

# Rossendale Local Plan Examination – Matters, Issues and Questions

## **Matter 9 Statement**

Hollins Strategic Land  
August 2019

## 1 Matter 9 – Housing site allocations: Rawtenstall, Crawshawbooth, Goodshaw and Loveclough

### Are the proposed housing allocations justified, effective, developable / deliverable and in line with national policy?

- 1.1 HSL has undertaken an appraisal of the Local Plan housing allocations to assess deliverability/developability. This is set out in full in the Matter 19 Statement, but the extracts relevant to Matter 9 can be reproduced below for ease of reference.

Allocation	Total Dwellings	Projected delivery	Notes
H1: Greenbridge Mill, Lambert Haworth	64	1-5 years	<p>The Site Assessment Overview Document states that the Mill has become vacant but is also still in existing employment use. If the site is not vacant it is unlikely that most of the site can be delivered within 5 years.</p> <p>There is currently no application submitted but completions are forecast for 2021. There is no clear evidence to suggest the site can come forward in that time frame.</p>
H4: Turton Hollow, Goodshaw	30	1-5 years	<p>The site has significant level changes and tree coverage.</p> <p>The Site Assessment Overview Document states that 70% of the site is available now. The site has multiple landowners and therefore the Council will need to clarify if the land available now includes the land required for the access.</p>
H5: Swinshaw Hall, Loveclough	47	1-5 years	<p>The site is not developer backed and does not have an application submitted but completions are meant to begin in 2021. There is no clear evidence to suggest the site can come forward in that time frame.</p> <p>HSL has written to the landowner to ask if there would be interest in working together to promote the site. no response has been received.</p>

H7: Land adjacent to Laburnum cottages	10	1-5 years	The Council will need to investigate whether there is a ransom on Church Street which would prevent access into the site.
H8: Oak Mount Garden, Rawtenstall	9	1-5 years	Level changes and tree coverage are significant. The Council will need to prove that the site is viable.  An access from Haslingden Road appears difficult to achieve.
H14: Hall Carr Farm, Yarraville Street	26	1-5 years	There have been two previous applications on the site yet it has not come forward, which suggests delivery issues.
H15: Willow Avenue off Lime Tree Grove	10	11-15 years	The site has significant tree coverage and level changes. The Council needs to evidence that the site is viable.
H18: Carr Barn and Carr Farm	25	6-10 years	The Site Assessment Overview Document states that access is the principle issue which requires a resolution before any development can take place. There is no clear evidence that an access can be achieved so the site should not be allocated.
H19: Land off Lower Clowes Road, New Hall Hey	7	6-10 years	There was a planning permission granted in 2002 for 7 units but the site was never delivered, which implies the site may have deliverability issues.

### H13 – Loveclough Working Mens Club and land at rear and extension

- 1.2 In May 2018, following a review of the Council's evidence base and numerous visits to the Borough, HSL contacted the Council to promote land west of Burnley Road, Loveclough for housing<sup>1</sup>. The site represented a logical and sustainable extension to Loveclough. Furthermore, it is located in a high value area (as confirmed in the

<sup>1</sup> Appendix 1: Email to LPA and location plan

Council's evidence base) enhancing its attractiveness to housebuilders; this was key to HSL given Rossendale's historic struggles to appeal to national housebuilders.

- 1.3 Following a positive meeting with the Council's planning department, during which HSL was keen to highlight the deliverability of the site, the land off Burnley Road was allocated as part of H13 in the Draft Publication version of the Local Plan.
- 1.4 In November 2018, HSL submitted an application (no. 2018/0554) for outline planning permission for up to 80 dwellings (all matters reserved other than access)<sup>2</sup>. The application was recommended for approval at Committee in February 2019 subject to 106 and conditions; Members followed the recommendation and the application was approved by the Council in May 2019<sup>3</sup>.
- 1.5 Even before gaining planning permission, the site attracted interest from a number of housebuilders, as was referenced at page 9 of the Committee Report<sup>4</sup>. It is now anticipated that an application for Reserved Matters approval will be submitted by Hollins Homes (the sister company to HSL) later this year, possibly as soon as late October/early November. Hollins Homes hopes to have secured Reserved Matters approval by March and will then discharge conditions, aiming to make a start on site in 2020. The site is expected to be completed by 2023, based on a delivery rate of 30 dwellings per annum (dpa).

**Question i) Should the capacity of the site be increased to 105 dwellings as suggested by the landowner?**

- 1.6 HSL submitted representations on the Draft Publication Local Plan, stating that the capacity of the site should be increased from 95 to 105 dwellings. This was based on H13 being split into 3 separate parcels:
  - Parcel A – HSL site – 80 dwellings;
  - Parcel B – land between HSL site and Working Mens Club - 15 dwellings; and,
  - Parcel C – Working Mens Club – 10 dwellings.
- 1.7 Parcel A now has permission. Parcel B has two consents; one for 2No. dwellings and one for 1No. dwelling. The site has recently been cleared suggesting that one of these two consents will be implemented. This has the potential to limit the capacity of Parcel B to 1 or 2 dwellings. Parcel C has a consent for 10 dwellings; the application was submitted in 2011 and the permission has been implemented but work has not started

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<sup>2</sup> Appendix 2: Concept Plan

<sup>3</sup> Appendix 3: Decision Notice

<sup>4</sup> Appendix 4: Committee Report

on the construction of any of the dwellings. The development must allow for a new access to the Club from Burnley Road, which would require significant engineering works. It is now considered unlikely that Allocation H13 could deliver 95 dwellings, let alone 105. It is more realistic to rely on the site to provide 81 – 82 dwellings during the plan period.

1.8 However, HSL has very recently secured an interest in land to the immediate west of Parcel A. The extension site has capacity for c. 35 dwellings and will form a logical infill between the approved scheme and the existing development off Loveclough Park and Penny Lodge Lane.

1.9 As illustrated below, the H13 extension would provide development no further south than the extent of the:

- impending Hollins Homes scheme;
- existing development off Penny Lodge Lane; or,
- the trees within the adjoining Loveclough playing field.



- 1.10 The development would make use of the wood and existing pond as a natural barrier to the countryside to the south. It would be viewed in the context of built development from the north, east, south and west.



View towards H13 from PROW to north west, with Penny Lodge Lane/Loveclough Park in the foreground

- 1.11 The H13 extension could increase the capacity of the allocation to c. 117 - 127 dwellings. As demonstrated by Parcel A, the extension would be attractive to the market (Hollins Homes would welcome the opportunity to build additional dwellings in this location) and can deliver housing in the five-year period.
- 1.12 Initial landscape, heritage, highways and ecology work has already been undertaken to confirm capacity and deliverability. Survey work will be done this Autumn, expanding upon that done for application 2018/0554. This can be provided to the Examination Inspectors/LPA if it would be of assistance.
- 1.13 It is therefore suggested that allocation H13 includes the extension site to boost capacity and housing deliverability. The site is in a high value market area and has developer support which is not the case for a number of allocated sites.

## Appendix 1

## Matthew Symons

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**From:** Matthew Symons  
**Sent:** 29 May 2018 13:28  
**To:** Anne Storah  
**Cc:** Josh Ramsay  
**Subject:** RE: Land at Loveclough  
**Attachments:** Concept Plan.pdf; Love Clough Red Edge NW.docx

Hi Anne,

Thanks for chatting things through with me earlier. As promised, I have attached the location plan and am also able to provide the Concept/Context Plan.

As I mentioned, we have looked at the Council's evidence base for the emerging Local Plan and the latest draft eLP. We have also driven around Rossendale to see what sort of sites are currently allocated, including Green Belt release. This work led us to the land west of Burnley Road/south of Commercial Street. We see the site as one that represents a logical and sustainable extension to Loveclough.

There is existing development to the north west, north and east of the site, and an existing recreation area with landscaped buffer to the south. Our landscape consultant has visited the site with us and, given the level of containment and topography, she is also of the opinion that it is a logical housing site. As with the evidence base, she also thinks that it would be less sensitive than the proposed allocation to the east. As you will know, there is also a recreation area to the east of Burnley Road and there is a frequent bus service with stops near to Commercial Street, providing locational sustainability.

Furthermore, the site is in a strong market area, as shown by the evidence base as well as the housing mix and success of the development to the north west (off Loveclough Park). We have confidence in the site being deliverable within the 5-year period and providing the desired executive-style housing, as well affordables.

The Concept Plan shows that we are looking at linking into and extending the existing POS, while also providing a connection to the PROW, thereby enhancing the local green infrastructure network. We would then provide c. 80 dwellings (market and affordable), accessed off Burnley Road, which would have the potential to link in to the existing and approved development.

As I mentioned, I'd welcome the opportunity to have a quick chat with you about the site and the emerging Local Plan in general, and I live in Ramsbottom so it's easy for me to come up to your offices. If you are willing to meet, please do suggest some times/dates that suit.

I'll hopefully be on paternity leave for 2 weeks from 06/06, so if we can meet on 04/06 (morning) or 05/06 (any time), that would be great. Otherwise, I could meet from 21/06 onwards.

Thanks,  
Matthew

**Matthew Symons BA MPlan MRTPI**  
Planning Manager



| [www.hsland.co.uk](http://www.hsland.co.uk)

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**From:** Anne Storah >  
**Sent:** Tuesday, May 29, 2018 11:40 AM  
**To:** Matthew Symons  
**Cc:** Adrian Smith  
**Subject:** RE: Land at Loveclough

Hi Matthew,

Thanks for contacting us about land in Loveclough.

Can you please send me the details of the site as soon as possible – is it a site that we proposed for allocation last summer? We can then decide if and when we need a meeting as we are currently busy finalising the Reg 19 Draft to go out to consult in August / September.

Kind regards,

Anne

Anne Storah  
Principal Planner (Forward Planning)  
Rossendale Borough Council

Direct dial:

Rossendale Borough Council  
Room 120  
The Business Centre  
Futures Park,  
Bacup,  
OL13 0BB.

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Local Plan: [www.rossendale.gov.uk/localplan](http://www.rossendale.gov.uk/localplan)



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**From:** Forward Planning  
**Sent:** 29 May 2018 11:25  
**To:** Adrian Smith; Anne Storah  
**Subject:** FW: Land at Loveclough

**From:** Matthew Symons  
**Sent:** 25 May 2018 16:48  
**To:** Forward Planning  
**Subject:** Land at Loveclough

Hello,

We have been monitoring the emerging Local Plan and have reviewed the evidence base. This has resulted in us having an interest in land in Loveclough, which we consider represents a sustainable development option and an alternative to more sensitive sites in the settlement and indeed, Green Belt release elsewhere in the Borough.

We are also confident that it would be deliverable and would contribute immediately to the 5-year housing land supply in a positive manner.

I would welcome the opportunity to meet with you to discuss the site and the emerging Local Plan in general. Would you be willing to meet? If so, please do suggest some times / dates.

I am unable to send you details of the site as yet, but should be able to do that fairly soon, and could certainly give you the information when we meet.

Thanks and regards,  
Matthew

**Matthew Symons BA MPlan MRTPI**  
Planning Manager



On behalf of Hollins Strategic Land |

[www.hsland.co.uk](http://www.hsland.co.uk)

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# Burnley Road, Loveclough



0 10 20 30 40 50 60 70 80 100m

Ref: Location Plan 01

Map scale 1:2500

## Appendix 2



**Key**



Existing Trees



Attenuation Pond



Watercourse



Access Road



Wild Flower Meadow



Post & Rail Fence



Secondary / Private Road



Street Trees



Amenity Green Space



Housing (terraced, detached, semi-detached, apartments)



Existing & Proposed Footpaths



Existing Wall to be Retained

Drawing Number  
INF\_N0520(08)001

# Loveclough

## Illustrative Concept Plan

**influence**<sup>®</sup>  
Shaping the environment<sup>®</sup>

## Appendix 3

# Rossendale Borough Council

## APPLICATION FOR PLANNING PERMISSION

### Town and Country Planning Act 1990

Applicant Name: Hollins Strategic Land  
Notice Recipient: Miss Lydia Harper  
2 Lockside Office Park  
Lockside Road  
Preston  
PR2 2YS

#### **Part 1 – Particulars of Application:**

**Date Received:** 19th November 2018

**Application Number:** 2018/0554

**Proposed Works:** Outline Application: Erection of up to 80 dwellings and associated works with all matters reserved except for access.

**Location:** Land On The South Side Of Commercial Street Loveclough

Following consideration of the application in respect of the proposal outlined above, it was resolved to **GRANT PLANNING PERMISSION** for the following reasons:-

#### **SUMMARY REASON FOR APPROVAL**

Although the scheme would result in a significant degree of harm to the open and rural character of the countryside in this location, it would provide a substantial benefit in terms of a contribution towards recognised housing need in a relatively sustainable location. Subject to appropriate mitigation (which can be secured by planning conditions and a Section 106 Agreement) it is considered that the development would not unacceptably detract from visual amenity and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies 1, 8, 9, 17, 18, 21, 22, 23 and 24 of the adopted Core Strategy DPD.

#### **CONDITIONS:**

1. An application for approval of the reserved matters (namely the layout, scale, appearance and landscaping of the development) 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 eighty residential units which shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Application form received on 19th November 2018.
- Site Location Plan (drawing number LOCATION PLAN 01) received on 19th November 2018.
- Access Arrangements (drawing number SK21875-001) received on 19th November 2018.

- Proposed Off-Site Improvement Works (drawing number SK21875-002) received on 2nd January 2019.
- Arboricultural Report (ref: AWA2327) received on 19th November 2018.
- Flood Risk Assessment and Drainage Management Strategy (ref: HYD343\_BURNLEY.ROAD\_FRA&DMS) received on 19th November 2018.

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

3. As part of any reserved matters application where layout is applied for, the applicant shall submit for the approval of the Local Planning Authority the results (in the form of a report) of a scheme of intrusive site investigation which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. The report Version Number shall include a scheme of proposals (and a timetable) for any necessary remedial works to adequately mitigate identified risks. The development shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard against hazards associated with coal mining legacy issues.

4. Either prior to the commencement of the development or 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.

Notwithstanding the above there shall be 1.8m boundary treatments between the rear gardens of each individual dwelling, and natural stone walling and native hedgerow planting shall be used around the perimeter of the site where necessary.

No dwelling shall be occupied until all fences, walls and other boundary treatments shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences, walls and other boundary treatments 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. Either prior to the commencement of the development or as part of the first reserved matters application full details of the following (including samples) shall be submitted to the Local Planning Authority for its approval. No development shall take place until such approval has been given in writing by the Local Planning Authority:

- a) All external facing and roofing materials to the proposed dwellings
- b) All hard ground surfacing materials.

The dwellings shall be constructed predominantly of natural coursed stone, and shall have exclusively natural slate roofs.

The development thereafter shall be constructed utilising the approved materials.

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. Notwithstanding the details shown on the submitted plans the new dwellings shall predominantly be no greater than two storeys in height.

Reason: To ensure that the development is appropriate in terms of visual amenity and to protect neighbour amenity."

7. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: In the interests of neighbour amenity.

8. No development shall take place until a scheme for the construction of the site access and the off-site highway works has been submitted to and approved in writing by the Local Planning Authority and the necessary agreement entered into with the Highway 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.

9. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a legal agreement has been entered into the Local Highway Authority or a private management and Maintenance Company has been established.

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

10. Within each phase of development, the new estate road/access which serves the site up to the junction with Burnley Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place on each phase of the development.

Reason: In the interests of highway safety."

11. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved in tarmacadam, concrete, or block paviments.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

12. The new access between the site and Burnley Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

13. 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. Precise details of the wheel washing facilities shall be agreed with the Local Planning Authority, prior to construction commencing.

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

14. No development shall take place until tree protection fencing has been erected to BS 5837 (2012) as detailed in the submitted Arboricultural Report (ref: AWA2327) and as shown on the tree constraints plan.

Reason: To protect trees to be retained on site.

15. As part of the first reserved matters application, further information (in the form of a report compiled by a qualified ecologist) shall be submitted in relation to measures to minimise the risks to any amphibians present in the pond to the west of the site. The submitted report shall be informed through either or both of the following:

- a) Further field survey work such as eDNA or traditional survey;
- b) A detailed reasonable avoidance measures method statement

Reason: In the interests of protecting biodiversity."

16. Prior to the commencement of development a Phase 2 Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. 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.

Should unacceptable risks be identified the applicant shall also submit a contaminated land remediation strategy for the approval of the Local Planning Authority prior to commencement of development. No development shall take place until the submitted scheme is approved in writing by the Local Planning Authority.

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 preventing pollution.

17. Pursuant to condition 16 and prior to first occupation of any of the dwellings within each phase of development, a verification report, which validates that all remedial works undertaken within that phase 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 preventing pollution."

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

a) Information about the lifetime of the development:

- Design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances') - discharge rates and volumes (both pre and post development).
- Temporary storage facilities.
- The methods employed to delay and control surface water discharged from the site.
- The measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.

- Details of floor levels in AOD - mitigation measures essential if various proposed plots are to remain within surface water flooding areas (FRA 7/11/18 Rev1 - Figure 4) - expected flood depths/mitigation measure details required.
- 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 32l/s litres per second total for entire development site - as per FRA 7/11/18 Rev1). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Flood water exceedance routes, both on and off site.
- d) A timetable for implementation, including phasing as applicable.
- e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- f) Details of water quality controls, where applicable.

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

Reason: To ensure that the proposed development can be adequately drained, and to ensure that there is no flood risk on or off the site resulting from the proposed development

19. Prior to first occupation of any of the dwellings within each phase of development, the sustainable drainage scheme for that phase shall be completed in accordance with the submitted details.

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

Reason: To ensure that the drainage for the proposed development can be adequately maintained, and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system."

Officers consider that the above amendments are appropriate, and will enable adequate scope for flexibility in terms of design at reserved matters stage (whilst retaining full control of design / materials / boundary treatments), and flexibility in the implementation of the development (which may be delivered in phases).

In order to ensure that any phasing of development is suitable, Officers deem it is appropriate to include a further condition as follows:

20. 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 to and approved in writing by the Local Planning Authority. The submitted details, 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:
- On-going inspections relating to performance and asset condition assessments.

- Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

c) Means of access for maintenance and easements where applicable.

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

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

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

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

22. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future policy that replaces it. The affordable housing shall remain as such in perpetuity.

The scheme shall include:

i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of 30% of the dwellings in each phase;

ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

iii) the arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing if no registered provider is involved;

iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to secure the necessary provision of affordable housing on the site.

23. Development shall not begin until a phasing programme for the whole of the proposal site and for the highways works referred to, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing programme.

Reason: To define the permission and in the interests of the proper development of the site."

## **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

[http://www.rossendale.gov.uk/downloads/download/331/core\\_strategy\\_local\\_plan\\_part\\_1\\_adopted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted)

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

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

2. The grant of planning permission will require the applicant to enter into a Legal 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. 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.
4. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.

The applicant is advised that they have a duty to adhere to 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.

5. The submitted Phase 1 site investigation report specifically recommends that gas monitoring should be undertaken on site (section 7.3.2). A scheme of ground gas monitoring will be required to be carried out on site, with the results to be submitted as part of an application for the approval of details reserved by conditions 3 and 16. Gas monitoring shall be carried out in accordance with the relevant up-to-date guidance. The applicant is advised to contact Martin Plant (the Council's land contamination and remediation consultant) for clarification on the specific requirements at the earliest opportunity on 0161 686 5847.

Date: 17.05.2019

Signed: Mike Atherton

Development Control  
First Floor  
The Business Centre  
Futures Park  
Bacup  
OL13 0BB

Mike Atherton  
Planning Manager

Please note that this notice does not relieve the applicant from the need to ensure compliance with the appropriate provisions of the Building Act 1984 and the Building Regulations 2000.

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE

**GUIDANCE NOTES FOR APPLICANTS  
WHERE AN APPLICATION HAS BEEN APPROVED**

**1. APPLICATIONS FOR PLANNING PERMISSION, APPROVAL OF RESERVED MATTERS, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT.**

If you object to the Local Planning Authority's decision to grant permission, approval or consent subject to conditions, you may appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 within 12 weeks of the date of this notice. With regard to granted applications concerning listed buildings in a conservation area, you may appeal under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Please make your appeal using a form from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). The Secretary of State may allow a longer period for you to give notice of appeal, but will normally only do so if there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears that the Local Planning Authority could have granted permission for the proposed development only subject to the conditions it imposed, bearing in mind the statutory requirements, the development order, and any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority made its decision on the grounds of a direction that he or she had given.

It may be that planning permission, conservation area consent or listed building consent is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment; but you, as the landowner, claim that the land is no longer fit for reasonably beneficial use in its existing state and you cannot make it fit for such use by carrying out the permitted development. If so, you may serve a purchase notice on Rossendale Borough Council requiring the Council to buy your interest in the land. You can do this under the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings and buildings in conservation areas.

You may claim compensation against the Local Planning Authority if the Secretary of State has refused or granted permission subject to conditions, either on appeal or when the application was referred to her or him.

Compensation is payable in the circumstances set out in:

(a) Section 114 and Part II of Schedule 3 of the Town and Country Planning Act 1990; or (b) Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings.

**2. ADDITIONAL NOTES ON LISTED BUILDING CONSENT**

1 If you wish to modify the development referred to in your application or to vary it in any way, you must make another application.

2 This notice refers only to the grant of listed building consent and does not entitle you to assume that the City Council has granted its consent for all purposes:

- (a) If you have applied for planning permission under Section 57(1) of the Town and Country Planning Act 1990, we will send you a separate notice of decision;
  - (b) We will send you a separate notice about plans you have submitted under the Building Regulations 2000;
  - (c) If the development for which listed building consent has been granted includes putting up a building for which you have to submit plans under the Building Regulations 2000, you should not do any work connected with erecting that building until you have satisfied yourself that you have complied with Section 219 of the Highways Act 1980 or that they do not apply to this building.
- 3 Even if you have gained listed building consent, you must comply with any restrictive covenants that affect the land referred to in the application.

### **3. APPLICATION FOR CONSENT TO DISPLAY ADVERTISEMENTS**

If the applicant is aggrieved by the decision of the Local Planning Authority to grant consent, subject to conditions, he or she may appeal to the Secretary of State for the Environment in accordance with Regulation 17 and Part 3 of Schedule 4 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 within eight weeks of the receipt of this notice. (Appeals must be made on a form which obtainable from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)).

## **IMPORTANT**

### **Compliance with Planning Conditions**

The Council's Planning Enforcement Team is responsible for monitoring the implementation of planning permissions. This includes ensuring that all relevant conditions have been complied with. Effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

Whilst the majority of developers/homeowners do comply with the requirements of planning permissions, there are a number who do not. Where any planning conditions are breached, the Council can take formal enforcement action without further notice. Enforcement action could include such measures as requiring remedial works, cessation of use, or complete demolition and can cause the developer/homeowner unnecessary expense, delay and frustration.

### **It is important that you read and understand the eight points below to avoid any potential breaches of planning control:**

- 1) Please take some time to read through the conditions attached to the planning permission and their particular requirements.
- 2) All planning conditions and timeframes for their submission/implementation must be complied with in full, unless a subsequent application or appeal is made to vary or remove those conditions and is subsequently approved.
- 3) Applications to vary conditions attached to a planning permission can take up to 8 weeks to determine (13 weeks if relating to a major planning application). Appeals normally take much longer.

- 4) Applications for approval of details reserved by planning condition (more commonly referred to as condition discharge applications) can take approximately 8 weeks to determine.
- 5) Applicants should ensure that they submit any applications or appeals in good time, well in advance of any anticipated or scheduled start date for commencement of the development.
- 6) If any amendments are sought to the permission, either prior to commencement of development or during the development, the developer should contact the Planning Department at their earliest opportunity to establish what form of application will be required. Work should not continue until any amendments are approved in writing by the Local Planning Authority.
- 7) Fees are normally payable for applications for approval of details reserved by planning condition (condition discharge applications). The relevant application forms, associated fees and details of how to apply can be found on the Planning Portal: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
- 8) Should you have any queries relating to any part of the Planning Process the Council's Duty Planning Officer is available Mondays, Wednesdays and Fridays between the hours of 0900-1200 and can be contacted during those times on 01706 217 777 (Option 4).

Mike Atherton  
Planning Manager

## Appendix 4

<b>Application Number:</b>	2018/0554	<b>Application Type:</b>	Full
<b>Proposal:</b>	Outline Application: Erection of up to 80 dwellings and associated works with all matters reserved except for access.	<b>Location:</b>	Land On The South Side Of Commercial Street Loveclough
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For Publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	26 <sup>th</sup> February 2019
<b>Applicant:</b>	Hollins Strategic Land	<b>Determination Expiry Date:</b>	18 <sup>th</sup> February 2019
<b>Agent:</b>	Lydia Harper (PWA Planning)		

<b>Contact Officer:</b>	<b>James Dalglish</b>	<b>Telephone:</b>	<b>01706 238643</b>
<b>Email:</b>	<b>planning@rossendalebc.gov.uk</b>		

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

## HUMAN RIGHTS

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

### Article 8

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

### Article 1 of Protocol 1

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

## 1. RECOMMENDATION

Approve planning permission subject to a S.106 Agreement to secure payment of planning contributions and subject to the conditions set out in this report. Also that delegated authority is granted to the Planning Manager to refuse the application if a S.106 Agreement is not completed.

## **APPLICATION DETAILS**

### **2. SITE**

The application site (of approximately 3.2 hectares) lies on the west side of Burnley Road, sloping down from the road. It is bordered on its northern boundary by Commercial Street and the terraced residential properties constructed along it. A row of trees covered by a TPO runs along the north western edge of the site adjacent to Commercial Street.

To the west of the site lies Loveclough Park, a relatively modern residential development – separated from the application site by a public footpath. On the site's south side there is a playing pitch.

A row of terraced dwellings runs along the eastern side of the site adjacent to Burnley Road, and Loveclough Social Club is located slightly further north (accessed off Commercial Street).

The site itself is predominantly open fields bound by stone walling and agricultural fencing, and is considered to be a greenfield site.

The site lies in an area designated as countryside, and is located approximately 80m south of the Loveclough Fold Conservation Area, where there are two Grade II Listed Buildings (Barn South of Loveclough Farm and 11 & 12 CPA Club).

The site is also around 270m north of another Conservation Area (the Goodshawfold Conservation Area) where there are two further Grade II Listed Buildings (the Spewing Duck Well and Barn North East of Goodshawfold Farm).

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

None.

### **4. PROPOSAL**

Outline planning permission (including access only) is sought for the erection of up to 80 no. new dwellings on the site. All other matters (including appearance, landscaping, layout and scale) are reserved. An indicative site layout / masterplan has been submitted as part of the application, but this is for illustrative purposes only, and does not form part of the scheme for which approval is sought.

The proposed access to the development would be off Burnley Road, at the south east corner of the site. A single point of access is proposed for the entire development.

### **5. POLICY CONTEXT**

#### **National Planning Policy Framework (2018)**

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 5 Delivering a Sufficient Supply of Homes
- Section 6 Building a Strong, Competitive Economy

- Section 8 Promoting Healthy and Safe Communities
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 15 Conserving and Enhancing the Natural Environment
- Section 16 Conserving and Enhancing the Historic Environment

**Development Plan**

Rossendale Core Strategy DPD (2011)

- AVP 4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- 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 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) (2018)
- RBC Alterations and Extensions to Residential Properties SPD
- LCC Planning Obligations in Lancashire (2008)
- RBC Open Space and Play Equipment Contributions SPD (2008)
- Emerging Rossendale Borough Council Local Plan

**6. CONSULTATION RESPONSES**

Fire Brigade	No objection, provided comments
Limey Valley Residents Association	Objection.
LCC Highways	No objection subject to conditions.
LCC Education	No objection subject to contributions.
LCC Public Rights of Way	No comments have been received.
RBC Conservation Officer	No objection.
RBC Forward Planning	No objection, provided comments.
RBC Operations	No objection.
RBC Environmental Health	No objection.
RBC Strategic Housing	No objection, provided comments.
RBC Economic Development	Support.
RBC Tree Officer	No objection subject to conditions.
United Utilities	No objection subject to conditions.
LCC Lead Local Flood Authority	No objection subject to conditions.
Environment Agency	No comments to make on the application.
Ecology Consultant	No objection subject to conditions.
Land Contamination Consultant	No objection subject to conditions.

Coal Authority	No objection subject to conditions.
Cadent	No comments have been received.
Lancashire Constabulary	No comments have been received.

## 7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted on 26/11/2018 and neighbour letters were sent out on 26/11/2018. A notice was published in the Rossendale Free Press on 05/12/2018.

11 objections have been received raising the following issues:

- Harm to neighbour amenity.
- Harm to ecology / biodiversity.
- Flood risk.
- Unacceptable pressure on local infrastructure, facilities, schools and services.
- Site is outside urban boundary.
- Harm to highway safety / access / congestion.
- Conflict with local planning policy.
- Harm to visual amenity / character of countryside.
- Conflict with rural character of the area.
- Little benefit from the development.
- Inappropriate type of houses for the area.
- Disturbance to residents.
- Submitted documentation misleading.
- Application is premature as the Local Plan has not yet been through Examination in Public.

## 8. ASSESSMENT

The main considerations in this case are as follows:

1) Principle; 2) Visual Amenity, Countryside and Heritage Impact; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety; 5) Planning Contributions; 6) Ecology

### Principle

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

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

Although located outside the urban boundary, the site is immediately adjacent to a bus route carrying services which provide links to town centres within the borough and further afield.

The nearest primary school is around 1km away (with mainly continuous lit footways between it and the site), and the nearest secondary school is around 3.8km away.

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 paragraph 11 of the Framework that the policies in the Council's Core Strategy insofar as they relate to housing provision are out of date and should be afforded limited weight.

The site has been proposed as an allocation (H13) for housing development in the Council's emerging Local Plan (currently at Regulation 19 stage), under policy HS4. The site is also proposed for inclusion within the revised urban boundary which forms part of the emerging Local Plan.

The Strategic Housing Land Availability Assessment (2018), which forms part of the evidence base for the emerging Local Plan concludes that the site is suitable for residential development in the medium to long term, but recognises that such development would have a significant visual impact. In the concluding assessment for the site it states:

*“Development of the site is likely to have significant landscape impact and to change the local character of the area. The site is considered suitable for residential use, subject to appropriate assessment regarding landscape, flood risk, ecology, coal legacy and mineral sterilisation.”*

Although some weight can be afforded to the emerging local plan as it has reached Regulation 19 stage, the plan has not yet been through an Examination in Public, nor has it been adopted by the Council. As such, the amount of weight afforded to the emerging Local Plan in this case is considered to be moderate.

The relevant policy in the emerging Local Plan (HS4) includes a requirement for the proposed housing allocation in question (which is slightly larger than the application site currently under consideration) to be comprehensively demonstrated through a masterplan. Whilst the current application does not include a masterplan for the entire proposed housing allocation, the application site does cover the majority of the land in question, and it is considered that a reserved matters application could satisfactorily provide the detail that would otherwise be provided by a masterplan-led approach, for the majority of the wider site.

The Coal Authority has raised no objection to the proposed development, subject to the inclusion of a condition requiring the submission of further information in relation to coal mining legacy issues.

In accordance with paragraph 11 of the Framework, the starting point for assessment of the application is that permission should be granted for the proposed scheme unless any adverse impacts of doing so would significantly and demonstrably outweigh the presumption in favour of sustainable development.

The impacts of the proposed scheme will be assessed individually below, prior to a balancing exercise being carried out to weigh the benefits of the scheme against any harm in the context of the presumption in favour of sustainable development.

#### Visual Amenity, Countryside and Heritage 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.

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<sup>46</sup>; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The site has not been assessed as part of the Council's Lives and Landscapes Assessment (Penny Bennett Landscape Architects with Annette Birch Landscape Manager, 2017), however the land south of the playing pitch (located immediately south of the site) has been reviewed. The Assessment concluded that the site to the south of the playing pitch was unsuitable for development on the grounds that the harm to the landscape would be too significant.

The Council's Conservation Officer has provided comments on the scheme, and considers that the site could be developed without unacceptable harm occurring to the character of the surrounding area, the local landscape, or the nearby Conservation Area, subject to high quality design being demonstrated at reserved matters stage, the incorporation of a robust and high quality scheme of landscaping, and the use of natural construction materials on site (natural coursed stone and slate).

Whilst there may be scope for the incorporation of limited amounts of render on certain less prominent elevations, it is considered that the proposed dwellings must be constructed predominantly of natural coursed stone (with natural slate roofs). In order to mitigate as far as possible the visual impact of the development, and ensure a high-quality appearance and compatibility with the prominent stone and slate-built properties along Burnley Road (the main public vantage point from which the application site is visible), the incorporation of natural materials is considered essential.

It is acknowledged that many other properties in the vicinity are rendered and have artificial roofing tiles, the application site is highly prominent – much more so in views from the main road than are the existing properties lower down Commercial Street and around Loveclough Park.

The Council's Tree Consultant has no objection to the proposal, which will not result in the removal of any protected trees from the site.

Notwithstanding the above, the proposed development would unavoidably result in significant encroachment of built development into an undeveloped area of countryside, and it is considered that such encroachment (however well-designed the development is) would fundamentally alter the character of the site and adversely affect views across the countryside from public vantage points (chiefly along Burnley Road).

It is considered that such an impact would result in a considerable degree of harm to the essentially open and rural character of the site, to which appropriate weight must be afforded in the planning balance.

### Neighbour Amenity

Objectors' comments are noted, however it is not considered that the outline scheme now proposed would necessitate any unacceptable impact on the daylight, privacy or outlook enjoyed by the occupants of any neighbouring residential properties subject to appropriate design, scale and layout.

Scope exists for the applicant to ensure that unacceptable harm to neighbour amenity does not occur, through appropriate design of the scheme's layout, scale and landscaping at reserved matters stage.

The applicant's attention is drawn to the separation distances specified in the Council's Alterations and Extensions to Residential Properties SPD, which would need to be met in order for the development to be considered acceptable.

The outline scheme is considered acceptable in terms of neighbour amenity.

### Access, Parking and Highway Safety

Representations have been received from members of the public raising concern over the impact that the development would have on the local highway network, highway safety and traffic congestion. In this regard, the Local Highway Authority has been consulted on the application, as it provides expert advice to the Council on such matters.

The Local Highway Authority has no objection to the proposed scheme subject to conditions including the following:

- Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved in tarmac, concrete, block pavements, or other approved materials.
- The new access between the site and Burnley Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.
- No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.
- 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.

Subject to the above conditions, the scheme is considered acceptable in terms of access and highway safety.

## Planning Contributions and Affordable Housing

In accordance with the requirements of Policies 4 and 22 of the Core Strategy, and the Open Space and Play Equipment Contributions SPD, the applicant has agreed to meet the following contributions:

- 30% affordable housing provision on site.
- Open space and play equipment contribution of £109,280 (£1,366 per dwelling).
- Contribution towards provision of primary and secondary school places in accordance with the methodology used by Lancashire County Council for calculation of such contributions (at this point in time, the contribution would be £472,599.30 to provide 30 primary places, and £284,847.36 to provide 12 secondary places). This would be re-calculated at the point in time when a final reserved matters application is determined.

It is considered that the above contributions are necessary to make the development acceptable (in accordance with Core Strategy Policy 22). 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

The Council's ecology consultant has raised no objection to the outline scheme, subject to the inclusion of conditions requiring that as part of a reserved matters application further information shall be supplied in relation to measures to be taken to minimise the risks to any amphibians present in the pond 35m to the east.

Subject to the above, the scheme is considered acceptable in terms of ecology in line with the advice received from the Council's ecology consultant.

## Land Contamination and Coal Mining Risk

The Council's land contamination consultant, the Environment Agency and the Coal Authority have been consulted on the application. None now have any objection to the proposals, subject to the inclusion of conditions requiring extensive investigation and potentially remediation of the site prior to commencement of development.

## Drainage and Flood Risk

The Lead Local Flood Authority (Lancashire County Council), the Environment Agency and United Utilities have been consulted on the proposed scheme, and have raised no objection subject to the inclusion of conditions.

## **Balancing Exercise**

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

Such a balancing exercise is carried out in this case in the context of the Council not currently being able to demonstrate a five-year housing land supply, and as a result policies within the adopted Core Strategy that restrict housing development being considered out-of-date in line with paragraph 11 of the Framework.

It is also carried out having regard to the fact that the Council has already proposed the application site as a housing allocation in the emerging Local Plan, which is due to undergo Examination in Public this year. Only limited weight can be afforded to the emerging Local Plan at this stage however.

### Benefits of the Development

The development would provide up to 80 new dwellings towards the borough's housing need – representing a significant benefit. The Council cannot demonstrate a five-year supply of deliverable housing sites, and such a significant number of new houses would assist in meeting the required housing numbers considerably.

The applicant has confirmed that they have received interest in this site from housebuilders, which suggests that the development (with the associated benefit to housing supply) is deliverable in the near-term.

The proposed dwellings would be situated in a location close to a public transport route, and would be located on a site proposed for allocation as a housing site (and incorporation within the urban boundary) in the emerging Local Plan (though only limited weight can be afforded to the emerging Local Plan at this stage).

Having regard to all of the above, substantial weight is afforded to the benefits of the proposal.

### Harm Caused by the Development

The development would essentially result in a built-up link between the residential properties at Loveclough Park and Burnley Road. This would result in significant encroachment of built development into an attractive and undeveloped area of countryside, which will undoubtedly result in harm to the essentially open and rural character of the area.

The level of harm would be considerable, and although it is considered in this case that the impact could be mitigated to a degree through the inclusion of mitigation measures (such as appropriate layout, landscaping and incorporation of natural construction materials), considerable weight must be afforded to this harm.

### Other Considerations

It is not considered that the proposed scheme will have any unacceptable impacts in terms of neighbour amenity, highway safety, flood risk, pollution or ecology subject to the inclusion of conditions requested by the consultees who have provided advice on such matters. As such, the impact of the scheme in respect of these matters is considered to be neutral.

### Conclusion

This is a very finely balanced recommendation. However, having regard to the above and the requirements of paragraph 11 of the Framework it is considered that subject to appropriate mitigation the considerable harm which would be caused by the development to the character of the countryside would not *significantly and demonstrably* outweigh the substantial benefit of the scheme in terms of its significant contribution towards the borough's recognised housing need.

## 9. RECOMMENDATION

Approve planning permission subject to conditions and the completion of a S.106 Agreement to secure planning contributions.

## 10. SUMMARY REASON FOR APPROVAL

Although the scheme would result in a significant degree of harm to the open and rural character of the countryside in this location, it would provide a substantial benefit in terms of a contribution towards recognised housing need in a relatively sustainable location. Subject to appropriate mitigation (which can be secured by planning conditions and a Section 106 Agreement) it is considered that the development would not unacceptably detract from visual amenity and neighbour amenity or highway safety. It is considered that the development is in accordance with the National Planning Policy Framework and Policies 1, 8, 9, 17, 18, 21, 22, 23 and 24 of the adopted Core Strategy DPD.

## 11. CONDITIONS

1. An application for approval of the reserved matters (namely the layout, scale, appearance and landscaping of the development) 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 eighty residential units which shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

- Application form received on 19<sup>th</sup> November 2018.
- Site Location Plan (drawing number LOCATION PLAN 01) received on 19<sup>th</sup> November 2018.
- Access Arrangements (drawing number SK21875-001) received on 19<sup>th</sup> November 2018.
- Proposed Off-Site Improvement Works (drawing number SK21875-002) received on 2<sup>nd</sup> January 2019.
- Arboricultural Report (ref: AWA2327) received on 19<sup>th</sup> November 2018.
- Flood Risk Assessment and Drainage Management Strategy (ref: HYD343\_BURNLEY.ROAD\_FRA&DMS) received on 19<sup>th</sup> November 2018.

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

3. As part of any reserved matters application where layout is applied for, the applicant shall submit for the approval of the Local Planning Authority the results (in the form of a report) of a scheme of intrusive site investigation which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity. The report

shall include a scheme of proposals (and a timetable) for any necessary remedial works to adequately mitigate identified risks. The development shall thereafter be implemented in accordance with the approved details.

Reason: To safeguard against hazards associated with coal mining legacy issues.

4. Either prior to the commencement of the development or 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.

Notwithstanding the above there shall be 1.8m boundary treatments between the rear gardens of each individual dwelling, and natural stone walling and native hedgerow planting shall be used around the perimeter of the site.

No dwelling shall be occupied until all fences, walls and other boundary treatments shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences, walls and other boundary treatments 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. Either prior to the commencement of the development or as part of the first reserved matters application full details of the following (including samples) shall be submitted to the Local Planning Authority for its approval. No development shall take place until such approval has been given in writing by the Local Planning Authority:

- a) All external facing and roofing materials to the proposed dwellings
- b) All hard ground surfacing materials.

The dwellings shall be constructed predominantly of natural coursed stone, and shall have exclusively natural slate roofs.

The development thereafter shall be constructed utilising the approved materials.

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. Notwithstanding the details shown on the submitted plans the new dwellings shall be no greater than two storeys in height.

Reason: To ensure that the development is appropriate in terms of visual amenity and to protect neighbour amenity.

7. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on

Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: In the interests of neighbour amenity.

8. No development shall take place until a scheme for the construction of the site access and the off-site highway works has been submitted to and approved in writing by the Local Planning Authority and the necessary agreement entered into with the Highway 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.

9. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a legal agreement has been entered into the Local Highway Authority or a private management and maintenance company has been established.

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

10. 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.

11. Before the access is used for vehicular purposes, that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be appropriately paved in tarmacadam, concrete, or block pavements.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

12. The new access between the site and Burnley Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

13. 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.

14. No development shall take place until tree protection fencing has been erected to BS 5837 (2012) as detailed in the submitted Arboricultural Report (ref: AWA2327) and as shown on the tree constraints plan.

Reason: To protect trees to be retained on site.

15. As part of the first reserved matters application, further information (in the form of a report compiled by a qualified ecologist) shall be submitted in relation to measures to minimise the risks to any amphibians present in the pond to the east of the site. The submitted report shall be informed through either or both of the following:

- a) Further field survey work such as eDNA or traditional survey;
- b) A detailed reasonable avoidance measures method statement

Reason: In the interests of protecting biodiversity.

16. Prior to the commencement of development a Phase 2 Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. 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.

Should unacceptable risks be identified the applicant shall also submit a contaminated land remediation strategy for the approval of the Local Planning Authority prior to commencement of development. No development shall take place until the submitted scheme is approved in writing by the Local Planning Authority.

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 preventing pollution.

17. Pursuant to condition 16 and prior to first occupation of any of the dwellings, 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 preventing pollution.

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

Those details shall include, as a minimum:

- a) Information about the lifetime of the development:
  - Design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances') - discharge rates and volumes (both pre and post development).
  - Temporary storage facilities.
  - The methods employed to delay and control surface water discharged from the site.
  - The measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
  - Details of floor levels in AOD – mitigation measures essential if various proposed plots are to remain within surface water flooding areas (FRA 7/11/18 Rev1 – Figure 4) – expected flood depths/mitigation measure details required.
- 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 32l/s litres per second total for entire development site – as per FRA 7/11/18 Rev1). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Flood water exceedance routes, both on and off site.
- d) A timetable for implementation, including phasing as applicable.
- e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.
- f) Details of water quality controls, where applicable.

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

Reason: To ensure that the proposed development can be adequately drained, and to ensure that there is no flood risk on or off the site resulting from the proposed development

19. None of the dwellings 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.

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

20. 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 to and approved in writing by the Local Planning Authority. The submitted details, 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:

- On-going inspections relating to performance and asset condition assessments.
- Operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner.

Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

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

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

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

22. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority.

The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future policy that replaces it. The affordable housing shall remain as such in perpetuity.

The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of 30% of the dwellings in each phase;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;

- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider, or for the management of the affordable housing if no registered provider is involved;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order to secure the necessary provision of affordable housing on the site.

## 12. INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

[http://www.rossendale.gov.uk/downloads/download/331/core\\_strategy\\_local\\_plan\\_part\\_1\\_adopted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted)

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.

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

2. The grant of planning permission will require the applicant to enter into a Legal 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. 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.
4. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.

The applicant is advised that they have a duty to adhere to 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.

5. The submitted Phase 1 site investigation report specifically recommends that gas monitoring should be undertaken on site (section 7.3.2). A scheme of ground gas monitoring will be

required to be carried out on site, with the results to be submitted as part of an application for the approval of details reserved by conditions 3 and 16. Gas monitoring shall be carried out in accordance with the relevant up-to-date guidance. The applicant is advised to contact Martin Plant (the Council's land contamination and remediation consultant) for clarification on the specific requirements at the earliest opportunity on 0161 686 5847.