

**FURTHER UPDATE REPORT 7<sup>th</sup> NOVEMBER 2017**

**FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 07 NOVEMBER  
2017**

**Item B1 - 2015/0517- Johnny Barn**

Since publication of the Committee Report, the applicant's agent has proposed that the wording of proposed condition 14 should be amended as follows:

- *Suggested condition 14, point 2 – The use of the term 'compensatory flood storage' is slightly misleading as this is not what we are providing. The correct terminology would be 'storage for surface water balancing'. The intention of the point should be clear to any reader with a degree of technical knowledge, but the wording is not technically correct.*
- *Suggested condition 14, point 3 – This appears to be superfluous as the flood risk baseline and mitigation strategy proposed does not result in the site remaining at risk of flooding during design events, hence the need for any 'safe route' or 'safe haven' is negated.*
- *Suggested condition 14, point 5 – The statement that floor levels should be '150mm Above Ordnance Datum' does not make sense in the context of the site and development proposals. This implies a FFL of 0.15mAOD which is clearly not correct as levels at the site are significantly above this. The intention is clearly that floor levels should be a minimum of '150mm above the general external ground level' which is reasonable, normal practice, and is as reflected in the FRA. We imagine the intention of the point should be clear to any reader with a degree of technical knowledge, but it is technically incorrectly worded.*

Lancashire County Council (Lead Local Flood Authority) has been consulted on the suggested amendments above, and has responded as follows:

*"I am happy with points 2 and 5 of condition 14 to be re-worded as suggested by the applicant. However, point 3 needs to remain as piped systems are usually designed to cope with a 1 in 30 year event. Any event higher than this, for example, 1 in a 100 year event would surcharge the piped system and create overland flow routes which may flood the site but not the buildings. Therefore, it would be important to identify a safe route into and out of the site in these circumstances."*

In line with the above, it is proposed to amend condition 14 to be worded as follows:

*“The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by Peter Brett Associates Ref: 29669/4001 (Revision 1) (date stamped 30<sup>th</sup> August 2017 by the Local Planning Authority), and the following mitigation measures detailed within the FRA:*

- a. Limiting the surface water run-off generated by the critical storm periods for 1 in 1 year, 1 in 30 year and 1 in 100 year + allowance for climate change so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.*
- b. Provision of storage for surface water balancing approx. 500m<sup>3</sup> within the site and 1000m<sup>3</sup> above the site as indicated in section 5.3.29 of the FRA*
- c. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.*
- d. Confirmation of the location of pipes from the existing reservoir (north of the site) across the site.*
- e. Finished floor levels are set no lower than 150mm above the general external ground level.’”*

## **B2 - 2017/0253 – Land off Hareholme Lane**

Since publication of the Committee report, the comments below have been received from the applicant’s agent in support of the application:

*“The report raises no objection in principle. It would be difficult to do that when the Council has recently approved new houses further along the same Greenlands area to the rear of the former Dark Lane football ground.*

*So far as the access is concerned, in its email of the 11<sup>th</sup> of September LCC comments that Consideration of another point of access should be given as a shorter access to the adopted highway may have less of an impact on the un-adopted highway network. The original idea was to connect to Newchurch Road whereas it now seems obvious that the much shorter connection to Bacup Road would be used.*

*So, we have followed the advice of highways and there seems no reason now to object to the proposal. There are no plans to alter the surface of the lane up to Newchurch road and it will be left as it is so it won’t become a rat run.*

*The lane from Bacup road has a tar macadam surface nearly all the way to the application site. It stops about 75m short but the surface is perfectly passable to and from the site. Users have a legal right to repair and improve the surface. The*

*applicant will either do this for the 75 yards or leave it as it is – whichever the Council chooses.*

*Next to the site is a large, gated vehicular entrance to a house on Heys Close with direct access to the Lane. That doesn't give rise to any access problems and I cannot see why the proposed house would either.*

*County highways mentions a possible conflict between horses and vehicles -but there doesn't seem to have been any between riders and the many vehicles that currently use the lane now. The Lane is already the sole access for over 30 houses – all either approved or even built by the Council or its predecessors. It's also the only access to the playing field car park and for cutting the grass. If there'd been any conflicts between vehicles and horses I doubt if the Council would have approved the conversion of the Lea Bank college building to apartments or for some 7 houses in the grounds.*

*The lane at the entrance to the site is 4.95m wide – easily wide enough for a horse and a car to pass or even two cars. In addition, there is a street light right at this point.*



*The only reason for the recommendation to refuse is that insufficient information has been submitted regarding access. But access from Bacup Road is perfectly feasible as it currently exists. I really cannot see how it can be argued otherwise. As you know, the Council doesn't have a 5-year supply of deliverable housing land. In fact, it's between 2.4 and 2.6 years. Andrew Walsh is keen to construct the house straight away and he will make a contribution to meeting housing demand.*

*There really is no reasonable grounds for objecting on access grounds.”*

In response to the above comments, officers consider (in line with the comments received from the Local Highway Authority) that a significant section of Hareholme Lane is unsuitable for a horse and a car (or a pedestrian and a car) to safely pass – an issue compounded by the fact that vegetation overhangs the lane from either side. Hareholme Lane carries a designated bridleway. It is unclear whether the applicant would have any right to cut back the vegetation in question or carry out

In light of the above, and the objection from the Local Highway Authority, officers' recommendation remains that the application be refused.

#### **B4 - 2017/0423 – Land north of 112 Booth Road, Stacksteads**

Since publication of the Committee report, the comments below have been received from the applicant's agent in support of the application:

*“One of the two reasons for refusal is that it would be contrary to Green Belt policy. But it isn't.*

*National policy says that infilling in villages or just infilling is not inappropriate. It doesn't define “infilling” but the following are very good pointers:*

- 1. There's a gap in the house numbers to either side of the site from 83 to 97– showing that infilling on it was contemplated when the houses to either side were built*
- 2. Infilling can be defined as something which fills a gap between buildings. The proposed development would do that. It doesn't need to fill the whole gap from end to end.*
- 3. The site is seen as suitable for housing in the new local plan and is in the schedule of how to meet housing demand. It's shown as being immediately available. It is seen as a suitable frontage infill site.*

*The second reason relates to there being just one house. But that has the advantage of allowing views to either side of it of the countryside beyond. That can be an advantage in Rossendale where such views are often restricted*

*The Committee report says there are no very special circumstances to warrant an exception to Green Belt policy. I don't think any exceptions are needed as it meets policy but there are very special circumstances:*

- 1. Despite the efforts of the owners to keep it tidy it is a constant dumping ground for garden waste and general rubbish, to the detriment of the area. The development of this half brownfield/half Greenfield site will improve the area*
- 2. There is a real shortage of deliverable housing land in the Valley - only about*

*2.5 years supply when 5 are needed.*

*It does seem strange that when the site is being recommended for inclusion as a housing site in the new plan its suitability in terms of current policy is being unreasonably resisted.”*

For the reasons already set out in the Committee report, officers do not consider that the proposed scheme falls to be considered an exception to Green Belt policy in accordance with paragraph 89 of the Framework which specifically states:

*limited infilling in villages*

The proposed scheme is therefore considered inappropriate development within the Green Belt.

It is noted that another exception to Green Belt development is:

*limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.*

However this exception relates to previously developed land which this site is not.

It is not considered that the two points above constitute very special circumstances which would warrant approval of the application contrary to guidance contained within the Framework.

Any harm to amenity caused by the tipping of waste on the site could be tackled separately through the Council's enforcement powers under Section 215 of the Town and Country Planning Act 1990.

The lack of a five-year housing land supply in the borough does not constitute very special circumstances which would warrant approval of the application.

In light of the above, officers' recommendation remains that the application be refused.