

Application	2024/0174	Application	Major
Number: Proposal:	Major Application: Care home extension to create an additional 48 en-suite bedrooms and 4 extra care apartments, including communal facilities, landscaping and parking and publicly accessible facilities to benefit the wider community.	Type: Location:	Lavender Hills Care Home Stubbins Vale Road Ramsbottom Bury Lancashire BL0 0NP
Report of:	Head of Planning	Status:	For Publication
Report to:	Development Control Committee	Date:	03.09.2024
Applicant:	Rossendale Borough Council The Business Centre Futures Park Bacup OL13 0BB	Determination Expiry Date:	29.08.2024 (Extension of time agreed until 06.09.24).
Agent:	Bob Woollard		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	Major
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.

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1. RECOMMENDATION

That Members resolve that they would be minded to grant planning permission subject to the conditions recommended in section 10 below.

APPLICATION DETAILS

2. SITE

The application relates to Lavender Hills Care Home – a mid-nineteenth century former Victorian mill owner's mansion (also known as 'The Cliffe') that includes modern extensions as well as other modern buildings providing care provision. It is understood from the applicant's submission that the dwellinghouse known as the 'The Cliffe' changed use to a care home in 1990. According to the Council's records planning permission to convert the building into a private residence for the elderly was granted permission earlier in 1983, with subsequent planning applications suggesting the permission was implemented. Planning permission was also granted to convert the substantial outbuildings/dwellings to the rear of 'The Cliffe' into additional rest home accommodation. According to the submitted details the care home currently contains 44 bedspaces and includes ancillary accommodation, car parking and landscaped gardens.

The original building has been altered and extended significantly including a two storey modern extension of stone construction to the left hand side and a two storey link building between the original building and the buildings to the rear. 'The Cliffe' is not a listed building but has been identified as a Non-Designated Heritage Asset (NDHA). The Chatterton / Strongstry Conservation Area is over 200m to the east of the care home building, on the opposite of the East Lancashire Railway route.

The care home lies to the northwest of Stubbins Vale Road and Stubbins Vale Mill, Ramsbottom, with access taken from Stubbins Vale Road via a steep and, in parts, single width road. The care home stands on top of a slope looking down over Stubbins and out across the valley. Surrounding the care home are landscaped areas and a dense area of woodland and vegetation which, in parts, is covered by a Tree Preservation Order and a Biological Heritage Site named 'Lower Red Lees, Buckden Wood and Ox Hey Wood'.

The site which is the subject of this application relates to the access road, the care home car park and an area of land to the east of the main house which includes outdoor amenity areas for occupants of the care home and soft landscaping. A steep gradient covers a significant part of the site.

The care home and the application site are located within an area of countryside designated as Green Belt on the Policies Map accompanying the Council's Local Plan. The care home and its ground are also designated as Green Infrastructure and a Mineral Safeguarding Area on the Policies Map.

3. RELEVANT PLANNING HISTORY

2023/0017/PREAPP – Pre-application enquiry: Advice in respect to a model of care design through the addition of 32 bedrooms with ancillary accommodation, 12 male only dementia units and four extra care apartments with associated communal facilities, landscaping and parking, in addition to publicly accessible facilities to benefit the wider community. (Formal advice issued 19.10.2023).

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2009/0086 – Conservatory extension to existing Nursing home linking with existing nursing annexe building, with associated internal alterations. (Approved 01.05.2009)

14/90/205 – Change of use and extension of dwelling to an E S M I Unit. (Approved 01.06.1990).

14/87/169 – Change of use including extensions and alterations to existing outbuildings to form Rest Home. (Approved 17.07.1987)

14/86/129 – Two storey extension. (Approved 18.04.1986)

14/83/206 – Change of use to private residence for the elderly. (Approved 16.06.1983)

4. PROPOSAL

The application seeks planning permission for an extension to the existing care home to create an additional 48 en-suite bedrooms (including a 12 bed male only dementia unit) and 4 extra care apartments – providing a total addition of 52 bedrooms. The specialist housing proposed would fall under Use Class C2 (residential institutions). The development also includes communal facilities for residents, new outdoor amenity spaces and landscaping, new parking and publicly accessible facilities.

Millennium Care, the applicant and organisation who run Lavender Hills Care Home, are proposing to expand the existing care facilities in the aim of delivering a "care village" at the site. According to the submitted details the proposal would allow Millennium Care to deliver the "household model of care" – where the experiences of living in a care setting are as closely resembled as possible to living in one's home. The applicant states this alternative approach to dementia care has informed the design and layout of the proposal, and the facilities contained within, with the aim of providing purpose-built specialist dementia accommodation.

The new extension would be linked to the main house ('The Cliffe') and would be positioned on land to the east of the existing care home. The building would occupy a Y-shaped layout and would have varying levels ranging from one to four storeys tall. The single storey part of the extension would feature the main entrance to the new building and would be accessed from the main car park. The two angled wings projecting from the central part of the new extension would be built above parts of the sloped hillside and would be four storeys tall in areas. The new building would be split level, however, owing to the sloped topography, the height of the new build would not exceed that of the adjoining original house. The extension would have a flat roof and would feature a roof terrace, private external balconies to specific bedrooms and outdoor terraces on other levels.

The new care home accommodation would be spread across four floors. The basement, lower ground floor and ground floor would have a broadly similar layout with an open plan kitchen and dining room in the centre of each floor connected to 2 wings comprising en-suite bedroom accommodation. The 4 extra care apartments would be located on the first floor. Residential living space includes a sports bar/saloon on the basement floor, a music room on the lower ground floor, a hairdressers on the ground floor and a café/bistro on the first floor. Staff offices and facilities feature on both the lower ground floor and ground floor. The new extension would contain a lift and would have wheelchair access throughout.

The walls of the new build would be finished with a reconstituted stone (Bradstone Square Dressed), with recessed contrasting stone lintels above openings and a stone capping on the roof. The fenestration would be framed with anthracite upvc frames and aluminium panels. Sections of large, continuous glazing would also feature across multiple levels.

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The first floor outdoor terrace would accommodate outdoor seating areas, a children's play area, bird watching huts, soft landscaping and planters along the parapet edge of the roof. The terrace would be surfaced with a resin bound gravel. New landscaped outdoor areas would also be incorporated to the rear of the building to the north and to the east on the sloped hillside. To compensate for the loss of existing trees new tree planting at a ratio of 2:1 is proposed. A SuDs pond would be created to the front of the building with an outfall carrying surface water discharge, via swales, away from the site down south. At this stage only indicative details of the proposed landscaping, replacement tree planting and surface water drainage strategy have been provided.

A number of retaining structures would be installed to support the development, with a Kriblock retaining wall system being proposed along with stone gabion basket walls and walls formed from Bradstone Square Dressed stone.

A mix of boundary treatments are proposed including post and rail fencing, stainless steel handrails on posts and key clamp metal fencing.

Access to the site would be via the existing entrance taken from Stubbins Vale Road. The proposal would increase the amount of parking available for the care home and would provide a total of 34 spaces, 4 disabled spaces and 1 ambulance bay positioned in front of the main entrance. 4 of the spaces would include EV chargers. The new parking would be located southwest of the main building adjacent to the access road. A secure cycle store for 6 cycles would also be provided adjacent to the existing car park.

An existing external bin storage area will store and aid the collection of waste resulting from the development.

5. POLICY CONTEXT

National Planning Policy Framework (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 8 – Promoting Healthy and Safe Communities

Section 9 – Promoting Sustainable Transport

Section 11 – Making Effective Use of Land

Section 12 – Achieving Well Designed Places

Section 13 – Protecting Green Belt Land

Section 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Section 15 – Conserving and Enhancing the Natural Environment

Section 16 – Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Local Plan

SS: Spatial Strategy

SD1: Presumption in Favour of Sustainable Development

SD2: Urban Boundary and Green Belt

SD4: Green Belt Compensatory Measures

HS1: Meeting Rossendale's Housing Requirement

HS8: Private Outdoor Amenity Space

HS15: Specialist Housing

ENV1: High Quality Development in the Borough

ENV2: Historic Environment

ENV3: Landscape Character and Quality

ENV4: Biodiversity, Geodiversity and Ecological Networks

ENV5: Green Infrastructure Networks ENV6: Environmental Protection

ENV9: Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality

ENV10: Trees and Hedgerows

TR2: Footpaths, Cycleways and Bridleways

TR4: Parking

Other Material Considerations

National Planning Practice Guidance National Design Guide

RBC Climate Change SPD (2022)

RBC Strategic Housing Market Assessment Update (2019)

6. CONSULTATION RESPONSES

Consultee	Response	Conditions Recommended?
Cadent Gas	No objection.	No
Ecology (Greater Manchester Ecology Unit)	No objection.	Yes
Ecus (Tree Consultant)	No objection.	Yes
Environmental Protection	No objection.	Yes
(Contaminated Land Consultant)		
Growth Lancashire (Heritage)		No
Lancashire Fire & Rescue	No objection.	No
Landscape Consultant	No objection.	Yes
LCC Highways	No objection.	Yes
LCC Lead Local Flood Authority	No objection.	Yes
RBC Building Control	No comments.	N/A
RBC Environmental Health	No comments.	N/A
RBC Forward Planning	No comments.	N/A
RBC Strategic Housing	No comments.	N/A
RBC Operations	No objection.	No
Rossendale Civic Trust	No comments	N/A
United Utilities	No objection.	Yes

7. REPRESENTATIONS

To accord with the General Development Procedure Order a press notice was published, site notices were posted and letters sent to neighbouring properties. As of 21/08/2024 11 representations have been received. 8 comments in support of the development have been received, making the following comments:

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- Increasing need for dementia facilities and demand in local area.
- Social care has been greatly underfunded and under increasing pressure.
- Existing care home is a local asset.
- Positive aspects of the development outweigh negatives.
- Care Home has involved the local community and engaged with their questions and concerns.
- Job creation.
- Development will be high-quality, purpose built specialist dementia facilities and will deliver high quality social care.
- Development not expected to increase traffic significantly. Existing issues caused by existing employment uses nearby.
- Part of the wider grounds of 'The Cliffe' is previously developed land as a result of the demolition of Greenmount.
- Development will not increase surface water flood risk.

Some comments in support of the scheme did raise concerns, and 1 objection and 2 neutral comments have also been received, with the following concerns raised:

- Impact of light pollution from the development.
- Noise pollution
- Visual impact and harm to countryside / Green Belt.
- Precedent of allowing development of this size within the Green Belt and the potential impact future development may have on the Green Belt as a result.
- Impact on wildlife and biodiversity.
- Impact of construction in terms of disruption, noise pollution and construction traffic including obstructions within the highway.
- Increase in traffic, and impact of traffic generated from existing uses including employment, commercial and leisure/recreation nearby.
- Poor access to the site and only one route. Existing parking along access road means the route at times is single width. An alternative access route should be provided.
- Loss of wetland and increase in surface water run-off as a result of the development, and the potential to exacerbate flood risk in the area. Local area is vulnerable to flooding.
- Local drainage system and culverts are in a poor condition and increased pressure will have an impact.
- If approved mitigation in the form of ecological improvements, tree planting, water course improvements and resurfacing of local highways should be delivered.

8. ASSESSMENT

Principle of Development

At the heart of the Framework is a presumption in favour of sustainable development. Paragraph 11 of the Framework makes clear that for decision taking this means:

- "c) Approve development proposals that accord with an up to date development plan without delay; or
- d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

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ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."

The Council cannot currently demonstrate the necessary level of housing delivery within the Borough, and therefore the weight to be afforded to the Council's Local Plan policies which are most important in the determination of any planning application is a matter for the decision maker. The need for an assessment / balancing exercise under paragraph 11(d) of the Framework is therefore triggered at the time of writing and is considered at the end of section 8.

Sustainable Development

As noted above, paragraph 11 of the Framework contains a presumption in favour of sustainable development, and as such a key consideration in this case is whether the proposed scheme represents sustainable development or not. Sections 2 and 9 of the Framework and Policy SD1 of the Local Plan all place emphasis upon securing sustainable forms of development.

Policy SD2 of the Local Plan states that all new developments should be located within the urban boundary unless it specifically needs to be located within the countryside and enhances the rural character of the area.

Policy HS15 of the Local Plan also expects development proposals for specialist forms of housing to be "well located so that shops, public transport, community facilities and other infrastructure and services are accessible for those without a car, as appropriate to the needs and level of mobility of potential residents, as well as visitors and staff".

The site is located beyond the defined urban boundary in an area of countryside designated as Green Belt. There is no specific need for care homes to be located within the countryside, nonetheless, it is acknowledged in this case that the proposal represents an extension to an existing, well-established facility already providing care and other facilities for the elderly.

The care home sits atop a hillside accessed via a steep and single width road with a large passing place in the centre. The care home itself is over 100m from the defined urban boundary, but its grounds are approximately 30m away; therefore, it is not considered that the site is in a location that could be considered remote.

The site's access is taken from Stubbins Vale Road which travels through an existing employment site (EE37 Stubbins Vale Mill) to the south east. The site's main entrance is approximately 940m from the nearest bus stop on Bolton Road North, which is served by a frequent bus service. A small number of shops are located within Stubbins approximately 1km from the site, with further services and amenities found at Ramsbottom approximately 1.8km from the site.

Considering the above it cannot be said that the site is within an accessible location, and it is expected that most staff and visitors will rely on private cars to visit the site (as is currently the case with the existing facility). Nonetheless it is acknowledged that the site accommodates an existing care facility for older people (many of whom may have limited mobility), and the majority of residents therefore will be unlikely to travel by foot to local services/amenities. Furthermore, it is also acknowledged that the proposed development would also provide a range of communal facilities for residents including a salon, with other facilities such as the café/bistro also open to visitors.

As per paragraph 8 of the Framework, achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental. The

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Framework goes on to state that the three objectives are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

In terms of the economic objective, according to the submitted details the development would employ a further 23 full-time employees and a further 34 part-time employees, meaning the total number of employees would be 37 full-time and 79 part-time. Further job creation, in the short term, would result from construction jobs during the construction period of the development. Accordingly it is considered that the development would provide clear economic benefits through job creation.

The social benefits of the scheme are discussed in the relevant sections below, but in summary it's clear that the construction of new purpose-built specialist housing would support strong, vibrant and healthy communities and would contribute to providing a range of homes to meet the needs of present and future generations.

The environmental benefits of the scheme are also discussed in the relevant sections below.

Housing Need and Specialist Housing Need

The proposed development includes residential accommodation consisting of 48 bedrooms with ancillary accommodation and 4 extra care apartments. The development would fall within use class C2. Government Guidance states that "local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply."

Overall the proposal would provide a 52-bed care facility for older people, with the facility connected to an existing facility for older people. Only three sites were allocated specifically for specialist accommodation on the Polices Map accompanying the Local Plan and all three have since been built out. Therefore there are currently no sites allocated for specialist housing for older people. Accordingly, it is considered that the proposal would provide a significant benefit in terms of boosting the provision of such accommodation with the Borough.

An assessment of the quantitative need for care beds within the Borough accompanies the application (as well as a similar assessment for older people's housing), which concludes that there is a growing quantitative need for additional elderly care facilities in the Borough, and specifically a need for dedicated dementia care. The assessment explains that for the local authority area, the net need for en-suite bedrooms (minimum market standard) by 2027 will be 80 bedspaces for all types of elderly care, whereas the net need for full market standard bedrooms (as proposed here) will be 414. For specialist dementia only care, the net need for the types of bedrooms discussed above is 92 and 163 respectively. The report goes on to state that there is no planned supply up to 2027 (or beyond) for this type of accommodation within the local authority area. The Council has no evidence to suggest otherwise and it is understood that there are no extant planning permissions relating to the development of new specialist housing for the elderly.

Officers have consulted the Council's Strategic Housing team on the application, who have confirmed that there is a need within the Borough for supported / specialist housing. The need is evidenced in the Lancashire Accommodation with Support Plan commissioned by Lancashire County Council (LCC), which became effective from 14 June 2023. The Plan outlines the housing with care and support needs for older people and working age adults in Lancashire over the next 10 to 15 years. Details of the Plan and LCC's decision can be found here: Lancashire Accommodation with Support Plan.

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Strategic Policy HS1 sets the housing requirement for the Borough at 185 dwellings a year from year 2021/22 to 2035/36. This is the housing requirement for dwellinghouses (C3). In terms of the requirement for residential institutions (C2) the Strategic Housing Market Assessment Study (2019) provides the number of bed spaces expected to be needed for older people. This is the most up-to-date evidence the Council has in regards to housing need for elderly accommodation.

The study explains that by 2034 there will be a need in the Borough of a net additional 207 bed spaces in care homes (with nursing) and 212 bed spaces in care homes (without nursing) for people over the age of 75 (paragraph 7.25). In addition, an extra 14 bed spaces is also estimated to be needed for people under the age of 75 (mainly 65-74 years old) with medical need. Therefore, the estimated need for additional bed spaces in care homes with nursing is estimated at 221 bed spaces for those age 65+ and 212 bed spaces (without nursing) for those age 75+ or a total of 433 bed spaces in the Borough.

It is to be noted that new communal accommodation forms part of the supply of new homes in the Borough. Indeed, in its Housing Delivery Test measurement rule book, the Government sets out a specific calculation method to incorporate communal accommodation such as care homes in the total number of homes delivered:

Net homes delivered in a year = Net Additional Dwellings National Statistic

PLUS

Net increase in bedrooms in student communal accommodation in local authority Average number of students in student only households in England

PLUS

Net increase in bedrooms in other communal accommodation in local authority Average number of adults in households in England

The proposal would contribute to the specialist housing requirement for older people. Whilst the Council has no up to date data regarding the specific need for specialist housing for older people, it is undoubtedly clear based on the evidence available that there is an identified need for such housing.

According to the level of need estimated in the SHMA (2019) of 433 bed spaces by 2034, and the fact that only 49 bed spaces of specialist accommodation were delivered in 2018/19 in Waterfoot and Whitworth, and an additional 22 bed spaces in 2021 in Bacup, the proposal is considered to make a significant contribution to the housing supply for the elderly and those with dementia in the Borough.

Whether the proposal would be inappropriate development in the Green Belt

The Framework, in paragraph 152, states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 153 of the Framework advises that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

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The construction of new buildings should be regarded as inappropriate in the Green Belt, subject to a limited number of exceptions as set out in paragraph 154 of the Framework. In this case the proposal represents a substantial extension to the original building which, according to the submitted drawings, would create a total GIA of 3315sqm and double the overall footprint of the existing care home. Owing to the size, scale and massing of the new building, it is not considered that the proposal would preserve the openness of the Green Belt nor result in a proportionate addition to the original building. As such it is not considered that the proposed development would comply with any of the exceptions listed under paragraph 154.

Having regard to the above, the proposed scheme is considered inappropriate development within the Green Belt, which would be harmful by definition. Substantial weight is afforded to such harm.

The applicant acknowledges that the development would not comply with any of the exceptions listed, and that the proposal is therefore inappropriate development within the Green Belt. The applicant has presented a case of 'very special circumstances' (VSC) for consideration as well as an assessment of the development's impact on openness. Both have been taken into consideration in the relevant sections below.

Openness and the purpose of the Green Belt

The essential characteristics of Green Belts are their openness and their permanence as set out in paragraph 142 of the Framework. Paragraph 143 identifies the five purposes the Green Belt serves including (but not exclusively) to check the unrestricted sprawl of large built-up areas and to assist in safeguarding the countryside from encroachment.

In assessing the effect on openness, it is has been established that openness has both a spatial and visual aspect.

In considering the impact of the development on the openness of the Green Belt, the applicant's Planning Statement suggests:

"The development would be well contained within the site, which is enclosed by existing woodland trees and vegetation. As such, the proposed development would not be visible from the surrounding area due to the established vegetation and topography. As a consequence, there would be limited harm to the wider Green Belt in respect of diminishing its spatial extent beyond the very limited area. The buildings proposed would be of a design appropriate to the context and would not lead to any harmful loss of Green Belt openness."

The statement also adds that "it is relevant in that the site does not contribute to any material degree to the five purposes ascribed to the Green Belt in paragraph 139 of the Framework".

The statement does however acknowledge "that there would be some harm resulting from the reduction in openness but consider that the harm would be decidedly modest in context". The statement also adds that "it is relevant in that the site does not contribute to any material degree to the five purposes ascribed to the Green Belt in paragraph 139 of the Framework".

A Landscape and Visual Impact Assessment (LVIA) accompanies the application and also considers the issues of openness. The Assessment recognises that "there will inevitably be some loss of spatial openness within the site itself", but argues the perceived openness of the site from the surrounding Green Belt is much reduced owing to the surrounding woodland and restricted views of the site.

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In spatial terms, the proposed development would introduce a substantial amount of built development into this area of Green Belt, with the building's footprint covering a significant area. It is acknowledged that the profile of the land has been utilised in the design of the building, and attempts have been made to assimilate the building into the landscape, with the overall height of the extension lower than the existing buildings nearby. Nonetheless the overall footprint, height and volume of the new building would inevitably affect the openness of the Green Belt at this location. Given the absence of built development within the application site itself (not the wider site), it is considered that the proposal would result in an unavoidable and significant loss of openness in spatial terms.

In visual terms, it is acknowledged that the site forms part of the care home's wider grounds, and the proposal would be positioned next to buildings and a heavily wooded area surrounding the site. The care home can only be accessed via the site's private road, and the routes of public footpaths in the local area are within wooded areas, with visibility of the development likely to be limited for most of the year. It is also recognised that the submitted LVIA was undertaken in winter and demonstrates that a range of views from close, medium and long range would be largely obscured. For the reasons above it is considered that the site benefits from a degree of enclosure and visual containment that is likely to limit to some degree the impact the development would have on openness in purely visual terms.

The Council's Landscape Consultant has reviewed the LVIA and comments: "while the assessment considers an appropriate range of views, the analysis of the effects of the development on these views is sometimes insufficient, and consequently does not provide a clear picture of the proposed changes." An example given is the viewpoint in the middle distance from Bolton Road North, where the impact of a large, illuminated, modern extension has not been fully described. Furthermore the consultant has also noted that the LVIA has failed to consider viewpoints from within the Conservation Area such as Chatterton Road and the public playing fields. That said, views from within the Conservation Area are also partially obscured, particularly from Chatteron Road, by existing built development, vegetation and the woodland surrounding the care home. Overall, with regard to the assessment provided by the Council's Landscape Consultant it is considered that that visually the harm to openness would be modest.

Overall, having regard to the development's spatial and visual impact, it is considered that the proposal would result in a loss of openness in this location and would therefore fail to preserve the openness of the Green Belt. Whilst the proposal would result in a significant loss of openness in spatial terms, it is considered that the visual impact of the development in terms of openness would be modest when considering the context of the site. Therefore it is considered that the level of harm to the Green Belt resulting from the development proposed would be significant, which would be afforded substantial weight.

Furthermore, it is also clear that the substantial amount of built development introduced to this area of undeveloped land would significantly erode this area of countryside, meaning the proposal would conflict one of the purposes of the Green Belt. It is not considered that the proposal would come into conflict with the remaining purposes of the Green Belt. The care home forms part of a built-up area but it is not considered to be large, and the surrounding Green Belt would serve to check unrestricted sprawl of further development.

Visual Amenity and Landscape Impact

The site comprises an area of uneven land covered with formal landscaping and mature trees. Beyond the site is the existing care home and surrounding woodland which form the character of the countryside in this area. The development would represent significant encroachment of urban development into this area of countryside, nonetheless, the immediate site and grounds of the

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care home could not be described as inherently rural in character. The site and wider grounds (excluding the woodland) are mostly maintained formal landscaping, dotted with trees and other vegetation, and care home buildings.

The proposed building would be a large modern extension to the main house. The design of the building has utilised the topography of the site and the overall height of the building has been kept below the existing development. Whilst the building's scale and massing is undoubtedly large, the overall design has clearly attempted to assimilate the building into the hillside and below existing built development.

The Council's Landscape Consultant has commented that the submitted LVIA and proposed Landscape Strategy and Plan are lacking in detail in areas, but notes the proposal is a well-considered scheme on a compact site, and none of the landscape and visual effects beyond the site are considered unacceptable. Concerns involving the proposal's impact on the wider landscape from longer distance views such as Bolton Road North, especially at night when the building is illuminated, would need to be suitably mitigated.

The use of natural stone would be preferable, and has been requested by the Council, but it is acknowledged that artificial stone features heavily on the previous extensions to 'The Cliffe', and the use of a coursed stone walling rather than the random arrangement of natural stone cladding proposed at pre-application stage would be more in keeping with the character of the original dwelling. That said, it is likely that the use of natural stone which matches the stone used in construction of the main home the proposal would adjoin to would assist in assimilating the development into the landscape.

The flat roof design is a departure from the style of the historic building and the more modern buildings, yet the contemporary design of the proposal is of high quality, and allows the proposed building to appear a distinct entity in contrast to the historic character of the original building. Moreover it is recognised that the size and layout of the building, with large glazed openings, external balconies, spacious internal floors with ample daylight and an outdoor roof terrace have been incorporated into the design to provide a safe, accessible and high quality environment future occupants of the development to live.

The Council's Landscape Consultant has commented that the submitted LVIA and proposed Landscape Strategy and Plan are lacking in detail in areas, but notes the proposal is a well-considered scheme on a compact site, and none of the landscape and visual effects beyond the site are considered unacceptable. Concerns involving the proposal's impact on the wider landscape from longer distance views such as Bolton Road North, especially at night when the building is illuminated, are substantiated considering the uninterrupted views and proposed tree clearance involved. Nonetheless it is considered that the adverse visual impact on the landscape could be mitigated by a suitable and detailed landscaping scheme for the development and wider site. Further concerns in regard to the appropriate ratio of replacement tree planting and other planting across the site (including within proposed retaining structures) can also be suitably addressed by condition.

Heritage Impact

Lavender Hills Care Home, the original dwellinghouse formerly known as 'The Cliffe', is a non-designated heritage asset (NDHA). Two further NDHAs (Stubbins Vale Mill and South Terrace, off Strongstry Road) are also located nearby. The Tentering Tower is Grade II listed and is located to the south of the care home. The Chatterton/Strongstry Conservation Area is located to the east of the care home.

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Growth Lancashire who act as the Council's Conservation Officer have confirmed the development would have no notable impact on the setting of the listed building referenced above. In terms of the conservation area, the site is around 200m from the boundary of the Conservation Area and views are largely obscured by built development and mature woodland. Growth Lancashire have concluded that there are now only glimpsed views of the care home from elevated positions, for example looking west from Chatterton Road and Bolton Road North (the latter located outside but near the border of the Conservation Area). As such Growth Lancashire have concluded that it is unlikely for the potential changes to "the glimpsed views" of the site from the Conservation Area to impact its special interest or heritage significance. Therefore the Conservation Area has been scoped out of the assessment undertaken by Growth Lancashire. For the same reasons set out above Growth Lancashire have concluded that the proposal would have negligible levels to no impact on the other NDHAs identified.

In terms of the development's impact on 'The Cliffe', Growth Lancashire have concluded the development would result in some low level harm to the heritage significance of the NDHA, namely as a result of how the new building will largely affect the views and appreciation of the original building.

It is acknowledged that Growth Lancashire commented on the "use of natural stone cladding" as part of the development, however as noted above a reconstituted artificial stone is now proposed instead. Growth Lancashire have been asked to comment on the use of the reconstituted stone and have raised no objection.

Paragraph 209 of the Framework states: 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

The low level of harm impact identified above will be considered in the planning balance at the end of the report.

Neighbour Amenity / Residential Amenity

Those most affected by the development will be existing residents of the adjoining care home. The closest neighbouring property is over 100m away and therefore it is not considered that neighbouring properties in the wider area would be unduly affected by the proposal in terms of amenity.

Owing to the siting, design and orientation of the proposed extension, it is not considered that the development would unduly harm the amenity of any existing residents living within the main house or nearby extensions. The separation distance between windows on the main house and the proposed development at first floor height would be over 8m, and considering the floor levels of the main house and the proposed building would be at the same height the separation distance exceeds the Council's standards. It's unclear if the first floor windows of the main house serve habitable room windows for existing residents, however, if that is the case then it's considered that the potential invasion of privacy from visitors and residents using the outdoor terrace / café and bistro could be suitably mitigated by privacy screening.

Considering the occupants within the existing care home are elderly, and in some cases vulnerable, it is considered appropriate to recommend a condition restricting hours of construction to Monday - Friday only, from 07:30 - 17:00.

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In terms of the living conditions for future occupants of the proposed development, the new extension would provide purpose-built living accommodation for elderly residents and those living with dementia, and the range of bedroom sizes is considered to provide a high standard of amenity. Furthermore existing and future residents of the care home will benefit from new outdoor areas.

Subject to conditions, the proposed development would be acceptable in terms of neighbour and residential amenity.

Highway Matters

The traffic and access related concerns expressed by the objectors are noted, however the Local Highway Authority have raised no objection to the development, subject to a number of conditions covering:

- A Construction Method Statement
- Suitable visibility splays at the site access
- Incorporation of parking and turning areas
- Measures to support sustainable travel

It should also be acknowledged that the applicant made use of the Highway Authority's preapplication advice service, and no objections were raised by the Highway Authority at that stage either.

The conditions recommended by the Highway Authority have been listed in Section 10 below.

Subject to conditions, the proposed development would be acceptable in regards to highway related matters.

Drainage and Flood Risk

The Lead Local Flood Authority (Lancashire County Council) and United Utilities have been consulted on the proposed scheme, and have raised no objection subject to the inclusion of conditions.

Land Contamination, Ground Conditions and Land Instability

The Council's land contamination consultant has raised no objection to the proposals, subject to the inclusion of conditions requiring extensive investigation and potentially remediation of the site prior to commencement of development.

The submitted Phase 1 Preliminary Risk Assessment considers potential ground stability hazards within 50m of the site and the risks are classified as either very low or negligible. Historic coal mining extraction has also not been identified locally and under the site. Subject to a condition requiring full details of all retaining structures to be submitted for approval, it's considered that the site can be safely developed in respect of land instability.

Green Infrastructure, Trees and Green Belt Compensation

The site lies within an area of identified Green Infrastructure comprising part of the Woodland Network and serves specifically as a 'stepping stone habitat'. The land designated as Green Infrastructure washes over Lavender Hills Care Home and its wider grounds and encompasses the surrounding woodland.

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The proposed development would encroach into parts of the existing Green Infrastructure resulting in the loss of multiple trees and formalised grassland. Notwithstanding the Council is satisfied that a net loss of Green Infrastructure can be avoided through securing a high quality landscaping scheme that includes compensatory tree planting of native species, improved function and connectivity of the network and better management of the Green Infrastructure within the applicant's ownership. Whilst only indicative, the proposed landscape strategy and landscape plan show indicative planting proposals, new walkways and other improvements to the Green Infrastructure (such as the SuDs pond) that would satisfy compliance with Policy ENV5 subject to a condition securing the approval of a high quality and detailed landscaping scheme.

However, in respect of trees, it should be noted that the planting of non-native species and small ornamental trees cannot be counted towards the compensatory planting at a ratio of at least 2:1 required under Policy ENV10 of the Local Plan. Compensatory planting must use native species. Furthermore, following consultation with the Council's Landscape Consultant, it may be necessary in this case to request a greater ratio of replacement planting than 2:1 considering trees proposed to be planted within the roof garden are most likely to be small garden species in limited planters, and a greater number of trees may be needed to mitigate the landscape effects of the development.

Further to the above, the site is located within the Green Belt and therefore in accordance with Policy SD4 of the Local Plan compensatory improvements to the environmental quality and accessibility of the remaining Green Belt is required. The Council has published a document titled 'Compensation Measures for Green Belt Release' which should be taken into account when considering potential compensatory improvements, however no schemes identified within the document have been considered. Nonetheless the Council is satisfied that the proposed enhancements of the Green Infrastructure and the improved access and recreational provision accord with Policy SD4.

Overall it is considered that the proposal will bring forward on-site Green Belt compensation measures through enhancements of the existing Green Infrastructure and improved access and recreational provision of the existing Green Belt in the area. Subject to a condition securing a high quality landscaping scheme for the development it is considered that the development would comply with Policies SD4 and ENV5 of the Local Plan.

Ecology / BNG

The Council's ecology consultant (Greater Manchester Ecology Unit) has no objection to the proposals, subject to the inclusion of conditions to secure habitat enhancement on site, appropriate control or eradication of invasive species, and the protection of species which may otherwise be affected by the development.

The development is subject to the mandatory requirement of delivering a biodiversity net gain of 10% (as required under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

A metric and supporting BNG report has been provided that indicates more than 10% BNG is achievable on-site. The Council's ecology consultant have reviewed the submitted details and amendments to the metric and have confirmed that the mandatory requirement of 10% is achievable on the site. As such the statutory biodiversity condition can be met upon the submission of the biodiversity gain plan, Habitat Management Monitoring Plan and updated statutory metric if required.

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Very Special Circumstances

As noted above, very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

The development proposed has been identified as inappropriate development in the Green Belt (attracting substantial weight in the planning balance), and would also result in significant loss of openness of the Green Belt, with the level of harm identified in this case being significant. Harm to the Green Belt carries substantial weight. Further harm has also been identified in terms of the sustainability of the site in terms of accessibility, the development's visual impact upon the countryside and wider landscape, and the development's impact on the significance of the non-designed heritage asset.

In terms of the sustainability of the site's location, and specifically with regards to accessibility, the site is not considered to be located within a sustainable location. Nonetheless the site cannot be said to be unsuitable given a well-established care facility already operates from the site, nor can it be described as isolated. The walking distance to the nearest bus stop, or the settlements of Stubbins or Ramsbottom for that matter, may not be entirely prohibitive to ambulant individuals, but it's unlikely that residents of the care home will be walking such distances given the intended occupants. Nonetheless, the site's accessibility is poor, and it is expected that most employees and visitors will rely on private car for journeys to the site. The site's sustainability therefore is considered to be limited, but the fact that a well-established care facility already operates from the site (including most of the services and facilities that residents need on a daily basis), and that future occupants will be elderly, frail and vulnerable residents weighs in the proposal's favour in this regard. It is also noted that the Local Highway Authority have raised no objection in their comments.

No alternative sites for the proposal have been presented by the applicant, but justification for extending the existing care home includes the lack of available land in the area and the prohibitive costs of purchasing such land, and the importance of providing a continuity of care within the same care setting. In terms of the latter, the applicant states the existing care home is not dementia friendly due its layout and configuration, and currently the care home is unable to provide continuity of care for existing and future residents if their conditions deteriorate, meaning residents can no longer be cared for on-site and have to be transferred elsewhere.

The applicant has presented a case of VSC, with the factors amounting to VSC included in summarised form below:

- Evidential need and demand for specialised elderly accommodation at both a national and local level, including specifically a need for dementia care within the Borough;
- Need and demand for male only dementia units in care homes;
- Economic outlook of care sector and the future viability of the existing care home without being extended;
- Existing building not meeting Millennium Care's Future Needs;
- History of the site and celebrating the local area;
- Benefits to the natural surroundings, including benefits of the green environment for those with dementia;
- Continuity of care for people with dementia, and the impact when such care cannot be provided i.e. transfer trauma;

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- Community use (social cohesion, café area and space for ramblers;
- Household model of care;
- High level of architecture design and
- Intergenerational benefits and community bistro.

Having regard to the acknowledged shortfall in elderly care accommodation in the borough (and the advice of the Council's Strategic Housing Team), substantial weight is afforded to the contribution the development would make to meeting the needs for specialist housing in the area for older people and those living with dementia, as well as the wider contribution to the Council's shortfall in housing supply. The overall shortfall in housing supply and the identified local need for residential accommodation for older people are very significant factors to be weighed in the balance. In terms of the latter, no sites within the Borough are allocated for specialist housing, and therefore the proposal would make a significant contribution towards meeting the identified need for this type of housing tenure where the Council's Local Plan fails to make adequate provision. No evidence of demand for male only dementia units within the local area have been provided, nonetheless the Council has no reason to question there is an increasing need for such provision.

The potential to provide specialist dementia care in a purpose-built care setting at an established care home, as well as providing continuity of care for existing and future residents would clearly assist in ensuring the wellbeing of residents with such needs. Furthermore, the design of the building and the model of care proposed clearly promotes access and inclusion, with the development sensitively planned in order to meet the needs of the elderly and people with dementia. The layout and access to natural light provide a dementia-friendly environment, while access to safe outdoor space with wider views have relevance to older peoples' housing. Wider access to the outdoor and natural environment within the care home's grounds would also clearly be beneficial for the well-being of future tenants. It's considered that the improvement in care provision that would be provided by the proposed development and the overall social benefits are considerations of significant weight in favour of the proposal.

Community use of the site and the benefits of social cohesion, including the use of intergenerational spaces such as the on-site bistro attract limited positive weight in favour of the proposal. No details of how the wider public except relatives of the care home's occupants would have access to the facilities have been provided, and it's considered unlikely that the wider public would be able to access the site freely given the nature of the home.

It's acknowledged that the development would have several advantages for the existing business, particularly considering the land in question is already in the applicant's ownership, nonetheless it is not considered that the ongoing viability and economic benefits of the proposal to the existing care home have been robustly quantified. Only limited information in this regard has been provided, and therefore no weight no has been afforded to such considerations

The historical context of the site and celebrating the local area are not considered to be a factor amounting to very special circumstances.

Conclusion

The development has been identified as inappropriate development in the Green Belt. It has also been concluded that the development would result in a significant reduction of spatial and visual openness of the Green Belt in this location. In accordance with the Framework, substantial weight has been afforded to such harm. Further harm in terms of the sustainability of the site, the

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development's encroachment into countryside and the effects on landscape, and the development's impact on the significance of the non-designed heritage asset have also been identified. Separately, a low level of weight has been afforded to such harm considering the factors already discussed above.

Cumulatively, the considerations in supports of the scheme, including the evidential need for specialist accommodation within the local area, the significant contribution the proposal would make to the Borough's housing supply for the elderly and those with dementia and the potential improvement in care provision facilitated by the development, are considerable. In this case, it is considered that the harm to the Green Belt and the other harm identified are clearly outweighed by the other considerations listed above.

Balancing Exercise

In line with paragraph 11 of the Framework, it is necessary to carry out a balancing exercise to ascertain whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme when considered against the Development Plan and the policies contained within the Framework.

Such a balancing exercise is carried out in this case in the context of the Council not currently being able to demonstrate the required level of housing delivery. As such, the presumption in favour of sustainable development is in place and the amount of weight to be afforded to Local Plan policies is a matter for the decision maker.

Benefits of the Development

The development would provide specialist residential accommodation for the elderly in the form of 52 bedspaces. There is an identified need for such accommodation within the Borough over the Plan period, and no remaining sites are allocated in the Local Plan for such accommodation. As such the proposal would make a significant contribution to the housing supply for the elderly and those with dementia in the Borough. Accordingly, **significant weight** is afforded to the proposed delivery of new specialist accommodation in this case.

The Council cannot demonstrate the required level of housing delivery currently, and the proposal would contribute towards the Borough's housing need. To calculate the contribution the proposal would make it is necessary to divide the net increase in bedrooms (52) by the average number of adults in households in England – which according to Government guidance is 1.8. The calculation provides us with a total of 29 new homes in the Borough – representing a significant benefit. Accordingly, **significant weight** is afforded to the proposed delivery of new dwellings in this case.

The development would provide high-quality, purpose-built care facilities catered to meet the needs of patients with dementia. The design, space, layout and facilities proposed would provide existing and future occupants of the care home with improved care, and would allow continuity of care to be provided in some instances. The development of purpose-built care facilities would support strong, vibrant and healthy communities and would meet the needs of present and future generations – benefits considered to be significant overall. Accordingly, **significant weight** is afforded to this benefit.

Whilst only limited details have been provided, it has been stated that the development would necessitate a further 23 full-time employees and a further 34 part-time employees. This job creation would be expected to be permanent in nature considering the demand for such care provision. In addition, there would be potential temporary economic benefits brought about during the construction process in relation to job creation, materials sourcing and increased trade to

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some local businesses. These benefits would be limited and temporary in nature. Overall, considering all the economic benefits of the proposal as a whole it is considered that **moderate** weight can be afforded to them.

Harm Caused by the Development

The development would result in harm to the Green Belt and in accordance with the Framework such harm is afforded **substantial weight**.

In terms of visual impact and effects on landscape it is considered that the proposal would result in some level of harm to the countryside and the wider landscape when viewed from certain viewpoints in the locality, despite the site being to some degree visually contained. The Council has consulted with an independent landscape consultant who has identified potential impacts on the landscape as a result of the development that the applicant failed to consider in their submission. It is considered that the visual impact of the development upon the wider landscape could be mitigated to some degree by the submission of a high quality and detailed landscape plan – and indicative details of such a proposal have been submitted. However it is considered at this stage that the development would have a moderate visual impact upon the wider landscape. As such, **moderate weight** is afforded to the visual and landscape impact of the proposals.

In relation to heritage matters, the Council's Conservation Officer has identified a low level of harm to the non-designated heritage asset ('The Cliffe') the proposal would adjoin to. Considering the heritage value assigned to the property is low, and the loss of value or significance caused by the proposed new addition would similarly be low, only **limited weight** is afforded to the harm which would be caused by the development.

The site's sustainability is considered to be limited, but it needs to be recognised that the site will provide most of the services and facilities residents need on a daily basis, especially when considering occupants will be elderly, so it's unlikely future occupants will need to make a significant number of journeys from the site. However, for visitors and staff, the site's accessibility is limited and travel by more sustainable modes of transports is restricted by the nature and distance of the site's access – with the site's main entrance approximately 940m from the nearest bus stop, and the care home sits atop of a steep hillside. Considering all of the relevant factors, only **limited weight** is afforded to the harm which would be caused by the development's limitations in terms of sustainability and accessibility.

Conclusion

The identified need for specialist housing for elderly people, combined with the lack of allocated sites for such housing within the Local Plan, create significant pressure on the Council to deliver specialist housing within suitable and viable locations by the end of the Plan period (2034). This is also within the context of the Council failing to demonstrate the necessary level of housing delivery. As such the proposed development would deliver two significant public benefits in terms of overall housing delivery and the provision of specialist accommodation for the elderly (for which there is an acknowledged urgent need within the Borough).

The NPPG states the need to provide housing for older people is critical, adding: "Where there is an identified unmet need for specialist housing, local authorities should take a positive approach to schemes that propose to address this need."

This is a very finely balanced case, with the development clearly resulting in multiple types and levels of harm, varying from limited to substantial in magnitude. Nonetheless, it is accepted that the development would provide substantial benefits, and in this case it is not considered that the

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adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the development.

As such, officers recommend that planning permission should be granted subject to the conditions contained within this report.

9. SUMMARY REASON FOR APPROVAL

The Council cannot currently demonstrate the required level of housing delivery within the Borough, and as such the presumption in favour of sustainable development contained within Paragraph 11 (d) of the National Planning Policy Framework applies. In this case it is not considered that the identified adverse impacts of the development would significantly and demonstrably outweigh the benefits of the development (in particular the delivery of new specialist residential accommodation for the elderly and those with dementia, which would also contribute towards the Borough's housing supply).

10. CONDITIONS

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

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act.

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

Drawing Title/Document	Drawing No./Reference	Date
Location Plan	00 Rev P4	18/04/2024
Proposed Site Plan	02 Rev P16	17/05/2024
Proposed Basement Plan	07 Rev P7	18/04/2024
Proposed Lower Ground Floor Plan	08 Rev P6	18/04/2024
Proposed Ground Floor Plan	09 Rev P5	18/04/2024
Proposed First Floor Plan	10 Rev P6	18/04/2024
Proposed Roof Plan	11 Rev P4	18/04/2024
Proposed Elevations	12 Rev P7	17/05/2024
Proposed Elevations 2	13 Rev P7	17/05/2024
Proposed Sections	14 Rev P4	18/04/2024
Proposed Site Plan External Works	15 Rev P2	17/05/2024
Proposed Cycle Store Plans &	16 Rev P1	18/04/2024
Elevations		
Landscape Strategy Plan	CSA/6832/104 Rev D	30/04/2024
Landscape Design Statement	CSA/6832/02	April 2024
Tree Survey, Arboricultural Implications	232036/A2/AIA/AMS Rev A	15/04/2024
Assessment & Method Statement		
Travel Plan prepared by Focus TP	J000359-TP01	February 2024
Drainage Strategy and Flood Risk	8749-ADS-XX-XX-RP-C-500 P1	January 2024
Assessment		
Phase 1 Preliminary Risk Assessment	23-8749	January 2024

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

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- 3. Prior to the commencement of above ground construction, full details (including physical samples and supporting trade literature) of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - Bradstone Square Dressed Buff colour reconstituted stone
 - Contrasting stone to windows and door headers
 - Windows and doors
 - Metal Fascias
 - Rainwater goods
 - Roofing materials

The development shall thereafter be implemented in strict accordance with the approved details and they shall be retained as approved thereafter.

Reason: In the interests of securing a high quality finish to the development.

4. Prior to the commencement of development, using the principles contained within the Landscape Design Statement (ref. CSA/6832/02) and Landscape Strategy Plan as shown on drawing no. CSA/6832/104 Rev D, a full scheme of hard (including all external ground surfacing materials) and soft landscaping, including tree planting, grass seed/turf mix, plant numbers, locations, mix, etc., a specification for depth of soil and its cultivation and the setting out, planting, staking, protection and mulch of the ornamental stock, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include full details of any seating, outbuildings or other recreational amenities such as the children's play area etc. The development shall proceed in strict accordance with the approved landscaping scheme.

Hard landscaping forming part of the approved scheme shall be completed prior to first occupation of the development. All soft landscaping and planting forming part of the approved scheme shall be undertaken in accordance with a timetable of implementation which shall be provided with the submitted details.

All trees lost as a result of the development shall be replaced with compensatory planting using native species at a ratio of at least 2:1 or higher where deemed necessary by the Local Planning Authority in consultation with their Landscape Consultant.

Any shrubs/trees removed, dying or becoming seriously damaged, or diseased within 10 years of planting shall be replaced by plants of a similar size or species.

<u>Reason</u>: Insufficient information has been submitted with the application in relation to landscaping, in the interests of visual amenity, neighbour amenity and biodiversity, and to ensure compliance with Policy SD4 and Policy ENV5 in regards to Green Belt compensation and Green Infrastructure respectively.

5. Prior to the commencement of development full details of all retaining structures, including their appearance, materials, planting and maintenance / management proposals, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in strict accordance with the approved details, and shall be managed / maintained thereafter as such.

For the lifetime of the development, any planting or foliage fitted within retaining structures (i.e. proposed Kriblok retaining wall) removed, dying or becoming seriously damaged, or diseased or failing to establish within the retaining wall shall be replaced by plants/foliage of

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a similar size or species. All soft landscaping and planting forming part of the approved scheme shall be undertaken in accordance with a timetable of implementation which shall be provided with the submitted details.

<u>Reason</u>: Insufficient information has been submitted with the application in relation to the appearance, materials and planting proposals for the retaining structures forming part of the development, and in the interests of visual amenity.

6. Prior to commencement of the development, full details of the alignment, height and appearance of all fences, walls, gates and other boundary treatments/means of enclosure to be erected (notwithstanding any such detail shown on the submitted plans) shall be submitted to and approved in writing by the Local Planning Authority.

All fences, walls, gates and other boundary treatments/means of enclosure shall be erected in accordance with the approved details prior to first occupation of the development hereby approved.

<u>Reason</u>: Insufficient information has been submitted with the application in relation to all boundary treatments forming part of the development, and in the interests of visual amenity.

7. Prior to commencement of the development, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall include details of how the nearby Biological Heritage Site named 'Lower Red Lees, Buckden Wood and Ox Hey' will be adequately protected during construction.

The development shall thereafter proceed in strict accordance with the approved Plan unless otherwise agreed in writing by the Local Planning Authority.

<u>Reason</u>: To ensure the nearby Biological Heritage Site is adequately protected during construction.

8. No works to trees or shrubs shall occur or building works commence between the 1st March and 31st August in any year unless a nesting bird survey method statement by a suitably experienced ecologist has first been supplied to and agreed in writing by the Local Planning Authority.

Reason: To protect nesting birds.

9. Prior to any earthworks or vegetation clearance a reasonable avoidance measures method statement for mammals including badger and other wildlife shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter proceed in strict accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect wildlife.

10. Prior to any earthworks or machinery being brought on site a statement detailing biosecurity protocols and control measures for Himalayan balsam shall be submitted to and approved in writing by the Local Planning Authority.

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The development shall thereafter proceed in strict accordance with the approved statement unless otherwise agreed in writing by the Local Planning Authority.

Reason: To suitably control or eradicate Himalayan balsam.

11. Prior to first use or occupation of the development hereby approved full details of measures to mitigate for the loss of existing bird nesting habitat and bat roosting habitat shall be submitted to and approved in writing by the Local Planning Authority.

The approved mitigation measures shall be implemented prior to substantial completion of the development.

Reason: To mitigate for the loss of bird nesting and bat roosting habitat.

12. No development shall commence until a Landscape and Ecology Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall confirm the management and maintenance of any soft landscaping not covered by the statutory biodiversity condition.

The development shall thereafter proceed in strict accordance with the approved plan unless otherwise agreed in writing by the Local Planning Authority.

<u>Reason</u>: To ensure on-site habitats of low ecological value are appropriately managed and maintained in the long term.

- 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 Phase 2 Site Investigation report shall 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
 - ii) 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 to ensure the site is suitable for the proposed end use.

14. Pursuant to condition 13; and prior to first use or occupation 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.

<u>Reason</u>: To mitigate risks associated with land contamination and to ensure the site is suitable for the proposed end use.

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- 15. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - i) The parking of vehicles of site operatives and visitors
 - ii) The loading and unloading of plant and materials
 - iii) The storage of plant and materials used in constructing the development
 - iv) The erection and maintenance of security hoarding
 - v) Wheel washing and street sweeping / cleaning facilities
 - vi) Measures to control the emission of dust and dirt during construction
 - vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - viii) Routing of delivery vehicles to/from site taking into account the 14'3" or 4.3m height clearance under the railway bridge on Bolton Road North A676.

Reason: To mitigate the impact of the construction traffic on the highway

16. Prior to commencement of the development hereby approved the vegetation within the visibility splay at the site access junction Stubbins Vale Road measured X 2.4m by Y 43m in both directions along Stubbins Vale Road shown on drawing J000359/SK01 shall be reduced in height to a maximum of 1m above the carriageway of Stubbins Vale Road and maintained thereafter for as long as the development is occupied.

Reason: To ensure a safe access to the site.

17. Prior to first use of the development hereby permitted the parking and turning areas shall be laid out in accordance with the submitted plans. The parking and turning areas shall thereafter be retained for the lifetime of the development, and kept available for use as such.

Reason: To ensure adequate car parking and turning.

18. Prior to first use of the development hereby permitted the secure covered cycle store shall be provided and maintained thereafter for that purpose for the lifetime of the development.

Reason: To support sustainable travel.

19. 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 the site specific flood risk assessment (January 2024 / 8749-ADS-XX-XX-RP-C-500 P1 / ADS Structural) and indicative surface water sustainable drainage strategy (January 2024 / 8749-ADS-XX-XX-RP-C-500 P1 / ADS Structural) submitted and 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;

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- a) 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

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) 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; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - 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 deliver suitably clean water to sustainable drainage components:
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates and groundwater levels in accordance with BRE 365.
- d) Evidence of an assessment of the existing on-site watercourse be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
- e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

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

20. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site entering any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved details for the duration of construction.

<u>Reason</u>: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 173 of the National Planning Policy Framework.

21. The occupation of the development shall not be permitted until 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, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

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- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

<u>Reason</u>: 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 sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 175 of the National Planning Policy Framework.

22. The occupation 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.

<u>Reason</u>: 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.

23. No development shall commence until all the retained trees within the site as shown on the 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 at Tree Protection Plan, and shall remain until all development is completed and 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 existing trees.

- 24. No construction deliveries, external running of machinery, or construction works shall take places on the site other than between the following hours:
 - Monday to Friday 07:300 to 18:00

Construction hours shall not be permitted on Saturdays, Sundays or Bank or Public Holidays.

<u>Reason</u>: To ensure that the proposed construction work does not cause undue nuisance and disturbance to neighbouring properties at unreasonable hours.

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25. Prior to first use or occupation of the development hereby approved, full details of how the measures identified within sections 7.2 and 7.3 of the approved Travel Plan (ref. J000359-TP01) have been investigated and implemented (where appropriate) shall be submitted to and approved in writing by the Local Planning Authority.

The Travel Plan shall be implemented in strict accordance with the details set out within the document.

Reason: To support sustainable travel.

26. Prior to first use or occupation of the development hereby approved, full details of how waste from the development will be stored and managed shall be submitted to and approved in writing by the Local Planning Authority.

The development shall thereafter be implemented in strict accordance with the approved details and they shall be retained as approved thereafter.

<u>Reason</u>: To ensure waste from the development is appropriately stored and managed for the lifetime of the development.

- 27. Development may not be begun unless -
 - (a) a biodiversity gain plan has been submitted to the Local Planning Authority, and
 - (b) the Local Planning Authority has approved the plan.

<u>Reason</u>: Required under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

13. INFORMATIVES

1. Informative requested by Cadent Gas:

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions

Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.

Your responsibilities and obligations

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Cadent may have a Deed of Easement on the pipeline, which provides us with a right of access for a number of functions and prevents change to existing ground levels, storage of materials. It also prevents the erection of permanent/temporary buildings, or structures. If necessary Cadent will take action to legally enforce the terms of the easement.

This letter does not constitute any formal agreement or consent for any proposed development work either generally or related to Cadent's easements or other rights, or any planning or building regulations applications.

Cadent Gas Ltd or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you need any further information or have any questions about the outcome, please contact us at plantprotection@cadentgas.com or on 0800 688 588 quoting your reference at the top of this letter.

- 3. Whilst the building to be extended has been determined to be very low risk for bats, the applicant is reminded that under the 2019 Regulations it is an offence to disturb, harm or kill bats. If a bat is found all work should cease immediately and a suitably licensed bat worker employed to assess how best to safeguard the bat(s).
- 4. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.
- 5. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
- 6. The applicant is reminded that, under the Wildlife and Countryside Act 1981 as amended it is an offence to remove, damage, or destroy the nest of a wild bird, while the nest is in use or being built. Planning consent does not provide a defence against prosecution under this act. If a birds nest is suspected work should cease immediately and a suitably experienced ecologist employed to assess how best to safeguard the nest(s).
- 7. It is an offence under the Wildlife & Countryside Act 1981, as amended to introduce, plant or cause to grow wild any plant listed in Schedule 9 part 2 of the Act. Certain species of Cotoneaster and Rhododendron ponticum are included within this schedule. If any such species will be disturbed as a result of this development and removed off-site a suitably experienced consultant should be employed to advise on how to avoid an offence.
- 8. Under Section 23 of the Land Drainage Act 1991, as amended by the Flood and Water Management Act 2010, you need consent from the Lead Local Flood Authority if you want

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to carry out certain works within the banks of any ordinary watercourse. This includes any permanent and/or temporary works, regardless of whether the watercourse is open or culverted (piped or otherwise enclosed) and notwithstanding of any planning permission.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected before, during and after the issuing of consent.
- Unconsented works within the highway or sustainable drainage system may prevent the adoption of highway and sewer assets.
- Applicants should avoid crossing, diverting and/or culverting an ordinary watercourse.
- It is an offence to carry out works under Section 23 of the Land Drainage Act 1991 (as amended) without the appropriate consent.

Once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays.

The county councils ordinary watercourse regulation policies, guidance, application validation checklist and pro-forma can be found at: https://www.lancashire.gov.uk/flooding/ordinary-watercourse-regulation/

- 9. Where permeable paving is included in the hydrological calculations of a development proposal the Local Planning Authority is advised to consider the removal of permitted development rights for permeable paving. Should the Local Planning Authority not remove the permitted development rights for permeable paving on privately owned land, the Lead Local Flood Authority will consider the need to designate such areas under Schedule 1 of the Flood and Water Management Act 2010. The District Council, as a flood risk management authority in its own right, also has these powers to designate.
- 10. The applicant's attention is drawn to the LLFA's site-specific advice set out within the consultation response to the application.
- 11. In relation to mandatory BNG, the Government's suggested text will be applied in full to any Decision Notice issued.

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