

Application Number:	2020/0085	Application Type:	Variation of condition following a grant of planning permission.
Proposal:	Variation of conditions (New Proposed Site Layout) and (Material change to paving to driveways to tarmac) pursuant to Planning Approval 2018/0043.	Location:	Land Off Rockliffe Road Bacup Lancashire
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	6 October 2020
Applicant:	Mr Chris Lee	Determination Expiry Date:	01/06/2020
Agent:	Mr Warren Seddon		

Contact Officer:	Mike Atherton	Telephone:	01706-252420
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Yes
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

1. RECOMMENDATION

That Planning Permission be granted subject to the conditions set out in the report.

2. SITE

This application relates to a site which is located to the south of Bacup town centre, between the A681 Market Street, the A671 Rochdale Road and the A6066 New Line.

The site is of approximately 3.4 hectares in area (including the housing already constructed) and is of irregular shape. The site is bounded:

- to the North by houses that front Grafton Villas, bungalows on Anderson Close and long-standing industrial premises at the end of River Street;
- to the West by the River Irwell and the backs of extensive industrial premises;
- to the East by Rockcliffe Road, a garage-court & housing served off Pine Street, a field and the grounds of St Saviours Community Primary School; &
- to the South by a flat/overgrown area of land formerly occupied by a railway line and beneath which runs a stream called Trough Syke, beyond which the land rises up towards New Line.

Whilst it can be said that the site slopes down from Rockcliffe Road in the east towards the western and southern boundaries, it does not do so in a uniform way. From Rockcliffe Road and the garage-court & housing served off Pine Street the site slopes down steeply to a more gently-sloping plateau that extends from the dwellings on Grafton Villas and Anderson Close to a steeply-sloping bank down to the flat land formerly occupied by the railway line beyond the southern boundary. This plateau is bounded to the west by a steeply-sloping bank on a NE-SW axis, at the base of which is again a gently-sloping plateau that extends to the south of the industrial premises at the end of River Street and alongside the River Irwell.

Public Footpath No 486 crosses the site however this has been subject to a temporary closure order as the site is hoarded.

The site lies within the Urban Boundary of Bacup and planning permission has previously been granted for the residential development of this site.

3 PLANNING HISTORY

Reference	Description	Decision	Date
2004/0143	Residential development of 90 new dwellings and landscaped area	Approved	April 2007
2008/0083	Erection of 89 dwellings	Withdrawn	
2010/0094	Erection of 89 houses, entailing diversion of Public Footpath No 486, Bacup	Withdrawn	
2010/0115	Extend the time limit of Planning Permission	Approved	May 2010

	2004/143 (Erection of 90 Dwellings)		
2011/0637	Erection of 82 houses, including new access roads from Rockcliffe Road and Grafton Villas	Approved	June 2012
2012/0322	Discharge of conditions 2,3,4,5,8,10 & 11 on planning permission 2011/0637	Conditions discharged	September 2012
2012/0443	Discharge of Condition 13 (Scheme of Siting of Compound & Routing to be used by lorries associated with the construction) from Planning Approval 2011/0637.	Conditions discharged	September 2012
2015/0023	Variation of Condition 4 (Levels), Condition 5 (Surface water regulation system) and Condition 11 (Landscaping/boundary treatment) of Planning Permission 2011/0637 for erection of 82 Houses	Never determined	
2015/0215	Minor changes to layout within loop of access road. Changes to layout and house type. Number of Proposed units adjusted from 23 to 24. all house types changed from C to C3. Area of public open space (open area 3) increased. Alignment of geotextile retaining wall adjusted.	Approved	July 2015
2015/0172	Non Material Amendment for minor changes to layout within loop of Access Road	Withdrawn	
2018/0043	Full application for the erection of 26 dwellings (amendment to planning approval 2011/0637 which approved the erection of 82 houses with new access roads from Rockcliffe Road and Grafton Villas)	Approved with Conditions	May 2018

4. **PROPOSAL**

The application is a full application to vary conditions pursuant to planning application 2018/0043 which was a full application for the erection of 26 dwellings which was approved in May 2018.

This proposal seeks to vary conditions 5, 8 and 27 of the approved scheme by introducing tarmac to front driveways to replace the previously proposed surfacing material. Permission is also sought to alter the site layout slightly by moving the driveway to the side of plot 1 and introducing a stepped approach directly from the parking area and replacing the parking with a lawn directly in front of the property.

Condition 5 states, *'The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out in a hard permeable surface and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).'*

Condition 8 states, *'All works shall be undertaken strictly in accordance with the hard surfacing materials as detailed on the approved plans, and shall be completed in all respects before the final completion of the development and thereafter retained.'*

Condition 27 states that the development shall be carried out in accordance with the list of approved plans numbered in the condition.

5. **POLICY CONTEXT**

National

National Planning Policy Framework

Section 2	Achieving Sustainable Development
Section 4	Decision Making
Section 5	Delivering a sufficient supply of homes
Section 6	Building a Strong, Competitive Economy
Section 9	Promoting Sustainable Transport
Section 11	Making Effective Use of Land
Section 12	Achieving Well Designed Places
Section 14	Meeting the Challenges of Climate Change, Flooding, etc

Development Plan Policies

Rosendale Core Strategy DPD

AVP 2	Bacup, Stacksteads, Britannia and Weir
Policy 1	General Development Locations and Principles
Policy 2	Meeting Rosendale's Housing Requirement
Policy 3	Distribution of Additional Housing
Policy 7	Social Infrastructure
Policy 8	Transport
Policy 9	Accessibility
Policy 17	Rosendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 23	Promoting High Quality Design & Spaces

6. CONSULTATION RESPONSES

Consultee	Comments	Conditions
LCC Highways	No objection	No
United Utilities	No comments received	No
LCC – Lead Local Flood Authority	No objection as the surface water drainage proposals are unchanged.	No
Ecology	No objection	No

7. NEIGHBOUR NOTIFICATION

As this is a variation of condition application to a previously approved scheme, relating to very minor changes, no neighbor notification took place.

8. ASSESSMENT

Principle of Development

The principle of development has already been established through the grant of planning permission (ref: 2018/0043) and most of the works proposed as part of that permission have been implemented on site. However, if an application to vary conditions is granted, it has the effect of establishing a new planning permission. Therefore, if this application is approved, it is also necessary to establish what planning conditions are necessary and these are listed in section 10 of the report.

Surfacing materials/Drainage

The application seeks to change the surfacing material on the driveways to the front of each dwelling to tarmac. Whilst tarmac is not a high quality material, it is not considered sufficiently adverse in visual terms, to have a detrimental effect on residential amenity or the appearance of the area.

It has also been necessary to assess if the proposed alteration will have any impact on drainage. However, the surface water drainage arrangements are unchanged and as such the Lead Local Flood Authority have no objection. Surface water is drained to an attenuation basin at the lower end of the site. Calculations for rainwater run off to driveways have been included as part of the original design, driveways will fall towards pavements & road gullies and all channels will discharge into the surface water drain. Consequently, the surface water drainage arrangements are considered satisfactory.

Site Layout

Due to the steep gradients directly outside Plot One, the Applicant is proposing to move the driveway to the side of the property and introduce a stepped approach directly from the parking area and introducing a lawn directly in front of the house instead. This would enable adequate parking provision remains and would not have any detrimental impact on residential amenity. Therefore, the changes to the layout are considered acceptable in principle.

Other relevant planning considerations

All of the other relevant planning matters are unaffected by the proposed alterations to the conditions.

9. CONCLUSION

The proposed development is appropriate in principle within the urban boundary. It is considered that the development would not unduly affect the visual amenities of the area, drainage arrangements, neighbour amenity or highway safety. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies AVP2, 1, 7, 8, 9, 17, 18, 19, 23 and 24 of the Council's Core Strategy DPD (2011).

10. CONDITIONS

No.	Conditions
1.	<p>The proposed development must be begun not later than three years from the date of this permission.</p> <p>Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>All the dwellings hereby permitted shall be provided as affordable dwellings (as defined in the National Planning Policy Framework) to be managed by a Registered Provider.</p> <p>Reason: Weight has been given to the case put forward by the applicant as a Registered Provider in terms of the viability of the site in relation to the normal public open space requirements.</p>
3.	<p>The development hereby permitted shall only be carried out in conformity with the proposed ground and building slab levels shown on the approved plan(s) and the garden areas for the dwellings hereby approved shall be at the same level as the building slab level for the dwelling they serve.</p> <p>Reason: To protect the appearance of the locality and in the interests of the amenities of local residents.</p>
4.	<p>No dwelling shall be occupied until all fences and walls shown in the approved details to bound its plot, have been erected in conformity with the approved details. Other fences and walls shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.</p> <p>Reason: To ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.</p>
5.	<p>The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced in Tarmacadam and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).</p> <p>Reason: To ensure provision of adequate off-street parking facilities within the site.</p>

6.	<p>All works shall be undertaken strictly in accordance with the approved external facing and roofing materials.</p> <p>Reason: To ensure that the materials used are visually appropriate to the locality.</p>
7.	<p>All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.</p> <p>Reason: In the interest of the appearance of the locality.</p>
8.	<p>All works shall be undertaken strictly in accordance with the hardsurfacing materials as detailed on the approved plans, and shall be completed in all respects before the final completion of the development and thereafter retained.</p> <p>Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.</p>
9.	<p>For the full period of construction, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site and the roads adjacent to the site shall be mechanically swept as required during the full demolition and construction period.</p> <p>Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</p>
10.	<p>If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.</p> <p>Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution from previously unidentified contamination sources at the development site in line with paragraph 109 of the National Planning Policy Framework.</p>
11.	<p>No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 109 of the National Planning Policy Framework.</p>
12.	<p>All measures specified in the approved Method Statement to protect the River Irwell from accidental spillages, dust and debris will be implemented and maintained for the duration of the construction period in accordance with the approved details.</p> <p>Reason: To avoid the risk of debris, dust and pollutants entering the watercourse.</p>

13.	The details of the report demonstrating that there will be no negative impacts on the ecological status/potential of the River Irwell resulting from surface water disposal post-development as approved, shall be implemented in full to the satisfaction of the Local Planning Authority. Reason: To protect the River Irwell
14.	All external lighting shall be installed in accordance with agreed specifications and locations set out in the approved Street Lighting Strategy. Reason: To ensure the development does not negatively impact on bats, their habitats or foraging grounds
15.	If badger setts are identified during construction all works shall cease and a qualified Ecologist shall be consulted to identify suitable mitigation measures. These measures shall be submitted to and approved in writing by the Local Planning Authority prior to the recommencement of the development and implemented in accordance with the approved details thereafter. Reason: There has been evidence of badgers historically on the site however none recently. This condition is required in case badgers return to the site
16.	No works to trees or shrubs shall occur or earthworks commence between the 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present which has been agreed in writing by the Local Planning Authority. Reason: To protect nesting birds
17.	Prior to any earthworks a method statement detailing eradication and/or control and/or avoidance measures for himalayan balsam, japanese knotweed and rhododendron should be supplied to and agreed in writing to the Local Planning Authority. The agreed method statement shall be adhered to and implemented in full. Reason: to secure the eradication and control of invasive species.
18.	The development shall be carried out strictly in accordance with the approved Landscape and Environmental Management Plan. Reason: To ensure that the development contributes to and enhances the natural and local environment.
19.	Any changes to the Remediation Report component of the Contamination Strategy require the written consent of the local planning authority. The scheme shall be implemented as approved. Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.
20.	Prior to any part of the permitted development being brought into use a Verification Report demonstrating the completion of works set out in the approved Remediation Strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved Verification Plan have been met and that remediation of the

	site is complete. This is in line with paragraph 109 of the National Planning Policy Framework.
21.	The development shall be implemented in accordance with the Construction Traffic Management Method Statement which shall be adhered to throughout the construction period. Reason: In the interests of highway safety.
22.	The development shall be implemented in accordance with the previously approved scheme of off-site highway works. Reason: in the interests of highway safety and safe access to and from the site.
23.	The development shall, be completed in accordance with the approved engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads prior to the occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority. Reason: in the interests of highway safety and the development of the site
24.	The development shall, be constructed in accordance with the approved details of the retaining wall and embankments retaining the estate road. Reason: In the interests of highway safety and the retaining wall details
25.	The streets shall be maintained in accordance with the approved management and maintenance details of the estate roads within the development until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established. Reason: To ensure the suitable management of the highway hereby approved.
26.	The development shall be carried out in strict accordance with the following plans and documents unless otherwise required by the conditions below: <ul style="list-style-type: none"> - Submitted application form. - Proposed Site Plan (A1729-LIB-S1-A1-01-ZZ-LL-P2-001-C12) <p><u>Reason:</u> To ensure the development complies with the approved plans and submitted details.</p>

INFORMATIVES

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

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adapted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did engage in pre-application discussions.

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

2. If, during any works on site, contamination is suspected or found, or contamination is caused, the Local Planning Authority shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the Local Planning Authority.

3. The new site access and associated off-site works will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk - please search for 278 agreement.

4. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Further details can be found by contacting PROW@lancashire.gov.uk