address the nature, degree and distribution of contamination and shall include an identification and detailed assessment of the risk to receptors focusing primarily on risks to human health, water and the wider environment.
4. Based on (3) an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
5. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (4) are complete

and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from / adversely affected by unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework and protect the underlying Secondary A aquifer, Musbury Brook and River Ogden, and impacts on health.

12. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site and protect the underlying Secondary A aquifer, Musbury Brook and River Ogden, and impacts on health.

13. Prior to any part of the development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

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

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

15. No works to trees or shrubs shall occur or demolition commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present. Any such written confirmation should be submitted to the Local Planning Authority for approval.

Reason: To conserve and enhance biodiversity and to protect breeding birds.

16. A scheme for the landscaping of the development shall be submitted as part of the reserved matters application. These details shall include:

- incorporation of the recommendations within Section 4.1 of the Preliminary Roost Assessment dated October 2019 prepared by E3P;
- all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development;
- a detailed scheme of plant species, numbers, locations, and cultivation / planting specification;
- areas to be seeded, paved or hard landscaped; and
- detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.

The scheme will need to demonstrate a biodiversity net gain.

Hard landscaping forming part of the approved scheme shall be completed prior to first occupation of the dwellings. No dwellings shall be occupied until the respective plot's landscaping has been undertaken. Planting forming part of the approved scheme shall be undertaken in the accordance with a timetable of implementation which shall be provided with the submitted details. Any shrubs/trees removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by plants of a similar size or species.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

17. Any demolition and construction works associated with the development hereby approved shall not take place except between the hours of 8:00 am and 6:00 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. Access and egress for construction activity vehicles shall be restricted to the working hours indicated above.

Reason: In the interests of neighbour amenity.

## 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\\_adop ted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adop ted)

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. If, during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance with an agreed process and within agreed timescales in agreement with the Local Planning Authority.
3. 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.
4. All of the proposed sampling, monitoring, analysis and associated assessments must be fully justified and undertaken in accordance with current guidance and standards otherwise the LPA may not be in a position to discharge the condition.
5. The developer should have due regard to The Definition of Waste Code of Practice where materials are to be re-used on site or re-used elsewhere. A management plan will help demonstrate that materials have been utilised correctly and in accordance with proposals. Although following the DoWCoP is voluntary, failure to comply may result in materials being considered waste.
6. All parties involved with waste and soil movement at the site should be aware that materials illegally deposited or deposited at inappropriate sites may be subject to relevant landfill taxes, payable by all parties. Only robust due diligence is a defence against joint liability. Illegal deposits can include moving waste soil material on sites, or between sites, without the appropriate permits, exemptions or duty of care.