

<b>Application Number:</b>	2019/0405	<b>Application Type:</b>	Full
<b>Proposal:</b>	Outline application (with all matters reserved): Re-development of site and erection of up to 30 no. dwellings.	<b>Location:</b>	Irwell Vale Mill Aitken Street Irwell Vale BL0 0QG
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	12/08/2020
<b>Applicant:</b>	James Industrial Land	<b>Determination Expiry Date:</b>	4 <sup>th</sup> September 2020
<b>Agent:</b>	Lydia Harper (PWA Planning)		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>Major Application</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>Yes</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 the following:

- i. 30% affordable housing provided on site (with a clause to allow any subsequent reduction in the required amount of affordable housing at Reserved Matters stage once the total number of dwellings is fixed, enabling a Vacant Building Credit calculation to be carried out if officers consider it to be applicable).
- ii. A contribution of £1,366 per dwelling towards the provision or upgrade of play equipment, pitches, facilities or public open space in the local area (at Chatterton and / or Snig Hole).
- iii. A contribution of £120,925.80 towards the provision of 5 secondary school places (on the basis of 30 dwellings although the final figure will be calculated at reserved matters stage).

(2) To carry out drafting amendments to any planning condition.

(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 application relates to an irregularly shaped parcel of land of approximately 1.5ha. The site comprises of the former Sigma Soap factory (now vacant), associated buildings (in various states of repair) and areas of hardstanding, along with a significant area of open fields to the north. The site encompasses part of Milne Street at its southernmost extent.

The River Ogden bisects the site on an east / west axis, before flowing east to its confluence with the River Irwell.

The majority of existing buildings on the site are of red-brick and natural slate construction, with varied ridge heights. The buildings are prominent in views from Irwell Vale Road on the approach into Irwell Vale. However, the part of the site south of the river is occupied by separate buildings of more varied design/facing materials.

Access to the site is currently possible off Irwell Vale Road, Aitken Street and Milne Street.

The terraced houses fronting Aitken Street and Bowker Street are Grade II listed buildings, and are the original dwellings which were constructed in conjunction with the original mill which once occupied the application site. Some of the original buildings which formed part of that original mill are still present on the application site. The part of the site south of the river is located within the Irwell Vale Conservation Area.

In terms of designation on the Proposals Map, the part of the site south of the river and all of the existing buildings north of the river are within the defined Urban Boundary. The area north of the existing buildings on the north side of the river is within Green Belt.

In the Council's emerging Local Plan, the entire site is proposed to be brought within the Urban Boundary, and is proposed as a housing allocation. However, the Local Plan is only at submission stage and has not yet been found sound at Examination, nor has it been adopted for Development Control purposes by the Council.

The southern part of the site lies within Flood Zone 1 and Flood Zone 2, whereas the northern area lies within Flood Zones 2 and 3.

### 3. RELEVANT PLANNING HISTORY

2019/0047/PREAPP - Residential development in outline with layout, scale and access applied for. (Withdrawn prior to response being issued)

2017/0290 - Full: Demolition of existing buildings (in whole and in part), erection of 9 no. dwellings, conversion of existing buildings from office and canteen to 3 no. dwellings, and provision of a new car park associated with the mill buildings. (Withdrawn)

2017/0044/PREAPP - Pre Application: Demolition of existing building and erect residential properties. Follow up to 2016/0032/PREAPP.

2016/0032/PREAPP - Demolition of existing building and erect residential properties.

### 4. PROPOSAL

Outline planning permission (with all matters reserved) is sought for the erection of up to 30 no. new dwellings on the site, following the proposed demolition of some of the existing buildings.

Following discussions between the Case Officer, the Conservation Officer (who is no longer in post) and the applicant's agent, an illustrative masterplan has been submitted which shows a potential layout for the development along with the potential form that parts of the development might take.

It should be noted that the masterplan is for indicative purposes only. The masterplan does however show that several existing buildings would be retained and converted to form part of the development (at the request of the Conservation Officer and Case Officer). These are:

- The existing circa 1930's building marked 'A'.
- The existing mill complex building marked 'B'.
- The existing mill operations (red brick) building marked 'C'.
- The existing reception / office building (with Tudor-style boarding and a memorial plaque attached) immediately to the north of No. 1 Milne Street.

Similarly, a Design Code Statement has been submitted further to the above discussions – which contains further details of the buildings to be retained, and sets out the applicant's vision for the final scheme of development.

Whilst this is only an outline application and the final details of the development's appearance, layout, scale, access and landscaping will be determined at Reserved Matter stage, given the sensitivity of the site's location and the need to secure a high quality development sympathetic to the site's context it was considered necessary to require the submission of the indicative masterplan and Design Code Statement to provide a degree of certainty as to what form the final development will take.

Three points of access are proposed into the development, as follows:

- Off Irwell Vale Road, on the north side of the river, on the eastern boundary of the site.
- Off Aitken Street, on the south side of the river.
- Off Milne Street, on the south side of the river.

The application is accompanied by a Flood Risk Assessment and Drainage Strategy, and proposes that a flood water attenuation zone will be incorporated into the development. On the illustrative site plan that has been submitted, the flood attenuation zone is shown to take the form of the widening of the river channel which passes through the site – with a considerable area adjacent to the river banks (where the existing red brick mill building currently stands) being used to accommodate flood water.

## **5. POLICY CONTEXT**

### **National Planning Policy Framework**

Section 2	Achieving Sustainable Development
Section 4	Decision Making
Section 5	Delivering a Sufficient Supply of Homes
Section 6	Building a Strong, Competitive Economy
Section 8	Promoting Healthy and Safe Communities
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well Designed Places
Section 15	Conserving and Enhancing the Natural Environment
Section 16	Conserving and Enhancing the Historic Environment

### **Development Plan**

#### **Rossendale Core Strategy DPD**

AVP 5	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 16	Preserving and Enhancing the Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 21	Supporting the Rural Economy and its Communities
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

### **Other material considerations**

National Planning Practice Guidance  
RBC Strategic Housing Land Availability Assessment (SHLAA) (2017)  
RBC Alterations and Extensions to Residential Properties SPD  
Irwell Vale Conservation Area Character Appraisal and Management Proposals Plan (2011)  
LCC Planning Obligations in Lancashire (2008)  
RBC Open Space and Play Equipment Contributions SPD (2008)  
RBC Emerging Local Plan  
National Design Guide

## 6. CONSULTATION RESPONSES

RBC Conservation Officer	No objection in principle, requested amendment
LCC Highways	Objection
LCC Development Management	No comments have been received
LCC Lead Local Flood Authority	No objection subject to conditions
Environment Agency	No objection subject to conditions
United Utilities	No objection subject to conditions
Ecology	No objection subject to conditions
Land Contamination	No objection subject to conditions
Cadent	No comments have been received
Coal Authority	No objection, standing advice
East Lancashire Bat Group	No comments have been received
Fire Brigade	No objection, provided advice
Historic England	No comments to make on the application
Lancashire Badger Group	No comments have been received
Lancashire Archaeological Advisory Service	No objection subject to conditions
LCC Planning Contributions (Education)	Require Planning Contributions
LCC Public Rights of Way	No comments have been received
Lancashire Constabulary	No objection, provided advice
RBC Building Control	No objection, provided advice
RBC Environmental Health	No objection subject to conditions
RBC Forward Planning	No objection, considered sustainable location
RBC Strategic Housing	Require Affordable Housing Provision
RBC Tree Officer	No objection, provided advice
RBC Operations	No objection, provided advice
Rossendale Civic Trust	No comments have been received

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted on 10/10/2019 and neighbour letters were sent out on 10/10/2019. A notice was published in the Rossendale Free Press on 18/10/2019.

5 objections, 5 letters of support and 3 other representations have been received, raising the following points (in summary):

### Objections:

- Flood risk issues
- Highway / pedestrian safety issues
- Lack of parking in Irwell Vale
- Pressure on local infrastructure
- Lack of nearby services / facilities
- Conflict with planning policy
- Inadequate drainage
- Lack of pedestrian / cycle facilities
- No public transport service

- Nuisance to residents
- Odour nuisance from sewage works
- Inappropriate development
- Harm to heritage assets
- Harm to neighbour amenity
- Harm to visual amenity
- Harm to culverts
- Poor internet connection in the village would not serve home-working units adequately-
- Traffic calming measures needed in the village
- Should not retain the Mock-Tudor building as it has no historical merit
- Hard to maintain the river banks once development has taken place

**Support:**

- Site has been vacant for a long time
- Currently there is a risk of arson / vandalism which needs addressing
- A high quality development would benefit the area
- Reasonable density and scale shown on the indicative plans
- A good opportunity for high standard of architecture on the site
- Opportunity to naturalise the river bank and make use of it
- Flood risk reduction benefits
- Support use of brownfield site for development
- Existing buildings are unsightly and dangerous
- A sensible number of dwellings is proposed

**8. ASSESSMENT**

The main considerations in this case are as follows:

- 1) Principle; 2) Flood Risk; 3) Affordable Housing; 4) Planning Contributions; 5) Visual Amenity, Heritage and Countryside Impact; 6) Neighbour Amenity; 7) Access, Parking and Highway Safety; 8) Ecology; 9) Land Contamination

**Principle**

**Urban Boundary / Green Belt Policy**

The application site lies partly within the defined Urban Boundary and partly in an area designated as Green Belt (specifically, the undeveloped northern part of the site).

Development within the defined Urban Boundary (i.e. the southern part of the site) is acceptable in principle, as it reflects the approach set out in Policy 1 of the Core Strategy which seeks to locate the majority of new development in such areas.

It is acknowledged that the Council's emerging Local Plan seeks to bring the entire site within the defined Urban Boundary (and designate the entire site as a housing allocation – ref: H70); however, the Local Plan is currently at examination stage and the Council has not yet been informed whether it has been found 'sound' by the Planning Inspectorate. Moreover, it follows that the Local Plan has not yet been adopted by the Council. As such, it remains the case that the northern part of the site is not a housing allocation, and that it is part of the defined Green Belt.

Development within areas defined as Green Belt is subject to control under Section 13 of the Framework. Specifically, paragraph 143 of the Framework states:

*“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”*

Paragraph 144 goes on to state:

*“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

Paragraph 145 states:

*“A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

*a) buildings for agriculture and forestry;*

*b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;*

*c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;*

*e) limited infilling in villages;*

*f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and*

*g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:*

*– not have a greater impact on the openness of the Green Belt than the existing development; or*

*– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.”*

A number of further types of development not considered to be inappropriate within areas of Green Belt are set out in paragraph 146:

*“Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:*

*a) mineral extraction;*

b) *engineering operations;*

c) *local transport infrastructure which can demonstrate a requirement for a Green Belt location;*

d) *the re-use of buildings provided that the buildings are of permanent and substantial construction;*

e) *material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and*

f) *development brought forward under a Community Right to Build Order or Neighbourhood Development Order.”*

Having regard to the submitted details, it is unclear how the proposed development on the part of the site which is designated as Green Belt would accord with any of the ‘exceptions’ set out in paragraphs 145 or 146 of the Framework. As such, that part of the development proposed on Green Belt land is considered to be inappropriate development, which would by definition be harmful to the Green Belt.

The applicant seeks to demonstrate through the submitted details that ‘very special circumstances’ exist in this case which would outweigh the potential harm to the Green Belt (by reason of inappropriateness), and any other harm resulting from the proposal. Specifically, the applicant wishes to demonstrate that the proposed development will achieve a significant reduction of flood risk to nearby existing residential properties and would achieve high quality redevelopment on a long-standing vacant brownfield site. Whether or not such benefits have been demonstrated (and indeed whether they constitute ‘very special circumstances’) will be assessed below.

Once all relevant considerations relating to the proposed development have been fully assessed, a balancing exercise will then be carried out at the end of the report, which will conclude whether or not the applicant has demonstrated ‘very special circumstances’ in relation to paragraph 144 of the Framework, and whether on balance the proposed development is acceptable or not having regard to all relevant policies and guidance.

#### Sustainability of the Development’s Location

As the Council cannot currently demonstrate an up to date five-year housing land supply based on Full Objectively Assessed Need (FOAN), it is considered in accordance with paragraphs 49 and 14 of the Framework that the policies in the Council’s Core Strategy which are most important to the determination of the application are out of date.

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

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

In line with paragraph 11 of the Framework there is a requirement to ascertain whether or not the proposed scheme is *sustainable* development (if it is not, then the presumption in favour would not apply), whether *any adverse impacts of doing so would significantly and demonstrably outweigh*

*the benefits, when assessed against the policies in the Framework taken as a whole, and whether specific policies in the Framework indicate that development should be restricted.*

In this case there are specific policies in the Framework (i.e. Green Belt policy) which indicate that development should be restricted on the northern part of the site. As such, the presumption in favour of sustainable development would not apply to that part of the site which is within Green Belt.

Although the site is partly located within the defined Urban Boundary, it is relatively distant from schools, shops and local services. It is unlikely that occupants of the proposed development would have a realistic option of walking to local schools, shops or services given the distances involved and the fact that Irwell Vale Road lacks pedestrian footways for much of its length. There are other public rights of way in the vicinity, but these are largely across unsurfaced fields and do not lead directly to local service centres, shops or schools. No public bus services currently operate in the vicinity of the site. The Local Highway Authority considers that the site is not sustainably located, and has objected to the proposed development on such grounds.

Having regard to the above, it is likely that occupants of the proposed development would be mainly reliant on private car journeys to access basic shops and services, and for access to schools. As such, it is not considered that the development is particularly sustainably located and as such the presumption in favour of sustainable development set out in the Framework would not apply in this case.

However, the site has been put forward as a housing allocation within the emerging Local Plan. It is acknowledged that only limited weight can be afforded to the Local Plan at the current stage, but nevertheless the Local Plan seeks to identify sites within the Borough that can accommodate and deliver residential development and thereby contribute towards addressing the recognised shortfall of housing supply within the Borough.

Whilst not located close to shops and services or main public transport links, the site has been considered in the Local Plan process as being sustainable enough to warrant allocation as a housing site. The site may not be particularly sustainable when compared to sites within more urban areas, however it is relatively accessible (if only by private car) compared to other more rural sites that have been considered as part of the Local Plan process. There are insufficient sites within highly sustainable urban locations within the Borough to meet the Borough's housing need, and in order to meet that need the Council has considered the development of less sustainable sites. In this respect, the application site is considered to be more suitable for development than many other less sustainable sites within the Borough. The Borough does not have the benefit of a large number of highly deliverable sites suitable for residential development in sustainable urban locations close to services, and as such the Local Plan process has identified more peripheral sites such as this for development – acknowledging that they are not ideal from a sustainability perspective, but represent a more preferable option than other rural sites in trying to address the housing shortfall. In particular, this site was put forward in order to deliver benefits in relation to flood protection.

### Loss of Employment Land

The proposed scheme would result in the loss of employment land (last used for B1 / B2 purposes).

In this respect, Policy 10 of the Core Strategy states:

*“The loss of existing employment sites and buildings to non-employment-generating uses will only be supported where:*

- (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 applicant has submitted a Marketing Report which demonstrates that the site has been actively marketed for its current employment use since June 2016.

The statement indicates that despite some initial enquiries, there has been no material, sustained or substantive interest that may have led to a sale or lease.

The statement considers that the existing property is of a specialist type and has a number of limitations that may render it unsuitable for many modern businesses. The site’s location is also not ideal in terms of access by HGVs.

Having regard to the above, it is considered that adequate information has been supplied to demonstrate that the property is not financially viable in terms of its current use and that the property has been adequately marketed for a period of several years without substantive interest.

The scheme is therefore compliant with Policy 10 of the Core Strategy provided that it can be demonstrated that *“the development will have no unacceptable adverse impacts on surrounding land uses”*. Such considerations will be assessed in other sections of this report.

### **Flood Risk**

Parts of the site are located within Flood Zones 2 and 3.

Paragraph 157 of the Framework states:

*“All plans should apply a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:*

- a) applying the sequential test and then, if necessary, the exception test as set out below;*
- b) safeguarding land from development that is required, or likely to be required, for current or future flood management;*
- c) using opportunities provided by new development to reduce the causes and impacts of flooding (where appropriate through the use of natural flood management techniques); and*

*d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.”*

Paragraph 158 of the Framework states:

*“The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.”*

Paragraph 159 of the Framework states:

*“If it is not possible for development to be located in zones with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in national planning guidance.”*

Paragraph 160 of the Framework states:

*“The application of the exception test should be informed by a strategic or site specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. For the exception test to be passed it should be demonstrated that:*

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*

Paragraph 161 of the Framework clarifies that *“both elements of the exception test should be satisfied for development to be allocated or permitted.”*

As part of the evidence base for the emerging Local Plan, the Council commissioned a Strategic Flood Risk Assessment (SFRA) to be carried out (Borough-wide) which included the application site (ref: SFRA178). The SFRA concluded that the site could be developed, provided that mitigation was put in place to protect any development from flood risk. The SFRA concluded that *“Flood Zone 3a area should be kept clear of development and kept as open greenspace / used for amenity benefits along the watercourse. This should be possible given the large size of the site”* and that certain parts of the site should not be developed where there is an excessive risk of surface water flooding.

Taking into account wider sustainable development objectives and having regard to the emerging Local Plan it is not considered that the development in this case could reasonably be located elsewhere. As this is only an outline application, there remains flexibility on the final layout of the scheme which can be designed so as to avoid placing dwellings in areas of high flood risk and to maximise the flood water storage benefits of the scheme – to assist in reducing flood risk to a degree elsewhere.

Paragraph 162 of the Framework states:

*“Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again.”*

Although the Local Plan has not been formally adopted at this stage, having regard to the evidence base / SFRA work that has been carried out and the fact that the Local Plan has reached examination stage, it is considered that the sequential test has already been satisfied in this case.

The SFRA advises that consideration of the site should continue to the exception test as parts of the site may be deliverable for residential development.

As part of the application, the applicant has submitted a further detailed Flood Risk Assessment, scheme of mitigation and flood modelling report which confirms the above.

The Environment Agency has been consulted on the application and has raised no objection subject to the inclusion of conditions requiring implementation of the detailed flood risk reduction measures outlined in the submitted Flood Risk Assessment documents.

In terms of flood reduction benefits outside of the site boundary, the Environment Agency has commented as follows:

*“Overall there appears to be a reduction in risk to some existing properties in the village up to the 10% AEP flood event.”*

However, Members should not assume that the development would remove the flood risk to Irwell Vale. Indeed, the Environment Agency are clear that even if the flood risk reduction benefits of the development are realised *“Irwell Vale village as a whole will remain at significant risk”*.

The Lead Local Flood Authority (Lancashire County Council) has not objected to the proposed development, and has recommended the inclusion of conditions requiring the submission of a final detailed drainage scheme for approval.

Having regard to all of the above, it is considered that in this case the exception test has been satisfied as the development would provide some limited wider sustainability benefits to the community that outweigh the flood risk, and the Environment Agency and Lead Local Flood Authority are satisfied that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The scheme is considered acceptable, subject to conditions, in terms of flood risk.

### **Affordable Housing**

In line with Policy 4 of the Core Strategy, the development would be required to provide 30% affordable housing units on site.

The applicant has stated that Vacant Building Credit (VBC) should be applied to the development. VBC could theoretically reduce the number of affordable units required as part of the development.

In this regard, paragraph 63 of the Framework states:

*“To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate Amount”.*

Footnote 28 of the Framework clarifies that such a *proportionate* reduction would be “*Equivalent to the existing gross floor space of the existing buildings. This does not apply to vacant buildings which have been abandoned.*”

However, in this case the application is in outline only and the final number of dwellings (and their proposed floor space) has not been set. As such it is not possible at this stage to carry out any calculations to accurately determine how much (if any) reduction in affordable units should be carried out. Such a calculation will need to be carried out at Reserved Matters stage *if* officers consider that the site should indeed benefit from VBC (which is a matter left for determination at that stage).

As such, it is considered that the S.106 Agreement (in the event of this application being approved) should include a clause allowing for such consideration of whether VBC is applicable (and carrying out of any VBC calculations) at Reserved Matters stage.

### **Planning Contributions**

In accordance with Policy 22 of the Core Strategy, and the Open Space and Play Equipment Contributions SPD, the following contributions would be expected in order for the scheme to be policy compliant:

- Open space and play equipment contribution of £1,366 per dwelling.
- Contribution of £120,925.80 to fund the provision of five secondary school places on the basis of 30 dwellings although the final figure will be calculated at reserved matters stage.

Such contributions would serve to mitigate the impact of the development, rather than providing a net benefit, and are required in order to make the development acceptable in planning terms. Such contributions would be secured by S.106 Agreement.

### **Visual Amenity, Heritage and Countryside Impact**

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

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

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*

*e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*

*f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The northern part of the site, which is designated as Green Belt, is currently an open field without any significant development on it. The construction of dwellings or associated buildings on that part of the site will unavoidably result in harm to the openness of that area, and would result in the spread of urban development into an area of open countryside.

However, the development of the land in question would facilitate both the wider re-generation of a long-standing brownfield site part of which is currently of poor appearance and lies within a Conservation Area and adjacent to several Listed Buildings. It is considered that the scheme as a whole has the potential to deliver significant visual benefits to the wider site, and to develop it in such a way as to provide a high quality development that is more sympathetic to the Conservation Area and adjacent Listed Buildings than the current mix of vacant industrial buildings and wide swathes of hard standing.

Furthermore, although the development of the northern part of the site would spread into an area of countryside, such spread would be limited and would be clearly restricted by the site boundary (and the line of trees on that boundary).

The Council's Conservation Officer (no longer in post) initially objected to the proposed scheme, on the basis that it was originally proposed to demolish all buildings on the site, and that no indicative site layout / design details had been submitted to provide a degree of reassurance that a high quality development would be brought forward to replace them.

Further to the above and discussions between the Case Officer and the applicant's agent, a new set of drawings and documents was submitted which included an illustrative masterplan and a Design Code Statement. As well as providing an overview of the applicant's intentions for the design and layout of the scheme they also confirmed the applicant's intention to retain the buildings requested for retention by the Conservation Officer (as outlined in the Proposal section of this report above).

Whilst not strictly for approval (as matters relating to access, layout, scale, appearance and landscaping are reserved), the submitted documents do provide reassurance that the above buildings are to be retained, and that the Reserved Matters application will be brought forward in line with the indicative layout and design aesthetic outlined in the submitted documents. It is considered necessary to include a condition requiring that the application for approval of the Reserved Matters is in line with the general layout and design approach specified in the submitted illustrative masterplan and Design Code Statement.

Subject to the above, the scheme is considered acceptable in terms of visual amenity, heritage and countryside impact – and has the potential to deliver benefits in terms of delivering a high quality scheme of regeneration on the brownfield portion of the site, benefitting the area more generally in visual terms and in terms of being more sympathetic to the Conservation Area and the setting of the adjacent Listed Buildings.

## **Neighbour Amenity**

It is not considered that the scheme now proposed would have any unacceptable impact on the daylight, privacy or outlook enjoyed by the occupants of any neighbouring residential properties subject to appropriate design, scale, layout and landscaping. The applicant's attention is drawn to the separation distances specified in the Council's Alterations and Extensions to Residential Properties SPD, which will need to be met in order for the development to be considered acceptable.

Such matters will be considered in detail at reserve matters stage and the outline scheme is considered acceptable in terms of neighbour amenity.

## **Access, Parking and Highway Safety**

In the determination of applications, Paragraph 108-110 of the NPPF requires local authorities to ensure that:

*108. a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*

*b) safe and suitable access to the site can be achieved for all users; and*

*c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

*109. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

*110. Within this context, applications for development should:*

*a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*

*b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

*c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*

*d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and*

*e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.*

The Local Highway Authority has objected to the proposed development, stating:

*“Irwell Vale is not served by a bus service and it is approximately 1km to the nearest bus stop on Manchester Road. There are no footways on Irwell Vale Road and low Level Street lighting which does not support the pedestrian movements which are being proposed to support the sustainability of the site.*

*There is a single bus service 484 which operates between Accrington and Bury along this route and there are 2 buses during the am peak period and 4 in the pm peak in both directions. This is not considered a level which is likely to support the residents need to travel sustainably.*

*The East Lancashire Railway runs through Irwell Vale which is a heritage railway and would not be considered suitable to support sustainable travel.*

*The site is well located for travelling by bicycle.*

*There are no schools or local facilities in Irwell Vale and the nearest are located in Edenfield which is approximately 2.4km. There is subsequently a high level of reliance on the private car which is not in accordance with the NPPF which requires a high level of sustainability to support development.*

*There is an accessibility questionnaire included within the application which scores the site in the low category with a score of 17. However, I would score the site at a lower level of 12 using the information available to me.*

*The Highway Authority would object to the provision of new dwellings in an area that is not supported by sustainable transport modes.”*

Further comments were received from the Local Highway Authority when re-consulted on the amended plans, stating:

*“The highway authority has previously been consulted on this application and recommended that the application be refused on the grounds of the sites poor sustainability credentials and in particular the absence of a safe pedestrian route between the development and the public transport facilities on Blackburn Road. In the absence of any significant improvement to these facilities the highway authority’s position would remain one of an objection to the proposal due to concerns as to the safety of pedestrians along Irwell Vale Road.”*

Further to the above comments, the Case Officer liaised with the applicant’s agent querying whether the applicant would be willing to explore the possibility of implementing mitigation measures as part of the development to go some way to address the highway / pedestrian safety issues outlined by the Local Highway Authority.

The applicant’s agent responded as follows:

*“I do not wish for this to be explored with the Highway Authority as of course they will require something further. My point made to the Local Planning Authority was that as the Council themselves are promoting this site as a draft allocation in the emerging Local Plan and documents in the accompanying evidence base state this site is within a sustainable location.”*

In the absence of any proposed mitigation measures to be delivered as part of the development, the Case Officer asked the Local Highway Authority whether it would require the inclusion of any conditions in the event that Members were minded to approve the application.

The Local Highway Authority responded that *“although not satisfactory, potential mitigation measures would be for traffic calming (vertical deflection / priority working) measures to be introduced along the road either for the full length, which would be preferred, or from a point beyond the two entrances to the sewage works”* – such measures could be secured by a condition requiring submission, approval and implementation of a scheme of off-site highway works.

In addition, the Local Highway Authority has requested that the following conditions are included in the event that the application is approved contrary to their objection:

- Estate road to be constructed to LCC specifications.
- Visibility splays to be submitted (full details) for approval as part of Reserved Matters application.
- Scheme of site access and off-site highway works to be submitted for approval.
- Details of any retaining structures adjacent to the highway to be submitted for approval.
- Wheel washing facilities to be present throughout the construction period.
- Construction Method Statement to be submitted for approval.
- Electric vehicle charging points to be included for all dwellings.
- Full details to be submitted of proposed future management and maintenance of proposed carriageways, footways, footpaths, landscaped areas and bin storage areas.

In conclusion, given the objection from the Local Highway Authority on the grounds of highway / pedestrian safety it cannot be concluded that the application is acceptable in this regard as it fails to comply with paragraph 108 (B) and 109 of the Framework. In the event that Members grant permission, the Local Highway Authority has requested conditions, which would go some way to mitigating the harm that may result.

In addition, in this particular case the impact of the current lawful use of the site (for industrial purposes) on highway and pedestrian safety should be considered. If the site was to re-commence full industrial operations, it could be expected that a large number of HGV movements and other vehicle movements (e.g. staff / customers attending the premises, deliveries, services, etc.) would take place on Irwell Vale Road. Such vehicular movements would potentially be considerable, and may at times be comparable to the level of traffic that would be generated by the proposed residential development. RE-commencement of the industrial use of the site would not require planning permission, or the implementation of any mitigation measures.

### **Ecology**

The Council's ecology consultant has raised no objection to the application – subject to conditions requiring the submission of further information in relation to protecting and enhancing biodiversity on the site as part of the development.

### **Land Contamination**

The Council's land contamination consultant has no objection to the scheme on land contamination grounds subject to the inclusion of conditions requiring further site investigation.

### **Balancing Exercise**

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

### **Benefits of the Development**

The proposed scheme would result in the redevelopment of a long-standing brown field site, partly within the Urban Boundary.

Some of the existing buildings on site are not particularly attractive in their appearance (such as the existing red brick mill building north of the river). The replacement of such buildings with a development of high quality design and appearance would be a benefit (particularly as those buildings identified by the Conservation Officer as being necessary to retain are being retained). A large part of the site is also dominated by vacant areas of hard standing, and lacks visual interest. The development has the potential to create a significantly more attractive site, more sympathetic to the Conservation Area and which would enhance the setting of the adjacent Listed Buildings. **Substantial** weight is attached to this benefit.

The site is not attractive in recreational terms to members of the public currently, and does not provide any significant amenity benefits for the public. The development of a high quality, sympathetic residential scheme with attractive landscaping and the introduction of pathways (such as those shown on the illustrative masterplan following a meandering route parallel with the river bank) which could be used by the general public would represent a benefit to the site's amenity value which could be enjoyed by the wider community. **Moderate** weight is attached to this benefit.

The development has the potential to reduce flood risk not only on the application site, but also to a degree in the wider area through the widening of the river channel as it passes through the site – providing greater water storage capacity during significant rainfall / storm events. **Substantial** weight is attached to this benefit.

The development would however provide up to 30 new dwellings on a site proposed for housing within the emerging Local Plan. This would represent a significant contribution towards meeting the Borough's recognised housing needs, to which **substantial** weight is afforded.

It is not considered that the proposed scheme will have any unacceptable impacts in terms of neighbour amenity, or ecology – as such these matters are neutral in the planning balance.

#### Harm Caused by the Development

The scheme would in part be inappropriate development in the Green Belt (not meeting any of the exceptions for such development set out in the Framework). As such, by definition the scheme would be harmful. Paragraph 144 of the Framework states that "*When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.*" As such, **substantial** weight is afforded to the harm to the Green Belt in this case. However, it should be noted that only part of the site is within the Green Belt, and as such the harm identified above only relates to that part of the site.

The scheme would result in the encroachment of urban development into an area of open countryside to the north of the site. However, the degree of this encroachment would be relatively limited when considering the development as a whole, and would be clearly defined and restricted by the existing site boundary (and the trees along it). In addition, the development in the countryside area would facilitate the wider regeneration of a long-standing brownfield site, with associated visual and heritage benefits. Having regard to the above, only **limited** weight is afforded to the encroachment of development into the countryside in this case.

The development would result in the creation of a large number of new dwellings in a less than ideal location in terms of its sustainability. This would likely result in occupants of the development being reliant on private car journeys to access basic shops and services, and employment. Although it is acknowledged that the site is proposed as a housing allocation in the emerging Local Plan, the Local Plan is not yet adopted and has not yet been found sound at examination. As such, **moderate** weight is attached to this harm.

The Local Highway Authority has concluded that the proposed scheme has the potential to adversely affect pedestrian and highway safety on Irwell Vale Road. However, it has suggested conditions that would go some way to mitigate this harm. Nevertheless, the Local Highway Authority recommends refusal of the application on the grounds of highway safety, and as such **substantial** weight is attached to this harm.

## Conclusion

Paragraph 144 of the Framework states that “*Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations*”.

In this case it is considered that, although finely balanced, the benefits of the scheme as a whole would clearly outweigh the harm caused by the development (having regard also to that fact that only part of the site is within the Green Belt). As such, it is considered that ‘very special circumstances’ for approving the development do exist in this case.

The presumption in favour of sustainable development set out in the Framework would not apply to that part of the site within the Green Belt, but it does apply to the rest of the site. In relation to Paragraph 11 of the Framework, it is not considered that the adverse impacts of granting planning permission in this case would *clearly and demonstrably* outweigh the benefits of the scheme (having regard to the fact that some harm can be mitigated by the inclusion of planning conditions and the provision of planning contributions secured by a S.106 Agreement).

## **9. SUMMARY REASON FOR APPROVAL**

Very special circumstances have been demonstrated in relation to Green Belt policy contained within Section 13 of the National Planning Policy Framework, and it is considered that the benefits of the development outweigh the harm that would be caused in this case. Subject to conditions it is considered that the development would not cause unacceptable harm to visual amenity, heritage interest, neighbour amenity, ecology or flood risk, and that highway safety concerns are mitigated in part. The development accords with the National Planning Policy Framework and Policies AVP5, 1, 2, 3, 4, 8, 9, 10, 16, 17, 18, 19, 21, 22, 23 and 24 of the Core Strategy DPD.

## **10. CONDITIONS**

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

Reason: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The outline planning permission hereby approved relates to the erection of up to thirty residential units which shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:
  - Application form.

- Location Plan (UG\_241\_LAN\_DRW\_02)
- Illustrative Masterplan and Visual Images (1924E3P/IVM-IMP01) – *Indicative Only*
- Design Code Statement (July 2020) – *Indicative Only*
- Maintenance Responsibilities Plan (May 2020) – *Indicative Only*

The details of the proposed access, layout, scale, appearance and landscaping within the Reserved Matters application(s) shall be in general conformity with the approach and details set out in all of the above documents.

Reason: To ensure the development complies with the approved plans and submitted details, and to ensure that a prospective developer is aware of the approach that will need to be followed in applying for the final access, layout, scale, appearance and landscaping of the development.

3. Permission is not granted for the demolition of Buildings A, B and C as shown on the Illustrative Masterplan and Visual Images (1924E3P/IVM-IMP01); these shall be retained as shown on the approved drawing.

Reason: In order to ensure a visually satisfactory form of development having regard to the Conservation Area and the setting of the adjacent Listed Buildings.

4. As part of the first reserved matters application full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on the submitted plans) shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

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

5. As part of the first reserved matters application full details of the following details shall be submitted to the Local Planning Authority for its approval:
  - a) Details of the colour, form and texture of all external facing and roofing materials to the proposed dwellings (external facing materials shall include, but not be limited to, natural stone)
  - b) Details of the colour, form and texture of all hard ground surfacing materials.

The development thereafter shall be constructed utilising the approved materials, subject to the additional requirements of condition 5 below.

Reason: The application is in outline only and is not accompanied by detailed plans, and to ensure that the development is appropriate in terms of visual amenity and to ensure that it responds to the local context of the site.

6. As part of reserved matters landscaping, full details of footpaths / pedestrian links through the green belt adjacent to the river shall be provided.

Reason: To seek improvements to the environmental quality and accessibility of the Green Belt.

7. No development shall take place until physical samples of the materials approved pursuant to condition 4 have been made available on site for inspection (in the form of 1m x 1m sample panels), and until written approval of such samples has been given by the Local Planning Authority.

The development shall thereafter be constructed using the approved materials.

Reason: To secure a satisfactory appearance to the development.

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

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

Reason: In the interests of highway safety.

9. No development shall take place until a scheme for the construction of the site access and the off-site highway works (including traffic-calming measures and other works) has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: In the interests of highway safety.

10. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets and all other paths / communal areas / landscaped areas / open areas / riverbank areas within the development have been submitted to and approved by the Local Planning Authority. The streets, paths and other areas shall thereafter be maintained in accordance with the approved management and maintenance details.

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

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

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

Reason: In the interests of highway safety.

12. As part of the first reserved matters application, full details of any proposed garages, driveways, communal parking areas, cycle storage and electric vehicle charging points shall be submitted to the Local Planning Authority for its approval. The details shall include dedicated cycle storage and electric vehicle charging points for each dwelling.

Reason: In the interests of highway safety, to ensure adequate parking provision for the development and in the interests of promoting sustainable modes of transportation.

13. No development shall take place until full details of the proposed visibility splays at all points of access into and egress out of the development have been submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in strict accordance with the approved details, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any subsequent amendment or re-enactment of the Order) there shall not at any time be erected or planted or allowed to remain upon the land contained within the defined visibility splays any building, wall, fence, hedge, tree, shrub or other device over 1m above road level.

Reason: In the interests of highway and pedestrian safety.

14. No part of the development hereby approved shall commence until full details of any retaining structures which are to be located adjacent to the highway have been submitted to, and approved in writing by, the Local Planning Authority.

The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to satisfy the Local Planning Authority that the final details of any retaining structures are acceptable before work commences on site.

15. As part of the first Reserved Matters application, a Travel Plan shall be submitted to the Local Planning Authority for its approval. The Travel Plan shall contain measures to promote sustainable travel to and from the development, and shall be implemented within the timescale set out in the approved plan.

Reason: To promote and provide access to sustainable transport options.

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

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

17. Notwithstanding any information submitted with the application, no development shall take place (except for demolition and enabling works as agreed with the Local Planning Authority) until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

i) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and

ii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development.

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

Reason: In the interests of mitigating hazards associated with land contamination and to prevent pollution of the wider environment.

18. Pursuant to condition 15 and prior to first occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of mitigating hazards associated with land contamination and to prevent pollution.

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

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

20. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

a) Final sustainable drainage layout plan appropriately labelled to include:

- Pipe/structure references
- Dimensions,
- Design levels,
- Finished Floor Levels (FFL) in AOD to be 300mm above 1in100yr+30%cc levels and 150mm above with adjacent ground levels to confirm minimum difference for FFL as per the Flood Risk and Drainage Assessment V1.0 Sept 2019.

b) The drainage scheme should demonstrate that the surface water run-off and volume shall not exceed the agreed runoff rate (which has been calculated at the restricted rate of

31.6 litres per second – as per the Flood Risk and Drainage Assessment V1.0 Sept 2019). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + 30% climate change (pre & post development), volume of attenuation required (post development)), to include summary of permeable/impermeable areas of site used within calculations.

d) Plan identifying areas contributing to the drainage network.

e) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.

f) A plan to show overland flow routes and flood water exceedance routes and flood extents.

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

h) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.

i) Construction phase surface water management plan to include how surface water and pollution prevention will be managed during each phase of construction.

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

Reasons: To ensure that the final drainage designs are appropriate following detailed design investigation, to ensure that the proposed development can be adequately drained, to reduce the flood risk to the development as a result of inadequate maintenance, to identify the responsible organisation/body/company/undertaker for the sustainable drainage system, to ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere, to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies and to ensure that there is no flood risk on or off the site resulting from the proposed development.

21. The development shall be carried out in accordance with the submitted flood risk assessment (FRA) by Weetwood (Final Report v1.1 dated November 2019; referenced 4249/FRDA/Final/v1.1/2019-11-19) and the following mitigation measures stated within Sections 5 and 8:

- Removal of the two existing mill bridges;
- Construction of flood wall along the southern bank of the River Ogden within the site. Top of wall level set at 144.1 metres (m) Above Ordnance Datum (AOD);

- Construction of flood storage area. Invert level of flood storage area set between 143.2 m AOD to 143.8 m as shown in Figure18 of the approved FRA;
- Northern parcel development platform raised above the peak level in the 1 in 100 plus 35% climate change AEP event;
- Finished floor levels to be set at a minimum of 600 mm above the 1 in 100 plus 35% climate change AEP event;
- Finished floor levels to be set 150 mm above adjacent ground levels;
- Implementation of a French drain along the northern edge of the site;
- A minimum 8 m undeveloped buffer strip is provided adjacent to the River Ogden;
- Flood Response Plan to be developed in consultation with Rossendale Borough Council

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future occupants, to reduce risk of flooding to surrounding properties, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to reduce the risk of flooding to the proposed development and future occupants, to reduce the risk of flooding from surface water, to ensure adequate land drainage, to ensure access to the river for future maintenance and to reduce the risk to future occupants.

22. No development shall take place until a detailed scheme for the provision and management of a minimum 8-metre-wide buffer zone and new 20 metre wide multifunctional flood storage area (FSA) along the River Ogden waterbody has been submitted to and approved in writing by the local planning authority.

Thereafter the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority, in which case the development shall be carried out in accordance with the amended scheme. The buffer zone scheme shall be free from new built development including lighting or domestic gardens and shall include:

- detailed plans, including cross-sections (minimum 2 for proposed 8 m buffer area and minimum 4 along FSA area), showing the extent and layout of the riparian buffer zone in respect to new proposed residential development, mean and bank-full water levels, and / or any changes to bed composition
- details of proposed bank lowering or land raising within or adjoining new FSA or greenspace buffers
- details of any new revetment options proposed within the River Ogden riparian corridor using bio-engineered options unless it can be demonstrated they are not feasible
- details of removal of redundant buildings and bridges over River Ogden
- an updated ecological appraisal based on amended scheme footprint outlining how opportunities to create a high quality and multifunctional flood storage area and improved ecological network will be adopted as part of riparian scheme design
- details of any retained or restored greenspace in riparian corridor, including production of an integrated riparian soft landscaping scheme including planting schedule based on native species

- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
- details of any proposed new surface water outfalls, footpaths, fencing, lighting, etc. within River Ogden riparian corridor

Reasons: Land alongside watercourses are particularly valuable for wildlife and it is essential this is protected. Also, to secure opportunities for enhancing the site's nature conservation value in line with national planning policy and adopted policy 17 (GI) & 18 (Biodiversity) of the Rossendale Core Strategy.

23. As part of the first reserved matters application full details shall be submitted in relation to the proposed protection of trees to be retained on site. The scheme shall incorporate additional measures for the protection of the Root Protection Area of all trees to be retained, in accordance with BS 5837 (2012).

The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that trees to be retained on site are adequately protected.

24. As part of the first Reserved Matters application, the results of a scheme of initial archaeological investigation of the site (including documentary assessment and the results of trial excavation works) and a scheme of proposals for further archaeological investigation of the site shall be submitted to the Local Planning Authority for its approval.

The programme of archaeological work shall comprise the following:

i) The creation of a record of the areas of the site impacted by the scheme to Level 3 as set out in Understanding Historic Buildings (Historic England 2016).

ii) A formal watching brief during groundworks, followed by such subsequent work as required to investigate and record any remains encountered.

The approved scheme of investigation shall be carried out in full as part of the development by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance set out by the Chartered Institute for Archaeologists.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the site.

25. No development (including any demolition) shall commence unless the local planning authority has been provided with either:

a) a license issued by Natural England pursuant to Regulation 55, of the Conservation of Habitats and Species Regulations 2017 authorising the specified activity/development go ahead: or

b) a statement in writing form the relevant licensing body or the LPA to the effect that it does not consider that the specified development will require a license.

Reason: the demolition works are likely to cause harm to common pipistrelle bats as identified in the Updated Bat Survey Report by e3ps ref 80-033-R3, and it is necessary to

ensure that adequate measures are in place to protect such bats prior to any development taking place.

26. The removal of trees T1 and T2 as identified in the Preliminary Ecological Appraisal (e3p ref. 80-033) shall not in any circumstances occur unless a further survey has been carried out by a qualified ecologist, and unless written confirmation by that ecologist that bats will not be harmed (or that adequate measures are in place to prevent such harm) has been first submitted to and approved in writing by the Local Planning Authority.

Reason: To protect bats that may be present in the identified trees.

27. As part of the first Reserved Matters application details of external lighting including street lighting shall be submitted to and approved in writing by the Local Planning Authority.

The details shall include:

- How and where street and other external lighting will be installed and through appropriate lighting contour plans demonstrated clearly that any impacts on the River Ogden is negligible;
- Specific details of frequency and duration of use.

All external lighting shall be installed in accordance with agreed specifications and locations set out in the strategy.

Reason: To prevent harm to bats on or near to the site.

28. If the demolition forming part of the scheme hereby approved does not commence before 30th April 2021, the building(s) to be demolished shall be reassessed by a qualified ecologist for bat roosting potential and the findings supplied to and agreed in writing by the Local Planning Authority prior to any demolition taking place.

Reason: To prevent harm to bats roosting in the buildings to be demolished.

29. Prior to commencement of any earthworks and demolition taking place on the site, a re-survey of the site for badger setts shall occur and the findings shall be supplied to and agreed in writing by the Local Planning Authority.

If any badger setts are found, the submitted information shall include full details of measures to be taken to prevent harm to those setts.

Reason: To prevent harm to any badgers or their setts on the site.

30. The development shall be carried out in strict accordance with the reasonable avoidance measures for otters contained in the Preliminary Ecological Appraisal (e3p ref. 80-033 section 4.4.5), or any subsequent amendment to that Appraisal approved at Reserved Matters stage.

Reason: To prevent any harm to otters on or near to the site.

31.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 which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To protect nesting birds.

32.As part of the first reserved matters application, a method statement detailing eradication and/or control and/or avoidance measures for Himalayan Balsam and Japanese Knotweed shall be supplied to the Local Planning Authority for its approval. The agreed method statement shall be adhered to and implemented in full as part of the development.

Reason: To prevent the spread of invasive species.

33.As part of the first reserved matters application, a construction and environmental method statement to protect the Rivers Ogden and Irwell from accidental spillages, dust and debris shall be supplied to the Local Planning Authority. All measures approved shall be implemented and maintained for the duration of the construction period in accordance with the approved details.

Reason: To protect nearby watercourses from pollution.

34.As part of the first reserved matters application full details of surface water and foul water drainage that demonstrate that there will be no negative impacts on the ecological status/potential as defined under the water framework directive of the Rivers Ogden and Irwell shall be submitted to the Local Planning Authority for its approval. The details as approved shall be implemented in full as part of the development.

Reason: To protect the ecological potential of nearby watercourses.

35.As part of the first reserved matters application a landscape and environmental management plan will be supplied to the Local Planning Authority.

The plan shall:

- Demonstrate biodiversity net gain on the site in line with current government guidance;
- Include a semi-natural landscaped strip along the River Ogden utilising native species in keeping with the locality;
- Include a bird nesting mitigation strategy for birds suitable to sub-urban and riverine habitat;
- Include provision of bats;
- Include details for biodiversity enhancement and gain for the wider site

The approved details shall be implemented as part of the development, and maintained thereafter.

Reason: In the interests of securing biodiversity gains across the site as part of the development.

36. Construction works shall not take place outside the following hours:

Monday to Friday - 08:00 to 18:00

Saturday - 08:00 to 13:00

Construction shall not take place on Sundays, or Bank or Public Holidays.

Similarly, no Heavy Goods Vehicle deliveries to or from the site associated with the development shall take place outside of the above hours.

Reason: In the interests of protecting 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 Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.
3. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.
4. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
5. For the avoidance of doubt, this response does not grant the applicant permission to connect to any ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given. The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>
6. The applicant is reminded that reptiles are protected under schedule 5 of the Wildlife & Countryside Act 1981 (as amended). It is an offence to take or kill reptiles. If a reptile is found on or near the site during the development work should cease and a suitably experienced ecologist employed to how best to safeguard the reptile(s).

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