

Application Number: 11/15/0399

Full Application: Major Full: Erection of 75no houses with garages and/or parking spaces together with the provision of open space and associated roads and sewers.

Address: Land off Parker Street, Rishton

Determination by: 30th May 2016 (extended deadline)

Applicant: Gleeson Developments Ltd

Agent: Gleeson Developments Ltd

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.

Application Site

The brownfield site is 2.2ha located to the eastern edge of Rishton and is allocated for housing development in the Local Plan. The site is bound to the North by a packaging warehouse unit and agricultural land beyond, to the East by agricultural land and existing residential, and to the South by existing residential and to the West by existing residential and the Leeds and Liverpool Canal.

Existing residential properties to the East, South and West of the proposed site consist of predominantly two storey stone built terraces, some with painted finish to the front elevations.

An existing bowling green and stone public house is located to the East of the site adjacent to proposed entrance. Well Street, located to the Western side of the site beyond the Leeds and Liverpool Canal is a newer residential development consisting of 2 storey semi-detached and terraced brick properties.

Previously the site housed industrial units which have since been demolished. The central area of the site is generally level with sloping sides that plateau to the East and a sloped/banked side to the West adjacent to the canal. This western edge has the greatest change in levels, with the ground higher at approximately 3.5m to 4m adjacent to the canal.

Proposal

The scheme consists of 75no proposed properties with a range of 2, 3 and 4no bedroom dwellings, all semi-detached and detached properties. Each house would have its own garden, with access round to the rear for storage of waste bins, and a detached garage with a driveway for each unit, the majority being at the side of the properties. Parking would be provided at 200%. The 11 two-bedroomed units are all semi-detached or in groups of three units. The 56 three bedroomed properties are predominantly detached or semi-detached, or some are in mixed units of three. There are 8 four-bedroomed detached properties.

Proposed materials would be red brick, with some detailing around the windows and terracotta or slate grey roof tiles, with white PVC windows and glazed panel doors. Boundary treatment would be timber fencing.

The proposed main access to the site is from Wheatfield Road with two private drive accesses from Parker Street. The entrance route would be a traditional estate road which downgrades as the route continues to quieter residential zones.

Consultations

Public consultation: Site notices affixed and letters sent to surrounding properties. Seven letters/emails of objection have been received, along with a 175 named petition objecting to the scheme. The reasons for objection are summarised below:

- Object to the loss of greenspace on the corner of Parker street and Hermitage Street
- Impact on wildlife.
- Too much empty housing in Rishton already
- Access off Wheatfield Drive is too narrow
- Anti-social behaviour
- Nuisance of building work
- Contrary to policy

LCC Highways: Comments were received on 25th January 2016 and are summarised below:

- Transport Statement: Findings are verified and it is considered that the development would not significantly impact on the operation of Parker Street/Hermitage Street junction and vehicular traffic will quickly dissipate over the wider network.
- Access: Visibility splays at the proposed access are achievable and those proposed are more than adequate access to canal tow path forming part of cycle route 6 is acceptable and welcomed. Lighting is suggested. Consideration should be given to providing an additional link through the southeast of the site onto Parker Street or Hermitage Street. This would reduce the pedestrian journey length for accessing sustainable transport links and local services for up to 17 properties.

- Design and layout: Internal carriageway and footway widths are acceptable and highway layout conforms to a typical estate layout and is acceptable.
- Parking standards: Agree with 'medium' accessibility assessment. 150 spaces are provided, acceptable in terms of requirement. Driveways should be 5.5m x 2.5m and garage internal dimensions 6m x 3m. Garage sizes on drawings SD701 and SD702 need to be adjusted.
- Section 38 Agreement: County Council aim to enter a S38 agreement with view to ultimately adopting the road and footway layouts inclusive of highway drainage and street lighting. This should be a condition of any approval. A full CCTV survey of any culvert crossing the site beneath proposed highway and any identified defects rectified prior to completing the highway adoption process
- Footway: The footway through the existing play area is adopted highway. In order to redevelop this, the land will require stopping up as highway. The applicant confirms this process has been lodged with the Department of Transport; this is acceptable to the County Council.
- Section 278 Agreement: Modifications to the existing westerly Parker Street Footway will be required, including provision of dropped vehicular crossings for the new dwellings and extension of the footway across the existing defunct factory entranceways. In order to undertake these works the applicant will be expected to enter into a S278 (Highways Act) agreement with the County Council.
- Request £20000 contribution from the developer for the provision of cycle way upgrades to cycle route 6 (the canal towpath).

County Council is therefore supportive of the proposal subject to further conditions listed below:

- Construction management plan (including provision of wheel washing facilities)
- New estate roads to be constructed in accordance with the LCC Specification for Construction of Estate roads to at least base course prior to other development on site.
- Full CCTV survey of culvert below proposed highway within 6 months of completion of all construction works. Any identified defects resulting from the survey shall be rectified within 6 months of the survey.

Following some amendments to the submitted scheme, further comments have been received on 29th February 2016 and are summarised below:

In addition to the comments previously received:

- Changes made to the plans regarding driveway lengths are acceptable
- Wall hanging cycle storage is acceptable within the garages, apart from unit 10 which requires outside cycle storage.
- Electrical charging points required in the garages
- Camera and condition survey of the culvert is required and any deficits rectified
- Conditions relating to a construction management plan, wheel washing, estate road construction and the culvert camera and condition survey are suggested.

Final comments were received on 21st April 2016 in response to the final layout of the scheme and are summarised below:

Previous comments stand and following conditions are requested:

- Construction Management Plan including wheel washing facilities.
- Estate road/access to be constructed in accordance with the LCC Specification for the construction of estate Roads.
- Full CCTV survey of the culvert to be taken within 6 months of the completion of all construction works, and any issues rectified.
- Garage wall hanging cycle storage in each garage to be provided apart from Unit 10 which shall provide a separate secure cycle storage facility, suitable for two cycles.
- All garage facilities have a facility of an electrical supply suitable for charging an electric motor vehicle.

LCC Education: No request for planning contribution.

Lead Local Flood Authority: Comments were received on 17th December 2015 and 26th April 2016 and are summarised below:

No objections to the proposed subject to conditions relating to the following:

- Development in accordance with the submitted FRA
- No occupation of the development until completion of SuDS in accordance with the agreed SuDs Scheme and Management and Maintenance Plan.
- Surface Water Lifetime Management and Maintenance Plan.

Canal and Rivers Trust: Comments were received in 11th January and are summarised below:

Object to the development on the following grounds:

- The application fails to make reference to the key interface with the canal, does not consider the opportunities provided by its canalside location and would not deliver an attractive frontage to the canal or provide any meaningful level of passive surveillance through a satisfactory level of fenestration aside of the canal corridor. The buildings are kept away from the canal and do not contain any features which would distinguish them as a waterside development.
- Buildings facing the canal edge have parking bays on their frontages which is considered to be detrimental to the agreed vision of canalside development found within the Core Strategy and currently emerging SPD. This is a consequence of the site arrangement and should be reviewed.
- The opportunity to provide a key building that addresses the canal towpath and high street and the sites to the South West has been missed. The layout shows a disconnected scheme from both the tow path and the high street which would result in low visual surveillance and potential for anti-social behaviour along the canal, contrary to Policy R3 of the Core Strategy and fails to satisfactorily address the extensive design guidance provided in the emerging SPD. New development in the vicinity of the canal is expected to contribute to the canal and its towing path.
- There are no foot path links to the canal provided within the proposal site layout thereby reducing connectivity, opportunities for sustainable transport routes and the ability of residents to use the canal corridor as amenity space. This fails to follow guidance in the draft SPD, Policy R3 of the Core Strategy and the NPPF.

- The proposal would be contrary to the basic premise of the NPPF to protect and enhance the historic environment, and to achieve high quality and inclusive design for all development, Policy R3 of the Core Strategy and the vision, aims and site specific requirements for the site as set out in the Draft Rishton Canalside SPD.
- If the scheme is approved in its current form, it undermines the emerging SPD as a guiding document for design development and may set a precedent for other canalside development in Rishton.
- If the Council is minded to approve the application, conditions are suggested regarding the following:
 - Impact on structural integrity of the Leeds Liverpool canal.
 - Flood Risk
 - Drainage
 - Contamination

Following amendments to the proposals, further comments were received on 15th March 2016 and are summarised below:

Still uphold the objection, despite changes made for the following reasons:

- The amendments to the scheme are a positive step forward but without a canal side frontage, the proposed amenity space would become isolated and contained and as proposed would require a high level of active passive surveillance upon it to determine anti-social behaviour. The concerns with adopted and emerging policy confliction still applies.
- Do not agree that it is not possible to comply with the Rishton Canalside SPD. The proposal does not comply with the provisions of Policy R3, despite this.
- The redesign fails to deliver of the Design Review Panel's design recommendations, perhaps with the exception of containment as the layout now suggests a central towpath link.
- The Trust believe the proposal is contrary to the provision of the NPPF to protect and enhance the historic environment, and to achieve high quality and inclusive design for all development, Policy R3 and the vision, aims and site specific requirements for the site as set out in the draft Rishton Canalside SPD.
- If the Council approves, then previously mentioned conditions should be attached, along with an informative.

Electricity Northwest: No observations have been made

United Utilities: No objections, subject to conditions relating to drainage on the site.

Police Liaison Officer: Comments were received on 19th November 2015 and are summarised below:

The following safety recommendations are made:

- Natural surveillance over pedestrian routes and inclusion of adequate lighting
- Dwelling will be required to have PAS 24/2012 doorsets and windows or an equivalent standard in conjunction with the security building Regulation effective from Oct 1 2015. In addition the dwellings should be built to full Secured by Design security standards both Part 1 and Part 2.

- All rear gardens should be protected with 1.8m high close boarded, or similar, fencing. Access to the rear should be restricted with 1.8m lockable gate. Gates leading to the rear should be fitted flush with the front of the building line as possible.eg. a gate restricting access to the side of Plot 16.
- Dwellings should be fitted with a 13 amp non switched fuse spur suitable for an alarm system.
- The scheme should be evenly lit with a uniformed level of lighting from British Standard 5489 lighting columns around public areas. The front and rear of the dwellings should be fitted with dusk till dawn lighting unit.

Environment Agency: Comments have been received on 24th November and are summarised below:

Object to the proposals for the following reasons:

- Development within 8m wide easement either side of Spaw Brook Main River culvert or would be unlikely to receive Environment Agency consent for the works
- Flood Risk Assessment submitted with the application does not comply with the requirements in the NPPG
- Flood Defense Consent is required for discharge into Spaw Brook Culvert and rates detailed would be unlikely to be granted consent.

Further comments were received on 11th January 2016 in relation to contamination on the site and are summarised below:

- Need clarification on whether it is the intention for the developer to re grade or cut and fill the site.
- Need clarification on whether the ground water is in continuity with the culverted brook and what the clarify of the ground water is
- Potential connectivity of the contaminated ground waters to the waters in the sand layers and so to the Spaw Brook culvert remains a possibility.

Principle view is that in relation to the potential for contamination from the original fuel tanks, which has been noted in TP 17 and TP2 that could potentially have impacted on the Spaw Brook. The significant array of below ground structures will control the pathways for any leakages from these sources to the underlying paw Brook, or any underlying glacial clays. With no analysis of ground water or surface waters having been undertaken it is not possible to demonstrate that this contamination is not impacting on Spaw Brook.

For this reason unable to agree that the investigation is complete from a controlled waters view point and would like to see some further evidence to support the conclusion that the contamination seen in TP2 and TP7 is not impacting on the surface waters.

Following amendments to the proposals and discussions with the applicant, further comments have been received on 18th March 2016 which are summarised below:

Withdraw previous objection in regards to flood risk, provided the following conditions are attached:

- No development to take place before the culvert is diverted and increased in size as detailed in the Environment Agency Flood Defense Consent

- Surface water discharge into the Spaw Brook culvert shall be limited to a maximum of 97l/s for the 100 year 6 hour storm event

Reviewed the report 'Supplementary Geo-environmental Assessment (Intrusive Investigation), Parker Street, Rishton' produced by Patrick Parsons. The findings of the report are agreed but a suitable verification report should be submitted post remediation.

HBC Policy: Comments were received on 14th December 2015, and are summarised below:

- Support the principle of development and the re-use of the brownfield site in a prominent canalside, central location.
- Mix of housing is supported and in accordance with Policy H1 of the Core Strategy.
- Disappointing to see lack of reference to the Rishton SPD and expect some reference to be made to this
- Open Space provision will be required due to the loss of existing open space. This is key to the proposal.

HBC Trees and Woodlands Officer: Comments were received on 18th December and are summarised below:

- Enhancement required in relation to biodiversity on canal corridor. Space for tree planting and species rich grassland/wildflower meadow. Removal of plots 21 and 37 required.
- Landscaping scheme should be submitted at this stage, to determine whether or not there would be a net gain in biodiversity
- Can't support the loss of the open space, or schemes with housing directly adjacent to busy main roads such as this.
- Category B trees should be retained
- If all raised issues are addressed, won't take issue with small front gardens on the site.

Following amendments to the scheme, final comments were received on 28th April 2016 which have been summarised below:

Happy with the changes as proposed – although the development will result in the loss of T18 which is a category B tree, this can be compensated for through work on site.

The proposed TPO would cover T6, T7, T17, and T19

As before recommend the following:

- I recommend the inclusion of a condition requiring tree protection measures to be agreed in writing, implemented on site, and inspected by the LPA prior to commencement of any site works.
- I recommend the inclusion of a condition requiring a landscaping scheme (to include significant tree planting, and biodiversity improvements along the canal frontage) to be submitted and agreed in writing with LPA. NB Replacement tree planting must be at a minimum of 3:1 ratio – if this is not possible on site then a contribution will be required via s.106 (at a level of £310 per tree). In this case I expect sufficient planting will be possible on site.

Inclusion of a condition requiring details of bat/bird bricks/features (built within the structures of the buildings rather than separate boxes) to be submitted and agreed with LPA

HBC Parks and Open Space: Comments were received on 19th November 2015 and are summarized below:

- A request for £105960 has been made towards open space in Rishton.
- Land which is not within the curtilage of individual buildings would be maintained under a third party agreement to be entered into by the developer and individual properties and levied as a service charge to the property.

HBC Regeneration and Housing: Comments were received on 3rd December 2015 and comments are summarised below:

- Supportive in principle of the development
- Housing mix is in accordance with Policy H1 of the Core Strategy
- Although no affordable units are provided on site, welcome the 'affordable housing statement' and the commitment to provide 'below market value properties' particularly in terms of nomination rights in terms of the 15no 'Help to Buy' units.

HBC Environmental Health: Comments were received on 4th January 2015 and are summarised below:

No objections provided conditions are attached relating to the following:

- Site preparation and construction phase
- Effect of Noise/dust /fumes/ vibration on neighbouring premises during the development works.
- Noise
- Contamination

HBC Waste Services: Request for £5625 plus Vat for bins provision

Relevant Planning History

11/0520 Major Outline: Renewal of extant planning permission

11/08/0474 Outline: Residential development approved

Relevant Policies

Development Plan check

Hyndburn Borough Local Plan Saved Policies

- Policy E.10 Development Criteria

Hyndburn Core Strategy

- Policy BD1 The Balanced Development Strategy
- Policy E2 Protection, Modernisation and Development of Employment Sites
- Policy H1 Housing Provision
- Policy H2 Affordable Housing
- Policy HC1 Green Space and Facilities for Walking and Cycling

- Policy HC3 The Design of Residential Roads
- Policy HC4 Community Benefits/Planning Obligations
- Policy Env2 Natural Environment Enhancement
- Policy Env3 Landscape Character
- Policy Env4 Sustainable Development and Climate Change
- Policy Env6 High Quality Design
- Policy Env7 Environmental Amenity
- Policy R1 Housing in Rishton
- Policy R3 The Leeds and Liverpool Canal in Rishton

Material considerations

National Planning Policy Framework

- Section 4 Promoting sustainable transport
 - Section 6 Delivering a wide choice of high quality homes
 - Section 7 Requiring good design
 - Section 8 Promoting healthy communities
 - Section 10 Climate change, flooding and coastal change
 - Section 11 Conserving and enhancing the natural environment
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- Hyndburn Borough Council Employment Land Study January 2016
 - Hyndburn Borough Council Car Parking and Access Standards (2010)
 - Householder Design Guide (SPD) 2009
 - Planning Practice Guidance (PPG)
 - Draft Rishton Canalside SPD June 2015

Observations

Key issues for consideration in relation to this application are 1) Principle of the development, 2) Housing supply, 3) Housing mix, 4) Affordable housing, 5) Design and layout, 6) Residential amenity, 7) Traffic and highways, 8) Drainage and flooding, 9) Trees, Landscaping and Ecology, 10) Neighbours objections and 11) Sustainability.

1) Principle of development:

The planning application should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies within the built up area of Rishton and is not allocated, it comprises an area of brown field land within the urban boundary of Rishton. Saved Policy H2 of the Hyndburn Local Plan states that *'Within the urban boundary the development or redevelopment for housing of land not allocated for other purposes, and housing infill and conversion, will be permitted where the character, appearance and amenity of the surrounding area would not be adversely affected and there are no insurmountable access or parking difficulties'*.

The site is not allocated as employment land but is identified within the 2016 Employment Land Study as a 'poor' employment site and as such is covered by Policy E2 of the

Hyndburn Core Strategy which deals with the protection, modernisation and development of employment sites. Section c) of the policy states that for employment sites not falling within 'good' or 'adequate' quality such as this site which falls under 'poor' allocation; they should remain in employment use unless it can be demonstrated that:

- Continued use of the site would give rise to unacceptable environmental impacts, or
- There is no current or likely future demand for the site or premises for employment uses, or
- Permitting an alternative use is the only viable means of retaining a building or premises which has particular architectural or historical significance.

During the pre-application discussions relating to this application and it demonstrated that the site had been available for employment purposes for a number of years, but no alternative proposals had come forward. Due to the constraints on the site, a result of its location, there is no current or likely demand for the site and therefore the alternative use of residential is considered acceptable. As such Officers are satisfied that the principle of the proposal is acceptable; subject to the consideration of other relevant policies of the Development Plan discussed below.

2) *Housing supply*

Within the Framework (para 47) there is a requirement on local planning authorities to identify and maintain a five year supply of housing development sites with an additional buffer to ensure there is choice and competition in the housing market. Where this cannot be demonstrated, para 49 of the Framework says relevant planning policies for the supply of housing should not be considered 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. The implications of this are considered in the 'Sustainability' section later in this report.

3) *Housing mix*

Core Strategy Policy H1 states that new housing development will aim to provide a mix of house types based on the following proportions:

- Detached 26%
- Semi-detached 49%
- Terraced 5%
- Bungalows 8%
- Flats 12%

The aim of the policy is to balance local housing markets by increasing the variety of stock in Hyndburn. The housing offer in the Borough currently has a larger proportion of smaller 2/3 bedrooled terraced properties which account for over half the total housing stock.

The proposed development would have a housing mix of dwelling types consisting of 2, 3 and 4 bed houses, both detached and semi-detached and there would be no provision of terraced properties on the site. The dwellings would all have allocated off road parking and garden areas, which is much needed in this location.

The Council's Housing and Regeneration Officer has considered the application and is satisfied that the development would provide a good mix of house types on site and as such the proposal meets with the provisions of Policy H1 of the Core Strategy in this respect.

4) *Affordable housing*

Policy H2 of the Core Strategy requires developments of 15 houses or more to make provision of 20% of the houses to be affordable. It goes on to say that in meeting this target consideration will be given to the availability of financial grants and evidence on the economic viability of individual developments.

Within the Planning Statement submitted by the applicant, there is detail given regarding the 'Gleeson Development Model' which highlights that although this development is not technically 'affordable housing', it is 'low cost housing' and is aimed at people who would otherwise be unable to afford to buy a home. The applicant has also demonstrated within the Planning Statement that the houses would be able to be afforded by 90% of people living in the local area.

The applicant has also submitted a financial viability appraisal as part of the application in order to demonstrate to the Council that they are unable to provide traditional affordable housing as part of the scheme due to the viability of the site. The Council recognises that brown field sites such as these are difficult to develop due to impacts of remediation cost etc. As such the viability appraisal has been independently examined by an independent property consultant who has also highlighted the difficulties of developing this site in terms of viability. These include remediation, piling foundations and servicing issues. She has also highlighted the fact that this is a low density scheme, which further impacts on viability. In conclusion she has stated that the site would not be viable should the affordable housing contribution be required should the Policy H2 requirement of 20% affordable housing on site be implemented in the scheme.

The Council's Housing and Regeneration Officer has commented that although no affordable units are provided on site, she welcomes the 'Affordable Housing Statement' provided by the applicant, and the commitment to provide 'below market value properties'.

As a result of the information provided, and the clear direction of the independent advice received with regards to the viability of the site, Officers are satisfied that the provisions of Policy H2 of the Core Strategy are met and that affordable housing provision is not required on this site.

5) *Design, scale and layout.*

Core Strategy Policy Env6 places emphasis on high quality design and requires an enhancement of the character and quality of both townscape and landscape, and is supported by the provisions of Core Strategy Policy Env 7. High quality design must take into account urban form, urban grain, landscape, density, mix, scale and appearance.

At national level in the National Planning Policy Framework (NPPF) also puts a strong emphasis on design. Paragraph 17 of the NPPF states: '*...always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*'. Paragraph 56 goes on to state: '*The government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*'. Paragraph 62 states: '*Local planning authorities should have local design review arrangements in place to provide assessment and support to ensure high standards of design. They should also when appropriate refer major projects for a national design review*'.

Policy R3 of the Hyndburn Core Strategy states that development adjacent to, or in the vicinity of, the Leeds and Liverpool Canal in Rishton will be expected to:

- 'a) Be of a high quality design that integrates the canal into the development proposal in a way that treats the waterway as an area of usable space;*
- b) Integrate the waterway, towing path and canal environment into the public realm in terms of design and management of the development;*
- c) Improve access to, along and from the waterway and improve the environmental quality of the waterway corridor;*
- d) Optimise views of water and generate natural surveillance of water space through the siting, configuration and orientation of buildings, recognising that appropriate boundary treatment and access issues may differ between the towing path and offside of the canal, and*
- e) Improve the amenity of the canal. Development that would have an adverse impact on the amenity of the canal by virtue of noise, odour, or visual impact will not be supported'.*

The emerging Rishton Canalside Supplementary Planning Document (SPD), although not formally adopted, has been through public consultation and as such also provides Officers with guidance on the aspirations of the Council in terms of design, and carries some limited weight in the decision making process. This document is supported by the provisions of Policy R3 of the Core Strategy.

Comments were received from the Canal and Rivers Trust in relation to the development, in which they stated their strong objection to the scheme on design grounds. They were concerned that the development had not been maximised in terms of design and that further work should be undertaken to improve the scheme, especially along the canal frontage, in line with the Council's emerging Canals SPD. Their comments are noted in detail in the consultations section of the report.

On submission of the planning application, Officers were concerned with regards to the design and layout of the development. Although it was recognised that the site suffers from constraints which are difficult, and costly to negotiate (such as the easement across the site, discussed in detail later in the report), they were also concerned that the design had not been maximised. It was therefore agreed between Officers and the applicant that it would be beneficial to take the scheme to an Independent Design Panel: 'Places Matter', as advocated by the provisions of the NPPF, which would allow the applicant and the Council the benefit of an independent assessment of the scheme.

Design Review Panel: Places Matter

A meeting was held in February at the Council Offices in order to discuss the scheme and facilitate improvements to the design. A full written response was then received from 'Places Matter' in which they highlighted that the site is key in Rishton and that they considered there were three areas which needed to be worked on in the design. These were the public footpath along the canal, the internal road layout and the approach to the housing layout. They also acknowledged the type of housing to be provided and the associated viability constraints of the site, which are important in considering the design of the development.

Following the review panel meeting, a new amended scheme was submitted. Despite welcoming these changes, it was still considered by Officers that further improvements could still be made. In particular in relation to mature trees on the site, the area of green space on the corner of Hermitage Street and Parker Street, and proposed materials.

- Trees:

Objections have been received in relation to the loss of mature trees on the site. The final design incorporates the mature trees along Parker street and on the Parker Street/Hermitage Street corner and some of the better quality trees along Parker into the scheme and allows for their retention. The Council's Trees and Woodlands Officer is currently considering whether a Tree Preservation Order is required to protect the future amenity of these trees, and suitable conditions are attached to protect them throughout the development process. This is discussed in more detail later in the report.

- Area of land at the corner of Hermitage Street and Parker Street:

Objections have been received to the scheme in regards to the loss of this area of land as a result of the development. Negotiations have been underway throughout the application process as a result, the final scheme retains an area of open space on the Hermitage Street frontage which will allow the retention of the Rishton clock and Christmas tree, and also allow for the provision of a seating area for residents of Rishton to use. An Open Space Management Plan would be in place which will ensure this area is maintained in the future. It is recognised that this area is smaller than the existing corner at the site, however further open space will be provided as part of the scheme at the canal side, again maintained as part of the Open Space Management Plan. This is discussed in more detail later in the report.

- Materials

Officers consider that the frontages along Hermitage Street and Parker Street are key to providing a high quality scheme and as such a condition is included to agree materials for these plots at the discharge of conditions stage of the development. Although they are satisfied with the proposed materials within the site (subject to seeing samples), it is considered necessary to ensure that materials along these frontages fit in with the surrounding area. As such it is envisaged that stone frontages/render would be appropriate for those properties.

On consideration of the new scheme layout, although acknowledging that improvements have been made in regards to the relationship between the development and the canalside, Officers do not feel that the development design is maximised in this respect. However it is acknowledged that due to the constraints of the site, (which include the rebuilding of the culvert which runs from Parker Street to the canal, the land level changes, the type of low cost housing that is to be provided and the viability constraints), there is a limit to what can be realistically achieved. As such it is considered that with the other improvements which have been negotiated for the scheme, which are detailed throughout this report, this frontage can be considered to be satisfactory in design terms.

A request for £20000 has been made by the Highways Authority (discussed later in the report), in relation to improvements to be made along the canal tow path. This is secured through a S106 agreement and ensures that the development facilitates improvements to the canal towpath in line with Policy R3 of the Hyndburn Core Strategy.

On balance therefore, taking into consideration the constraints of the site, the improvements that have been achieved through negotiations and the imposition of required conditions, Officers are satisfied that the proposed development meets with the provisions of the relevant planning policies in terms of design, siting and layout of the proposal.

6) *Residential amenity:*

Policy Env7 of the Core Strategy relates to residential amenity and states that proposals for new development will be permitted only if it is demonstrated that the material impacts arising from reason of traffic, visual impact, noise, dust, emissions, pollution, odour, overlooking or loss of light, or other nuisances will not give rise to unacceptable adverse impacts or loss of local amenity and can be properly controlled in accordance with best practice and recognised standards. The Council's Householder Design Guide SPD also provides guidance in relation to separation distances.

The separation distances between the development and the existing properties on Hermitage Street and Parker Street would meet with the provisions of the Council's Householder Design Guide SPD. Due to the generous layout of the development in terms of density, the properties within the site would also meet with these guidelines. As such Officers are satisfied that the proposed development would not have a significantly detrimental impact on residential amenity with regards to loss of light or overlooking.

An objection to the scheme has been received in relation to the nuisance that would be caused due to the construction of the development. The Council's Environmental Health Officer has considered the scheme and is of the opinion that subject to certain conditions detailed in the consultation section of this report, the proposal is acceptable. As such Officers are satisfied that this would not be a suitable reason to refuse the application.

As such it is considered that the proposal meets with the relevant planning policies in terms of residential amenity discussed within this section of the report.

7) *Traffic and Highways*

Saved Policy E.10 of the Local Plan states that when considering proposals for development, the Council will have regard to car parking provision and proposed arrangements for servicing and access. In addition, Policy Env7 of the Core Strategy aims to avoid development which has an unacceptable adverse impact by reason of traffic, Policy T2 deals with the provision of cycle and footpath networks and Policy HC3 deals with the design of residential roads.

The applicant has submitted a Transport Assessment with the proposal which has been agreed with the Highways Authority and raises no issues. It has been also been agreed and negotiated into the scheme that there would be provision for cycle hanging for 2no cycles in each a garage. Relevant conditions have been attached accordingly. The development also meets with the provisions of the Councils Car Parking Standards in terms of provision for off road parking.

A concern is also raised by the Highways Authority with regards to the culvert across the site and a condition has been requested which ensures a CCTV survey is taken of this culvert within 6 months of the occupation of the dwelling houses and any issues resolved. However as detailed later in the report, this culvert is now to be entirely rebuilt and it is not felt necessary to include this as a condition.

An objection has been made in relation to the access at Wheatfield Street being too narrow. The Highways Authority has considered the plans in detail and have raised no objections to this, as such Officers are satisfied that the access is acceptable and this is not a reason to refuse the application.

Finally the Highways Authority has requested £20000 as a contribution towards the canal towpath, which has been included as part of the section 106 agreement.

Overall, following amendments, as the Highways Authority are satisfied with the scheme, provided that suggested conditions are attached to the planning permission, Officers consider that the proposal meets with the relevant planning policies in terms of traffic and highway safety.

8) *Drainage and Flooding:*

Paragraph 103 of the Framework seeks to avoid development resulting in an unacceptable flood risk. At the local level, Core Strategy policy Env4 and saved Local Plan Policy E10 have similar aims. There is detailed guidance provided in the NPPG in terms of the hierarchy that should be considered for drainage on sites as set out below:

The NPPG outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy, with the following options to be investigated in order of priority:

1. Into the ground (infiltration)
2. To a surface body (e.g. canal)
3. To a surface water sewer, highway drain, or other drainage system
4. To a combined sewer

The site is located within Flood Zone 2 and as such a full Flood Risk Report has been submitted. It is the developer's intention to drain foul sewage to the mains sewer, and surface water to an existing water course. There is also an existing culvert which runs through the site to the canal. This is in poor condition and as a result of detailed and extensive discussions with the Environment Agency, it has been decided the best way forward is to completely rebuild this. (This works has an unavoidable 'knock on' effect on the viability of the site due to the costs involved). A condition is attached to ensure this is done. As a result of negotiations, the Environment Agency no longer objects to the scheme and are satisfied with the proposal, subject to conditions detailed in the consultation section of the report.

Lead Local Flood Authority have also considered the proposal and raise no objections to the scheme provided conditions are attached as detailed in the consultation section of the report.

UU have considered the application and have no objections to the scheme subject to the inclusion of conditions which are referred to in the consultation section of this report.

Therefore following these detailed negotiations, especially with the Environment Agency, Officers are now satisfied that with the inclusion of the recommended conditions, the proposal is acceptable in terms of flooding and that it is in line with the provisions of the relevant planning policies in this respect. Due to no objections being received from statutory consultees, Officers are satisfied that the proposal meets with the relevant planning policies in terms of flooding and drainage.

Provision of Public Open Space

Policy HC1 of the Hyndburn Core Strategy requires that: *'Major housing development (10 or more houses) will contribute towards the provision and maintenance of good quality, accessible, multi-functional greenspace. If it is demonstrated that it is not possible to make a provision on site, then a financial contribution in lieu of actual provision will be provided by*

the developer that will be used to improve or maintain nearby areas of greenspace and improve pedestrian or cycleway facilities’.

It is accepted that there would be a small provision of public open space within the development, however it is considered that the area adjacent to the canal would be limited in its usability and the area along Hermitage Street would not replace the existing area in total. Also there would be an additional requirement of the extra residents who move into the development which must be catered for.

As such, Councils Parks Department has requested, that in addition to this, a total sum of £105960 be provided for off-site Public Open Space (POS) as part of a Section 106 agreement.

The applicant accepts the requirement to make a provision for POS off site, however he is unable to make the full provision requested due to the viability of the site and the increased costs associated with the culvert (as previously discussed), which he was unaware of at the outset of the application. As such he has allocated £30000 amount towards POS provision as part of the development scheme. This is in addition to the £20000 he is allocating for the canal tow path, as requested by the Highways Authority. This would be made through a Section 106 agreement.

The NPPF allows viability to be considered in terms of contributions towards developments, and although this is not specifically referenced within Core Strategy Policy HC1, due to the fact the Core Strategy was adopted prior to the NPPF being published, it is accepted that the provisions of the NPPF allow viability to be considered in this respect.

As such Officers are satisfied a reduction in POS contribution to £30000 amount is acceptable (especially as a further £20000 will be provided towards the canal tow path in addition), and this consider that the relevant planning policies are met in this respect.

9) *Trees, Landscaping and Ecology*

Policy Env2 of the Core strategy requires opportunities for environmental enhancement to be secured; this is supported by the provisions of the NPPF.

On consideration of the application, the Council’s Trees and Woodlands Officer raised concerns in relation to tree provision on the site and the need to ensure there would be a biodiversity net gain on site following the implementation of the development.

Objections have been made to the scheme with regards to the impact it would have on the existing wildlife. There have been lengthy negotiations with the applicant throughout the planning application process. A result of which is that it has been agreed that the better quality mature trees would be retained along Hermitage Street and Parker Street; this being accommodated in the final site layout. Further planting would be facilitated through a full, detailed landscaping and maintenance plan to be submitted prior to the commencement of development, which will ensure that there would be a biodiversity net gain on the site

following development in line with government guidance. In addition to this, bat and bird boxes will also be provided as part of the scheme, and conditioned accordingly.

As such Officers are satisfied that, with suitable conditions attached, the proposal is considered acceptable in terms of the relevant planning policy in this respect.

10) *Sustainability*

Resolution 24/187 of the United Nations General Assembly defined sustainable development as meeting the needs of the present without compromising the ability of future generations to meet their own needs. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development and that the specific policies within the NPPF (paragraphs 18-219), taken as a whole, constitute the Government's view of what sustainable development means in practice. There are three dimensions to sustainable development: economic, social and environmental and these require the planning system to perform a number of roles.

Officers have considered the proposed development against the three dimensions of sustainable development below:

Economic role – this is a full planning application which can be developed over a 2-3 year period, (at an average build out rate of 35 houses per year). The building of the development will also perform an economic role by generating jobs, and boosting the local economy by providing additional spending local shops and businesses.

Social role – a key aspect of the social role of sustainable development is providing the supply of housing required to meet the needs of present and future generations and by creating a high quality built environment with accessible local services. The development is submitted in full and the applicant aims to develop the site within 2-3 years. The development will meet an identified need for good quality, low cost family homes, and will make an important contribution of 75 units towards the undersupply of housing within the Borough.

Environmental role – The development includes provisions for public open space improvements in Rishton, improvements to the canal tow path, public open space on site, the retention of existing mature trees planting of new trees and the provision of bat/bird brick/features on site. The development will also include the re-building of the damaged culvert across the site and significant improvements to what is an empty and unused brown-field site.

Other matters

- Bins:

A request for £5625 plus VAT towards bin provision was made and agreed with the applicant, this will be part of the Section 106 agreement. A condition is attached to ensure bins are kept to the rear of the houses, apart from on bin collection days.

- Contamination:

The Council's Environment Health Officers has included a condition to ensure that contamination is remediated on site.

Other issues

The objections that have been raised to the scheme have been discussed within the report. However there was also an issue raised that there is already too much empty housing in Rishton and that this development would exacerbate that problem. However this is not a planning consideration.

Finally an additional objection has been made to the scheme on the grounds it does not fit with the council's planning policy. However as demonstrated throughout this report Officers do consider that the proposal meets with the relevant planning policies.

Conclusion

In assessing this application, the policies of the development plan and other relevant local and national policy considerations have been taken into account, Officers consider that the proposal is sustainable in terms of the social, economic and environmental aspects of sustainable development and recommend approval subject to the imposition of planning conditions and a Section 106 Agreement relating to the following:

£20000 towards Canal Tow Path

£30000 Public Open Space towards Holt street Recreation ground

£5625 bin provision

Open Space Management Plan

Recommendation

That planning permission is GRANTED subject to the following conditions and subject to the signing of a S106 agreement that covers the matters set out above:

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

Reason: To ensure that the Local Planning Authority retains the right to review unimplemented permissions and to comply with Section 91 (as amended) of the Town & Country Planning Act 1990.

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

Site Location Plan received 17th Nov 2015

Detached Garage 2015 SD701 received 17th Nov

Twin Garage received 17th November 2016 SD702

Dwelling Type 201S(F) received 17th Nov 2015

Dwelling Type 202Q(F) received 17th Nov 2015
 Dwelling Type 301 W(G) received 17th Nov 2015
 Dwelling type 302S(G) received 17th Nov 2015
 Dwelling Type 303R(E) received 17th Nov 2015
 Dwelling Type 304 P(E) received 17th Nov 2015
 Dwelling type 309 N(E) received 17th Nov 2015
 Dwelling Type 307 Z(B) received 17th Nov 2015
 Dwelling Type 401 U(G) received 17th Nov 2015
 Dwelling Type 311 B(A) received 17th Nov 2015
 Dwelling Type 404 S(F) received 17th Nov 2015
 Dwelling Type 403 U(H) received 17th Nov 2015
 Topographical Survey received 17th Nov 2015
 Boundary Treatment Drawings SD100A and SD103 received 17th Nov 2015
 Additional Site Sections (Sheet 2) received 25th Nov 2015 2555 000 07
 Proposed Site Layout received 26th April 2016 2555 000 01 S
 Dwelling Type 202(T) 9 Rural 13 Elevations received 3rd May 2016
 Dwelling Type 201(X) 8 Rural 13 Elevations received 3rd May 2016
 Dwelling Type 301(AC) 8 Rural 13 Elevations received 3rd May 2016
 Dwelling type 302(W) 9 Rural 13 Elevations received 13th May 2016
 Dwelling Type 303(X) 9 Rural 13 Elevations received 3rd May 2016
 Dwelling Type 304(V) 9 Rural 13 Elevations received 3rd May 2016
 Dwelling Type 309(S) 10 Rural 13 Elevations received 3rd May 2016
 Dwelling Type 307(Z) 10 Rural 13 Elevations received 3rd May 2016
 Dwelling type 401(AC) 9 Rural 13 Elevations received 3rd May 2016
 Dwelling Type 311(G) Rural 13 Elevations received 3rd May 2016
 Dwelling Type 404(W) 9 Rural 13 Elevations received 3rd May 2016
 Dwelling Type 403 (X) 9 Rural 13 Elevations received 3rd May 2016
 Open Space plan received 27th April 2016

Design and Access Statement received 17th Nov 2015
 Planning Statement received 17th Nov 2015
 Heritage Statement received 17th Nov 2015
 Extended Phase 1 Habitat survey received 17th Nov 2015
 Transport Statement received 17th Nov 2015
 Residential travel Plan received 17th Nov 2015
 Tree Survey received 17th Nov 2015 in Existing Trees on Site Plan received 17th Nov 2015
 Noise Assessment received 17th Nov 2015
 Flood Risk Assessment received 17th Nov 2015

Reason: For the avoidance of doubt and to enable Hyndburn Borough Council to adequately control the development and to minimise its impact on the amenities of the local area and to conform with Policies Env6 & Env7 of the Hyndburn Core Strategy.

Levels

3. Prior to the commencement of development details of all existing and proposed levels across the site, including finished slab levels of all proposed buildings, shall be submitted to the Local Planning Authority for approval in writing. The development shall be implemented in accordance with the approved details.

Reason: In accordance with the provisions of Policy Env 7 of the Hyndburn Core Strategy.

Phasing

4. Prior to the commencement of development a scheme and programme for the phased development of the site shall be submitted to, and approved in writing by, the local planning authority. The submitted scheme and programme shall include the following:
 - i. Details of the phased development of the site including the timing of the development of each Zone;
 - ii. Details of the phasing of the landscaping of the site and a plan indicating those areas where advanced landscaping will be implemented;
 - iii. Details of the implementation of the site access and off-site highway works;
 - iv. Details of the implementation of the drainage works.

The development shall be implemented in accordance with the approved scheme and programme.

Reason: To provide for the phased development of the site, to protect local amenity and to ensure the off-site highway works are undertaken, in accordance with policies Env6 and Env7 of the Hyndburn Core Strategy and the National Planning Policy Framework.

Materials /windows doors rainwater and garage doors

5. Notwithstanding the details submitted with the application and prior to their use in the development hereby approved, details and samples of the following shall be submitted to the local planning authority for approval in writing:
 - a) External roofing and facing materials (including colour or render, paintwork and colour wash). The details/ samples submitted will ensure that the frontages along Hermitage Street and Parker Street shall be such to integrate into the surrounding locality by utilizing similar materials as those in immediate proximity to the development hereby approved.
 - b) Rainwater goods, windows and garage doors (including cross sections)
 - c) All surfacing materials to be used on all hard-surfaced areas of the development outside the buildings

The development shall be constructed in accordance with the approved details/samples and retained thereafter unless otherwise prior agreed in writing with the local planning authority.

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policies Env 6 and Env 7 of the Hyndburn Core Strategy

Landscaping and maintenance plan

6. Prior to the commencement of development a satisfactory programmed landscaping scheme which shall include hard surfacing, means of enclosure, planting of the development, indications of all existing trees and hedgerows on the land and details of any to be retained, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include replacement tree planting at a minimum ratio of 3:1. The approved scheme shall be implemented during the first planting season following the completion of development and any tree or shrub planted which dies or is felled, uprooted, willfully 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 a satisfactory form of development and to enhance the visual amenities of the locality, and in order to comply with Policy Env 7 of the Hyndburn Core Strategy.

Tree protection measures

7. No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been erected around the trees to be retained on site. All existing trees shown on the plans hereby approved as being retained on site shall be protected by fencing in accordance with BS5837:2012 'Trees In Relation To Construction', in accordance with a scheme and specification which shall have been submitted to and approved in writing by the local planning authority. Within the protected area(s) there shall not be carried out or permitted, during the construction period, access of any kind unless authorised in writing by the local planning authority.

Reason: To ensure that the trees on the site are protected during construction works in the interests of local amenity, and in order to comply with saved Policy E3 of the Hyndburn Borough Local Plan and Policy Env 7 of the Hyndburn Core Strategy

Bat/bird boxes

8. Details of the number, type, and location of bat and bird bricks and/or features shall be submitted to and approved in writing by the Local Planning Authority. The bricks/features shall be implemented in accordance with the agreed details during the construction of the dwelling houses and available for use prior to the first occupation of the dwelling houses, and retained thereafter.

Reason: To comply with the provisions of Policy Env2 of the Hyndburn Core Strategy.

Garages / parking spaces

9. The garage and parking spaces hereby approved shall be kept freely available for the parking of cars, and shall not be converted or altered to form an additional room within the dwelling or garden area, without the submission and grant of a planning permission for that purpose by the local planning authority.

Reason: In order to comply with Policy Env 7 of the Hyndburn Core Strategy and the Hyndburn Car Parking and Access Standards.

Highways

Section 38

10. Road and footway layouts shall be the subject of a dedication agreement with the Highway Authority under the provision of Section 38 of the Highways Act or other appropriate agreement in accordance with the scheme to be submitted to, and agreed in writing by the Local Planning Authority (including street lighting, road construction and drainage details).

The development shall accord fully with the approved details prior to the occupation of the first dwelling house and retained thereafter.

Reason: In the interest of highway safety and residential amenity in accordance with Policy E.10 and Env7 of the adopted Hyndburn Core Strategy.

S278 Parker Street footway

11. No part of the development hereby approved shall commence until a scheme and programme for modifications to the existing westerly Parker Street Footway, including provision of dropped vehicular crossings for the new dwellings and extension of the footway across the existing defunct factory entranceways, has been submitted to, and approved, by the Local Planning Authority as part of a Section 278 agreement, under the Highways Act 1980.

The highway works shall be implemented in accordance with the approved details prior to the occupation of the first dwelling house in the associated phase of development and retained thereafter.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on the development hereby approved, in accordance with Policy E10 of the Local Plan Policy Env7 of the Core Strategy.

Construction Management Plan

12. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;

- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays;
- v) measures to control the emission of dust and dirt during construction
- vi) wheel washing facilities;
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- viii) road construction details in accordance with Lancashire County Council specification for construction of estate roads;
- x) Details of hours of construction and the times at which deliveries will be made to and from the site.

There shall not be any burning of waste material on site at anytime during the construction process or emissions smoke/fumes from site plant/equipment or stored fuel.

Reason: In the interest of residential amenity and highways safety, in accordance with the provisions of Policy E10 and Env7 of the adopted Hyndburn Core Strategy and the National Planning Policy Framework.

Electrical supply/ bike provision

13. Prior to the first occupation of the dwellings in each phase of the development, as detailed as a result of condition 4 of this permission, the following provisions shall be made available for use:
- a) Necessary infrastructure for Electric Vehicle Charging comprising the provision of one standard 3-pin 13amp single household plug and socket along with associated cabling and mains electric household supply to each dwelling only. Any additional infrastructure requirements would be the responsibility of future residents to provide directly in line with evolving technology on electric cars and associated electric vehicle charging. These provisions shall be made at each dwelling.
 - b) Wall hanging cycle provision for 2no cycles in each garages on plots 60, 64, 55 and 10.

Reason: To ensure the scheme accords with paragraph 35 of the NPPF, and the provisions of Policy Env7 of the Hyndburn Core Strategy.

Environmental Health

Site preparation and construction phase

14. Construction deliveries to and from the site should be restricted to between 0800 and 1800hrs Monday to Friday and 1300hrs on Saturdays. Deliveries should not take place on Sundays and bank holidays. Works should be restricted to between 0800 and 1800hrs Monday to Friday and 1300 on Saturdays. Works should not take place on Sundays and bank holidays. All works should be undertaken in accordance with BS5228:2009.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

Effect of Noise/dust /fumes/ vibration on neighbouring premises during the development works.

15. Measures should be in place to prevent nuisance being caused to residents from noise, dust ,fumes and or vibration arising from the building works.

Dust management should be achieved by applying the recommendations in the development Air Quality Report Section 7.1 Construction Phase Dust, Table 7-1 Construction Dust Mitigation, in addition suitable and adequate dust suppression, water bowsers should be maintained and used as necessary on site.

There should be no burning off on site of construction waste.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

Noise

16. Prior to the commencement of construction the following information shall be provided:

- a) a scheme for the noise mitigation measures for Plots 73,74,75 , 55 54 to 49 and the nearest properties to Styropak and east Lancashire Box Co inclusive shall be submitted to and approved in writing by the Local Planning Authority which will achieve the internal dwelling noise levels detailed in Table 1 of the Noise Assessment Report submitted with the application. The approved scheme shall then be fully incorporated into the development prior to the occupation of the first dwelling house and retained thereafter for the duration of the development.
- b) details of the proposed noise mitigation measures to be put in place for plots 74, 75 and 55 and the nearest properties to Styropak and east Lancashire Box Co to reduce noise level, as much as practicable to the recommended maximum 55dB in the external living areas shall be submitted to, and agreed in writing with the Local Planning Authority. Submitted details shall include materials, technical specifications, acoustic performance and anticipated noise levels in the specified properties. All agreed mitigations shall be implemented prior to the occupation of the first dwelling house and retained thereafter for the duration of the development.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

Contamination

17. Prior to the commencement of development, the following information shall be submitted to the Local Planning Authority for approval in writing:
- (a) A Remediation Statement, detailing the recommendations and remedial measures to be implemented within the site.
 - (b) Written confirmation of the development/remedial works, in the form of a verification report, that all works were completed in accordance with the agreed Remediation Statement.
- 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 dwelling house.

Reason: To ensure that the site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site, and the site cannot be capable of being determined as contaminated land under Part 2A of the Environmental Protection Act 1990, in accordance with Policy Env7 of the Hyndburn Core Strategy and the provisions of the National Planning Policy Framework.

Carbon Dioxide Protection

18. A well-constructed ground slab and a gas proof membrane of 1200g thickness must be incorporated into the foundations, which should provide adequate protection against the ingress of any landfill gas. The membrane should be laid carefully so as to avoid tears or perforations, well capped and taped at the joints, and continuous across the whole area of the new development, and retained thereafter.

Reason: In the interest of residential amenity in accordance with Policy Env7 of the Hyndburn Core Strategy.

United Utilities

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

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env 7 of the Hyndburn Core Strategy.

20. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing

by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

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

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

LLFA

21. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) 30th March 2016 / 15/033.01 / JOC Consultants and the following mitigation measures detailed within the FRA:

i) Limiting the surface water run-off generated by the critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This discharge rate is to be agreed with the Environment Agency if entering their system.

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env 7 of the Hyndburn Core Strategy.

22. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env 7 of the Hyndburn Core Strategy.

23. No development shall commence until details of an appropriate management and maintenance plan for the drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other

arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

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

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

Reason: To prevent flooding, to protect water quality and to provide for surface water to be drained in a sustainable manner, in accordance with the NPPF and Policy Env 7 of the Hyndburn Core Strategy.

Environment Agency

24. No development shall take place until the culvert has been diverted and increased in size as detailed in the Environment Agency Flood Defence Consent.

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

25. Surface water discharge to the Spaw Brook culvert shall be limited to a maximum of 97l/s for the 100 year 6 hour storm event.

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

26. Refuse and recycling bins shall be located at the rear of the property at all times, and only brought to the front of the dwelling on bin collection days, unless otherwise prior approved in writing with the Local Planning Authority.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and to comply with Policy Env 7 of the Hyndburn Core Strategy.

27. Prior to the commencement of any development hereby permitted on the area of the application site that does not lie within title numbers LAN3743 and LA970468 a scheme and programme for the management of open space within that area of the application site which is not within the said title numbers for the duration of the Development, shall be submitted to and approved in writing by the local planning authority. The scheme and programme referred to shall include arrangements for the area of open space which is the subject of this condition to be maintained either by the individual owners of dwellings, a management company a managing agent or private concern.

The approved scheme and programme shall be implemented in accordance with the approved details.

Reason: In the interest of residential amenity in accordance with Policy Env 7 of the Hyndburn Core strategy.

Informatives

13a, 14, 15, 16, 17

The Environment Agency has a right of entry to the Spaw Brook Main River Culvert by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The development must contact Colin Worswick on 01772 714259 to discuss out access requirements.

For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and. Once planning permission has been obtained, it does not mean that flood defence consent will be given.

| | |
|-------------------------|--|
| Decision | |
| Approved and conditions | |
| Informative note(s) | |
| Refuse No. of reasons | |
| Date | |
| Signed | |