

**UPDATE REPORT**

**FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 18<sup>th</sup> July 2017**

**Item No. B1 - 2016/0630 – Hurst Platt, Rawtenstall**

Comments Received from Michael Pooler Associates

Since publication of the Committee report, a formal consultation response from Michael Pooler Associates has been received which reads as follows:

*"I would confirm that the modified slope analysis previously requested by ourselves has now been received and checked and deemed to be satisfactory.*

*The slope stability referred to is from Sub Surface Consultants (13 June 2017) references 6300A Fig 5(A3).pdf, 6300A ltr rpt 13-06-17.pdf, 6300A Slope Stability Analyses (X1, 4, 5, 6 & 7).pdf, together with slope drainage as modified on James Crosbie drawing B14110-01 P5.*

*Note the retaining wall detail to the rear of plots 1 to 4 would appear satisfactory although we are awaiting calculations and bearing pressures in respect of this.*

*We would also confirm agreement with the sheet piling calculations submitted by Volker Ground Engineering, Drawing No C12538-PWO1-101 Rev 0 with regard to the 12 metre long sheet pile wall, Section AZ26-700, calculations sheets 1 – 15.*

*The application can be duly signed off for approval at the appropriate Planning Committee, issues regarding outstanding calcs for the retaining wall will be received from James Crosbie Associates and processed in due course.*

*The other issues regarding adoption, surface water discharge (Environmental Agency) and land issues are outside our remit."*

Comments Received from United Utilities

Since publication of the Committee report, United Utilities has confirmed that it has no objection to the proposed scheme of surface water drainage.

Requirement for Environmental Permit to Discharge Surface Water to Water Course

The applicant has forwarded correspondence to officers indicating that they have liaised with the Environment Agency and believe that an Environmental Permit would not be required in order for clean uncontaminated surface water to be discharged from the development into the water course which is located to the south of the application site.

Whilst the requirement for such a permit would be a separate matter to the consideration of the planning application (to be dealt with by the Environment Agency), it is considered appropriate that the above information is brought to Members' attention.

No objection to the scheme has been received from the Environment Agency.

#### Drainage Connection

The proposed scheme of surface water drainage includes the connection of surface water drains from the site to a 300mm wide pipe leading to the south of the site, subsequently discharging into the adjacent water course. The 300mm wide pipe is understood to pass through land owned by a neighbouring resident.

The neighbouring resident in question has raised concerns about the proposed drainage arrangements and the right of the developer to connect the site's surface water drains into the 300mm pipe which runs through the resident's land.

The applicant has stated in response that they understand that they have a legal right to connect to the existing pipe in question.

In any case, matters of connection to the drain in question would be a private matter between the relevant parties.

#### Rear Walls of Houses on Plots 1-4

Since publication of the Committee Report, the applicant has submitted a method statement detailing the steps they intend to take to ensure that the land immediately to the rear of the houses on plots 1-4 is properly retained. An amended drawing has also been submitted which includes details of the proposed retaining structure.

The submitted method statement reads:

*"Our intention is to fill between the rear retaining wall with hard core compacted in 150mm layers as specified. At present the rear wall of the houses comprises of 2 no 450mm thick concrete block walls with a concrete filled 100mm cavity. We will also renew the bitumen tanking to the rear of plots 1-4 where necessary. Prior to any works being started we will consult with a structural engineer to ensure that the current rear walls of the houses are sufficient to retain the filled ground which will make up the new garden space. If this is not the case we will implement any measures deemed necessary by the structural engineer and building control to ensure the long term stability and effectiveness of the rear walls of the houses."*

Whilst it will be necessary for the developer to demonstrate the adequacy of the rear walls of the houses on plots 1-4 to retain the land immediately adjacent to them at Building Regulations stage, it is nevertheless considered necessary to include the submitted method statement above in the list of approved plans / documents to ensure that the structural stability of the rear walls of the houses is appropriately addressed by the developer.

## Amendments to Proposed Conditions

Amended plans and documents have been received since the publication of the Committee report, and as such it is considered necessary to amend conditions 1 and 2 accordingly so that the most up to date plans are included.

The amended condition 1 would read as follows:

*“The development shall be carried out in accordance with the following:*

- *Application Form date stamped 12<sup>th</sup> April 2017 by the Local Planning Authority.*
- *Site Location Plan (Croft Goode Architects Drawing Number 16-2218-EX001 Revision B) date stamped 25<sup>th</sup> April 2017 by the Local Planning Authority.*
- *Site Layout (James Crosbie Associates Ltd Drawing Number 01 Revision P5) date stamped 7<sup>th</sup> July 2017 by the Local Planning Authority.*
- *Proposed Floor Plans (Croft Goode Architects Drawing Number 16-2218-PN101) date stamped 12<sup>th</sup> April 2017 by the Local Planning Authority.*
- *Sections Through Site (James Crosbie Associates Ltd Drawing Number 02 Revision P2) date stamped 12<sup>th</sup> April 2017 by the Local Planning Authority.*
- *Detailed Landscape Proposals (Margaret Twigg Landscape Architects Drawing Number 452.01) date stamped 2<sup>nd</sup> June 2017 by the Local Planning Authority.*
- *Proposed Elevations (Croft Goode Architects Drawing Number 16-2218-003) date stamped 1<sup>st</sup> June 2017 by the Local Planning Authority.*
- *Proposed Site Sections (Croft Goode Architects Drawing Number 16-2218-PN301) date stamped 12<sup>th</sup> April 2017 by the Local Planning Authority.*
- *Property Management North West Ltd arrangements for future management and maintenance of the proposed streets within the development (date stamped 12<sup>th</sup> June 2017 by the Local Planning Authority).*
- *Permanent Sheet Pile Wall (Volker Ground Engineering Drawing Number C12538-PW01-101 Revision 0) date stamped 7<sup>th</sup> July 2017 by the Local Planning Authority.*
- *Method Statement Relating to Rear Walls of Houses on Plots 1-4 (date stamped 6<sup>th</sup> July 2017 by the Local Planning Authority).*

Reason: *For the avoidance of doubt.”*

The amended condition 2 would read as follows:

*“No development in respect of the construction of the dwelling houses hereby permitted shall take place until the slope stability and drainage works as shown on approved James Crosbie Associates Ltd drawing numbers 01 (Revision P5) (date stamped 7<sup>th</sup> July 2017 by the Local Planning Authority) and 02 (Revision P2) (date stamped 12<sup>th</sup> April 2017 by the Local Planning Authority) have been completed in full.*

Reason: *In the interests of land stability and to ensure adequate drainage of the site.”*

## **Item No. B2 - 2017/0260 – Golf Rossendale**

Part of the access road to the site is owned by Rossendale Borough Council and the applicant has served notice on the Council as part of the planning application. The Council currently has a lease arrangement in place with Rossendale Golf granting access over the land to serve the golf driving range. In the event that planning permission is granted for this scheme a new lease will need to be entered into to include this development as well as the driving range. This process is separate to the planning process and discussions in regard to the lease will commence in the event that planning permission is granted for this development and the applicants choose to implement the permission.

### Additional Comments and Objections Received

Since publication of the Committee report, additional comments and objections to the scheme have been received. The content of the comments and objections is summarised below:

#### Rossendale Triathlon Club

Wish to object on the grounds that the access road to the proposed development is inadequate to accommodate increased traffic. Double parking is already a major problem on the access road and the Club fears that access to a public garden centre on such an unfit road will increase the risk of an accident to Club members and other people using the Marl Pits complex.

The Triathlon club organises an annual event for the wider community and the Club believes that this may be in jeopardy should this application be approved.

Increased traffic to an already congested access road presents a significant increase in the risk of accident.

#### Marl Pits Leisure Centre

Bringing more people into the Marl Pits complex could be beneficial to promoting the leisure facilities.

However, there is very little parking at the driving range and doesn't appear to be any additional parking on the plans. This could lead to people using the car park at Marl Pits which can already get full at peak times. The car park is for users of the public facilities on the Marl Pits site and not for commercial ventures.

The road between the pool and pavilion can get quite congested particularly at a weekend when people park near the rugby club and can make the road dangerous particularly if there are a lot of children around using the pavilion, rugby club and 3G pitches. This irresponsible parking would likely worsen with increased use around the golf site if additional parking is not part of the plan.

For a commercial venture, we would anticipate that there would be a need for a Section 106 Agreement with monies ring fenced for development of sport and leisure on the Marl Pits site.

### Rossendale Harriers and Athletic Club

Wish to object on the following grounds:

The existing access road to the golf driving range is not adequate as there are several pinch points all the way from the entrance to Marl Pits to the proposed Nursery. The stretch alongside the sports pavilion for the athletics track is a single track road and the Club feels that an increase in traffic flow will present a potential danger to its members.

Parking is a problem at the site at times and parts of the access road are often used as overflow parking for rugby and soccer when matches and training are scheduled. Any additional activity at the top of the site will put an additional strain on an already inadequate road. It is noted that traffic management isn't mentioned in the application.

Club members, with ages from 8 years old and upwards, use the access road to run on the various rights of way, including a bridleway, linking the site to the surrounding countryside. Any additional traffic flow could present a potential danger to Club members.

The Club feels that a retail outlet is totally inappropriate for Marl Pits, which enjoys a unique countryside setting and a commercial development will compromise this.

### Mrs Katy Stephenson

The planning application will affect the leisure amenity at Marl Pits and surrounding area.

Vehicles travelling to the golf driving range already ignore the speed limit and this can only get worse if there is a commercial development. The area around Marl Pits is used by dog walkers and families. The applicants will expect the garden centre to attract a significant customer base (otherwise it would not be financially viable) which will increase traffic along the lane to the site.

Traffic will also increase at the junction with Newchurch Road. There are certain days when the Sports Area is buzzing with activity and a commercial enterprise would clash with this atmosphere. I would also be concerned that this is the first step towards a wider commercial development of the area.

### Mr Mark Nelson

As a local business man, father and owner of a local Garden Centre, I have a broad understanding of the overall dynamics of the running of a garden centre. I am therefore writing to you to express my concerns through my own experience and expertise.

In the first instance, the initial groundwork/landscaping work to set up the garden centre will require large diggers, dump trucks, etc. and large wagons to import materials to the site, which in my opinion will create chaos on the narrow access lane; this lane is not designed to be used by such vehicles.

Furthermore, the proposed site and plans state that it will be a nursery that will grow the vast majority of the stock that it retails to the general public, suggesting that because of

this, deliveries of stock will be infrequent, however having looked at the plans I can honestly say that there is no way a nursery of that size can grow anywhere near the quantities or range of plants needed to sustain itself.

One polytunnel is simply not enough in our climate to grow much stock. My site has three large polytunnels and a large greenhouse and I still cannot grow even a half of what I need. It is my belief that this proposed centre will be taking deliveries at least 3 times a week, sometimes more including the large double wagons from Holland (pictured below) and articulated wagons to deliver compost and pots which require moffats for unloading. Again the access lane is not big enough to accommodate such traffic.



In short the access road leading up to the proposed garden centre does not provide sufficient space for two vehicles to pass, therefore causing traffic congestion and a risk to many pedestrians, as the road is used by many dog walkers of all ages, including myself and my young family. This I feel is a huge concern and a health and safety hazard to the public.

With all this being said, I have two children who make great use of the facilities at Marl Pitts and fear for their safety amongst others, due to the heavy traffic flow which will occur through deliveries, wagons, heavy goods vehicles and customer cars.

#### Updates to Planning Conditions

Since publication of the Committee Report, the applicant has agreed to provide a roped-off walkway along a section of the access track, to provide some separation between vehicles and pedestrians using the track.

An additional plan has been received which indicates the position of the proposed roped walkway, and an amendment has been made to the proposed site plan to show an indicative portion of the proposed walkway. The additional plan and the relevant part of the amended site plan are included at the bottom of this update report.

As such, it is proposed to update condition 2 to reflect the amended plans. The condition would now read as follows:

*“The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:*

- Application form date stamped 16<sup>th</sup> June 2017 by the Local Planning Authority.*
- Site Location Plan date stamped 16<sup>th</sup> June 2017 by the Local Planning Authority.*
- Proposed Site Plan, Section and Retaining Wall Elevation (Drawing Number RK-01-05-17-B) date stamped 12<sup>th</sup> July 2017 by the Local Planning Authority.*
- Proposed Elevations and Site Plan (Drawing Number XXX) date stamped 16<sup>th</sup> June 2017 by the Local Planning Authority.*
- Landscaping and Boundary Treatment Proposals document date stamped 16<sup>th</sup> June 2017 by the Local Planning Authority.*
- Indicative Plan of Roped Pedestrian Walkway date stamped 10<sup>th</sup> July 2017 by the Local Planning Authority.*

*Reason: To ensure the development complies with the approved plans and submitted details.”*

#### Additional Conditions

Despite the submission of an indicative plan showing the proposed location of the roped pedestrian walkway, it is considered that full details of the precise location, layout, alignment and width of the pathway are required prior to any development taking place on site in order to ensure that the proposed development does not cause undue harm to the safety of pedestrians and other users of the access track.

The following additional condition is proposed:

*“No development shall take place until full details of the proposed roped walkway (including a plan at a scale appropriate to demonstrate the precise location, layout, alignment and width of the proposed pathway and of the existing access track) have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details and the roped walkway shall be retained and maintained in perpetuity.*

*Reason: In the interests of pedestrian safety.”*

It is also considered appropriate to include a condition requiring the submission and approval of a construction traffic management plan prior to any development taking place, to ensure that construction traffic is properly managed and again to ensure that the proposed development does not cause undue harm to the safety of pedestrians and other users of the access track.

The following additional condition is proposed:

*“No development shall take place 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) Routing and timing of delivery and construction vehicles to and from site

Reason: In the interests of pedestrian and highway safety”

Amended / New Plans

The relevant part of the amended site plan and the new indicative plan showing the location of the proposed roped walkway are included below.





