

<b>Application Number:</b>	2014/0522	<b>Application Type:</b>	Full
<b>Proposal:</b>	Erection of a 28-bed specialist care home (Use Class C2) providing residential, nursing and dementia care, with associated access, car parking and landscaping	<b>Location:</b>	Land Adjacent to 23 Market Street, Shawforth, Rochdale, OL12 8ND
<b>Report of:</b>	Planning Unit Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	24 March 2015
<b>Applicant:</b>	Calico (Ms Christine Wark)	<b>Determination Expiry Date:</b>	10 April 2015
<b>Agent:</b>	Pozzoni LLP (Miss Rachel Slater)		

<b>Contact Officer:</b>	Lauren Ashworth	<b>Telephone:</b>	01706-238637
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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	<b>Yes</b>
<b>Other (please state):</b>	<b>Major development</b>

## HUMAN RIGHTS

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

### Article 8

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

### Article 1 of Protocol 1

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

## 1. RECOMMENDATION

That Committee Approve planning permission for the reasons set out in Section 9.

## 2. SITE

The application site comprises 0.5 hectares (1.19 acres) of land located on the west side of Market Street within the Urban Boundary of Whitworth. The site is irregularly shaped and is

undeveloped land used as grazing pasture. Historically the site was undeveloped, being used only for a refuse tip. It has been landscaped and partly planted with saplings towards the western fringes of the site. In terms of topography, the site slopes down from the north east to the south west corner by approximately 6 metres. The site has a narrow frontage on to Market Street, although there is no vehicular access from the road into the site. Pedestrian access is available through an agricultural gate at the front of the site adjacent to the existing bus stop. The application site lies within the Urban Boundary of Whitworth and it forms part of a wider employment land allocation, as shown on the 1995 Proposals Map, albeit this policy has not been saved through to the adopted Core Strategy, which includes an update to the Proposals map. The site is not within a conservation area, it is not adjacent to any listed buildings, and does not contain any protected trees.

To the north and south of the site lies two storey traditional terraced housing and cottages, which have existing views across the site, and there is an existing sub-station located to but outside the boundary of the site. Approximately 40 metres to the west of the proposed building is the River Spodden and further open land within the Urban Boundary, beyond which is the open countryside. To the east is Market Street (A671) which contains a range of amenities from Shawforth in the north to Whitworth in the south. Further to the east lies open countryside. A bus service from Accrington to Rochdale operates along Market Street and a bus stop is located outside of the site. Two storey terraces line the main road and the terraces are largely stone faced to the road, rendered sides, slate pitched roofs and stone cills.

### **3. RELEVANT PLANNING HISTORY**

None

### **4. PROPOSAL**

Full planning permission is sought for the redevelopment of the site to a specialist care home (Use Class C2) with a new vehicular access, car parking and landscaping. The scheme comprises a two storey building with 28 bedrooms, each measuring approximately 18 sqm, providing nursing, residential and dementia care for older people. The care home will be registered for nursing care with dementia; however it will not exclude residents who do not have dementia.

The Design and Access Statement explains that The Calico Group comprises a number of businesses and charities which work together to make social profit, rather than financial profit. The Whitworth Care Trust is a charity operating as part of The Calico Group who manage the existing Sunnyside Rest Home. The proposed building will be developed and owned by The Calico Group whilst the Whitworth Care Trust will manage the building and the associated services. The new facility will re-provide the service currently existing at Sunnyside Rest Home and Day Care Centre within Whitworth. The applicant has clarified that the residents and staff of Sunnyside will move to the new home when complete, and the existing Sunnyside buildings will close, although there has been no decision regarding the future use of the Sunnyside site. The existing luncheon club at Sunnyside will continue in the new building.

The applicant has provided the following information in relation to job creation:

*“35 staff will be employed specific to this service (14 Fulltime equivalents +21 part times) and up to 25 new staff employed dependent upon hours recruited to cover. Sunnyside currently employs 15 staff eligible to transfer over to the new facility ( some currently*

*working only working one shift in the proposal the part time hours only go to 2 shifts so this would mean we either employ 2 staff to cover this role, increase existing staff hours or re-recruit to the posts).*

*The difference equates to 20 new posts and 5 posts which will either need to be increased or additional staff to be recruited to support the increase in hours.*

*22 staff will be in at one time during handover periods this will be a maximum number as there are 5 care staff on shift at any-one time, 2 kitchen staff and 2 domestic staff, 2 office staff it is unlikely that the domestic staff will be in at the same time for a handover and also it is likely that the kitchen staff will handover at a different time to the care staff so 22 at any-one time would be a maximum and would also account for additional office staff support from Calico in the building.”*

The new care home is programmed for occupancy June/July 2016 with construction work planned to start on site in June 2015. The existing Sunnyside care home and day care will remain open and operational until the new home is ready for occupancy and has been registered with the Care Quality Commission.

### Internal arrangement

The accommodation within the building is divided into public and private space. Public areas are located towards the front of the site, utility and circulation space in the middle, and private residential areas are towards the rear. The main entrance is via a lobby and reception at the eastern end of the site (Market Street elevation). The residential households are accessed from this entrance space via a secure door system on both levels.

The 28 bedrooms will be divided into two self-contained households of 14 residents. A multi-use communal space is proposed in addition to secure landscaped gardens and parking. Associated facilities include residents dining area, assisted bathing, communal kitchens and lounge areas, and staff facilities. The bedrooms contain open plan living, dining and kitchen area giving residents choice and flexibility whilst providing access and views to the surrounding landscape and gardens via balconies and terraces. The main kitchen is in the centre of the ground floor with separate access for deliveries. Staff facilities, laundry and the multiuse space are located on the upper floor towards the front of the building. Services are housed on the lower ground level accessed from the north side of the building.

The following floors areas are proposed (measured internally):

Ground floor – 661 sqm

First floor – 667 sqm

Lower ground floor – 92 sqm.

### Design

The application proposes a modern design combined with the use of a limited palette of high quality materials including a mix of natural stone, buff brick, timber cladding, slate effect roof tiles, and dark grey window and door frames.

14no. car parking spaces are provided, 2no. of which are dedicated disabled bays with level access to the building as well as a drop-off bay for ambulances and minibuses. Indicative landscape details have been submitted which provide for landscaped gardens with sensory

stimulators, areas for contemplation, sitting, and activity. The garden and terraces are proposed with full access for wheelchair users and those with visual and other impairments.

### Supporting documents

The application is accompanied by the following supporting documentation:

- Ecological Assessment;
- Design and Access Statement;
- Drainage Strategy Review;
- Phase 1 Desk Study and Preliminary Geo-Environmental Assessment; and
- Arboricultural Impact Assessment.

## **5. POLICY CONTEXT**

### **National**

#### National Planning Policy Framework (2012)

Section 2	Building a strong, competitive economy
Section 4	Promoting Sustainable Transport
Section 6	Delivering a wide choice of high quality homes
Section 7	Requiring good design
Section 8	Promoting healthy communities
Section 10	Meeting the Challenges of Climate Change, Flooding, etc
Section 11	Conserving and Enhancing the Natural Environment

#### Planning Practice Guidance

ID6	Design
ID7	Flood Risk
ID 8	Natural environment
ID 23b	Planning obligations
ID 30	Noise
ID 31	Light pollution
ID 33	Land affected by contamination
ID 42	Travel plans and transport assessments
ID 45	Land stability
ID 53	Health and Wellbeing

### **Development Plan Policies**

#### Rossendale Core Strategy DPD (2011)

AVP 1	Strategy for Whitworth, Facit and Shawforth
Policy 1	General Development Locations and Principles
Policy 4	Affordable and Supported Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 10	Provision for Employment
Policy 16	Preserving and Enhancing Rossendale's Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 22	Planning Contributions
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

## **6. CONSULTATION RESPONSES**

### **RBC (Planning Policy)**

*“Thank you for the opportunity to comment on this application.*

*As you will be aware this site forms part of a wider employment land allocation, as shown on the 1995 Proposals Map, albeit this policy has not been saved through to the adopted Core Strategy, which includes an update to the Proposals map.*

*Policy 10 of the adopted Core Strategy deals with Provision for Employment, and seeks to provide 20.84 ha of land for B1, B2 and B8 uses, protecting the best sites (through location, access and suitability) via the Allocations Development Plan Document, and noting that new sites will be needed to meet demand in the Rawtenstall area, and the Bacup, Waterfoot and Stacksteads Corridor.*

*The 2010 Employment Land Study identifies this particular site as part of a wider area of land, and scores it as a poorly performing, noting:*

*“The site is marketed as a development opportunity, but its low profile location means that it may only attract low end employment users which may be capable of being accommodated on existing employment sites in the Borough. The King Sturge Employment Land Study completed in 2007 identifies E14 as a disused tip site and therefore there may be contamination issues relating to its redevelopment. The development of the site is also constrained by the river through the site. The site would also be a fairly large employment development in relation to its location within the Borough”.*

*I am aware that this site has been marketed for a number of years by Lancashire County Council as a development opportunity but can see no reference to this in the applicant’s submission.*

*I am also aware that a number of former mill sites (suitable for B1, B2 or B8 uses) have been or are in the process of being redeveloped recently for non-employment generating uses, mainly housing (eg Facit Mill, Orama Mill, Albert Mill/Sunnyside Works), in line with NLP’s Recommendations which note,:*

*“Of the ten existing employment sites in this area..... four of average quality and a further five rated as being poor for a combination of reasons including inadequate service linkages and poor quality buildings. It is considered that several of these may possibly be suitable for release from the employment land portfolio should they become available for alternative uses over the plan period”.*

*The Report further continues that “Whitworth also has relatively weak levels of demand, and the presence of three committed sites suggests that there is an oversupply of employment space in this part of the Borough”. Para 9.45 of the Report recommends that all this land be considered for de-allocation, examining the potential to develop it for alternative uses, subject to development requirements.*

*Given the need to replace the existing residential care facility, as well as the requirement for additional provision within the Borough, for nursing, residential and dementia care for older people, I would suggest that this proposal could be supported, particularly bearing in mind that the proposal will provide a variety of employment opportunities, in an area reasonably well*

served by public transport. However, it will be necessary to ensure that the development potential of the larger employment area will not be stymied by this proposal.

### **RBC (Environmental Health)**

*“There are no objections in relation to this application. I just recommend that the standard hours of construction condition is attached to any permission granted to protect the amenity of residents in neighbouring properties.”*

### **LCC (Highways)**

The following initial response was received from LCC Highways:

*“I would raise the following points which require addressing before I could give my support to the scheme:-*

- There is bin and bike store located within the car park, however there is no provision for a refuse vehicle to turn and exit in forward gear.*
- The gradient of the car park access should be reduced from the junction of Market Street for a distance of at least a cars length to allow a level area to provide a safe egress onto Market Street. Internally I would recommend a gradient no steeper than 1:12 which you have shown on your plan.*
- I would recommend that a continuous walkway is provided between the building and the car park to the main entrance, rather than the hatched area which is provided within the car park.*

*Should the application be approved I would ask for the following conditions:-*

- 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 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) Details of working hours**
- This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority can carry out these works and therefore before any access works can start you must contact Lancashire County Council using the website link <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/vehicle-crossings.aspx> to obtain a quotation and request the works.*

- *The vehicular hard-standing / turning space / Car Park shown on the approved drawing shall be constructed and surfaced with a bound porous material and made available prior to first use of the premises hereby permitted and thereafter kept freely available for use as such. For reasons of highway safety*
- *I would seek a contribution to upgrade the bus stop on Market Street to a quality bus stop with associated bus shelter to improve the facility for the bus users and TRO will be required to ensure that adequate sightlines are maintained at the junction of the new access onto Market Street. I would estimate this at £10,000.”*

The following comments have been received in response to amended plans received on 26 February 2015:

*“The three points I raised regarding the turning area for the refuse wagon, the gradient of the access road and the walkway adjacent to the car park have all been addressed and therefore I would raise no objection to the proposals.*

*I would still request the conditions as stated on my previous response regarding the Construction Management Plan, the construction of an access onto the highway and car park provision. Also the contribution of £10k for a TRO and bus stop improvement.*

### **LCC (Ecology)**

*“Thank you for your consultation in respect of the above planning application.*

*According to the ecological assessment (TEP, November 2014. Market Street Whitworth, Ecological Assessment), the proposed development would not affect habitats or features of high biodiversity value and there is currently no reason to suspect that there would be any significant impacts on protected or priority species or their habitat. There do not therefore appear to be any significant constraints to development at this site.*

*The proposals will however result in an impact on habitats (loss of semi-improved unmanaged grassland, scattered trees, tall ruderal), and has potential to impact upon species. Mitigation (and compensation) should therefore be secured as part of any planning permission to ensure that biodiversity value is at least maintained (and hence that the proposals constitute sustainable development for the purposes of the NPPF).*

### **European protected species (bats)**

*The proposals do not directly affect any bat roosting or foraging habitat, and will not therefore result in a breach of the Conservation of Habitats and Species Regulations 2010 (as amended).*

*However, the woodland/ woodland edge at the western boundary provides high quality foraging and commuting habitat for bats and may also provide roosting opportunities for bats. Any works (including light illumination) affecting the woodland/ woodland edge would therefore have the potential to impact upon bats. Impacts can be avoided by:*

- *Tree protection in accordance with best practice guidelines (see below).*
- *NPPF paragraph 125 directs planning decisions to limit the effect of light pollution on nature conservation. It should therefore be ensured that there is no light pollution/ light spill onto the woodland/ woodland edge as a result of external lighting proposals. As noted in the ecology report (paragraph 7.5), external lighting proposals should be in accordance with guidance issued by the Bat Conservation Trust and*

*Institute of Lighting Engineers. This could presumably be controlled by **planning condition**.*

*The NPPF also indicates that opportunities to incorporate biodiversity in and around developments should also be encouraged. It would therefore be appropriate, and as recommended by the ecology report (e.g. paragraphs 7.6 - 7.9), for bat roosting opportunities to be incorporated into the built fabric of the development. This should be secured as part of any planning approval for this site/ through **planning condition**.*

#### **European protected species (otter)**

*The ecology survey noted that the river Spodden was suitable to support otters. Whilst the footprint of development does not affect the river or adjacent habitats, any associated works (e.g. see 'Drainage Works', below) in closer proximity to the river could have potential for impacts on this species or its habitat.*

*The applicant will need to be aware that the legislative protection (in the case of otters, Conservation of Habitats and Species Regulations 2010 (as amended)) applies at all times, and impacts on this species and its habitat will need to be avoided regardless of whether or not proposed works are applied for or would constitute permitted development.*

#### **Protected species (water vole)**

*The proposed development does not impact upon water voles or their habitat. However, if associated works (e.g. drainage works) affect land within 8m of a watercourse, then potential impacts on this species and its habitat will need to be considered.*

*As with all protected species, the legislative protection applies at all times, even following the granting of planning consent.*

#### **Protected species (nesting birds)**

*Habitats within and adjacent to the application area are suitable to support nesting birds. Nesting birds, their eggs and nests are protected under the Wildlife and Countryside Act 1981 (as amended). In order to avoid an offence, vegetation clearance and tree felling should ideally be carried out outside of the bird nesting season (which runs from March to August, inclusive). If this is not possible, then the absence of nesting birds (including their eggs, and dependent young) should be confirmed in advance by a suitably qualified and experienced ecologist. If nesting birds are present, works that would disturb nesting must be delayed until such time as nesting is complete (the young have fledged and left the nest, the nest has been abandoned, dependent young are absent). This can be dealt with by **planning condition**.*

*The ecology report also recommends the inclusion of bird boxes (paragraphs 7.7, 7.9 and appendix 3). These would be appropriate, and consistent with the aims of the NPPF to not only deliver sustainable development but also to deliver net gains in biodiversity. Bird boxes, as recommended by the ecology report, should therefore be secured as part of the planning permission/through **planning condition**.*

#### **Protected species (badger)**

*Although habitats within and adjacent to the application area are suitable to be used by badger, there was no sign of badgers at the time of the survey.*

*Whilst badgers might not currently be a constraint to development, they are mobile and can colonise new areas. The applicant will therefore need to be aware that the legislative protection afforded to badgers applies at all times, and if the presence of badgers is suspected at any time work must cease and the scheme ecologist should be contacted for advice. This could form the subject of an informative.*



### **Tree protection**

*Trees being retained within or adjacent to the application area need to be adequately protected during construction. Although the arboricultural impact assessment suggests that site hoarding at the site boundary will provide adequate tree protection, submitted drawings appear to suggest that site hoarding following the red line boundary would not in fact adequately fence out root protection zones from the construction area.*

*Rossendale Borough Council should ensure that trees are adequately protected in accordance with existing guidelines (e.g. BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations').*

### **Drainage works**

*According to the Drainage Strategy, the proposed foul and surface water outfalls from the site will be constructed within the embankment which slopes down to the river Spodden. The ecological assessment (paragraph 1.7) notes that the river Spodden has potential to support water vole and/ or otter and that further survey would therefore be required if works were proposed within 8m of the river.*

*However, the LPA (and applicant) should be aware that protected species will not necessarily be confined to within 8m of the water. Therefore, at the time when the location and layout of the proposed outfalls are being designed, further assessment of potential impacts on biodiversity (including the likelihood of offences) will be required for species such as water vole and breeding birds (Wildlife and Countryside Act 1981 (as amended)), badger (Protection of Badgers Act 1992) and bats and otters (Conservation of Habitats and Species Regulations 2010 (as amended)). This could perhaps be the subject of an informative, if drainage works are permitted development.*

### **Species listed under Schedule 9 of the Wildlife and Countryside Act 1981 (as amended)**

*The survey found no evidence of invasive species, but noted that both Japanese knotweed and Himalayan balsam are known to be present in the wider area.*

*The applicant will therefore need to be aware of the legal responsibility in respect of such species and, if the presence of any such species is suspected, appropriate measures will need to be implemented to prevent their spread. This could be dealt with by planning informative.*

### **Habitat mitigation, creation and landscaping**

*Whilst the proposed development might not result in any significant impacts on protected or priority species or habitats, the loss of undeveloped land under the footprint of development does inevitably result in a reduction in green space and biodiversity value.*

*The NPPF directs planning decisions to integrate new development into the natural environment (paragraph 61) and opportunities to incorporate biodiversity in and around developments should be encouraged (paragraph 118).*

*Landscaping and habitat creation schemes should therefore ideally comprise native species and habitats appropriate to the locality. Appropriate guidance is given in Lancashire County Council's Supplementary Planning Guidance on Landscape and Heritage*  
<http://www.lancashire.gov.uk/corporate/web/view.asp?siteid=3654&pageid=11650&e=e>.

*In this case, the landscaping plans understandably comprise ornamental and amenity species in proximity to the buildings, but there is additional land to the west of the built development where there would be opportunities to offset the loss of grassland (which in its*

current unmanaged state will provide habitat for a range of species including insects, small mammals, breeding and feeding birds, and foraging bats) and to otherwise enhance wildlife value.

*I also note that the landscaping plans indicate sapling trees replanted, but no further details appear to be submitted. It might therefore be appropriate to request further details (e.g. a landscaping scheme), to include tree translocation/ replanting and subsequent management to create 'woodland' of mixed structure, with ground flora, understorey and canopy; and other habitat creation/ management between the ornamental planting and existing woodland/ river Spodden corridor such as diversification of grassland (creation of species-rich grassland), pond creation, or scrub and tree planting to create woodland edge/ buffer and extend the current wooded areas. This could be dealt with by **planning condition.**"*

### **United Utilities**

No objection subject to the following condition:

*"Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.*

*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."*

The applicant's attention is drawn to the full response letter dated 27 January 2015. This will be secured through an informative.

### **Environment Agency**

*"Thank you for consulting us on the above application, which we received on 12 January 2014. We have no objection in principle to the proposed development and would like to make the following comments:*

#### ***Environment Agency position***

*We consider that planning permission could be granted to the proposed development as submitted if the following planning conditions are included as set out below. Without these conditions the proposed development on this site poses an unacceptable risk to the environment and we would object to the application.*

#### ***Condition***

*No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:*

*1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources,*

*pathways and receptors; and potentially unacceptable risks arising from contamination at the site.*

*2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.*

*3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.*

*4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.*

*Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.*

### **Condition**

*No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.*

### **Reasons**

*National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).*

### **Advice to LPA/Applicant**

*We have reviewed the submitted report (Phase 1 & 2) and would offer the following comments.*

*The borehole investigation is aged. However, it helps to define the overall depth and area of landfill that is present on this site. There is no evidence of soil samples being taken during this investigation.*

*The trail pitting undertaken as a Phase 2 ground investigation is inadequate as it does not indicate any assessment of likely leaching of the deposited wastes. It should investigate the impact that this landfill is having on the groundwater and the adjacent River Spodden. It is apparent that hot spots of contamination are present on the site and potentially a denser network of sampling points may be required to adequately assess the contamination on this site.*

*Further detailed gas monitoring is also necessary to account for the impact of both the Trains landfill to the south of the proposed development and also the wastes deposited on this site.*

*The submission satisfies part 1 of the first planning condition above and part 2 is partially satisfied. Further assessment is necessary.*

### **Informative**

*The River Spodden adjoining the site is designated a "Main River" and is therefore subject to Land Drainage Byelaws. In particular, no trees or shrubs may be planted, nor fences, buildings, pipelines or any other structure erected within 8 metres of the top of any bank/retaining wall of the watercourse without prior written Consent of the Environment Agency. Full details of such works must be submitted to us for consideration.*

*The Agency has a right of entry to the River Spodden by virtue of Section 172 of the Water Resources Act 1991, and a right to carry out maintenance and improvement works by virtue of Section 165 of the same Act. The developer must contact John Ruckledge on 01925 542466 to discuss our access requirements if necessary."*

### **Lancashire Constabulary Architectural Liaison Officer**

*"The above planning application consultation is for the erection of a 28 bedroom specialist care home on land adjacent to 23 Market Street, Shawforth, Rochdale. I have conducted a crime and incident search of this policing incident location and during the period 16/01/2013 to 16/01/2014 there have been reported crimes and incidents including burglary, vehicle crime and criminal damage. In order to prevent the opportunity for criminal activity at the proposed development and to protect residents, staff and visitors the following security recommendations are made:-*

#### **Security Recommendations**

- The Scheme should be developed in accordance with Secured By Design security Standards - Part 1 Layout and Part 2 Physical Security. Elevations with windows fitted into recesses are indicated on plans. Recesses in the building line should be avoided where possible and be less than 600mm deep as they make the opening vulnerable to attack by a potential offender in a concealed environment.*
- Windows should be of an enhanced security standard tested and certificated to PAS 24/2012. Ground floor windows should be fitted with laminated glazing and restrictors. The main communal entrance into the building should be a door of enhanced security tested and certificated to LPS 1175 or equivalent eg PAS 24/2012. The main communal entrance area to the building should be covered by CCTV and fitted with access control arrangements. Individual flat entrance doorsets should be fitted with thumb turn releases on the inside.*
- Access throughout the building should be controlled with keyfob/keypad arrangements on internal doorsets or similar eg if an intruder did enter the building via human tailgating they should not be able to freely enter each individual element of the scheme eg the staff area.*
- The perimeter of the scheme should be secured with a 1.2m fencing arrangement to provide clear demarcation between public and private space.*
- Consideration should be given to the installation of CCTV cameras to cover the external perimeter of the building, the main entrance and car parking areas. This helps to modify potential offenders behaviour in terms of reducing the opportunity for crimes such as vehicle crime and burglary and reduce the fear of crime.*
- The scheme should be well lit with an even spread of lighting particularly the car parking areas and external doorsets should be illuminated with a dusk till dawn lighting unit.*

*Further security advice can be obtained from the Police Architectural Liaison Officer at the above address. Further information is also available at [www.securedbydesign.com](http://www.securedbydesign.com)."*

## **7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order notification letters were sent to neighbouring properties, site notices were displayed within the vicinity, and the application was advertised in the Rossendale Free Press.

Four letters of objection have been received and the reasons for objection are summarised below:

- Concern regarding highway safety. An accident occurred on 18 February 2015 outside of the application site.
- The site was previously used as a refuse tip and we are concerned about environmental issues. We are particularly worried as we live in close proximity to the site.
- The desk study and geo-environmental assessments do not sufficiently appraise the contaminant levels on the site, confirm the full nature of contaminants or clarify the associated harm / risk. We do not feel the application can be considered without further investigation.
- The site does not seem ideal. It appears squashed into the site with little room for parking which is a concern. If enough spaces are not provided it will lead to cars parked on the main road and this is a dangerous stretch of road.
- There is a site for sale further down the road that is bigger has better access and would cause less encroachment on residents. We wonder why this has not been considered.
- We know the site belongs to LCC and they stand to make a lot of money from the sale of the land.
- The development would significantly impact on our outlook and privacy. The building's position is directly opposite the front elevation of our property. It would block out all views and outlook which we have had for over 24 years. The glazed stairwells and garden areas would overlook out property and gardens completely.
- The development will cause issues with light and noise pollution.
- The scale is out of keeping with surrounding buildings.
- The proposal does not make best use of the site and unless alternative access was used, it would inhibit potential co-use or further site development.
- Misleading information was given at the community consultation event in relation to drainage and site layout.
- The proposal will have a detrimental impact on the local community and wildlife.

## **8. ASSESSMENT**

The main considerations of the application are:

1) Principle; 2) Design / Visual Amenity; 3) Access/Parking; 4) Neighbour Amenity; 5) Landscaping; and 6) Contamination

### 1) Principle

The application site lies within the Urban Boundary of Whitworth and it forms part of a wider employment land allocation, as shown on the 1995 Proposals Map, albeit this policy has not been saved through to the adopted Core Strategy, which includes an update to the Proposals map. Policy 10 of the adopted Core Strategy deals with Provision for Employment, and seeks to provide 20.84 ha of land for B1, B2 and B8 uses, protecting the

best sites (through location, access and suitability) via the Allocations Development Plan Document, and noting that new sites will be needed to meet demand in the Rawtenstall area, and the Bacup, Waterfoot and Stacksteads Corridor.

The 2010 Employment Land Study identifies the application site as part of a wider area of land, and scores it as a poorly performing, noting:

*“The site is marketed as a development opportunity, but its low profile location means that it may only attract low end employment users which may be capable of being accommodated on existing employment sites in the Borough. The King Sturge Employment Land Study completed in 2007 identifies E14 as a disused tip site and therefore there may be contamination issues relating to its redevelopment. The development of the site is also constrained by the river through the site. The site would also be a fairly large employment development in relation to its location within the Borough”.*

Officers are aware that the site has been marketed for a number of years by Lancashire County Council as a development opportunity, and the applicant has supplied the following information in this regard:

*"Lancashire County Council advise that they originally remediated the subject land in 1989/90 as one of a number of land reclamation sites in the Facit Quarry area. Reclamation in the area has focused on the re-grading of hill sides, tree planting and general environmental improvement. Although those sites considered to have redevelopment potential have been available for purchase since reclamation, no viable interest had been forthcoming prior to the current care home proposals."*

The Employment Land Study further continues that “Whitworth also has relatively weak levels of demand, and the presence of three committed sites suggests that there is an oversupply of employment space in this part of the Borough”. Paragraph 9.45 of the Report recommends that all this land be considered for de-allocation, examining the potential to develop it for alternative uses, subject to development requirements.

Given the need to replace the existing residential care facility, as well as the requirement for additional provision within the Borough, for nursing, residential and dementia care for older people, Officers consider the proposed use is acceptable in principle, particularly bearing in mind that the proposal will provide a variety of employment opportunities, in an urban area reasonably well served by public transport in accordance with the Core Strategy Policies 1, 4 and 10 and the NPPF.

## 2) Design / Visual Amenity

The applicant has supplied a detailed Design and Access Statement which explains how the reason for the selection of this site, and the design evolution of the proposed building. The building is two storey in height and is sympathetic in scale and massing to the existing residential dwellings surrounding the site. A key principle of the design is the orientation of the majority of bedrooms and living spaces to the south and west, to maximise on natural daylight. These rooms also benefit from views towards the surrounding countryside and landscaped gardens.

The proposed materials are set out below:

- Natural stone to the front portion of the building facing Market Street – a sample panel to be required by condition.
- Buff brick to the north, south and west elevations – sample panel to be conditioned.
- Timber effect boarding on the central section – sample panel to be conditioned. It is important this product is durable in the weather conditions, and that it will have a grey / silver appearance rather than red / orange. The applicant has agreed to this approach.
- Dark metal cladding for the box window – sample showing colour and material to be conditioned.
- Barge boards and rainwater goods – to be dark grey in colour with materials to be agreed by condition.
- Dark grey window and door frames – final details to be agreed by condition.
- Slate look roof material, dark grey in colour. Given the predominant roofing material in this location is natural slate, and considering the scale of the proposed roof and long distance views, officers have some concerns with the use of a slate effect material. The NPPF (paragraph 58) requires planning decisions to ensure that developments reflect the identity of local surroundings and materials. On this basis officers recommend a planning condition which requires the submission of samples of slate appearance roofing products (with a thin edge, riven surface and matt finish) in order to allow officers the opportunity to consider their appropriateness.

The proposed site layout suggests the use of 1.8m close boarded fencing at the rear of the site, and although full details are not supplied, officers have raised their concerns with this with the applicant. Officers and the applicant will discuss an alternative to close boarded fencing through the use of a planning condition requiring such details be submitted for approval prior to their installation. It will be necessary to ensure that such treatments provide adequate screening and security, whilst being acceptable in terms of design.

Officers consider that the proposal represents an existing high quality scheme for Whitworth, and will use appropriate materials, the final details of which will be secured by planning conditions. Subject to the use of planning conditions, Officers consider the proposal is acceptable in terms of design, materials and overall visual amenity and is in accordance with Policies 23 and 24 of the Adopted Core Strategy and the NPPF.

### 3) Access / Parking

Initial comments were received from LCC Highways on 26 January 2015. The response required three amendments to the scheme in order to avoid an objection. These are summarised below:

- 1) There is no provision for a refuse vehicle to turn and exit in a forward gear.
- 2) The gradient of the car park access should be reduced from the junction of Market Street for a distance of at least a cars length to allow a level area to provide a safe egress onto Market Street. Internally I would recommend a gradient no steeper than 1:12 which you have shown on your plan.
- 3) A continuous walkway is provided between the building and the car park to the main entrance, rather than the hatched area which is provided within the car park.

The applicant supplied amended plans on 26 February 2015 and the Highway Engineer has confirmed that the plans now address the three comments above, and that no objection is raised subject to the following planning conditions:

- A construction method statement,

- Works to the access road (under Section 184 of the Highways Act),
- Hardstanding areas to be surfaced with a bound porous material and made available prior to first use of the premises.
- Contribution of £10,000 to upgrade the bus stop on Market Street to a quality bus stop and shelter and a TRO (double yellow lines) at the junction to maintain sightlines.

The applicant has challenged the requirement for the contribution in relation to the upgrade of the bus stop in an email received on 13 March 2015 which raises the following points:

*“Calico Housing are disappointed to have this financial contribution imposed which will impact on the viability of the project as a whole. We would ask that the following is taken into account regarding this matter:*

- *Calico Housing are a Registered Social Landlord, not a private developer*
- *As a not-for-profit organisation any financial surplus is reinvested in the community and reinvested in affordable housing*
- *The new home is providing a community benefit to the population of Whitworth*
- *The proposals are making use of a brownfield land site with considerable remediation costs involved*
- *The residents of the new home would not be capable of using public transport*
- *There will be a mini-bus to take residents out so public transport would not be used*
- *Staff and visitors may use public transport so we have designed a canopy and waiting area within the proposed building close to the street so staff and visitors could wait for a bus under shelter*

*If this does become a condition of any forthcoming planning consent we would, in due course, apply to have this condition removed.”*

Officers are considering this matter in liaison with the Highway Authority and will update Members on the matter during in an update report.

Local residents have raised concern in relation to an inadequate number of car parking spaces. Under the adopted parking standards 6 spaces are required, however, the Design and Access Statement explains that following feedback from the community, 14 spaces have been provided. The Highway Engineer is satisfied with the additional 8 spaces.

On the basis of the views of the Highway Authority and subject to the conditions above, officers are now satisfied that there is safe and suitable access to the site to serve the proposed development and an appropriate level of car parking as required by Section 4 of the NPPF and the Core Strategy. Although concerns have been raised by a small number of local residents in relation to highway safety and inadequate parking, the Highway Engineer’s expert opinion is that the development is acceptable subject to conditions, and Officers do not consider that such concerns could be substantiated as a reason for refusal.

#### 4) Neighbour Amenity

Four letters of objection have been received from neighbours raising concern in relation to loss of view, outlook and privacy. As the application site comprises an open, undeveloped piece of land, it will result in a change in the view from some of the existing dwellings within the locality. However, Members will note that view is not a material planning consideration, and it is not the role of the planning system to protect the private view. Officers have however carefully considered the proposals with regards to outlook and privacy in respect of the dwellings surrounding this site. For habitable rooms, for example bedrooms, kitchens



and living rooms, there should windows serving be a distance of no less than 20 metres where they directly face habitable room windows in another dwelling. There is a distance of 25 metres from the rear of 23 Market Street to the closest windows on the east elevation, and between 38 and 55 metres between the front elevation of 2 and 4 Buxton Street and the windows on the southern elevation of the proposed building. There is a distance of 25 metres from the proposed building to 1 Rosefield Cottage, and approximately 47 metres from 23a Market Street to the north of the site. The minimum separation distances are exceeded across the scheme and given that the building is two storeys in height, officers conclude that the development will not give rise to unacceptable adverse impacts of overlooking or overshadowing to neighbours.

Officers are satisfied that as a result of the appropriate scale of the building, the separation distances between the building and the neighbouring properties, the development will not harm the outlook from neighbours such that it would have a material effect on their residential amenity for example by loss of light, or being overbearing. The development has been carefully designed to incorporate buffers such as garden areas, landscaping and car parking / access roads on the boundaries which are shared with adjacent dwellings.

LCC Highways have requested a construction method statement be submitted to the LPA and approved before any development commences. This statement would include details of (amongst other things): the parking of vehicles of site operatives and visitors, the loading and unloading of plant and materials, the storage of plant and materials used in constructing the development, erection and maintenance of security hoarding, wheel washing facilities, measures to control the emission of dust and dirt during construction, and a scheme for recycling/disposing of waste resulting from demolition and construction works. The Council's Environmental Health Officer has requested a planning condition which controls the hours of construction in order to safeguard the amenities of neighbours. The applicant has indicated that it may be necessary to use piling in the construction due to the unstable fill that makes up the ground, and to minimise the amount of contaminated earth to be removed. On this basis officers recommend a planning condition requiring the use of the shell-&-auger method unless a variation is first agreed in writing by the Local Planning Authority to keep any impact on residents to a minimum.

In attaching any planning condition, Local Planning Authorities must be satisfied that the six tests for conditions are met i.e. that all conditions are: necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise and reasonable in all other respects. Being mindful of the concerns of the neighbours, the Environmental Health Officer's comments and the comments of the Highway Engineer, Officers believe the proposed conditions are appropriate.

Subject to planning conditions, Officers are satisfied that the proposal will not harm the amenities of neighbours and is therefore compliant with the NPPF and Core Strategy Policies 23 and 24.

#### 5) Landscaping and Ecology

Indicative landscape details have been submitted with the application which shows the proposed replanting of the existing saplings to the rear of the building, in addition to new tree planting at the site entrance, within the proposed garden area located to the rear of 23 Market Street (to act as a buffer), and further trees to the north and west elevations. Whilst the indicative details are acceptable in principle, full details of hard and soft landscaping are required to be submitted and conditions are recommended accordingly.

Comments received from Lancashire County Council's Ecology department confirm that having regard to the applicant's ecological assessment, the proposed development would not affect habitats or features of high biodiversity value, and there are no significant constraints to this site. A number of planning conditions are recommended in order to ensure that opportunities to incorporate biodiversity in and around developments are secured, for example bat roosting opportunities to be incorporated into the built fabric of the building, and further planting within the woodland to the rear of the site.

Subject to the use of planning conditions in relation to landscaping and ecology, officers are satisfied the proposal is compliant with local and national policy in this regard.

#### 6) Contamination

The Environment Agency has reviewed the submitted Phase 1 and Phase 2 ground contamination reports and raises no objection subject to the submission of further details as required by conditions 17 and 18 below. Following the advice of the EA, officers are satisfied that the proposal will be acceptable with regards to contamination subject to the use of conditions.

### 9. **SUMMARY REASON FOR APPROVAL**

The application proposes the creation of a care home facility within the Urban Boundary and within a sustainable and accessible location. The proposal will provide a variety of employment opportunities and subject to conditions, it would not have a detrimental impact on highway safety within the area. The scheme is considered acceptable in terms of visual amenity and neighbour amenity. The development is considered to accord with the National Planning Policy Framework, and Policies 1, 4, 8, 10, 16, 17, 18, 22, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

### 10. **RECOMMENDATION**

That the application be approved.

#### **CONDITIONS**

1. The development hereby permitted 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 unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

- Planning application forms signed and dated 27/11/14
- Drawings: Proposed Site Plan P3751-001 Rev F; Proposed Planting Plan P3751-004 Rev A; Proposed East & West Elevation P3751-302 Rev C; Proposed Ground Floor Plan P3751-002 Rev G; Proposed Lower Ground Floor Plan P3751-003 Rev C; and Proposed North Elevation and South Elevation P3751-301 Rev C.
- Documents: Design and Access Statement; Ecological Assessment; Arboricultural Impact Assessment; and Phase 1 Desk Study.

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. The premises shall only be used for a care home and for no other purpose including any other purposes in Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with Policies 1, 23 and 24 of the Council's Core Strategy and the National Planning Policy Framework.

4. No development shall commence until the applicant has entered into a bilateral planning obligation under s.106 of the Town and Country Planning Act (as amended) requiring the payment of a financial contribution to enable Lancashire County Council Highways to pursue a TRO that precludes parking on Market Street which will obstruct the site access or its sightlines, and for the upgrading of the bus stop to a quality bus stop and shelter.

Reason: In the interests of highway safety and sustainability in accordance with the NPPF and Policies 9 and 22 of the Core Strategy.

5. Prior to the commencement of the development hereby approved, samples and final details of the following materials (locations of materials shown on approved drawings listed in condition 2) submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details / samples and they shall be retained as approved thereafter:

- Natural stone (sample panel on site)
- Buff brick (sample panel on site)
- Timber effect boarding (sample panel on site)
- Dark metal cladding for the box window (sample showing colour and material on site)
- Dark grey barge boards and rainwater goods (RAL code to be submitted)
- Dark grey window and door frames (RAL code and material detail to be submitted)
- Slate "effect" roof material, dark grey in colour (sample to be supplied on site showing thin edge, riven surface and matt finish). If an appropriate slate effect tile is not found, natural slate will be required.

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policies 23 and 24 of the Council's Core Strategy DPD (2011).

6. Prior to the commencement of the development hereby approved locations of hard surfacing areas and their proposed materials shall be submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be completed in accordance with the agreed details prior to the first occupation of the development hereby approved.

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policies 23 and 24 of the Council's Core Strategy.

7. Notwithstanding submitted details, full details of the proposed bike and bin store (including additional landscaping details to screen the building from 1 Rosefield Cottage) shall be submitted to and approved in writing by the Local Planning Authority. The approved

scheme shall be implemented prior to first use / occupation of the development hereby approved and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies 23 and 24 of the Council's Core Strategy DPD (2011).

8. Notwithstanding submitted details, prior to commencement of development a full scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include: intended ground levels; details of proposed tree translocation / replanting and subsequent management to create a 'woodland' of mixed structure, with ground flora, understorey and canopy and other habitat creation / management between the ornamental planting and existing woodland / River Spodden corridor such as diversification of grassland, or scrub planting; and full details of which trees are to be retained on or adjacent to the site. Walls / fences / gates / hard-landscaping forming part of the approved scheme shall be completed prior to first occupation of the building, unless otherwise first agreed in writing by the Local Planning Authority. Any planting forming part of the approved scheme shall be undertaken in the planting season thereafter, unless otherwise first agreed in writing by the Local Planning Authority. Any shrubs/trees removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by plants of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason : Insufficient details have been submitted with the application, and in the interests of visual and neighbour amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.

9. No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been erected around the trees to be retained on site. All existing trees shown on the plan required by condition 7 above as being retained on site / adjacent to the site shall be protected by fencing in accordance with BS5837:1991 'Trees In Relation To Construction', in accordance with a scheme and specification which shall have been submitted to and approved in writing by the Local Planning Authority. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any building or other operations, parking or passage of vehicles, or storage of building or other materials or any other object.

Reason: To ensure that the trees on the site are protected during construction works in the interests of local amenity, and in order to comply with National Planning Policy Framework Policies 1, 17 and 18 of the Council's Core Strategy DPD (2011).

- 10.No external lighting associated with the development shall be installed without the prior approval, in writing, from Rosendale Borough Council. All lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate the woodland / woodland edge. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

Reason: To ensure that any bat habitat would not receive light spill and in order to comply with the National Planning Policy Framework and Policy 18 of the Council's Core Strategy DPD (2011).

- 11.No development shall take place until details of the provisions to be made for bat roosting opportunities and bird boxes to be incorporated into the development have been submitted

to, and approved by the Local Planning Authority. The approved works shall be implemented in full before the development is first brought into use.

Reason: To ensure that bird and bat species are protected and their habitat enhanced, in accordance with Circular 06/05, the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 and to accord with Policy 18 of the Council's Core Strategy and the NPPF.

12. No vegetation clearance works, demolition work or other works that may affect nesting birds shall take place between 1st March and 31st August inclusive, unless surveys by a competent ecologist show that nesting birds would not be affected.

Reason: To ensure that birds are protected and their habitat enhanced, in accordance with Circular 06/05, the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 and to accord with the National Planning Policy Framework and Policy 18 of the Council's Core Strategy DPD (2011).

13. Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1700 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to comply with the National Planning Policy Framework, and Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).

14. 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. The Statement 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 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

Reason: In order to comply with the National Planning Policy Framework, and Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).

15. The shell-&-auger method shall be used to form any piled-foundations, unless a variation is first agreed in writing by the Local Planning Authority.

Reason : To protect the amenities of neighbours, in accordance with Policies 1 / 24 of the Council's Core Strategy DPD (2011).

16. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage

systems. The development shall be completed, maintained and managed in accordance with the approved details.

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 in accordance with the National Planning Policy Framework.

17.No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

18.No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure

that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

19. Notwithstanding submitted details, prior to the commencement of development full details of proposed building slab levels and proposed levels for the adjacent land shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason : In the interests of visual and residential amenity and to accord with the National Planning Policy Framework and Policies 1 / 23 / 24 of the Council's adopted Core Strategy.

## **INFORMATIVES**

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk)

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

2. The applicant's attention is drawn to the advice letter from Lancashire County Council (Ecology) dated 04/02/15 in relation to drainage works and protected species (copy sent to agent).
3. The applicant's attention is draw to the response letter from United Utilities dated 27 January 2015 (copy sent to agent).