

Application Number:	2015/0358	Application Type:	Full
Proposal:	Erection of 33 no. dwellings and associated works and landscaping	Location:	Land to rear of 32 Greensnook Lane, Bacup, Lancashire, OL13 9DQ
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	3 rd November, 2015
Applicant:	B&E Boys Ltd	Determination Expiry Date:	18 th November 2015
Agent:	Beverley Moss (Hourigan Connolly)		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
Other (please state):	Major

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 to peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That Committee be minded to approve Planning Permission subject to a S.106 Obligation to secure payment of Contributions and subject to the Conditions set out in Section 11.

2. SITE

The application site (of approximately 1.43 hectares) lies in a relatively elevated position to the north east of Bacup. The site is to the north of Greensnook Lane and Beech Street, and is bounded to the north by Todmorden Old Road and Greens Lane. The site is more or less

surrounded by existing residential development, which extends further toward the skyline than the application site.

The site is predominantly characterised by a sloping grassy field, with a dense stand of trees on the northern boundary. Three individual trees on the northern boundary are covered by a TPO, and three toward the west of the site are covered by a TPO. A further group TPO is in place for the trees on the north east boundary of the site.

In the central southern part of the site there is a single existing dwelling, surrounded by trees. Christ Church (a large stone built church, which is a Grade 2 Listed Building) lies on the southern boundary and forms a dominant visual feature in the immediate landscape.

The site is surrounded by dwellings of varied design, and which utilise a wide variety of construction materials. The site boundaries to the west and north of the site are generally delineated by local stone walls.

The site is not within a Conservation Area, and is entirely within the designated urban boundary.

3. RELEVANT PLANNING HISTORY

1998/090 - Outline Residential Development (Approved)

2001/425 - Reserved Matters - Proposed residential development (Refused, and appeal subsequently dismissed)

2003/530 - Residential Development of 34 no. units (Refused)

2004/177 - Erection of two storey building containing 6 apartments with associated car parking accessed from Greensnook Lane (Approved and commenced but only a foundation completed)

2005/066 - Residential Development of 55 units (Withdrawn)

2006/050 - Residential Development of 55 units (Refused)

4. PROPOSAL

The applicant seeks planning permission to construct 33 new dwellings on the land, with associated gardens, access roads and landscaping. The development would take the form of two cul-de-sacs, with access taken via two new vehicular junctions off Greensnook Lane.

The new dwellings would comprise 10 no. three-bedroom properties and 23 no. four-bedroom properties in a mix of detached and semi-detached formats (comprising 7 different house types overall).

The dwellings would be a mixture of two and three-storey design. However, the three-storey units would have their third storey incorporated into the roof void resulting in an appearance closer to that of a two-storey dwelling. All dwellings would have pitched roof designs and dormers would feature on house types B, C, D, E, F and G.

The front elevations of all house types would be of relatively simple design, with projecting gables and bays incorporated in the front elevations. The dwellings are proposed to be constructed from artificial stone with grey roof tiles.

All dwellings would have private amenity space located to the front and rear.

Several trees on the site are proposed to be removed to facilitate the development. It appears that two of the trees to be removed are covered by a TPO, namely T12 (sycamore) and an ash tree (covered within the group TPO at the north eastern corner of the site) as shown on the submitted 'Tree Retention Removals and Protection' drawing. Several other trees are to be retained, and a proposed landscape layout has been submitted which details proposals to plant numerous new trees and shrubs around the development (the plan does not however go into detail regarding the species to be planted).

Off street parking spaces would be provided for each dwelling, and the applicant has proposed to gift a portion of the site (including 9 parking spaces) on the south east boundary to Christ Church as part of a Section 106 Agreement.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2012)

Section 1 Building a Strong Competitive Economy

Section 4 Promoting Sustainable Transport

Section 6 Delivering a Wide Choice of High Quality Homes

Section 7 Requiring Good Design

Section 8 Promoting Healthy Communities

Section 11 Conserving and Enhancing the Natural Environment

Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 2 Bacup, Stacksteads, Britannia and Weir

Policy 1 General Development Locations and Principles

Policy 2 Meeting Rossendale's Housing Requirement

Policy 3 Distribution of Additional Housing

Policy 4 Affordable & Supported Housing

Policy 8 Transport

Policy 9 Accessibility

Policy 18 Biodiversity and Landscape Conservation

Policy 19 Climate Change and Low & Zero Carbon Sources of Energy

Policy 22 Planning Contributions

Policy 23 Promoting High Quality Design & Spaces

Policy 24 Planning Application Requirements

Other Material Planning Considerations

National Planning Practice Guidance (2014)

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

6. CONSULTATION RESPONSES

Lancashire County Council (Lead Local Flood Authority)

The Lead Local Flood Authority has no objection to the proposed development subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority:

Condition 1: Appropriate surface water drainage scheme to be submitted

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

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 30.5 litres per second (for the 1 in 30). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

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

Reasons

1. To ensure that the proposed development can be adequately drained.
2. To ensure that there is no flood risk on or off the site resulting from the proposed development
3. To ensure that water quality is not detrimentally impacted by the development proposal

Condition 2: No Occupation of Development until completion of SuDS in accordance with agreed SuDS Scheme and Management & Maintenance Plan

No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details.

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

Reasons

1. To ensure that the drainage for the proposed development can be adequately maintained.
2. To ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

Condition 3: Surface Water Lifetime Management and Maintenance Plan

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

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

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

Reasons

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

Lancashire County Council (Highways)

I would recommend the following amendments to the plan:-

Parking

The parking standards require 2 off street spaces for the 3 bedroom homes and 3 off street spaces for the 4 bedroom homes. The accessibility of the site can justify the reduction in the number of spaces overall.

There are particular plots where the number of spaces are crucial due to their proximity to road junctions and turning heads, making on-street parking detrimental to highway safety.

Plots 1, 2, 15, 16, 19, 20, 23 - The driveway should be widened to provide a third space

Plot 3, 31- A driveway should be provided for three vehicles (minimum)

Plot 14 - The driveway should be lengthened to 6 metres

Pedestrians

Provide a footway along the eastern side of the estate road opposite plots 3 - 6.

Remove the visitor parking and provide a continuous footway.

The estate road should be a continuous width of 5.5 metres minimum and a continuous loop for vehicles and pedestrians. This provides easier servicing and connectivity.

A minimum footway width of Greensnook Lane should be maintained along Greensnook Lane on the frontage of the site, (outside plot 1 the footway narrows).

A 3 metre wide pedestrian / cycle link should be provided from within the site to Todmorden Old Road, I would recommend a link near plot 13/14.

Contributions

A contribution of £5,000 for the provision of a bus shelter on Todmorden Road at the junction of Carlton Street to improve the bus passenger service.

A contribution of £2,000 for a Traffic Regulation Order on Greensnook Lane is required to ensure that adequate sightlines are maintained at the junctions of the estate roads.

The Coal Authority

The Coal Authority concurs with the recommendations of the Phase 1 Geoenvironmental Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of intrusive site investigations for approval;
- * The undertaking of that scheme of intrusive site investigations;
- * The submission of a report of findings arising from the intrusive site investigations;
- * The submission of a scheme of remedial works for approval; and
- * The implementation of those remedial works.

The Coal Authority considers that the content and conclusions of the Phase 1 Geoenvironmental Assessment Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no

objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Greater Manchester Ecology Unit

An extended phase I habitat survey was provided with the planning application that has provided adequate information to assess the potential ecological constraints of the development. Potential issues relating to foraging bats and badgers, nesting birds and loss of trees and shrubs were identified that can be resolved via condition and informative. However owing to the scale of the development even though the general value of the site is low without adequate mitigation the development could result in a net loss of biodiversity contrary to the NPPF.

Bats

The trees on site were assessed for their bat roosting potential. There are no buildings on the site. One tree was identified as having significant potential, but this tree is to be retained. No further information is required with regards to bat roosts.

The trees around the boundary of the site will provide potential for bat foraging and commuting. These are again to be retained but there is a risk of external lighting disrupting bat activity a potential offence under the Habitats Directive. The ecological consultants have noted this in their conclusions and recommendations. From the landscape layout it is evident that the houses will be backing on the tree lined boundary, therefore the risk of any street lighting impacting on the trees is negligible. No further information is therefore required with regards to lighting. Please apply the following informative to any permission.

Whilst the trees to be felled have been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during felling all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s). Natural England should also be informed.

Badgers

The site was assessed for badgers. No setts were found on or adjacent to the site, but evidence of badgers using the field for foraging was identified. Badger setts are protected under the Badger Act 1992 but not foraging habitat. However as badgers are clearly in the vicinity please apply the following pre-cautionary condition to any permission.

Prior to commencement of any earthworks a survey of the site and within 30m of the boundaries for badger setts will occur and the findings supplied to and agreed in writing by the LPA.

Other Protected Species

No evidence of any other protected species was found. I am happy with these findings. No further information is required.

Nesting Birds

A number of trees will be lost and, trees around the boundary pruned back, all potential bird nesting habitat. All British birds nests and eggs (with certain limited exceptions) are protected

by Section 1 of the Wildlife & Countryside Act 1981, as amended. Please apply the following condition to any permission.

No works to trees or shrubs shall occur 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 agreed in writing by the LPA.

Ecological Mitigation

The development will result in the loss of a number of trees with associated bird nesting potential, and just over 1 ha of low value grassland, currently providing badger foraging habitat. For the loss of this scale of habitat even though of low value, we would want to see at least 0.1 ha of habitat created or enhanced.

The developer is safeguarding more than 0.1ha of land along the northern boundary of the site through the retention of the wooded strip plus a number of smaller areas of amenity grassland and ornamental shrubs. I am therefore satisfied that on-site mitigation is possible through enhancement of these retained areas.

With regards to loss of trees a number of replacement are proposed that will mitigate for those lost subject to the species type.

With regards to loss of bird nesting habitat, whilst the percentage loss of potential nesting habitat on-site is not large and medium to long term mitigation assured through provision of new trees, there is a potential short term loss of nesting habitat and I therefore support the ecological recommendation of providing a small number of bird boxes.

I am satisfied that no further measures are required with regards to potential loss of badger foraging habitat, the retention of the boundary strip, plus the fact that badgers will freely forage in suburban gardens and have access to the land to the north means I am satisfied that there will be no significant impact.

Further details are however required with regards to enhancement of the buffer strip, the species of replacement trees and location/type of bird boxes. This information can be conditioned along the following lines.

An ecological mitigation plan shall be submitted to and approved in writing by the LPA, prior to commencement of development. The content of the plan should include elements to mitigate for loss of trees, shrubs bird nesting habitat and enhancement of the wooded strip to the north of the development. The approved plan will be implemented in accordance with the approved details.

East Lancashire Bat Group

No comments were received.

Environment Agency

No objection to the proposed development.

Electricity North West

No comments were received.

Fire Brigade

No comments were received.

Lancashire Badger Group

Having read the phase 1 habitat report we are happy for this application to proceed. They have highlighted any areas of concern we might have and provided mitigation.

Lancashire County Council (Education Contributions)

No contribution required for this development.

Lancashire Constabulary

In order to provide a safe, secure and sustainable environment for residents, I recommend that this development should be built in accordance with Secured by Design Standards. In particular Part 2 of Secured by Design - physical security should be incorporated into the scheme. Design Guides - New Homes 2014 is available at www.securedbydesign.com.

Windows should be PAS 24/2012 tested and certificated. Front, rear and side doorsets should be doors of enhanced security tested and certificated to PAS 23/24 standards, front doorsets should be fitted with a viewer and security bar/chain.

The front and rear of dwellings should be protected with a dusk till dawn lighting unit to deter potential offenders and reduce the fear of crime.

The rear and side of the dwellings should be secured with a 1.8m fencing arrangement such as close boarded or similar. Access to the vulnerable rear of the dwellings should be restricted with a secure 1.8m lockable gating arrangement fitted as flush with the front of the building line as possible. The proposed bolt on the boundary treatment plans is in the wrong location, it should be fitted lower down the gate towards the middle.

RBC Forward Planning

The development will contribute toward the delivery of the borough's housing target, in line with Policy 2 of the adopted Core Strategy. The site is within the defined urban boundary (Policy 1), where residential development is appropriate in principle. The site is an unallocated greenfield site, but it is considered that the scheme is justified when the benefits of bullet point 7(iii) of Core Strategy Policy 2 are considered, particularly alongside the other policies it accords with eg policy 1, 3 and 22. The social benefits are considered to be that it would help to meet a recognised housing need in Bacup and would provide a number of extra parking spaces for Christ Church which could facilitate the re-use of the church for a purpose beneficial to the local community

The development would also accord broadly with Policy 3 of the Core Strategy, which states that smaller but significant numbers of houses will be built in the Bacup area. The adopted Core Strategy requires approximately half of the Borough's housing requirement to be built in Bacup, Haslingden and Whitworth.

As such, we have no objection to the proposed development subject to it being of an appropriate design and constructed of appropriate facing materials, and that any potential surface water flooding issues can be overcome.

RBC Environmental Health

The comment in relation to noise on this application is to request that the standard hours of working condition is attached to any permission granted to protect amenity of the occupiers of the neighbouring property.

RBC Strategic Housing

No comments received.

United Utilities

Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Drainage Conditions

United Utilities will have no objection to the proposed development provided that the following conditions are attached to any approval:

Condition 1 (Foul Water)

Foul and surface water shall be drained on separate systems.

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

Condition 2 (Surface Water)

Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement

national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 8l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

The applicant can discuss further details of the site drainage proposals with Developer Engineer, Danny McDermott by email at wastewaterdeveloperservices@uuplc.co.uk. For further information regarding Developer Services and Planning, please visit our website at <http://www.unitedutilities.com/builders-developers.aspx>.

Justification for Pre-commencement conditions

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 Part 6, we have been asked to provide written justification for any pre-commencement condition we may have recommended to you in respect of surface water disposal.

The purpose of the planning system is to help achieve sustainable development. This includes securing the most sustainable approach to surface water disposal in accordance with the surface water hierarchy.

It is important to explain that the volume arising from surface water flows can be many times greater than the foul flows from the same development. As a result they have the potential to use up a significant volume of capacity in our infrastructure. If we can avoid and manage surface water flows entering the public sewer, we are able to significantly manage the impact of development on wastewater infrastructure and, in accordance with Paragraph 103 of the NPPF, minimise the risk of flooding. Managing the impact of surface water on wastewater infrastructure is also more sustainable as it reduces the pumping and treatment of unnecessary surface water and retains important capacity for foul flows.

As our powers under the Water Industry Act are limited, it is important to ensure explicit control over the approach to surface water disposal in any planning permission that you may grant.

Our reasoning for recommending this as a pre-commencement condition is further justifiable as drainage is an early activity in the construction process. It is in the interest of all stakeholders to ensure the approach is agreed before development commences.

Water Comments

A separate metered supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

Should this planning application be approved, the applicant should contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers.

General comments

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported

mapping service and we recommend the applicant contact our Property Searches Team on 03707 510101 to obtain maps of the site.

Due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; please contact a Building Control Body to discuss the matter further.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a press notice was published on 28/08/2015, 7 site notices were posted on 26/08/2015, and letters were sent to neighbours on 26/08/15.

12 letters of objection have been received, raising concerns over the following issues:

Access

Concerns that access to the site off Greensnook Lane would be dangerous, given the amount of traffic that use those roads and the speeds that they often travel. Also, schools are in proximity. Winter weather conditions would also exacerbate the hazards.

Affordable Housing

The house types are not affordable, as the Government is advocating a need for.

Parking

The houses will require more parking spaces than proposed by the developer. Concerns that more people will park their cars on Greensnook Lane, reducing visibility and safety.

Demand and Local Infrastructure

There are already many houses for sale or empty in the Bacup area, and there is no need for more. Bacup already has too many houses and local infrastructure cannot support more.

Previous Planning Applications

Planning permission has already been refused for development on this site previously, and there is no reason why it should be approved now.

Development on the opposite side of Greensnook Lane

If the development planned for the opposite side of Greensnook Lane also goes ahead, this development will combine to create further problems as above.

Greenfield Land

Brownfield land should be prioritised before planning permission is granted on greenfield sites such as this.

Flood Risk / Drainage

Concerns that development of the site will unacceptably increase surface water run-off and increase flood risk.

Ecology

Concerns that the site is home to many species of flora and fauna (some of which are legally protected), and that the development would cause harm to such populations.

Harm to Neighbour Amenity

Concerns that the development would cause harm to neighbour amenity during the construction phase – such as through noise, disturbance and traffic problems.

Visual Impact

The site is of considerable landscape value, complimented by views of the adjacent Christ Church. Development would cause the views to be lost. Concern that the development would lead to urban sprawl and the erosion of Bacup's identity.

Recreational Value

The site is of recreational value to local people, and is well used.

8. ASSESSMENT

The main considerations of the application are:

1) Principle; 2) Housing Policy; 3) Visual Amenity / Tree Preservation Orders; 3) Neighbour Amenity; 4) Access / Highway Safety; 5) Planning Contributions; 6) Ecology

Principle

The site is within the defined urban boundary where development is acceptable in principle, in line with Policy 1 of the Core Strategy.

Housing Policy

The development will contribute toward the delivery of the borough's housing target, in line with Policy 2 of the adopted Core Strategy. The site is within the defined urban boundary, where residential development is appropriate in principle. The site is an unallocated greenfield site, but it is considered that the scheme is justified when the benefits of bullet point 7(iii) of Core Strategy Policy 2 are considered, particularly alongside the other policies it accords with eg policy 1, 3 and 22. The social benefits are considered to be that it would help to meet a recognised housing need in Bacup and would provide a number of extra parking spaces for Christ Church which could facilitate the re-use of the church for a purpose beneficial to the local community.

The development would also accord broadly with Policy 3 of the Core Strategy, which states that smaller but significant numbers of houses will be built in the Bacup area. The adopted Core Strategy requires approximately half of the Borough's housing requirement to be built in Bacup, Haslingden and Whitworth.

For the reasons above, the proposal is considered acceptable with regards to housing policy.

Visual Amenity / Tree Preservation Orders

Although the site is in a relatively elevated position it is contained by other residential development on all sides (including houses further up the slope toward the skyline). Given this context, the proposed development would not appear to encroach beyond the established developed urban area, and it is not considered that it would be unduly harmful to landscape character in long distance views. It is however considered appropriate to impose a condition to ensure that the proposed facing materials (particularly the stone used in construction of the elevations and the roofing materials) are submitted and approved prior to the commencement of development to ensure visual compatibility with the surrounding developments in both short and long distance views.

The design and massing of the proposed dwellings is considered to be acceptable in line with Policy 23 of the Core Strategy, and it is considered that the style of the proposed dwellings will not appear incongruous when viewed from surrounding vantage points both in the immediate locality and from further afield.

The site is flanked to the north and west by a number of mature trees, which lend character to the site and soften its boundaries visually. Several of the trees are covered by Tree Preservation Orders.

The proposed scheme would see several trees (including some covered by TPOs) felled or pruned to facilitate the development, and their replacement with several new trees in different locations. The applicant has provided details of which trees are to be retained / lost, and has provided a landscaping plan showing the proposed locations of new trees.

In terms of landscaping, I am satisfied that the trees which are to be removed are not individually of particular amenity value such that their loss would cause harm to the area. The overall character provided by the groups of mature trees on the north and west boundaries of the site would not be significantly diminished. Broad details of planting areas and soft landscaping have been provided, however I consider that a more robust landscaping scheme should be provided prior to the commencement of development, and that it is appropriate to include a condition requiring this.

Although the applicant has provided some details of how the protected trees on site (to be retained) are to be protected during the construction works, it is considered appropriate to require the submission and approval of a more detailed scheme of protection measures to be undertaken during construction, which covers the entirety of the protected trees on site.

Subject to the proposed conditions, the scheme is considered acceptable in terms of visual amenity and Tree Preservation Orders.

Neighbour Amenity

Separation distances between neighbouring properties are considered acceptable, and it is not considered that the proposed development would result in undue harm to neighbours' daylight, outlook or privacy. The Council's Environmental Health department has no objection to the scheme, and it is considered appropriate to impose conditions on working hours (as part of a

broader condition requiring the submission and approval of a construction method statement) to protect neighbour amenity in line with their comments.

Several local residents objected to the scheme, and their comments have been taken into account where possible in the consideration of the application. Several changes have been made to the scheme (particularly in terms of parking / access arrangements) since it was initially submitted and it is considered a good attempt has been made to address any concerns relating to material planning matters either through changes by the applicant or by the imposition of appropriate conditions.

Overall, the scheme as now planned is considered acceptable in terms of neighbour amenity subject to the proposed conditions.

Access / Highway Safety

The Local Highway Authority has no objection to the scheme, and amendments have been made to the layout of the scheme where possible in line with their comments following discussions between the case officer and the applicant's agent.

These changes consist of:

- The width of the access roads has been increased to a uniform 5.5m to give more room for vehicles to manoeuvre.
- The driveways on plots 1, 2, 15, 19, 20 and 23 have been widened to provide a third parking space for those houses, in the interests of keeping parked cars off the street and improving highway safety and ease of access.
- Driveways have been provided with space for 3 vehicles to be parked on plots 3 and 31.
- The driveway on plot 14 has been lengthened to 6 metres, to provide more room for manoeuvre.
- A footway has been provided along the eastern side of the estate road opposite plots 3-6, to increase safety for pedestrians.

It is considered that the proposed scheme as it now stands is acceptable in terms of access / highway safety.

Planning Contributions

The Council has sought independent advice on the viability of the proposed development from the VOA, which concluded that planning contributions of £125,000 could be sought without compromising the viability of the scheme.

The following contributions have been sought in relation to the scheme:

- Bin Provision - at a rate of £100 per dwelling, this would equate to £3,300.
- Open Space and Play Equipment Contribution - having regard to the Council's adopted SPD, there would be a requirement to make a contribution of £45,078 towards open space and play provision.
- LCC Highways have requested a contribution of £2000 to pursue a Traffic Regulation Order on Greensnook Lane, to ensure that adequate sightlines are maintained at the junctions of the estate roads.

- In addition, a contribution of £5000 is required by LCC Highways for the provision of a bus shelter on Todmorden Road at the junction of Carlton Street to improve the bus passenger service.
- Policy 4 of the Core Strategy seeks a minimum of 30% affordable housing on greenfield sites of over 8 dwellings. It goes on to state that a relaxation of this requirement will only be considered if it is demonstrated that the requirement would result in the development being financially unviable. As mentioned above, such a viability assessment has been undertaken in this case, and has been verified by the VOA, who concluded that a maximum contribution of £125,000 could be made in this case. At pre-application stage, the Council's Housing Manager indicated that an off-site contribution toward affordable housing could be acceptable given the marginal viability of the development. As such, it is considered appropriate to seek a contribution toward off-site provision of affordable housing totalling £69,622, in line with Core Strategy Policy 4.

I consider that the above contributions are necessary to make the development acceptable (in accordance with Core Strategy Policy 22) and meet the three tests in paragraph 203 of the NPPF (namely that the contributions are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development). It is therefore considered appropriate to require the signing of a S.106 Agreement prior to planning permission being granted, in order to secure the contributions.

Ecology

Subject to the imposition of the conditions recommended by the Greater Manchester Ecology Unit (relating to a badger survey, the timing of tree works, and the submission and approval of a scheme of ecological mitigation), I am satisfied that the development would be acceptable in terms of its ecological impact.

9. SUMMARY REASON FOR APPROVAL

The proposed development is appropriate within the urban boundary and is in a sustainable location. Given that the site is contained on all sides by existing residential development, it is not considered that the proposed scheme would cause undue harm to landscape character in long distance views, despite its relatively elevated position. It is considered that the development would not unduly detract from visual and neighbour amenity or highway safety. It is considered that the development is in accordance with sections 1, 4, 6, 7, 8, 11 and 12 of the National Planning Policy Framework and Policies 1, 2, 3, 4, 8, 9, 18, 19, 22, 23 and 24 of the adopted Core Strategy DPD.

10. RECOMMENDATION

That Committee be minded to grant Planning Permission subject to:

- a) A S.106 Obligation to secure payment of Contributions of £3,300 to cover the cost of bin provision, £45,078 towards open space and play equipment provision in the local area, £2,000 for LCC Highways to pursue a traffic regulation order on Greensnook Lane, £5,000 towards the provision of a bus shelter on Todmorden Road and £69,622 towards off-site affordable housing provision; and
- b) The Conditions set out below.

It is recommended that delegated authority is given to the Planning Manager to refuse planning permission in the event that the Planning Obligation is not signed by 18th November 2015.

11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development shall be carried out in accordance with the following plans unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority:

- M3330_PL_15 – Site Location Plan – Date stamped 19th August 2015 by the Local Planning Authority
- M3330_PL_03 Revision C – Proposed Site Layout (1) – Date stamped 16th October 2015 by the Local Planning Authority
- M3330_PL_14 Revision A – Proposed Site Layout (2) – Date stamped 16th October 2015 by the Local Planning Authority
- M3330_PL_04 – House Type A – Date stamped 19th August 2015 by the Local Planning Authority
- M3330_PL_05 – House Type B – Date stamped 19th August 2015 by the Local Planning Authority
- M3330_PL_06 – House Type C – Date stamped 19th August 2015 by the Local Planning Authority
- M3330_PL_07 – House Type D – Date stamped 19th August 2015 by the Local Planning Authority
- M3330_PL_08 – House Type E – Date stamped 19th August 2015 by the Local Planning Authority
- M3330_PL_09 – House Type F – Date stamped 19th August 2015 by the Local Planning Authority
- M3330_PL_10 – House Type G - Date stamped 19th August 2015 by the Local Planning Authority
- M3330_PL_11 – Double Garage - Date stamped 19th August 2015 by the Local Planning Authority
- M3330_PL_13 – Street Elevations 1 - Date stamped 19th August 2015 by the Local Planning Authority
- M3330_PL_12 – Proposed Site Sections - Date stamped 19th August 2015 by the Local Planning Authority
- 1672_02 Revision A – Tree Retention Removals and Protection - Date stamped 19th August 2015 by the Local Planning Authority
- 1672_03 Revision B – Landscape Layout - Date stamped 19th August 2015 by the Local Planning Authority

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. 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 site activities
- viii) Details of working hours

Reason: In the interests of pedestrian and highway safety and neighbour amenity in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

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

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 30.5 litres per second (for the 1 in 30). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

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

Reason: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, and to ensure that water quality is not detrimentally impacted by the development proposal – in accordance with Policies 19 and 24 of the Council's Core Strategy DPD.

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

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
- c) means of access for maintenance and easements where applicable.

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

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organization / body / company / undertaker for the sustainable drainage system - in accordance with Policies 19 and 24 of the Council's Core Strategy DPD.

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

Reason: To secure proper drainage and to manage the risk of flooding and pollution, in accordance with policies 19 and 24 of the Council's Core Strategy DPD.

7. Prior to the commencement of development, the following shall take place to determine the risk posed to the scheme by legacy coal mining issues on site:

- The submission to the LPA of a scheme of intrusive site investigations for approval;
- The undertaking of that scheme of intrusive site investigations;
- The submission to the LPA of a report of findings arising from the intrusive site investigations;
- The submission to the LPA of a scheme of remedial works for approval; and
- The implementation of those remedial works.

Reason: In the interests of mitigating risk to the development from coal mining legacy, in accordance with Policy 24 of the Council's Core Strategy DPD.

8. Prior to commencement of any earthworks a survey of the site and within 30m of the boundaries for badger setts will occur and the findings supplied to and agreed in writing by the LPA.

Reason: In the interests of protecting biodiversity, in line with Policy 18 of the Council's Core Strategy DPD.

9. No works to trees or shrubs shall occur 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 agreed in writing by the LPA.

Reason: In the interests of protecting biodiversity, in line with Policy 18 of the Council's Core Strategy DPD.

10. Prior to the commencement of development, an ecological mitigation plan shall be submitted to and approved in writing by the LPA. The content of the plan should include elements to mitigate for loss of trees, shrubs bird nesting habitat and enhancement of the wooded strip to the north of the development. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of protecting biodiversity, in line with Policy 18 of the Council's Core Strategy DPD.

11. No development shall take place until samples of the facing / construction materials (including stonework, brickwork, and roofing materials) to be used in the development hereby permitted (and a schedule of samples) have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

12. No development shall take place until details (including design, materials, colour and finish) of the proposed doors and windows to be used in the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details, and the approved types of doors and windows shall be retained thereafter unless first agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

13. Prior to commencement of development a detailed scheme of landscaping and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority to include details of: boundary walls/fences/gates/hard-surfaced external areas; full details of measures for the protection of trees to be retained (including full details of the root protection areas of all TPO trees within or on the boundaries of the site); the size, siting and species of trees/shrubs to be planted. Any boundary walls/fences/gates/hard-surfaced external areas forming part of the approved scheme shall be completed prior to first occupation of any of the dwellings hereby approved. Any measures for the protection of trees to be retained forming part of the approved scheme shall be complied with for the duration of ground works / construction works associated with the development hereby approved. Any planting forming part of the approved scheme shall be carried out in the following planting season and any trees or shrubs removed, dying or becoming seriously damaged or diseased within 5 years of

planting shall be replaced by trees or shrubs of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To ensure that the development will be of satisfactory appearance, in accordance with Policies 1 and 23 of the Council's Core Strategy DPD (November 2011).

14. Prior to commencement of development the following shall be submitted to the Local Planning Authority:

A Contaminated Land Phase II Report to assess the actual/potential Contamination risks at the site through an updated Conceptual Site Model by the Local Planning Authority should be undertaken. This should incorporate a ground gas study which should assess the requirement for protective measures as well as an asbestos survey on the existing building and potentially within infilled areas on the site.

Should the approved Phase II Report indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. Where ground gas measures are required this should be in accordance with relevant guidance and good practice.

The remediation scheme in the approved Remediation Statement shall then be carried out and a Site Completion Report detailing the action taken at each stage of the works (including validation works this) shall be submitted to and approved in writing by the Local planning Authority prior to first occupation of any part of the development hereby approved.

Reason: To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Contaminated Land Phase I Report, to accord with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011).

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Schedule 2 Part 1 Class F (hard surfaces incidental to the enjoyment of a dwelling house), other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to manage the appearance of the development and to safeguard the character and visual amenities of the area, and to ensure that adequate soft landscaping is retained within the curtilage of the dwellings in accordance with Policies 1 and 24 of the Core Strategy.

12. INFORMATIVES

1. In order to provide a safe, secure and sustainable environment for residents, Lancashire Constabulary have recommended that this development be built in accordance with Secure By Design standards. The applicant's attention is drawn to the advice given by Lancashire Constabulary in their consultation response, outlined in section 6 of the case officer's report.

2. Whilst the trees to be felled have been assessed as low risk for bats, the applicant is reminded that under the Habitat Regulation it is an offence to disturb, harm or kill bats. If a bat is found during felling all work should cease immediately and a suitably licensed bat worker

employed to assess how best to safeguard the bat(s). Natural England should also be informed.

3. United Utilities advised that a separate metered water supply to each unit will be required at the applicant's expense and all internal pipe work must comply with current water supply (water fittings) regulations 1999.

The applicant may contact United Utilities on 03456 723 723 regarding connection to the water mains or public sewers. It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. United Utilities offers a fully supported mapping service and we recommend the applicant contact their Property Searches Team on 03707 510101 to obtain maps of the site.

United Utilities also advise that due to the public sewer transfer, not all sewers are currently shown on the statutory sewer records, if a sewer is discovered during construction; the applicant should contact a Building Control Body to discuss the matter further.

4. 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/a_to_z/service/309/core_strategy, and operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. As part of the determination of this planning application the Local Planning Authority has worked pro-actively and positively with the applicant. 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.