

## **Hyndburn Borough Council – Committee Report**

<b>Application Ref:</b>	11/20/0068
<b>Application Address:</b>	Alliance Mill Alliance Street Baxenden Accrington BB5 2RT
<b>Valid Date:</b>	24 <sup>th</sup> February 2022
<b>Date Registered:</b>	3 <sup>rd</sup> March 2022
<b>Date for Decision:</b>	20 <sup>th</sup> April 2022
<b>Date of Site Visit:</b>	5 <sup>th</sup> January 2023
<b>Date of Report:</b>	6 <sup>th</sup> January 2023

**Description of Development:** Outline application: Development of 8no residential units for all matters apart from landscaping (resubmission 11/19/0046).

### **HUMAN RIGHTS**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in 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.

### **Application Site**

The application site is a former scrapyards and is situated within the urban boundary in Baxenden. The site has an area of approximately 0.88 hectares and is a highly constrained site with a culverted stream, Woodnook Water, running generally from south-east to north-west across the site, connecting to a small lake in the north-western part of the site. The Environment Agency Flood Map shows the site to lay partly within Flood Zones 2 and 3. These factors, together with the topography of the land, mean that a relatively small part of the site is available for development (mostly along the north-eastern boundary).

There remains on the site part of the original mill building and external storage areas. To the south of the site is Victoria Mill which is currently used as a breakers yard. To the east are existing residential properties and rural land bounds the site to the north and west.

### **Proposed Development**

The application seeks outline consent with the only reserved matter being landscaping. As such, the matters of access, appearance, layout and scale are applied for in full.

It is proposed to demolish the existing mill buildings and erect eight 4-bed detached two-storey dwellings in a linear arrangement along the sites eastern boundary. Access to the site would be via a new site entrance from Alliance Street. The proposed dwellings would be faced with pitch faced natural stone with stone window surrounds, blue roof slates and dark

grey uPVC windows and rainwater goods. The height of the proposed dwellings would be 7 metres to the ridge and 5 metres to the eaves. Plots 1-7 would have an internal garage and would have maximum footprint dimensions of 12.6 metres by 10 metres. The footprint of plot 8 is slightly larger due to the provision of an attached double garage.

A 5-metre wide estate road would provide access with an adjacent footway also provided to accommodate pedestrians. Beyond the rear garden boundaries to the south-west, a large area of the site is identified to be reclaimed for use as communal open space to assist with the flow of surface water.

### **Consultation responses (summarised)**

No objections/representations received.

A petition has been received in support of the application and has 67 signatures.

Highway Authority – An amended site access arrangement was submitted on 'Proposed site plan' drawing number AD-31-03-21-amended. This is acceptable. There is no objection to the proposal subject to appropriate planning conditions.

HBC Ecology – The footprint of the proposal is within the hard standing of the scrap yard, therefore a Preliminary Ecological Appraisal will not be required.

The following ecology information will, however, be required prior to the commencement of development, including demolition of walls and existing buildings:

- Bat roost survey of buildings, structures and standing walls located within the development site.
- Survey for the presence of invasive non-native species, (those within the Countryside and Wildlife Act 1981).

The area marked as flood catchment must be retained for habitat enhancement and net gain in biodiversity. The applicant is required to secure a net gain in biodiversity:

The development will be required to include building integrated bat and bird boxes.

A landscaping scheme has been submitted, whereby the community space is landscaped and maintained for the purpose of wildlife enhancement. A full detailed landscape plan, including maintenance of the wildlife area, will be required prior to occupation.

LCC Archaeology - The application is for the redevelopment of a former textile production site, whose history and development is set out in the accompanying Heritage and Archaeological Appraisal (Salford Archaeology, 2020). We are happy that this assessment has been carried out appropriately and that the historical development of the site, its heritage potential and the significance of the remains is as stated. With regard to the implications of the proposed development however it is notable that the Appraisal states that

*"... the design proposals allow for the importation of material to raise the ground level by up to 1.5m, and it is not anticipated that any ground-breaking works will be carried out to a depth below the current ground surface" (Salford Archaeology 2020 section 7.3).*

Unfortunately, beyond a repetition of the above statement in the Planning Statement (HPDA 2020) there does not appear to be anything – particularly drawings or a construction methodology – which would confirm that this is the case. As such we would have to disregard this statement and assume that the impact on the buried archaeology is as set out in the preceding section of the Appraisal and that remains may well be lost (either as part of the construction or in rectifying contamination).

We would not consider that these impacts are unacceptable, but we would recommend that an appropriate scheme of archaeological recording is undertaken as part of the development, to mitigate this. The scope of the archaeological scheme would need to be designed around the disturbance required for the development, but it may be appropriate to undertake an initial phase of archaeological site stripping, followed by the formal excavation and recording of any buried remains revealed.

United Utilities – No objection subject to appropriate conditions relating to surface and foul water drainage.

HBC Environmental Health – No objection subject to conditions relating to the submission of appropriate contaminated land surveys and details of remediation, working hours and the control of pollution during the construction phase of development.

Lead Local Flood Authority – No comments.

Environment Agency - The proposed development is located on the site of a former mill that has more recently been used as a vehicle scrap yard. The site also suffers from fluvial flood risk due to the presence of a culverted ordinary watercourse which flows through the site.

In our letter dated 09 April 2020 and referenced NO/2020/112511/01-L01 we objected to the outline application pending the submission of an FRA that satisfactorily demonstrated that the development will be safe from flooding. The current planning application is accompanied by a new Flood Risk Assessment (FRA), prepared by T J Booth Associates, referenced; FRA-031221 and dated 15/12/2021.

We have reviewed the FRA referenced above, in so far as it relates to our remit and we are satisfied that the points raised in our letter of objection have been substantially addressed, such that we can now remove our objection.

We have considered the above FRA study as a supplement and technical addendum to previous studies, namely the Level 2 Flood Risk Assessment, Alliance Mill, Baxenden, report no. 2018-140 Revision C, produced by Flood Risk Consultancy Limited, dated 20/02/2020. We conclude that development proposal shown in the Proposed Site Plan AD-31-03-21, would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and/or the mitigation measures identified will require the submission of a revised FRA.

The previous use of the proposed development site as a mill and then a vehicle scrap yard presents a high risk of contamination that could be mobilised during construction to pollute

controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is located upon a secondary aquifer.

The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken. We believe that it would place an unreasonable burden on the developer to ask for more detailed information prior to the granting of planning permission but respect that this is a decision for the local planning authority.

In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 183 of the National Planning Policy Framework.

Without this condition we would object to the proposal in line with paragraph 174 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

### **Relevant Policies**

#### Core Strategy – Adopted January 2012

Policy BD1 The Balanced Development Strategy  
Policy E2 Protection, Modernisation and Development of Employment Sites  
Policy H1 Housing Provision  
Policy HC1 Green Space and Facilities for Walking and Cycling  
Policy HC3 The Design of Residential Roads  
Policy Env2 Natural Environment Enhancement  
Policy Env4 Sustainable Development and Climate Change  
Policy Env6 High Quality Design  
Policy Env7 Environmental Amenity  
Policy A1 Amount and Distribution of Housing in Accrington

#### Development Management DPD

Policy GC1 Presumption in favour of sustainable development  
Policy DM1 Employment Development  
Policy DM10 New Residential Development  
Policy DM11 Open Space provision in New Residential Development  
Policy DM16 Housing Standards  
Policy DM17 Trees Woodlands and Hedgerows  
Policy DM18 Protection and Enhancement of the Natural Environment  
Policy DM19 Protected Species  
Policy DM20 Flood Risk Management and Water Resources  
Policy DM22 Heritage Assets  
Policy DM26 Design Quality and Materials  
Policy DM29 Environmental Amenity  
Policy DM30 Waste Management in all New Development  
Policy DM31 Sustainable Transport, Traffic and Highway Safety

#### Material Considerations

National Planning Policy Framework (NPPF) including  
National Planning Practice Guidance (NPPG)

DMDPD GN1 Open space in new residential development  
DMDPD GN3 Materials and colour  
DMDPD GN7 Waste Management  
DMDPD GN8 Car Parking, access standards and transport assessment/travel plan thresholds  
DMDPD GN10 Distances between development and trees

### **Planning history**

11/19/0046 - Development of 15 No residential units for all matters apart from landscaping – Withdrawn.

11/15/0184 - Residential development comprising the erection of 22 x 3 bed houses and 44no off-street parking spaces (landscaping reserved) (Resubmission of 11/14/0361) – Refused.

11/14/0361 - Erection of 25no dwellings – Refused.

11/13/0196 - Erection of 12no semi-detached dwellings – Approved w/conditions.

### **Observations and assessment**

The main considerations in the determination of this planning application are the principle of development, design and appearance of the development, traffic and highway safety, housing mix, landscaping and ecology, residential amenity and flood risk issues.

#### **Principle of Development**

The most recently published housing land supply position for Hyndburn BC identified a housing land supply of 17.9 years at 31st March 2021 based on a Local Housing Need of 54 dwellings per year calculated using the Standard Methodology. As such, the Development Plan policies relevant to the provision of housing in the Borough can be given full weight in decision-making.

Policy BD1 of the Core Strategy provides the overarching spatial strategy for development in the borough. It prescribes the broad locations where development will take place and directs the majority of new development towards Accrington and its townships, including Baxenden. The focus of residential development towards Accrington and the surrounding areas is reinforced by Core Strategy Policy A1.

As set out in CS Policy H1, there is a requirement for provide 3,200 dwellings during the period 2011-2026 and new housing development will be required to provide a mix of house types.

The site is located within the Urban Boundary of Baxenden. As such, subject to the other policies within the development plan, the principle of development of this area for housing is acceptable.

Core Strategy Policy E2 seeks to protect employment sites in the Borough. The site is classed as being within an existing employment area and was included in the Employment Land Study 2016 (and 2019 refresh) which forms part of the Local Plan evidence base. The study assessed the quality and adequacy of existing employment sites and made recommendations on whether they should be retained for future employment use or released

for other uses. The study assessed this site as “Poor” in relation to employment land quality and recommended that the land could be released for residential uses.

The principle of developing the site for residential use resulting in the loss of a poor quality employment site has been previously accepted by the local planning authority. DMDPD Policy DM1 requires that consideration be given to any impacts on traffic generation in accordance with Policy DM32 when dealing with planning applications for change of use of existing employment sites.

#### Layout, Design and Appearance

Policy H1 of the Hyndburn Core Strategy aims for new housing development to provide a mix of house types. It is recognised that the housing offer in Hyndburn has a large proportion of small 2/3 bedroom terraced dwellings. Whilst the proposed development would not provide a mix of housing in accordance with the guidelines set out in Core Strategy Policy H1, this is a small re-development scheme that would provide 8no. 4-bed detached dwellings for which there is demand in the area. It is not considered that the development of this small site would necessarily be expected to provide the full range of house types and sizes as set out within the aforementioned policy and therefore there are no concerns relating to the mix of housing proposed in this case.

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance. This is also reflected in the requirements of DMDPD Policy DM26.

The proposed house types, whilst lacking variety, would be constructed from high-quality, traditional materials that would be in keeping with the immediate area including the stone-built terraced properties on Alliance Street and Edward Street. The proposed dwellings would accord with the housing standards contained within DMDPD Policy DM16.

There is reference within the accompanying Heritage and Archaeological Appraisal to the raising of ground levels within the site. However, the submitted plans indicate that there is no requirement to raise levels and the only ground level changes proposed are required to create a level surface for the access road, regrading of the open culvert banking and the removal of an embankment in the northern corner of the site to create a floodwater overflow channel (discussed in further detail in the ‘Flood Risk’ section below).

Should consent be granted, there would be a conditional requirement to provide full details finished levels, boundary treatments and refuse storage in accordance with Guidance Note 7 of the DMDPD.

#### Impact upon Residential Amenity

Core Strategy Policy Env7 and DMDPD Policy DM29, taken together, require that development protects the amenity of neighbouring residents.

There are residential properties to the north-east of the site, the closest being 16 Alliance Street, 19 and 22 Edward Street which are the gable end dwellings of terraced rows running perpendicular to the site boundary. Hurst View, a detached dwelling, also bounds the application site.

The application site is set at a lower level than most of the surrounding residential properties. The proposed dwellings would face towards the north-east but would be at a distance of between 23 and 32 metres from the existing dwellings such that there would be no adverse impact on existing residential occupiers through loss of light, outlook or privacy.

The proposed layout of the site would ensure that future occupiers are afforded acceptable levels of privacy. The orientation of buildings within the site is such that there is unlikely to be a significant detrimental overshadowing impact from one dwelling to another.

Environmental Health has been consulted and no objections to the proposed development have been raised, subject to the imposition of a number of planning conditions. These conditions would relate to the need for a contaminated land investigation, working hours restrictions and the control of noise and dust during construction.

Policies DM25 and DM29 of the DMDPD require that sensitive new developments (such as residential) should be located an acceptable distance away from sources of pollution from existing operational businesses. It is noted that the adjacent site to the south, Victoria Mill, is currently used as a breakers yard. There is the potential for the established use at this neighbouring site to produce levels of noise, dust and odour.

No objections have been raised by the Environmental Health Officer in relation to this adjacent land use nor was any consideration given to the impact of pollution from this neighbouring site on future occupants as part of the assessment of previously approved residential development at the site back in 2013. Whilst it would generally be expected that the potential impact of noise and other pollutants on future occupiers of the proposed development would be provided at application stage, in this case it is not considered that existing sources of pollution would be such to prevent development of the site for residential use but it would be important to determine what, if any, mitigation measures would be required to ensure that pollutants are kept to acceptable levels.

Should consent be granted, there would be a requirement to determine, in particular, the internal noise levels within habitable rooms and at the boundaries of the proposed residential dwellings and provide suggested adequate mitigation measures where necessary from adjacent/nearby sources of noise disturbance. In addition, as part of the reserved matters application for landscaping, there would be a requirement to provide details of suitable landscape planting and boundary treatment details along the southern boundary of the site in order to provide an appropriate outlook for future residents, particularly the occupiers of plots 1 and 2 that are located closest to the adjacent breakers yard.

Given the above, subject to appropriate planning conditions the proposed development is considered to be acceptable with regard to residential amenity.

#### Highway Safety

Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic. Policy HC3 deals with the design of residential roads.

Development Management DPD Policies DM32 and DM33 also provide further detail in relation to traffic and highway considerations.

Planning consent was previously granted at the site for the erection of 12 dwellings. It is not considered that the development of 8no. dwellings at the site would result in highway capacity issues and this has not been raised as a concern by the local highways authority.

The proposed layout provides sufficient off-street parking with a turning head provided for delivery and refuse vehicles. A 2m-wide footway is proposed alongside the new access road that would provide suitable pedestrian access.

The Highways Officer has raised no objections to the proposed development subject to appropriate planning conditions relating to the detailed construction, maintenance and management of the estate road, the provision of cycle storage and electric vehicle charging points and the construction of driveways.

### Landscaping and Ecology

The matter of landscaping is reserved for later determination. In accordance with Core Strategy policies Env1 and Env2 and DMDPD policies DM18 and DM19 it is necessary to ensure the development is well landscaped and that biodiversity net gain is achieved on the site. As indicated on the submitted site layout, land to the south-west identified as flood catchment is earmarked as 'communal open space'.

A comprehensive landscaping scheme for this area of the site (including a management and maintenance regime) will be required as part of a 'reserved matters' application. The landscaping scheme will provide habitat enhancement and net biodiversity gain and the Council's Ecologist has also recommended that the development should include the provision of integrated bat and bird boxes.

Subject to the imposition of appropriate planning conditions, the proposed development would not result in any harm to protected species and would deliver wildlife enhancement when compared with the existing situation. At this stage no details have been provided regarding resident's access nor is there any information relating to the ongoing maintenance and management of the land provided. Details of a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules, should be submitted as part of the reserved matters submission for landscaping.

### Flood Risk

DMDPD Policy DM20 states that 'all development proposals in Flood Zones 2 and 3 will be expected to address the 'Sequential Test' and, if necessary, the 'Exception Test', as set out in the NPPF and associated Planning Practice Guidance. For relevant proposals on non-allocated sites, applicants must demonstrate as part of a site-specific flood risk assessment that all other reasonably available sites within zones at lower probability of flooding have been considered, and that flood risk to people and property will be managed satisfactorily'.

Dwellinghouses are classified as 'more vulnerable' in the flood risk vulnerability classification contained at Annex 3 of the NPPF. The Environment Agency Flood Map shows the development site to be located within Flood Zone 3. The applicant has provided a sequential test which demonstrates that there are no reasonably available sites (i.e. are owned by the applicant or are available for purchase at a fair market value) within the Accrington area with a lower probability of flooding that would be appropriate to accommodate the development proposed.

For the Exception Test to be passed it must be demonstrated that:

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

In relation to point a), National Planning Policy Guidance (NPPG) provides examples of wider sustainability benefits to the community that can outweigh flood risk. This includes 'the re-use of suitable brownfield land as part of a local regeneration scheme' and 'an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure'.

The proposed development would regenerate the application site removing the existing industrial-type usage and resulting in a significant improvement in its visual appearance whilst providing biodiversity enhancement as required by the relevant Local Plan policies. The development proposals would include remediation of the land and would deliver 8no. new family homes that would contribute to the mix and supply of new housing in Hyndburn. It is considered that the sustainability benefits that would arrive from the redevelopment of the site would satisfy point a).

The applicant has submitted site-specific flood risk assessments (FRAs) and a drainage strategy in support of the application. As set out within the FRAs, at present in extreme flow events an upstream stone arch culvert fills, creating overland flow which ultimately flows down Mill Street inundating the application site with surface water. A recently added box culvert between the nearby stone yard and the site pond was found to restrict flow and therefore it is proposed to remove the box culvert and restore it back to its original state which would reduce flood risk locally. These works would require consent from Lancashire County Council under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010).

The only residual risk is associated with the on-site pond outlet, which if it were to collapse/block, would cause significant flooding at the site. To remedy this, the northern boundary of the site, which has been artificially raised, is proposed to be partially reduced as a precaution and for the banks of the pond to be regraded such that a 1 in a 100-year and 1 in a 100-year plus event would be retained within the system, but would allow flows during the 1 in a 1000-year flood event to overtop and discharge to the watercourse via the undeveloped area of land downstream (owned by the applicant). In addition to the above, the finished floor levels of the proposed dwellings would be constructed not less than 150mm above surrounding ground levels.

The Environment Agency have raised no objection and conclude that the proposed development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The application demonstrates that it will be possible to manage the risks posed to controlled waters by the development.

As a result of the development, surface water runoff from roof and areas of hardstanding will be increased; and therefore must be suitably managed to ensure that flooding both on and off-site is not increased. Surface water runoff would be discharged to Woodnook Water via

the existing mill pond with the rate of discharge restricted to pre-development runoff rates using rainwater harvesting methods, large diameter pipework and a flow control device.

Foul flows will be directed to an existing 300mm diameter combined sewer located adjacent to the north east corner of the site. United Utilities have raised no concerns with this arrangement.

### Other Considerations

The Heritage and Archaeological Appraisal submitted with the application considers whether the site is of historic merit and worthy of consideration as a non-designated heritage asset. It confirms that the principal components of the former textile mill have been demolished and that the surviving buildings are of low significance. However, the applicant does propose retention of the stone-sett surfacing of the original access road and part of the stone built boundary wall. These would provide a physical reminder of the site's textile manufacturing heritage.

The County Archaeologist has raised no concerns subject to a planning condition that requires an appropriate scheme of archaeological recording is undertaken.

As the development site contains potential contamination, there is a requirement to provide a study to assess the risk of contamination and ground gases followed by a further detailed study and remediation statement if required.

### Conclusion

Having regard to the above, the proposed development would result in the regeneration of a derelict brownfield site within the Urban Boundary of Baxenden. It would contribute to the supply of good quality housing in the borough whilst also delivering considerable improvements to the visual appearance of the site, improving biodiversity and reducing local flood risk. Accordingly, it is recommended that the application be approved subject to conditions.

### Recommendation

That the application be GRANTED subject to the following conditions:

#### *Time limit, plans and details*

1. The application for approval of the outstanding reserved matter (namely the landscaping of the site) related to the consent hereby approved must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.
  - (a) The expiration of three years from the date of this permission; or
  - (b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 92 (as amended) of the Town & Country Planning Act 1990

2. The development shall be carried out in accordance with the following:

- (a) The planning application forms and Planning Statement received by Hyndburn Borough Council on 5<sup>th</sup> March 2020
- (b) Submitted drawings, namely: Drawing(s) number:

- Site Location Plan (ref. AD100322 rev.3) received 5<sup>th</sup> January 2023
- Existing Site Plan (amended) received 5<sup>th</sup> January 2023
- Proposed Site Plan (ref. AD-31-03-21-amended2) received 5<sup>th</sup> January 2023
- Cross Section along line A-A (amended) received 5<sup>th</sup> January 2023
- House type plots 1-7 (Elevations and Floor Plans)
- House type plot 8 (Elevations and Floor Plans)

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to control the development and to minimise its impact in accordance with policies Env6 and Env7 of the Hyndburn Core Strategy, DM26 and DM29 of the Hyndburn Development Management Development Plan Document.

3. The external facing materials, detailed on the approved plans and within the Planning Statement, shall be used and no others substituted.

Reason: To ensure that the materials to be used are appropriate to the locality.

4. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) including the levels of the proposed roads have been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the submitted information shall include existing and proposed sections through the site including details of the height and scale and location of the proposed housing in relation to adjacent existing development/built form (where applicable).

The details shall clearly show the eaves and ridge heights of the proposed building/dwelling(s) relative to the eaves and ridge heights of existing neighbouring development/built form. The development shall be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority may ensure that proposed development responds appropriately to the topography of the site and is appropriate to the locality.

#### *Landscape, Ecology and Trees*

5. The application for the approval of reserved matters shall be accompanied by full details of the hard and soft landscaping of the site. The scheme shall reflect the landscape character of the area, achieve a net gain in biodiversity and indicate the

types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and means of enclosure (boundary treatments), minor artefacts and structures (where applicable).

The landscaping details shall indicate all trees and hedgerows identified to be retained or how those adjacent to the proposed development and/or application area/boundary will be adequately protected during construction, in accordance with BS5837; 2012 'Trees in relation to design, demolition and construction' equivalent unless otherwise agreed. The agreed protection measures shall be put in place and maintained during the construction period of the development.

The work described in the scheme shall be carried out strictly in accordance with the approved details and shall be retained in this manner thereafter. The approved landscape scheme shall be implemented during the first planting season following completion of development. The approved scheme shall thereafter be kept in this manner, and any tree, shrub, plant or bulb/seed sown area which dies or is felled, uprooted, wilfully damaged or destroyed in the first five year period commencing with the date of planting shall be replaced by the applicants or their successors in title.

Reason: To ensure the proposal is satisfactorily landscaped.

6. The reserved matters application shall include details of a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens). The landscape management plan shall be carried out in accordance with the approved details.

Reason: To ensure the proper long-term management and maintenance of the landscaped areas in the interests of visual amenity and biodiversity enhancement.

7. Prior to demolition of any built structure, inclusive buildings, free standing walls and similar, a registered bat consultant shall carry out a preliminary roost assessment of all structures in accordance with the Bat Conservation Trust Bat 'Surveys for Professional Ecologists - Good Practice Guidelines' to determine the presence or otherwise of bats and bat roosts. The report shall be submitted and agreed in writing with the Local Planning Authority.

Whereby bats or bat roosts are located, and destruction or disturbance of bat roosts cannot be avoided (as directed by the registered bat consultant), the destruction or disturbance of the bat roost must be licenced by Natural England. No work may be commenced until the approved Natural England licence is submitted and acknowledged by the Local Planning Authority. The work described in the Natural England licence shall be carried out strictly in accordance with the approved details and shall be retained in this manner thereafter.

If Bats are found in the structures during demolition, all work must cease immediately. The services of a qualified ecologist should be sought prior to the commencement of further work. Bats are protected species under the Wildlife and Countryside Act 1981 (as amended) and are a European Protected Species under the Conservation of Habitats and Species Regulations 2010 (as amended). It is an offense to deliberately capture, kill or disturb any Bat, or to deliberately damage or destroy a breeding site or resting place used by of any Bat.

Reason: To protect the bat population from damaging activities and reduce or remove the impact of development and to ensure that there are no adverse effects on the favourable status of a bat population before and during the proposed development.

8. One month prior to the commencement of demolition, three tree-mounted Greenwoods Ecohabitat 2 Crevice boxes shall be installed in mature trees in close proximity to the development site in accordance with details first submitted and agreed in writing with the Local Planning Authority. The detail shall include the manufacturer's specification, design and plans marking the location of installation in accordance with the manufacturer's instructions.

The work described shall be carried out strictly in accordance with the approved details and shall be retained in this manner thereafter.

Reason: To ensure that bat species are protected and their habitat enhanced.

9. Prior to the occupation of each dwellinghouse hereby approved, one building integrated terraced Sparrow nest box, one Schwegler 11 House Martin nest box with droppings board, and two building integrated Bat boxes shall be installed within the development in accordance with details first submitted and agreed in writing with the Local Planning Authority.

The details shall include the manufacturer's specification and plans marking the location of installation in accordance with the manufacturer's instructions. The work described shall be carried out strictly in accordance with the approved details and shall be retained in this manner thereafter.

Reason: To ensure that bat species are protected and their habitat enhanced, in accordance with the Wildlife & Countryside Act 1981 as amended, the Conservation [Natural Habitats & c.] Regulations 1994.

10. No development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until a suitably qualified ecologist has carried out a scoping ecological survey for the presence of invasive non-native species designated on Schedule 9 of the Wildlife and Countryside Act 1981 which shall be submitted to and approved in writing by the Local Planning Authority.

Whereby invasive non-native species are found; prior to the commencement of groundworks, an invasive non-native species protocol shall first be submitted to and agreed in writing with the Local Planning Authority, detailing the containment, control and removal of the invasive non-native species. The measures shall be carried out strictly in accordance with the approved scheme and shall be retained in this manner thereafter.

Reason: To prevent the spread of non-native invasive species in the interests of protecting nature conservation issues.

#### *Environment and Residential Amenity*

11. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in

respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will include the following components:

- (a) A preliminary risk assessment which has identified:
  - i. all previous uses
  - ii. potential contaminants associated with those uses
  - iii. a conceptual model of the site indicating sources, pathways and receptors
  - iv. potentially unacceptable risks arising from contamination at the site
- (b) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site.
- (c) The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- (d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any works identified in these reports shall be undertaken when required with all remedial works implemented by the developer prior to occupation of the first and subsequent dwellings.

On completion of the development/remedial works, the developer shall submit written confirmation, in the form of a verification report, to the LPA, that all works were completed in accordance with the agreed remediation strategy.

Reason: To ensure that the development does not contribute to and is not put at unacceptable risk from or is adversely affected by unacceptable levels of water pollution in line with paragraph 174 of the National Planning Policy Framework and to prevent deterioration of water quality in the culverted ordinary watercourse.

12. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the 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 from noise, dust, fumes and or vibration during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours (Construction deliveries to and from the site and construction works are restricted to between 0800 and 1800 hrs Monday to Friday)

and 0800 and 1300 hrs on Saturday. There shall be no construction/deliveries on Sundays or bank holidays).

Reason: In the interest of traffic and highway safety and in the interest of residential amenity in accordance with the provisions of Core Strategy Policy Env7 and Development Management Development Plan Document Policy DM29.

13. No development shall take place until a detailed acoustic survey, carried out by a suitably qualified acoustic consultant/engineer, has been submitted to and approved in writing by the Local Planning. For the avoidance of doubt the survey shall determine the internal noise levels within habitable rooms and at the boundaries of any residential dwellings and provide suggested adequate mitigation measures where necessary from adjacent/nearby sources of noise disturbance to meet the following criteria, unless otherwise agreed in writing by the Local Planning Authority.

LAeq 50-55 dB 16 hours - gardens and outside living areas (for example balconies)

LAeq 35 dB 16 hours - indoors daytime

LAeq 30 dB 8 hours - indoors night-time (23.00-07.00)

LAFmax 45 dB (8 hours - indoors night-time (23.00-07.00)

LAFmax 45 dB (4 hours - indoors evening (19.00-23.00)

The agreed mitigation measures shall be implemented within the development prior to first occupation of any of the dwellings hereby approved.

Reason: To ensure that the development would provide an acceptable standard of residential amenity for future occupants.

14. No development, demolition, clearance or preparatory work shall take place until the applicant, or their agent or successors in title, has secured the implementation of a phased programme of archaeological investigation, recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. All archaeological works should be undertaken by an appropriately qualified and experienced professional archaeological contractor to the standards and guidance of the Chartered Institute for Archaeologists ([www.archaeologists.net](http://www.archaeologists.net)).

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

#### *Drainage and flood risk*

15. The drainage for the development hereby approved shall be carried out in strict accordance with principles set out in the submitted Flood Risk Assessment (Ref No. 2018-140, Revision C, Dated 20/02/2020) and supplement and technical addendum Flood Risk Assessment (FRA), prepared by T J Booth Associates, referenced; FRA-031221 and dated 15/12/2021.

No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development.

The drainage scheme shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

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

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

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

17. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

### *Highways*

18. Within three months of commencement the detailed design of the site access on Alliance Street shall be submitted to and approved by the Local Planning Authority and implemented prior to the first occupation of any dwelling. The works shall be completed under an agreement with the Highway Authority (see informative note).

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

19. Within three months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be 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 an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

20. Within three months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC 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, unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the proposed development.

21. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

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

22. The garages shown on the approved plans shall be maintained as such and shall not be converted to or used for living accommodation or any trade or business purposes unless otherwise agreed to in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to facilitate adequate vehicle parking

23. Prior to the occupation of each dwelling the driveways and parking areas shall be constructed and made available for use and maintained for that purpose for as long as the development is occupied.

Reason: To allow for the effective use of the parking areas.

24. Prior to first occupation, each dwelling shall be provided with a secure cycle store for at least two cycles and an electric vehicle charging point, the details of which shall first be submitted to, and approved by, the Local Planning Authority. Both shall be maintained and available for use for the duration of the development.

Reason: In the interest of traffic and highway safety in accordance with the provisions of Development Management Development Plan Document Policy DM32.

#### Informative Notes:

1. Reasons for approval of the application  
Subject to conditional control the proposal would not cause demonstrable harm to visual / residential amenity or highway safety or to any other matter of acknowledged importance and accordingly would suitably accord with local and national planning policies and in particular Policies Env6 and Env7 of the Hyndburn Core Strategy.
2. Strict accordance with approved plans  
This planning permission is granted in strict accordance with the approved plans. It should be noted however that:
  - (a) Any variation from the approved plans following commencement of the development, irrespective of the degree of variation, will constitute unauthorised development and may be liable to enforcement action.
  - (b) You or your agent or any other person responsible for implementing this permission should inform Development Control immediately of any proposed variation from the approved plans and ask to be advised as to the best method to resolve the matter. Most proposals for variation to the approved plans will require the submission of a new planning application.
3. Conditions  
This consent is granted subject to conditions and it is the owner and the person responsible for the implementation of the development who will be fully responsible for their compliance throughout the development and beyond.

4. Building Regulations may be required

The enclosed approval is issued under the Town & Country Planning Act 1990. You may also require Building Regulation approval which is dealt with by this Department's Building Control Section (Tel: 01254 380194). You must ensure that all necessary permissions are obtained BEFORE starting work, otherwise abortive expense may be incurred.

5. Coal Authority

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

6. The grant of planning permission will require the applicant to enter into a Section 278 Agreement, with the County Council as Highway Authority. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) in the first instance to ascertain the details of such an agreement and the information to be provided.

7. Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority (LLFA) to:

- build a culvert or structure (such as a weir) or
- carry out either permanent or temporary works

within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

If works are proposed as part of this planning application that are likely to affect flows in an ordinary watercourse, then the applicant is likely to need the consent of the LLFA.

Note: The Lead Local Flood Authority will generally refuse consent applications which seek to culvert an existing ordinary watercourse. This is in line with Environment Agency guidance on protecting watercourses.

You must obtain Land Drainage Consent from the LLFA before undertaking any works on site; failure to do so may result in enforcement action.

For the avoidance of doubt, once planning permission has been obtained it does not mean that ordinary watercourse consent is guaranteed to be granted.

For advice and information for obtaining consent for works on ordinary watercourses in Lancashire, visit: Alterations to a watercourse - Lancashire County Council.