



UPDATE REPORT

FURTHER UPDATE BELOW IN RED 02/09/2024
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FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 3rd September 2024

B3. 2024/0223: (Aldi) Former Forest Mill Site, Henrietta Street, Bacup

Conditions 19 – 35 are numbered incorrectly on the Committee Report, and should be renumbered as follows:

17. Once operational, no deliveries (including waste collections) shall be taken at or despatched from the site outside the hours of Monday to Saturday 06.30 to 23.00 hours and Sundays 08.00 to 17.00 hours.

Reason: To protect the residential amenity of neighbouring properties.

18. The arrangements for any external lighting on the rear of the building shall be carried out in accordance with the details approved under 2023/0492. Thereafter the lighting shall be installed and retained in accordance with the approved details.

Reason: To protect the residential amenity of neighbouring properties and in the interests of the visual amenities of the area.

19. The proposed development shall comply with the details submitted under 2023/0523 (relating to the survey of the highway).

Any damage to the adopted highway shall be made good to the satisfaction of the Highway Authority prior to first opening of the food store.

Reason: To ensure that any damage to the adopted highway sustained throughout the development process can be identified and subsequently remedied at the expense of the developer.

20. The development shall accord with the details of the Construction Management Plan (CMP) / Construction Method Statement approved under 2024/0492 (CMS).

The approved Construction Management Plan / Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during the demolition and construction phases, and residential amenity

21. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means shall be available as required, and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety

22. Prior to first use of the food store, the footway (and/or verge) shall be reinstated to full kerb height, where any vehicle crossover(s) are redundant, in accordance with the approved plans and the Lancashire County Council Specification for Construction of Estate Roads, to be retained in that form thereafter for the lifetime of the development.

Reason: To maintain the proper construction of the highway and in the interest of pedestrian safety.

23. Prior to first use / opening, the following shall be submitted to and approved in writing by the Local Planning Authority:

- i) a scheme for the construction of the site access; and
- ii) full details of the off-site highway works, subject to detailed design.

Such details shall demonstrate no encroachment or narrowing of the footway on the east side of Market Street, to the north of Henrietta Street.

The development shall not be open for trade until the works have been completed in accordance with the approved details.

Reason: For reasons of highway safety in relation to construction traffic and customer traffic.

24. Prior to first occupation of the food store, the cycle parking (which shall be finished in black) shall be installed as detailed on the approved Site Layout Plan. The area shall thereafter be kept free of obstruction and available for the parking of cycles only at all times.

Reason: To ensure the provision and availability of adequate cycle parking and the promotion of sustainable forms of transport.

25. Prior to first trading, the car park shall be surfaced / paved and marked out, and the cycling, motorbike facilities and EV charging points shall be provided in accordance with approved plans listed in Condition 2.

Reason: To allow for the effective use of the parking areas.

26. Prior to first trading, and pursuant to Condition 14, the proposed pedestrian / cycle link as shown on the approved plans, shall be implemented and thereafter retained as such.

Reason: In the interests of improving accessibility to the site for pedestrians and cyclists.

27. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk and Surface Water Drainage Assessment, Ref: No.: 3148-FRA, Rev: A, Dated: July 2020, By: Integra Consulting.

No surface water will be permitted to drain directly or indirectly into the public sewer. Any variation to the discharge of foul shall be agreed in writing by the Local Planning Authority prior to the commencement of the development.

The measures shall be fully implemented prior to first occupation and evidence of which submitted to the Local Planning Authority (in consultation with the Lead Local Flood Authority) prior to first occupation.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

28. The drainage strategy shall be implemented in accordance with the details approved under 2023/0523 and adhered to at all times.

The sustainable drainage strategy shall be implemented in accordance with the approved details prior to first occupation.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site

29. The flood action plan approved under 2023/0523 shall be implemented in accordance with the approved details and adhered to at all times.

Reason: To provide details of access/egress and how users of the development would remain safe during a flood.

30. Foul and surface water shall be drained on separate systems.

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

31. Prior to first use, a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
- b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

32. Surface water and pollution prevention shall be managed in accordance with the details submitted under 2023/0492 and will be managed during each construction phase.

Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

33. Prior to the first opening, a regime to include, but not limited to, the management of litter picking, provision of waste bins in suitable locations close to pedestrian / cyclist access and egress points, and arrangements for emptying the bins on a regular basis, for that unit shall be submitted to and approved in writing by the Local Planning Authority. The approved regime shall be adhered to at all times whilst the unit is in operation.

Reason: In the interests of the character and appearance of the area.

There is no change to the recommendation contained within the Committee Report.

Additional third party comments received 02/09/2024

Good Morning

I am writing in relation to application 2024/0223 in relation to the Section 73 planning application to amend condition 7 materials of planning application reference 2020/0363.

In terms of the use of natural stone, there can be no doubt that the material change is to the detriment of the built area to the high quality materials negotiated and secured in the original planning permission. There has been some hard work by officers in negotiating the best design and fit of materials to reflect the prominent position of the application adjoining the heritage zone. Whilst I do accept that the Morrison's application (within the heritage zone) has set a precedent for visual acceptability, granting permission for this is essentially reducing the quality of the building secured by Rossendale LPA and does not fittingly reflect the history of the site that has now been lost, being constructed from natural stone.

With this being a significantly prominent site and the cost benefit to the applicant of such a change is obvious, could I please suggest that the community shares in the benefit of the change by an incentive to make it more acceptable.

I note that s106 agreements have already been agreed, but given such a notable change, may I suggest that these terms are either re-opened or alternatively, that a modest donation in terms of good will from the client is made to a constituted organisation of volunteers that is supporting the amenity of the local quarry for recreational use, Friends of Lee and Cragg Quarry, to make the change more acceptable.

*Yours sincerely
Friends of Lee & Cragg*

The comments above are noted. However, as detailed in the Committee report, officers do not consider in this case that a refusal of the application could be reasonably sustained in relation to the proposed facing materials. In addition, officers do not consider that any additional S.106 contributions would be justified as they would not be necessary to make the proposed development acceptable in planning terms. As such, the recommendation contained within the Committee report is unchanged.

B4. 2024/0264: Entrance To Railway Tunnels, Waterfoot.

Since publication of the Committee Report, two objections have been received to the scheme from the Rossendale Civic Trust and comments have also been received from another person. The objections/comments are as follows (with the case officer's response below each point in italics):

- a) that the application lacks the information required for the determination of a Listed Building Application and should therefore either be refused on those grounds or withdrawn.

Sufficient information is considered to be available to enable an informed decision to be made on the application. The scheme has been considered by Growth Lancashire (the Council's Heritage Consultants) on the basis of the information available and they have raised no objections to it subject to the proviso that the mural does not encroach onto the tunnel arch itself. A condition is recommended to ensure this.

- b) that it would not be possible to add the mural shown because it would not relate in a satisfactory manner in practice to the three-dimensional surface of the tunnel mouth.

It is considered technically possible to create a mural that would fit the prescribed area. The 'Proposed Elevation' is there to give an idea of how the mural would look 'in situ' – and is for indicative purposes.

- c) that the mural would relate in an unsatisfactory manner to the tunnel mouth because it would overlap the tunnel arches. As such it would harm the appearance of this listed structure.

This is addressed by condition three on the Committee Report which prevents the mural from overlapping the surrounding tunnel arches.

- d) that the mural would not appear subservient to the tunnel because of the colours that are to be used to paint it. It would also dominate its surroundings.

Growth Lancashire have not objected to the proposal on these grounds, and officers consider that a suitable mural could be created which would not dominate its surroundings.

- e) that local residents should have been consulted on the proposal.

The application has been advertised by posting a site notice outside of the site (close to a public footway and a cycleway) and by inserting an advertisement in a local newspaper – as required by legislation. This is considered to be sufficient in this case having regard to the requirements of the current Planning Regulations. For the record nos. 670 to 680 Bacup Road are the properties that directly face the tunnel mouth and the site notice was posted diagonally opposite 680. It was therefore reasonably visible to nearby properties.

- f) that some of the information about the proposal is missing from the Council's website.

The Heritage Statement and some of the submitted Supporting Information was missing from the Council's website. It is now available to view but was only uploaded on 28th August 2024. This has led to concerns that the information has not been available to view for an ample period and a subsequent request that consideration of the application be deferred. This has been considered but it is not considered reasonably necessary in this instance. The application has already been made public for the statutory period; Growth Lancashire have considered, and essentially raised no objections to, the scheme; the Supporting Information is not considered to be material to the recommendation as it basically shows other examples of murals by the artist; and it is considered that a satisfactory scheme can be achieved. Officers consider that there is no reason why the application should not be determined at the Committee Meeting.

Further to publication of the Committee Report and Update Report, a further 24 objections have been received to this application from local residents (as of 02/09/24). Some of the people who have objected do not oppose the idea of a mural in itself and nine of them have specifically said this. The main area of concern however appears to be the design of the mural as depicted on the 'Proposed Elevation' which they feel would detract from the historic character of the listed structure and the surrounding area in general. Other areas of concern are:-

- a) that the mural would encourage more graffiti in the area,
- b) that the money would be better spent on other projects in the area, and

- c) that a decision on this application would be premature pending the outcome of a decision on the Waterfoot Master Plan which is still subject to public consultation.

The 'Proposed Elevation' is there to give an idea of how the mural would look 'in situ' – and is for indicative purposes. Regardless of whether or not this particular design is subsequently considered acceptable the issue to consider is whether or not a mural can be applied to the tunnel mouth without harming the fabric of this listed structure or its surroundings. It is considered that it can, a view supported by Growth Lancashire.

The concerns outlined as (a) and (b) are not matters that can be considered as part of the determination of a listed building application. For the record they would not represent justifiable reasons for refusing the application if it sought planning permission either. Issues of graffiti, should it subsequently occur, could be addressed by other agencies. The issue of how money should be spent is not material to the consideration of a planning application.

With reference to (c), it is considered that the proposal will accord with the general aims of the Draft Master Plan with respect to proposals for public art. These are 'to collaborate with Waterfoot's talented artists to create distinctive public art throughout the town. This will include murals, innovative street furniture, and creative public realm designs'.

Further to publication of the Committee and Update reports, and following further discussions with the applicant, it has been confirmed that the applicant intends to carry out further work to produce a more detailed design proposal for the mural prior to a decision being made on this application.

As such, officers now recommend that this item is deferred to enable this process to take place, along with further public consultation on the final design prior to the application being determined.

B6. 2024/0174: Lavender Hills Care Home, Stubbins Vale Road Ramsbottom

Since publication of the Committee Report, Officers are now of the opinion that the following planning conditions should be also be attached to any planning permission granted by Members, alongside the original conditions listed under section 10 of the Committee Report. The conditions listed below will ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy ENV4 of the Local Plan.

28. The Biodiversity Gain Plan shall be prepared in accordance with the following:

- Biodiversity Net Gain Report V.5 dated 22.05.2024
- Landscape Strategy Plan no. CSA/6832/104 Rev D dated 30.04.2024

Reason: To ensure the Biodiversity Net Gain Plan is prepared in accordance with the submitted details listed above.

29. The development shall not commence until a Habitat Management and Monitoring Plan (HMMP), prepared in accordance with the approved Biodiversity Gain Plan and including:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering the HMMP;
- c) the planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
- d) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
- e) the monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the local planning authority, has been submitted to, and approved in writing by, the local planning authority.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP.

Reason: To ensure the approved Biodiversity Gain Plan is delivered and to ensure the habitat created in line with the approved HMMP is appropriately managed and monitored for 30 years from the completion of the development hereby approved.

30. No part of the development hereby approved shall be occupied until:

- a) the habitat creation and enhancement works set out in the approved HMMP have been completed; and
- b) a completion report, evidencing the completed habitat enhancements, has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure the habitat creation and enhancement works set out in the approved HMMP are completed to the satisfaction of the local planning authority.

31. Monitoring reports shall be submitted to and approved in writing by the local planning authority in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and policy ENV4 of the Local Plan.

Mike Atherton
Head of Planning

02/09/2024