

Application Number:	2018/0039	Application Type:	Full
Proposal:	Section 73 application: variation of condition 2 (approved plans) pursuant to planning approval 2015/0238 to allow the amendment of the site / parking layout.	Location:	Horse And Jockey Hotel, 85 Market Street, Edenfield, BL0 0JQ
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	27 th February 2018
Applicant(s):	Stacey Chappell	Determination Expiry Date:	20 th April 2018
Agent:	Tom Sykes		

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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	✓
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Major Application

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

Approve the Section 73 application subject to the Local Highway Authority confirming that they have no objection to the amended site layout plan, and subject to the conditions set out in section 10 and an amended Section 106 Agreement to secure the payment of planning obligations.

APPLICATION DETAILS

2. SITE

The application site (of approximately 0.2 hectares) lies immediately to the west of Market Street in Edenfield.

The site, which has one vehicular access point from Market Street, is partly occupied by a vacant building which formerly operated as a public house and later a restaurant. The rest of the land is covered by a car park, with some trees and patches of vegetation towards the rear (west) of the site. Security hoarding currently surrounds the front of the site.

To the east on opposite side of Market Street are a mix of traditional stone and slate terraced dwellings, the former Conservative Club (now apartments) and a bungalow.

To the north is an access road serving a neighbouring dwelling (which is also a public footpath), beyond which are open fields. The field boundaries in the area are generally delineated by local stone walls.

Open fields are located immediately to the rear of the site, beyond which the A56 runs in a north / south direction. Some trees and other vegetation are located along the western boundary of the site. To the south of the site lies a row of terraced dwellings, separated from the site by an access road.

Although the site lies predominantly within the urban boundary, it does straddle the urban / Green Belt boundary towards its western end – with a portion of the site being located within the Green Belt. The site is not within a Conservation Area, nor are there any Listed Buildings on the site or adjacent.

3. RELEVANT PLANNING HISTORY

1982/250 – Extension to existing car park (Approved)

1984/287 – Extension to provide restaurant and WC accommodation (Approved)

1985/120 – Alterations to provide restaurant, WC, accommodation and private function room (Approved)

1989/369 – Retention of kennel block adjacent to beer garden and erection of fencing for security purposes (Approved)

1990/621 – Single storey side extension and internal alterations (Approved)

1992/001 – Construction of lawned play area, beer garden and erection of fencing (Approved)

1994/215 – Proposed single storey side and rear extension for pool room (Approved)

2015/0238 - Demolition of the existing Public House and redevelopment of the adjacent car park. Construction of 10 no. family homes - a mix of 1 detached, 6 semi-detached and 3 terraced three and four bedroom dwellings (Approved)

2017/0400 - Substitution of house type on Plot 1 of scheme previously approved under 2015/0238, to create a four-bedroom dwelling in place of the approved three-bedroom dwelling (Approved)

2017/0460 - Prior notification for the demolition of the former public house (Approved)

2017/0476 - Approval of Details Reserved by Conditions 3 (Construction Method Statement), 4 (Drainage), 5 (Bat Survey & Method Statement), 6 (External Materials), 7 (Landscaping), 8(Contaminated Land), 9 (building recording and analysis) and 10 (sustainable drainage principles) pursuant to Planning Approval 2015/0238 (Split Decision)

2017/0558 - Approval of details reserved by conditions 3 (construction method statement), 4 (facing materials), 5 (landscaping and boundary treatment), 6 (land contamination), 7 (surface water drainage), 9 (drainage management plan) and 10 (doors and windows) pursuant to Planning Approval 2017/0400 (Split Decision)

2017/0576 - Minor non-material amendment to planning approval 2015/0238 (change in finished floor levels to plots 2, 3 and 4 - 100mm increase; change in finished floor levels to plots 9 and 10 - 380mm increase) (Approved)

2017/0596 - Non material amendment to planning approval 2015/0238 for removal of pedestrian link and associated gate to northern boundary (Approved)

4. PROPOSAL

The applicant seeks to vary condition 2 (approved plans) pursuant to planning approval 2015/0238 to enable the construction of an amended parking and access layout on the site to serve the approved scheme of ten new dwellings.

The amended site layout differs from that approved under 2015/0238 in the arrangement of parking spaces and the dimensions of the proposed access. The scheme also includes one less parking space than shown on the approved plans for the substituted four-bedroom house on Plot 1 (as approved under 2017/0400). It is understood that the changes have come about through technical discussions between the applicant and LCC Highways.

In addition, the submitted plans show amendments to the boundary treatments on the site entailing the inclusion of 1.2m high natural stone walling around plots within the site, with 0.6m high timber fencing on top.

The applicant has submitted stone and slate samples for the proposed scheme as part of this application, to address the requirements of condition 6 of 2015/0238.

5. POLICY CONTEXT

National
National Planning Policy Framework (2012)

Section 1 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 9 Protecting Green Belt Land
Section 11 Conserving and Enhancing the Natural Environment
Section 12 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 5 South West Rossendale

Policy 1 General Development Locations and Principles

Policy 2 Meeting Rossendale's Housing Requirement

Policy 3 Distribution of Additional Housing

Policy 4 Affordable & Supported Housing

Policy 8 Transport

Policy 9 Accessibility

Policy 18 Biodiversity 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

Other Material Planning Considerations

National Planning Practice Guidance (2014)

LCC Planning Obligations in Lancashire (2008)

RBC Open Space & Play Equipment Contributions SPD (2008)

6. CONSULTATION RESPONSES

LCC Highways

Have objected to the scheme however amended plans have been submitted to address the concerns raised.

7. REPRESENTATIONS

To accord with the General Development Procedure Order 23 neighbours were sent letters on 25/01/2018 and a site notice was posted on 26/01/2018.

No comments or objections have been received.

8. ASSESSMENT

Principle

1. The acceptability in principle of developing a scheme of ten new dwellings on the site has been established previously by planning permission 2015/0238.
2. As such the proposed development is appropriate in principle.

Visual Amenity

3. The proposed scheme differs only slightly in visual terms to that previously approved under 2015/0238. The proposed use of 1.2m high natural stone walling (with 0.6m high timber fencing on top) around plots within the site has been included following earlier discussions between the case officer and the applicant's agent. It is considered that the proposed walling is an appropriate form of boundary treatment and will help to give the development a high quality appearance when viewed from within the site on the access road.
4. The proposed natural stone and slate samples which have been submitted are considered appropriate for the construction of the dwellings' elevations and roofs.
5. The scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

6. It is not considered that the amendments to the proposed site layout will cause any additional impacts on neighbour amenity compared to the scheme previously approved under 2015/0238.
7. Subject to the relevant conditions on 2015/0238 being carried forward, the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

8. The Local Highway Authority has objected to the proposed scheme, due to the required visibility splay not being shown on the submitted drawings.
9. However, amended plans have now been received which show the required visibility splay. The Local Highway Authority has been re-consulted, but at the time of this report has not provided further comments. It is anticipated that the objection will be lifted once their comments are received.
10. Subject to the Local Highway Authority lifting its objection to the scheme in light of the amended plans, the scheme is considered acceptable in terms of access, parking and highway safety. The final comments of the Local Highway Authority will be included in the update report to Members.

Planning Contributions

11. Planning permission 2015/0238 was granted subject to the applicant entering into a Section 106 Agreement which requires the payment of planning contributions towards:
 - Refuse bin provision
 - Open space and play equipment provision
 - Traffic Regulation Order on Market Street
 - Provision of a new bus shelter on Market Street
 - 2 Primary School places and 1 Secondary School place.
12. In the event that this Section 73 application is approved it will result in the issuing of a new planning approval and as such a supplemental Section 106 Agreement will be required to tie the consent into the original obligations.

9. CONCLUSION

The acceptability in principle of the proposed scheme has already been established under planning approval 2015/0238, and the proposed scheme would be acceptable in terms of visual amenity, neighbour amenity and highway safety. It is considered that the proposed development accords with the National Planning Policy Framework and Policies 1, 2, 3, 4, 8, 9, 18, 19, 22, 23 and 24 of the adopted Core Strategy DPD.

10. CONDITIONS

1. The development hereby permitted shall begin before the expiration of a period of three years from 16th October 2015.

Reason: To accord with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following:

The development shall be carried out in accordance with the following plans unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority:

- L(00)01 – Site Location Plan – Date stamped 17th July 2015 by the Local Planning Authority
- 3939-043 EX-001 Revision G – Site Plan – Date stamped 19th January 2018 by the Local Planning Authority
- L(03)01 Revision P1 – Proposed Elevations – Date stamped 14th September 2015 by the Local Planning Authority
- L(02)20 Revision P1 – House Type 1 – Date stamped 17th July 2015 by the Local Planning Authority
- L(02)40 Revision P2 – House Type 3 – Date stamped 14th September 2015 by the Local Planning Authority
- R/2019/1C – Landscape Details - Date stamped 30th January 2018 by the Local Planning Authority
- P17-00397-MET-M2-C-006 Revision 3 – Land Plan - Date stamped 12th February 2018 by the Local Planning Authority
- P17-00397-MET-M2-C-015 Revision 3 – Section 278 Layout Plan - Date stamped 12th February 2018 by the Local Planning Authority
- P17-00397-MET-M2-C-007 Revision 4 – Section 38 Layout Plan - Date stamped 12th February 2018 by the Local Planning Authority
- P17-00397-MET-M2-C-005 Revision 3 – Site Plan - Date stamped 12th February 2018 by the Local Planning Authority

Reason: For the avoidance of doubt.

3. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays.

Reason: To safeguard the amenities of neighbours.

4. The development hereby approved shall be undertaken in accordance with the approved Construction Method Statement / Traffic Management Plan and associated details date stamped 6th October 2017 by the Local Planning Authority.

Reason: In the interests of highway safety.

5. No development shall be commenced until full engineering, drainage (including the re-positioning of 2 x surface water road gullies on Market Street at the new access road), street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.

Reason: In the interests of highway safety.

6. The development hereby approved shall be undertaken in accordance with the approved Bat Mitigation Method Statement date stamped 6th October 2017 by the Local Planning Authority.

Reason: In the interests of protecting any bats roosting on site.

7. The development hereby approved shall be undertaken in accordance with the submitted details (and samples) of external facing materials as follows:

- External Walls shall be constructed in natural coursed stone (M&M Cottlingley Natural Walling Stone)
- Roofs shall be constructed in natural blue / grey slate
- Render shall be Polar White in colour
- Door units shall be sage green composite / UPVC
- Window units shall be grey UPVC
- Timber cladding shall be light oak in colour
- Rainwater goods shall be black in colour

Reason: In the interests of visual amenity.

8. Prior to commencement of development the following shall be submitted to the Local Planning Authority:

a) A Contaminated Land Phase II Report to assess the actual/potential Contamination risks at the site through an updated Conceptual Site Model by the Local Planning Authority should be undertaken. This should incorporate a ground gas study which should assess the requirement for protective measures as well as an asbestos survey on the existing building and potentially within infilled areas on the site.

b) Should the approved Phase II Report indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority. Where ground gas measures are required this should be in accordance with relevant guidance and good practice.

c) The remediation scheme in the approved Remediation Statement shall then be carried out and a Site Completion Report detailing the action taken at each stage of the works (including validation works this) shall be submitted to and approved in writing by the Local planning Authority prior to first occupation of any part of the development hereby approved.

Reason: In the interests of protecting future occupants of the development from hazards associated with contaminated land, and to reduce the risk of pollution.

9. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has not yet been calculated. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.
- h) The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, and to ensure that water quality is not detrimentally impacted by the development proposal.

10. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on or off the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

11.No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company

b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:

i. on-going inspections relating to performance and asset condition assessments

ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) means of access for maintenance and easements where applicable.

The development shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to reduce the flood risk to the development as a result of inadequate maintenance, and to identify the responsible organisation / body / company / undertaker for the sustainable drainage system – in accordance with Policies 1, 19, 23 and 24 of the Core Strategy.

12.Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development as specified in Schedule 2 Part 1 Classes A and E and Part 2 Class A, other than those expressly authorised by this permission, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To safeguard the character and visual amenities of the area, and to ensure that adequate private amenity space is retained within the curtilage of the dwellings.

INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.