

UPDATE REPORT

**FOR DEVELOPMENT CONTROL COMMITTEE
MEETING OF 28 FEBRUARY 2017**

Item B1: 2016/0563 – Dark Lane

The recommendation has been amended as follows:

That planning permission be minded to grant planning permission subject to:

- a) A Section 106 Agreement to secure payment of contributions towards a replacement pitch, public open space, ecological enhancement and affordable housing;
- b) A Memorandum of Understanding; and
- c) Relevant conditions

It is recommended that delegated authority is given to the Planning Manager to refuse planning permission in the event that the S106 Agreement is not signed by 31st May 2017.

Consultation responses

Since publication of the report, a letter of support has been received from the Head Teacher of Newchurch St.Nicholas Primary School stating that the condition of the current site is a concern as it is used by youngsters for play. It goes on to state that if the application was approved it would provide some security to the currently vulnerable school site. The provision of a children's recreational area in the plans is also welcomed.

Additional Comments from Lancashire County Council Highways

Footpath links

Lancashire County Council Highways has identified two informal, unmapped but well-used pedestrian links which lead from the site to the formal public rights of way, which provide routes to both Burnley Road East and Bacup Road (please see map below, shown in red). Both routes provide important links from this residential area to shops and services within Waterfoot, and to the mainline bus services.



The majority of the land on which the links are located is owned by Rossendale Borough Council, however there is a section of unregistered land between the rear of the Queensway and Springfield Drive properties. This is the route which provides a direct link to Waterfoot Town Centre and mainline bus services. It is recommended that the S106 Agreement includes the following obligations:

- A commuted sum (approximate costings to be confirmed) to upgrade the informal footpath link from the site to FP 203 (which leads to Bacup Road); and
- To work with the Council to investigate the potential to improve the informal footpath link from site to FP 169 (which leads to Burnley Road East).

The applicant has confirmed a willingness to provide funds for such works and this will be progressed further through the S106 Agreement.

Traffic Impact Assessment

Lancashire County Council Highways has confirmed that the additional information supplied satisfies the Highway Authority that the impact of the development traffic can be accommodated on the surrounding network without any severe effects.

Dark Lane / Staghills Road junction

The drawing VN60610-102 provides a satisfactory visibility splay at the junction of Dark Lane and Staghills Road to accommodate the development traffic and it

will be necessary to ensure that the visibility splay is clear of any physical boundaries or obstructions over 900mm in height by condition.

The Highway Engineer has requested that the drawing be amended to show a footway crossover arrangement at the driveway of 118 Staghills Road and omit the tactile paving at this point. A footway should be shown across the site frontage (currently it has a radius kerbed arrangement partly along the frontage). The applicant has been provided with a sketch to confirm the locations. Officers will liaise with the applicant to seek these amendments and will amend the list of approved drawings at Condition 2 accordingly.

Viability

The applicant has now agreed to provide the following contributions / obligations:

- £136,000 towards open space and play provision
- 20% affordable housing
- £130,755 as required for a replacement pitch at Marl Pits
- Ecological enhancement plan in relation to Staghills Wood.

As set out in the report, the VOA concluded that the development can afford to provide these contributions whilst making a reasonable profit. Officers are satisfied with this agreement and no changes are proposed to the positive recommendation. Officers and the applicant have agreed to a time extension until 31 May 2017 to enable S106 discussions and drafting to be completed.

Additional conditions

The following additional highway-related conditions have been requested by Lancashire County Council:

1. Any applications for approval of reserved matters shall be accompanied by full details of a pedestrian link to be installed from the internal estate road on both the south-east boundary of the site, to the rear of 39-43 Queensway, and on the south-west boundary. Approximate locations are shown on the Footpath Map indicated by a red "X". This will enable the link to the existing informal rights of way to be maintained. The links shall be made available in accordance with the approved details prior to occupation of any of the dwellings hereby approved.

Reason: The application is in outline only, and in the interests of pedestrian links and sustainability.

2. Any applications for approval of reserved matters shall be accompanied by full details of secure covered cycle stores which shall be provided at each dwelling. The development thereafter shall be carried out in

accordance with the approved details and the cycle stores shall be in place prior to first occupation of the dwellings.

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

3. Either as part of the first reserved matters application or prior to the commencement of the development a scheme for the site access Dark Lane / Staghills Road and off-site highway works has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the works have been carried out in accordance with the approved details.

Reason: To ensure that the final details of the highway scheme/works are acceptable before work commences on site.

4. Prior to first occupation of any of the dwellings hereby permitted, a Travel Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The Travel Plan shall include (but not be limited to) the provision of and improvements to pedestrian, cycle and bus infrastructure in and around the site, electric vehicle charging points and cycle parking and welcome packs for each dwelling with information on local bus services, walking and cycling routes. The provisions of the Travel Plan shall be then implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

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

5. For the duration of the construction period vehicular and pedestrian access to St. Nicholas Primary School staff car park and the pupil pedestrian access point shall be maintained at all times.

Reason: In the interests of highway and pedestrian safety.

6. No dwelling hereby permitted shall be occupied until that part of the service road which provides access to it from the public highway has been constructed in accordance with the approved plans.

Reason: In the interests of highway and pedestrian safety.

7. Prior to first occupation of any of the dwellings hereby approved, the garages, driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

Reason: To ensure sufficient car parking remains available for the duration of the development.

INFORMATIVES

Please Note: The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping up or diversion of a right of way should be the subject of an Order under the appropriate Act Footpath/Bridleway No.205 crosses the site.

Item B2: 2016/0187 – Unit 3, Shawclough Road, Whitewell Bottom

The following points have been forwarded by the agent for the application:

Highways matters

- The applicant obtained the general approval in principle to the proposed development some time ago- surprise that an objection has now been submitted.
- A highways report has been submitted which states that the necessary parking spaces can be provided on site (ignoring the availability of extra spaces on the car park opposite) and vehicles can enter and leave the car park in forward gear.
- The proposed plans show a separate off road pedestrian link round the back of the building leading to the bottom of Shawclough road
- The proposed plans include a new footpath on the boundary of the site on Shawclough Road itself.

These comments have been forwarded to the Highway Engineer at LCC and a response to awaited.

Design

- The existing building has a height of 5.4m whereas the proposed replacement building has a height of 7.19m, an increase of only 1.79m- this is hardly excessive
- The proposed materials will result in a building which is much superior to the metal –clad existing building, to the benefit of the character and appearance of the area- this can be conditioned

Item B3: 2016/0601 – Holly Mount Way

Since publication of the officer's report, the applicant's agent has expressed objection to three of the proposed conditions as follows:

In response to proposed condition 8 (provision of a cycle store for each dwelling) – the applicant's agent states "*I do not agree with condition no. 8 re a cycle store for every dwelling. These days it is just as easy and more convenient to use a fold up cycle which can be placed in a cupboard, under the stairs or in a*

car boot. Any such store, as proposed, is highly unlikely to be used for the purposes of storing a cycle."

It accordance with the consultation response received from the Local Highway Authority, it is considered that the provision of cycle stores at the proposed dwellings is necessary to ensure that future occupants have the ability to safely and conveniently store all types of cycles, and that such provision would enhance the sustainability credentials of the development. Fold-up cycles are not necessarily suitable for all cyclists, and it is not considered that future occupants of the dwellings should have their choice of cycles restricted due to there being no satisfactory storage facilities in place.

In response to proposed conditions 9 (provision of a surface water drainage scheme based on the hierarchy of drainage options in the National Planning Practice Guidance, and in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015)), and 10 (provision of a sustainable drainage management and maintenance plan for the lifetime of the development) – the applicant's agent does not agree that sustainable drainage systems can be required for schemes of less than ten dwellings, and states *"I cannot see that if this matter was to be put to appeal that you could reasonably defend an application for costs when the matter is contrary to the Ministerial statement and which is quite specific in its contents."*

Conditions 9 and 10 were suggested by United Utilities in their consultation response on the application to ensure that the most sustainable drainage solution for the development is in place. In a borough such as Rossendale where high volumes of rainfall and a prevalence of sloping land can lead to significant volumes of surface water run-off, it is considered necessary to ensure where necessary that surface water drainage solutions are in place (and properly maintained and managed) to ensure that flooding does not occur as a result of developments. Policy 19 of the Core Strategy seeks to address such matters and provides a policy basis for the Council to require that all developments are sustainably drained where appropriate. Following receipt of the agents comments further clarification has been sought from United Utilities and Members will be updated prior to Committee.