

UPDATE REPORT 23 AUGUST 2019

FURTHER UPDATE REPORT 27 AUGUST 2019 (IN RED)

FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 27th AUGUST 2019

Item B2 (2019/0141) – Orient One, New Hall Hey

Members are asked to note that the number of objections received to this application was wrongly reported as 21 in the Committee report – this was an error; the number of objections received is 28.

In addition, given that the car park of Orient One was observed to have a large number of cars parked on it during the daytime when Members recently visited the site, officers asked the applicant's agent whether there were any formal arrangements in place allowing other persons to use the car park (e.g. staff / customers of JA Taylor Ford, Station House, etc.).

The applicant's agent has submitted the following response:

“Our client has confirmed that there are no formal arrangements in place for occupants of Station House/The Firepit, JA Taylor Ford, or any other adjacent operators to utilise the parking area associated with Orient One and the current proposed change of use to a wedding venue.

JA Taylor have their own parking area immediately outside their building, and their customers/staff should be using those spaces. Anyone using the Orient One parking area would be doing so without the consent of our client. Any overspill onto the Orient One parking area is entirely informal due to the open and unrestricted nature of the site at present, and any such parking activity could be removed and enforced against at any time by our client without planning permission, should they wish to do so.

Station House/The Firepit also has adjacent parking which is outside the red edge of the proposed change of use application. Again, any overspill onto the Orient One parking area would be informal and could be prevented by our client at any time through the introduction of a formal parking regime, should they wish to do so.

Given the current unauthorised parking within the site, our client would be minded to introduce a formal parking and enforcement regime regardless of the outcome of this planning application – this is private land and our client is entitled to prevent unauthorised use of their land.

We note that your Committee Report already deals with this matter, and correctly points out that (1) this unauthorised/overspill parking could be prevented at any time without the need for planning permission, and (2) should the premises re-open as a supermarket (which is a legitimate fall-back position given the unrestricted A1 retail consent on the site) then the parking demand would be significant and is likely to conflict with/displace these other users in a similar manner as the wedding venue – if not more so since the wedding venue will not always be in use at the same time as the adjacent operators, whereas a retail unit almost certainly would be.

Given the above, it is clear that the proposed change of use to a wedding venue would be a preferable use of the building over a supermarket from the point of view of parking demand and displacement. Notwithstanding, there is no guarantee that the informal and unauthorised parking will be allowed to continue into the future regardless of the outcome of this application, and in fact the most likely scenario is that a formal regime will be introduced to prevent and/or control this.”

The above is included in the Update Report for Members' information, and no change is proposed to the recommendation contained within the Committee Report.

Since publication of the Committee Report and Update Report, two additional letters of objection have been received, which raise concern over the following:

- Road infrastructure unable to cope with the proposed development.
- Noise and light pollution, which will cause nuisance to nearby properties.
- Inadequate parking provision.
- Detriment to East Lancashire Railway and The Fire Pit businesses.

In addition, a petition containing 287 signatures and highlighting various concerns over the proposed scheme has been received in objection.

Items B3 (2018/0574) and B4 (2019/0307) - Land at Hurst Platt, Rawtenstall

Since publication of the Committee Report, the applicant has submitted a drainage report in relation to surface water run-off issues on the site by a structural and civil engineering consultant.

The report was produced in relation to ongoing proceedings at Preston County Court between the applicant (referred to in the report as the Defendant) and the neighbouring residents at No. 16 Hurst Platt (referred to in the report as the Claimant).

The applicant has asked that the report be made available to Committee Members. The full report is included in Appendices A and B.

The report concludes in Section 6 as follows:

“6.1 The Claimants' Property, prior to development by the Defendant, has always been susceptible to some risk of flooding, because it is located in a low area and downslope of the steep hillside to the north.

- 6.2 *Groundwater, and surface water runoff from the hillside with overland flow towards the Claimants' Property, would always have been likely to risk flooding at the Claimants' Property unless there was positive, effective and maintained drainage at the Claimants' Property.*
- 6.3 *The presence of trees and vegetation on the steep hillside would have provided some attenuation and reduced speed of runoff, but that would have been very limited due to the relatively impervious interbedded soft and firm silty clays and clayey silts, and with no installed land drainage. The Defendant proposes mass planting of trees and vegetation upslope upon completion of dwellings Nos 5-8 and on-site infrastructure.*
- 6.4 *The potential causes of flooding at the Claimants' Property are that there are either no, or no adequate, land drainage and surface water drainage systems.*
- 6.5 *The grassed and paved margin, between the new retaining wall and the rear of the dwelling on the Claimants' Property, appears likely to have no land drainage and surface water drainage systems.*
- 6.6 *Although the survey drawing shows gullies adjacent to the rear elevation of the dwelling, these are likely to be associated with RWPs from roof drainage. Also the ground levels fall from the retaining wall towards the rear elevation of the dwelling.*
- 6.7 *The macadam surfaced rear area and the block paved eastern driveway adjacent to the dwelling have very limited installed positive provision to drain surface water runoff from these surfaces and, in particular, the surface of the block parking is very irregular and settled.*
- 6.8 *The potential impacts of any flooding at the Claimants' Property are likely to be water lying on part of the rear margin, on part of the macadam surfaced area, and on part of the block paved driveway, unless there is positive, effective and maintained drainage to these areas.*
- 6.9 *There are unlikely to be risks of any flooding internally to the dwelling at the Claimants' Property, because the step level, and the likely internal floor level, is significantly above surrounding external ground level.*
- 6.10 *I am not aware of any risks of flooding at the Claimants' Property due to any out of bank flow from the Balladen Clough watercourse.*
- 6.11 *The potential impacts of any flooding at the Claimants' Property, due to construction works on the Defendant's Development Property, have been removed because of these works.*
- 6.12 *The steel sheet piled retaining wall has cut off groundwater and surface water runoff from the upslope hillside and, until the land drainage has been installed and in the meantime overland flow will be contained within the site.*

- 6.13 *The reinforced concrete retaining wall has also cut off groundwater and surface water runoff from the site immediately north of the Claimants' Property, the wall will be impermeable and has no weep holes.*
- 6.14 *The top of the reinforced concrete retaining wall has an upstand in relation to existing ground levels on the currently undeveloped part of the Defendant's Development Property, and ground levels falling to the west, which will prevent surface water overland flow from the Defendant's Development Property onto the Claimants' Property, the eastern end of the wall is not yet complete.*
- 6.15 *The southern kerb line to the access road on the Defendant's Development Property, will prevent surface water runoff from the Defendant's Development Property onto the Claimants' Property. There will be no flooding due to ponding of water on the access road as there is significant longitudinal fall to the west, and off-site towards Green Street.*
- 6.16 *Although gullies on the access road are not yet connected to a surface water drain, therefore are not effective, surface water runoff from the access road will bypass the gullies and, due to the longitudinal fall to the west, will flow in the channel of the access road, and off-site towards Green Street.*
- 6.17 *The reinforced concrete wall immediately north of the Claimants' Property together with the upstand, and the access road together with the southern kerb line, remove the risk of flooding at the Claimants' Property, due to surface water runoff from the Defendant's Development Property and, in effect, have achieved betterment for the Claimants' Property.*
- 6.18 *There currently is no surface water outfall, and the Defendant does not propose to construct an outfall, from the Defendant's Development Property either towards and/or onto the Claimants' Property.*
- 6.19 *I am not aware that there were any drainage systems on the Defendant's Development Property, prior to construction works by Prestige.*
- 6.20 *Any groundwater seepage and/or surface water flows from the Defendant's Development Property towards and/or on to the Claimants' Property, prior to construction works by Prestige, would have been the natural flow of water from higher land to lower land, in the course of the ordinary and proper use of that land, and there was no unnatural accumulation of water, or no misuse of that land.*
- 6.21 *There is no remedial drainage or other works required on the Claimants' Property due to construction works on the Defendant's Development Property, either in the past or in the future.*
- 6.22 *The Claimants may wish to consider new and improved independent drainage works, which would benefit only them and alleviate existing deficiencies, at and/on the Claimants' Property."*

Officers have considered the contents of the report, and do not propose any changes to the recommendation or conditions in relation to either application.

Item B5 (2019/0263) - Land at Folly Clough, off Goodshaw Lane, Crawshawbooth

Since publication of the Committee Report an objection to the application has been received from Rossendale Civic Trust. It states:

"We note the Council's report to 27 August Dev Con, and its explanation how a previous application was refused partly because of the intrusion into the countryside, but when it went to appeal, the Inspector only upheld the refusal because of a badger sett.

There are precedents for building outside the [urban] boundary but [they tend to be] closer to the edge of an existing settlement or grouping of buildings : more like 'rounding off' than striking out into open areas for once used sites.

We object to the use of red brickwork, as this would not have been used in any external features of the original mill, and certainly not for anything so prominent as this chimney, tower and separate garage.

RCT note Planning Condition 17 - No development shall take place until samples of all materials to be used to construct external walls and the roof of the dwelling have been submitted to and approved in writing by the Local Planning Authority. RCT requests that Condition 17 require a c900 square sample panel of the proposed "brickwork" to be erected on site, for viewing."

The Officer Report refers to the earlier application for erection of a dwelling on this site having resulted in an online petition with 433 names at the time Application 2018/0286 was determined by the Council, and that the number of names on this online petition now totalled over 500. In order that the Council could gain a greater appreciation of the weight to be afforded to this petition the person who started it was asked to provide the names and addresses of those putting their name to it after submission of the current application, and their reasons for doing so. Five names have been added to the application since receipt of the current application, three of which carry Rossendale addresses. Nothing further we have received makes it clear that they are raising issues not considered by the Council and the Appeal Inspector in the determination of the earlier application.

Your Officers remain of the view that the decision to be made in respect of this application turns on whether or not the applicant has adequately addressed the badger issue which prompted dismissal of the appeal. The Council's own Ecology Consultant considers this to be the case. Accordingly, Officers remain of the view that the current application should be permitted subject to the Conditions set out in Section 10 of the Officer Report.

Lauren Ashworth
Principal Planning Officer
23/08/19

Mike Atherton
Planning Manager
27/08/19

