

UPDATE REPORT OF 24th SEPTEMBER 2019
FURTHER UPDATE REPORT OF 1st OCTOBER 2019 (IN RED)

FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 1st OCTOBER 2019

Item B1 (2018/0574) - Land at Hurst Platt, Rawtenstall

Further to a query raised by a Ward Councillor and officers subsequently visiting the site to take measurements, the applicant has submitted an amended site plan (Drawing Number B14110 03 P9) which shows the footprints of the four houses on plots 5-8 moved northwards towards the sheet piled retaining wall by a distance of 1.5m.

This is to account for a discrepancy on the original site plan, and to ensure that adequate room is maintained to the front of the proposed houses for the construction of driveways and the associated access road.

The amended site plan does not contain any other changes to the proposed scheme, and is considered to be acceptable.

Conditions 1 (approved plans), 2 (slope stability and drainage), 8 (off-site highway works), 9 (on-site highway works) and 14 (informal amenity space) are proposed to be amended accordingly to refer to the amended drawing reference number.

In addition, further to discussions between officers and the Local Highway Authority, the wording of Condition 10 (foul and surface water drainage) is proposed to be amended to specifically prohibit any connection of drains to the highway drainage system beneath Green Street, and to specify that the drainage outflow from the site shall only be connected to dedicated foul and surface water drainage apparatus in agreement with the relevant statutory undertaker.

Officers consider that the revised wording clarifies the requirements in terms of drainage outflow from the site. As with any development of this kind, the applicant would still have a duty to agree a connection to the relevant drainage apparatus with United Utilities, outside of the planning process.

The complete list of proposed conditions (as amended) is as follows:

1. The development shall be carried out in accordance with the following unless otherwise required by the Conditions below:

- *Site Location Plan (Croft Goode Architects Drawing Number 16-2218-EX001 REV B)*

- Site Layout (James Crosbie Associates Ltd Drawing Number B14110 03 P9)
- Street Lighting (Lancashire County Council Drawing)
- Permanent Sheet Pile Wall (Volker Ground Engineering Drawing Number C12538-PW01-101 REV. D)
- Part Site Layout Indicating Highway Works (James Crosbie Associates Ltd Drawing Number B14110 03) only insofar as it relates to the details of proposed highway works.
- Detailed Landscape Proposals (Margaret Twigg Drawing Number 452.01)
- Proposed Floor Plans (Croft Goode Architects Drawing Number 16-2218-PN101)
- Sections Through Site (James Crosbie Associates Ltd Drawing Number 02 Revision P2)
- Proposed Elevations (Croft Goode Architects Drawing Number 16-2218-003)
- Proposed Site Sections (Croft Goode Architects Drawing Number 16-2218-PN301)
- Property Management North West Ltd arrangements for future management and maintenance of the proposed streets within the development
- Method Statement Relating to Rear Walls of Houses on Plots 1-4
- Waingate Mews Retaining Wall Calculations (Philip Wright Associates Ltd Ref: 1417 May 2019)

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development.

2. No further development in respect of the construction of the dwelling houses hereby permitted shall take place until the slope stability and drainage works as shown on the following approved drawings have been completed in full:

- James Crosbie Associates Ltd Drawing Number B14110 03 P9 (Site Layout)
- James Crosbie Associates Ltd Drawing Number B14110 02 P2 (Sections Through Site)

Reason: In the interests of land stability and to ensure adequate drainage of the site.

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

Reason: To safeguard the amenities of neighbours.

4. Notwithstanding what is shown on the submitted plans and documents, the dwellings hereby permitted shall be constructed with facing materials to match those used in the construction of the elevations and roof of the dwelling on Plot 1 which has already been constructed on the site.

Reason: To ensure the development is of satisfactory appearance.

5. Notwithstanding what is shown on the submitted plans and documents, the retaining wall to the new access road along the southern boundary of the site shall be faced in coursed stone to match that used in the construction of the elevations of the dwelling on Plot 1 which has already been constructed on the site.

Reason: To ensure the development is of satisfactory appearance.

6. None of the dwellings to be constructed on Plots 5-8 shall be occupied until their garages are available for use for the parking of cars, and until the driveways fronting them have been surfaced in a hard permeable material as shown on Margaret Twigg Landscape Architects drawing number 452.01.

Reason: In the interests of highway safety and to ensure that sufficient parking provision is provided for the size of the dwellings hereby approved.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any subsequent Order amending or revoking and re-enacting it, each of the garages associated with the dwellings on site shall be kept freely available for the parking of cars at all times.

Reason: In the interests of highway safety and to ensure that sufficient parking provision is provided and retained for the size of the dwellings hereby approved.

8. Prior to first occupation of any of the dwellings to be constructed on Plots 5-8, all off-site highway works as shown on the following drawings shall be completed in full (including road construction, surfacing, kerbs, drainage and street lighting):

- Site Layout (James Crosbie Associates Ltd Drawing Number B14110 03 P9)
- Street Lighting (Lancashire County Council Drawing)
- Part Site Layout Indicating Highway Works (James Crosbie Associates Ltd Drawing Number B14110 03)

Reason: In the interests of highway safety and to manage surface water runoff.

9. Prior to first occupation of any of the dwellings to be constructed on Plots 5-8, all on-site highway works as shown on the following drawings shall be completed in full (including road construction, surfacing, kerbs, drainage and street lighting):

- Site Layout (James Crosbie Associates Ltd Drawing Number B14110 03 P9)
- Street Lighting (Lancashire County Council Drawing)
- Part Site Layout Indicating Highway Works (James Crosbie Associates Ltd Drawing Number B14110 03)

In addition, none of the dwellings on Plots 5-8 shall be occupied until all elements of the retaining wall and associated fencing approved under application 2019/0307 have been completed in accordance with the approved details.

Reason: *In the interests of highway safety and to manage surface water runoff.*

10. Foul and surface water drainage from the site shall only be connected to dedicated foul and surface water drainage apparatus in agreement with the relevant statutory undertaker. No surface or foul water drainage from the site shall be connected to highway drains.

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

11. All new planting forming part of the approved scheme (as shown on Margaret Twigg Landscape Architects drawing number 452.01) shall be carried out in the first planting season either following completion of the development or following first occupation of the last dwelling to be occupied (whichever is the sooner). Any trees or plants which within a period of 5 years of first occupation of the final dwelling die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All lawns, trees, shrubs and hedges located forward of the front elevations of the dwellings hereby permitted shall be retained thereafter and any that die or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: *In the interests of visual amenity and to enhance the biodiversity value of the site.*

12. If, during any works on site, land contamination is suspected or found, or land contamination is caused, the Local Planning Authority shall be notified immediately. Within one month of such notification taking place a risk assessment (together with a scheme including full details of any proposed remediation measures, together with timescales for their implementation) shall be submitted to the Local Planning Authority for its approval. The development shall thereafter be carried out in accordance with the agreed details. Within one month of the completion of the development or within one month of first occupation of any of the dwellings hereby permitted (whichever is the sooner), a verification report (demonstrating that the approved remediation measures have been carried out in accordance with the approved details) shall be submitted to the Local Planning Authority for its approval.

Reason: *In the interests of preventing harm to the future occupants of the development from land contamination.*

13. No above-ground construction works shall take place in relation to the approved dwellings on Plots 7 and 8 until a scheme has been submitted to and approved in writing by the Local Planning Authority containing full details of proposals to grade or retain, and landscape, the land immediately to the east of those plots. The scheme shall contain design drawings by a suitably qualified structural engineer which demonstrate that the proposed grading / retaining works are adequate to prevent any land instability.

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

Reason: In the interests of protecting the proposed dwelling on Plot 8 from land instability, and in the interests of visual amenity.

14. Prior to first occupation of any of the dwellings to be constructed on Plots 5-8, the areas of land adjacent to the turning head on site, as shown on James Crosbie Associates Ltd Drawing Number B14110 03 P9 (Site Layout), shall be laid with grass and shall thereafter be maintained as areas of informal amenity space.

Reason: In the interests of visual amenity

Since publication of the above update report, comments have been received from United Utilities on the application. United Utilities have raised the following concerns over the proposed drainage strategy:

- United Utilities cannot accept land drainage run-off (from the slope above the houses) into their sewer system; and
- United Utilities' existing pipework beneath Green Street is only 100mm diameter, which is insufficient in capacity to allow a connection to.

United Utilities have suggested to officers that the following alternatives may be considered to deal with surface water drainage from the site:

1. **Either** revert to the original (2016/0630) approved connection beneath the adjacent land owner's garden into the culverted watercourse (if the adjacent landowner agrees); **or**
2. Extend suitable pipework along Green Street, and then down Holmes Street to connect to the culverted watercourse at that point (with the agreement of the relevant land owner(s), the Lead Local Flood Authority, and the Environment Agency).

The applicant has indicated that they would wish to pursue the second option above.

Officers will need time to consider further whether the current application can be suitably amended to enable option 2 above, or whether a new planning application will be now be required.

As such, officers now recommend that this application is **DEFERRED** to enable the options to be fully considered.

Lauren Ashworth
Principal Planning Officer
24/09/2019

Mike Atherton
Planning Manager
01/10/2019