

MINUTES OF: THE DEVELOPMENT CONTROL COMMITTEE

Date of Meeting: 19th March 2024

Present: Councillor Procter (Chair)
Councillors Driver, Eaton, Gill, Hodgkiss, Marriott and Morris

In Attendance: Mike Atherton, Head of Planning
James Dalglish, Principal Planning Officer
Claire Bradley, Senior Planning Officer
Clare Birtwistle, Head of Legal/Monitoring Officer

Also Present: Councillors B Ashworth, D Ashworth, McInnes, Oakes, Neal, M Smith, Walmsley
27 members of the public

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. MINUTES

Resolved:

That the minutes of the meeting held on the 6th February 2024 be signed by the Chair and agreed as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. URGENT ITEMS OF BUSINESS

There were no urgent items of business.

PLANNING APPLICATIONS

The Chair noted that the Planning Officers would be outlining the main points of the applications and any relevant additional information. The Committee were given copies of all reports and plans in advance of the meeting, which they had adequate time to read.

5. 2023/0505 - PRIMROSE MILL, COMMERCE STREET, HASLINGDEN (ITEM B1)

The Planning Officer introduced the application as detailed in the report, including the proposal, site details, relevant planning history and consultation responses received.

There were no registered speakers

In determining the application, the Committee discussed the following:

- 28 car parking spaces have been provided with an additional overflow car park within walking distance of the site.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report.

Moved: Councillor Eaton

Seconded: Councillor Procter

FOR	AGAINST	ABSTENTION
7	0	0

Resolved

That the application was granted in line with the officer’s recommendation, subject to the following conditions from the report:

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

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the application form received 06.11.2023 and the following drawings and documents, unless otherwise required by the conditions below:

- Location Plan received 06.11.2024
- Drawing No: 23/08/10 Block Plan received 06.11.2023
- Drawing No: P23-01156 Topographical Survey received 06.11.2023
- Drawing No: 23/08/07 Section received 06.11.2023.
- Drawing No: 23/08/09 Drainage received 06.11.2023
- Drawing No: 23/08/01 Existing Elevations received 06.11.2023
- Drawing No 23/08/03 Existing Plans received 06.11.2023
- Drawing No 23/08/02 Proposed Elevations received 06.11.2023
- Drawing No 23/08/04 Rev B Proposed Plans received 06.11.2023
- Drawing No 23/08/08 Roof Plan received 06.11.2023
- Drawing No: 23/08/10 Car Parking Plan received 14.12.2023
- Revised Phase 1 Desk Study received 14.12.2023
- Planning Statement received 14.12.2023
- Phase II Ground Investigation Report received 09.01.2024
- Surface Water Drainage Survey received 23.01.2024
- Phase II Ground Investigation Further Comments received 30.01.2024

Reason: To define the permission and in the interests of the proper development of the site.

3. No materials shall be used on the elevations of the proposed development other than those referred to on the approved plans.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

4. The car parking shown on drawing 'Car parking' dated September 2023 showing 28 car parking spaces within the internal yard shall be designated and delineated prior to the first use of the development hereby permitted. The car park shall thereafter only be used for staff parking.

Reason: To provide sufficient car parking within the site.

5. A secure and covered cycle store shall be provided for at least 3 cycles prior to first use of the development hereby permitted.

Reason: To support sustainable travel modes.

6. No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the local planning authority. This strategy will be based on the following reports:
 - Phase 1 Environmental Desk Study report by Roger Geotechnical Services (RGS) Ltd. Referenced: C3857/23/E/5828-Rev1 Dated Dec. 2023.
 - Phase 2 Geo-environmental Investigation by Roger Geotechnical Services (RGS) Ltd. Referenced: C3857/23/E/5829_rev1 Dated Jan. 2024.

Any changes to the approved remediation strategy will require the written consent of the local planning authority. The scheme shall be implemented as approved.

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.

Reason: To ensure that the site does not pose any further risk to 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 189 of the National Planning Policy Framework.

7. 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 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 189 of the National Planning Policy Framework.

8. Piling or any other foundation designs using penetrative methods shall not take place other than with the written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed piling operation and installation, does not harm groundwater resources in line with paragraph 189 of the National Planning Policy Framework and Position Statement J of the 'The Environment Agency's approach to groundwater protection'.

9. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) A model of the existing drainage system, based on the CCTV survey provided (24.10.2023 Condale Carrs Industrial Estate, 29/10/2023, Stewart Drainage Solutions Limited) to demonstrate:
 - i. Current runoff rates and volumes for the 100% (1 in 1-year), 3.3% (1 in 30-year) and 1% (1 in 100-year) annual exceedance probability events.
 - ii. That flooding does not occur on any part of the site for the 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change
 - iii. That flooding does not occur in any buildings for the 1% (1 in 100-year) annual exceedance probability event + 45% climate change
- b) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + 45% climate change allowance, with an allowance for urban creep
- c) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- d) A site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person.

The sustainable drainage strategy shall be implemented, retained, managed and maintained in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 173 and 175 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and Policy ENV9 of the adopted Rossendale Local Plan.

10. The occupation/use of the development shall not take place until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 173 and 175 of the National Planning Policy Framework.

6. 2023/0522 – LAND OFF HARDMAN AVENUE, RAWTENSTALL (ITEM B2)

The Planning Officer introduced the application as detailed in the report, including the proposal, site details and consultation responses received.

Mr Hartley spoke in favour of the application. Members asked questions for clarification purposes only.

In determining the application the Committee discussed the following:

- If the intention of the application was to develop livestock, were there currently sheep on the land.
- There were concerns in relation to future use as residential. Could a condition be added.
- Happy that the structure is in stone and slate.

In response to questions from members the Planning Officer advised that:

- The building was for agriculture use only and could not be converted into residential use without planning permission first being obtained separately. Any unauthorised change of use would be investigated under the Council's enforcement powers.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report.

Moved: Councillor Driver

Seconded: Councillor Eaton

FOR	AGAINST	ABSTENTION
7	0	0

Resolved:

That the application was granted in line with the officer's recommendation, subject to the following conditions from the report:

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

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following drawings, unless otherwise required by the conditions below:

Drawing Title	Drwg No	Date Rec'd
Location Plan	MM 071123A	08/11/23
Proposed Site Plan,	HC-30-10-23 C	25/01/24
Floor Plan, Elevations and Cross Section	HC-30-10-23-A	25/01/24
External Materials	MM.290224.B	01/03/24
Landscaping Proposals	MM.290224.A	01/03/24
Bat and Bird Biodiversity Enhancement	MM.290224.C	01/03/24

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

3. Prior to first use of the building hereby permitted, or prior to substantial completion of the building (whichever is the sooner), the submitted landscaping proposals (MM.290224.A) and biodiversity enhancement proposals (MM.290224.C) shall be implemented in full. Any planted trees / hedges which within 10 years of being planted fail, become diseased, die or are removed, shall be replaced with similar specimens in the next planting season.

Reason: In the interest of securing a net gain in biodiversity on site and in the interests of visual amenity.

4. The development shall be constructed in strict accordance with the submitted details relating to the external materials (MM.290224.B).

Reason: To ensure a satisfactory appearance to the development.

5. Construction works shall not take place outside the following hours:

Monday to Friday	08:00 to 18:00
Saturday	08:00 to 13:00

Construction works shall not take place on Sundays or Bank or Public Holidays.

Access and egress for construction delivery vehicles shall be restricted to the working hours indicated above.

Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

7. 2022/0543 – FIELDFARE WAY, BACUP (ITEM B3)

The Planning Officer introduced the application as detailed in the report, including the proposal, site details, relevant planning history and consultation responses received.

Ms Holmes spoke against the application and Mr Darbyshire spoke in favour. Members asked questions for clarification purposes only.

Councillor Walmsley spoke on the application as Ward member.

In determining the application the Committee discussed the following:

- The development near the site was large and the addition of this development would mean a large urbanisation.
- Traffic infrastructure and traffic flow.
- Highway concerns and congestion.
- Status on public rights of way on the site.
- Concerns regarding the location of car charging points and some parking accessibility.

In response to questions from members the Planning Officers advised that:

- The site was in the Council’s Local Plan for housing allocation and was based on identified need.
- A definitive map of public rights of way had been provided to members.

A proposal was moved and seconded to defer the application as the Committee were not satisfied they had sufficient information in relation to the following:

- Highways – the last traffic study was conducted in 2019.
- The location of car charging points.
- The affordable housing provision.
- Urbanisation of the area.

Moved: Councillor Eaton

Seconded: Councillor Driver

FOR	AGAINST	ABSTENTION
6	0	1

Resolved:

The application was deferred to allow officers to bring back the required information to Committee.

8. 2023/0500 – LAND AT CLOVER HILL, GREENSNOOK LANE (ITEM B4)

The Planning Officer introduced the application as detailed in the report, including the proposal, site details, relevant planning history, representations and consultation responses received.

Mr Kershaw spoke against the application and Mr Hartley spoke in favour. Members asked questions for clarification purposes only.

Councillor B Ashworth spoke on the application as Ward member.

In determining the application, the Committee discussed the following:

- Access for refuse vehicles.

- Land stability issues.
- Gas supply to the properties.
- Consultation regarding the size of the garage.
- Fencing and landscaping.
- Trees and tree preservation orders.
- Construction management plan.
- Highways issues.

In response to questions from members the Planning Officers advised that:

- Refuse bins would be presented to Todmorden Road for collection.
- There was no evidence that there were issues with land stability. A qualified engineer had produced the report which had been assessed by the Council's Building Control officer.
- Developer to check with Cadent prior to works being undertaken. Gas supply issues sat outside the planning process.
- A late amendment had been requested by the highways authority in relation to the size of the garage and vehicle turning space.
- The Ecology report recommended a native hedge which was included as a condition. A full landscaping scheme including boundary treatments was required.
- Trees removed would be replaced on a two for one basis.

A proposal was moved and seconded to approve the application as per the officer's recommendation, subject to the conditions set out in the report.

Moved: Councillor Procter

Seconded: Councillor Driver

FOR	AGAINST	ABSTENTION
4	0	3

Resolved:

That the application was granted in line with the officer's recommendation, subject to the following conditions from the report:

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

Reason: To accord with the requirements of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the application form received 30.10.2023 and the following drawings and documents, unless otherwise required by the conditions below:

Location Plan received 30.10.2023

Drawing No: SM-02-10-21-C Plans and Elevations received 04.03.2024

Drawing No: SM-02-10-21-B Proposed Site Plan received 04.03.2024

Arboricultural Implications Assessment Rev B received 30.10.2023

Arboricultural Method Statement Rev B received 30.10.2023

Preliminary Ecological Appraisal received 30.10.2023

Bats and Lighting Letter received 30.10.2023

Engineering Report received 30.10.2023

Construction Management Statement received 30.10.2023

Reason: To define the permission and in the interests of the proper development of the site.

3. The development shall be undertaken strictly in accordance with the materials indicated on the submitted plans including pitch face natural stone walls and reclaimed natural blue slate roofing.

Reason: In the interests of visual amenity of the area and ensuring that the appearance of the development is acceptable.

4. The Construction Management Statement submitted on 30.10.2023 shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the construction phases.

5. Construction works shall not take place outside the following hours:

Monday to Friday 08:00 to 18:00

Saturday 08:00 to 13:00

Construction works shall not take place on Sundays or Bank or Public Holidays.

Access and egress for delivery vehicles shall be restricted to the working hours indicated above.

Reason: to ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

6. The proposed development shall not be brought into use unless and until the parking area shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling and the manoeuvring areas kept free from obstruction.

Reason: In order to ensure satisfactory levels of off-road parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

7. An electric vehicle charging point shall be provided prior to first occupation of the dwelling, in accordance with a scheme to be first submitted to and approved in writing by the local planning authority.

Reason: To ensure that the development provides sustainable transport options.

8. Notwithstanding the details submitted with the application, prior to commencement of development, a landscaping scheme showing full details of hard and soft landscaping, planting and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the biodiversity enhancement measures identified in paragraph 9.4.2 to 9.4.4 of the Preliminary Ecological Report received 30.10.2023.

The approved scheme of hard and soft landscaping, planting and boundary treatment shall be completed in full prior to first occupation of the approved dwelling.

Any trees or plants which within a period of 15 years of first occupation of the 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.

Reason: In the interests of ecology, biodiversity and visual amenity.

9. Prior to commencement of development a Tree Protection Plan for the trees being retained on site shall be submitted to and approved in writing by the Local Planning Authority.

No development shall commence until all the retained trees within the site as shown on the approved Tree Protection Plan, have been protected. Such protection shall be installed in accordance with the specification described in the AIA and AMS document, in the positions as shown on the Tree Protection Plan, and shall remain until all development is completed. No work, including any form of drainage or storage of materials, earth or topsoil shall take place within the perimeter of such fencing.

Reason: To protect the trees to be retained on the site.

10. During the first available planting season following the felling of the four trees proposed, they shall be replaced on a 2:1 ratio with a "light standard" tree(s) in accordance with British Standard 3936:Part 1:1992 (Specification for Nursery Stock Part 1:Trees and Shrubs) and shall have a clear stem height from the ground of 1.5m, a minimum overall height from the ground of 2m, a minimum circumference of stem at 1m from the ground of 6cm and the tree(s) shall be root balled. The species shall be native species and shall be planted in the vicinity of the trees to be removed.

Reason: To safeguard future tree cover and amenity.

11. Planting Season -Replacement tree(s) shall be planted in the period from November to March, following the felling of the protected tree(s), hereby granted consent, and this condition shall not be considered to have been complied with until the replacement tree(s) have been established.

Reason: To safeguard future tree cover and amenity.

12. Prior to commencement of development, details of the bat and bird boxes detailed in Section 10 of the Preliminary Ecological Appraisal received on 30.10.23 including the type and positions shall be submitted to and approved in writing by the Local Planning Authority.

The approved details shall be implemented in full prior to occupation of the dwelling.

Reason: In order to ensure the enhancement of biodiversity on the site.

13. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- (i.) A Preliminary Risk Assessment report (phase 1), including a conceptual model and a site walk over survey;
- (ii.) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning

Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and

- (iii.) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy (including verification plan) prior to commencement of development.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: To mitigate risks associated with land contamination and prevent pollution.

14. Pursuant to condition 11; and prior to first occupation of the dwelling a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To mitigate risks associated with land contamination and prevent pollution.

15. The site shall be drained on separate systems, with foul water draining to the public sewer and surface water draining in the most sustainable way based on the hierarchy of drainage options in the National Planning Practice Guidance.
- a) into the ground (infiltration);
 - b) to a surface water body;
 - c) to a surface water sewer, highway drain, or another drainage system;
 - d) to a combined sewer.

No development shall take place until a detailed drainage scheme outlining which drainage option from the hierarchy found in the National Planning Policy Guidance has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to first occupation of the dwelling.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

16. No part of the development hereby permitted shall be occupied until details of an appropriate management and maintenance plan for the drainage system for the lifetime of the development have been submitted to and approved in writing by the Local Planning Authority.

The drainage system shall thereafter be managed and maintained in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

17. External lighting shall be limited to that proposed in the letter dated 10th January 2022 from Verity Webster as submitted on 30.10.2023. No further external lighting shall be erected at the property unless a further application has first been submitted to the Local Planning Authority and approved in writing.

Reason: In the interests of ensuring the protection of protected species.

The Committee agreed to delegate urgent items during the pre-election period to the Head of Planning and Chair and Vice Chair of the Development Control Committee.

The meeting concluded at 8.33 pm

**Signed:
(Chair)**

Date:
