

UPDATE REPORT 23 MARCH 2018
FURTHER UPDATES 26 MARCH 2018 (IN BLUE)

FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 26 MARCH 2018

Item B1 – 2017/0617 Rawtenstall Town Square, Bank Street, Rawtenstall

Since publication of the Update Report a further objection has been received from a local resident raising the following concerns:

- The buildings will block the beautiful view of the hills.
- A great reduction in the available open space leaving a cluttered concrete centre.
- A hotel in the space is unnecessary
- A hotel development would impact on the established local businesses and traffic in town.
- How can the units be 'taken' by perspective retailers when the plans are still at the consultation stage and nothing has yet been passed?
- It has a very modern look about it which is not in keeping with the area.
- It takes up too much space some of which would be better gardened and covered in greenery for local residents and visitors.

The issues raised are similar to other responses received and therefore responses to these points are provided within the officer's report to committee.

No changes are proposed to the recommendation set out within the Officer's Report to Committee.

Highways, Traffic and Car Parking

Since publication of the committee report Lancashire County Council's Highway Engineer has issued a full response to the proposed development. Please find this attached at Appendix 1. To summarise, the Engineer confirms that no objection is raised to the proposed development in relation to traffic impact, car parking, or servicing, subject to the use of planning conditions and off-site highway works.

Feedback from Information Event

Members will recall that during the determination of the application an information event was held at Longholme Methodist Church (28 February 2018). The feedback from this event (comments received at the event) is summarised below:

- 12 objections received
- 2 comments received

The comments received largely reflect those set out in the committee report (pages 7 and 8) including:

- Inadequate off-street parking.
- Kay Street should not be made two way for cyclists.
- Uninspiring design.
- Is there a need / demand for a hotel?
- The area should remain as a large open space.
- Pleased to see more open space between the buildings to host farmers' markets etc.

The Officer's comments on the concerns raised are provided within the 'Assessment' section of the committee report which is found on pages 9-21.

Planning Conditions

Please find below a full list of recommended planning conditions. Those listed in black are contained within the committee report, and those in red are additional.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Title	Drawing Reference	Received date
Site Location Plan	629-17_AL-02-001	13/12/17
Site Topographical Plan	629-17_AL-03-001	13/12/17
Proposed Ground Floor Plan	629-17_AL-04-001 - Block A - _P02	19/02/18
Proposed First Floor Plan	629-17_AL-04-002 - Block A - P02	19/02/18
Proposed Roof Plan	629-17_AL-04-003 - Block A - _P02	19/02/18
Proposed Ground Floor Plan	629-17_AL-04-004 - Block B - P02	19/02/18
Proposed First Floor Plan	629-17_AL-04-005 - Block B - _P02	19/02/18
Proposed Second Floor Plan	629-17_AL-04-006 - Block B - _P02	19/02/18
Proposed Roof Plan	629-17_AL-04-007 - Block B - _P02	19/02/18
Proposed Street Elevations	629-17_AL-04-013 Sheet 1 of 2_P02	19/02/18
Proposed Street Elevations,	629-17_AL-04-014 - Sheet 2 of 2_P02	19/02/18

Proposed Building Elevations	629-17_AE-04-001 - Block A - _P02	19/02/18
Proposed Building Elevations	629-17_AE-04-002 - Block B - _P02	19/02/18
Proposed Masterplan Ground Floor	629-17_AL-04-010 – P5	20/03/18
Proposed Site Plan	629-17_AL-04-011 – P5	20/03/18
Proposed First Floor Plan, Residential Option	629-17_ASK-04-001_Block B,	07/03/18
Proposed Second Floor Plan, Residential Option	629-17_ASK-04-002_Block B,	07/03/18
General Arrangements (Hard Landscaping)	102 Rev E	20/03/18
Planting Plan	201 Rev G	20/03/18
Design and Assess Statement	December 2017	13/12/17
Transport Assessment	January 2018	19/02/18
Swept Path Analysis Articulated Vehicle	0003 P01	20/03/18
Swept Path Analysis Large Refuse Vehicle	0001 P01	20/03/18
Framework Travel Plan Revision 4	March 2018	22/03/18
Arboricultural Impact Assessment	December 2017	03/01/18
Noise Assessment	December 2017	18/12/17
Air Quality Assessment	Ref: AQ104773R3	21/02/18
BREEAM Pre Assessment Report	19/02/18	19/02/18
Flood Risk Assessment and Drainage Management Strategy	December 2017	13/12/18

Reason: To define the permission and in the interests of the proper development of the site.

3. Within three months of the date of commencement of the development, 2sqm sample panels of all the materials listed in the Materials Key on the Proposed Building Elevations plan shall be constructed on site and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials and they shall be retained as approved thereafter.

Reason: To ensure that the development will be of a satisfactory appearance. The information is required at the start of the build process to ensure that the buildings are constructed from appropriate materials.

4. Within three months of the date of commencement of the development, 2sqm sample panels of the hardsurfacing materials listed on the approved General Arrangements Plan (namely S2, S3, S4 and S5), showing a true representation of their colour and pattern, shall be constructed on site and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved materials and they shall be retained as approved thereafter.

Reason: To ensure that the development will be of a satisfactory appearance.

5. Within three months of the date of commencement of the development full details of the following public realm features shall be submitted to and approved in writing by the Local Planning Authority:

- seating;
- steps;
- containers;
- handrails;
- any other street furniture.

The development shall be constructed in accordance with the approved details and they shall be retained as approved thereafter.

Reason: To ensure that the development will be of a satisfactory appearance and that a high quality useable area of public realm is secured.

6. Details of any lighting to be installed within the site (including the James Street Car Park) shall be submitted to and approved in writing by the Local Planning Authority before any such installation is carried out. The installation shall then be implemented precisely in accordance with these agreed details which shall then not be varied. No additional external lighting shall be installed without the express written permission of the Local Planning Authority.

Reason: To safeguard the amenities of the area and to ensure that servicing areas are appropriate lit, in the interests of safety.

7. Notwithstanding any information submitted with the application, no development shall take place until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall investigate the nature and extent of any contamination on the site (whether or not it originates on the site). The assessment shall be undertaken by competent persons and a written report of the findings submitted to and approved in writing by the Local Planning Authority before any development takes place. The submitted report shall comprise:

i) a Preliminary Risk Assessment report, including a conceptual model and a site walk over survey.

ii) where potential risks are identified by the Preliminary Risk Assessment, a site investigation survey of the extent, scale and nature of contamination and;

iii) an assessment of the potential risks to:

* human health,

* property (existing or proposed) including buildings, crops, livestock, pets, woodland, and service lines and pipes,

* adjoining land,

* groundwaters and surface waters,

* ecological systems,

* archaeological sites and ancient monuments;

iv) where unacceptable risks are identified, an appraisal of remedial options and proposal of the preferred option(s) to form a remediation strategy for the site.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers.

8. Pursuant to condition 7 and prior to first use or occupation a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To prevent pollution of the water environment and to ensure the safe development of the site in the interests of the amenity of future occupiers.

9. 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
 - ix) Routing of delivery vehicles to/from site

Reason: In the interests of highway safety and residential amenity.

10. Full details of the appearance of all proposed cycle storage areas as shown on the approved General Arrangements plan shall be submitted to and approved in writing by the Local Planning Authority. They shall be installed in the locations shown on the approved plan prior to first occupation of any of the units, and retained thereafter.

Reason: To promote sustainable modes of travel.

11. Within 3 months of commencement of development a scheme for the off-site works of highway improvement shall be submitted to, and approved in writing by the Local Planning Authority. The works shall include improvements to the St.Mary's Way / Bank Street / ASDA junction, a car park directional signage scheme and a review of the Traffic Regulation Orders on Kay Street and Bank Street. The works shall thereafter be completed in accordance with the approved scheme prior to first trading of the development.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable.

12. Prior to the first opening of any unit in Block A and /or Block B (excluding the residential development) a 'Deliveries and Servicing Strategy' shall be submitted

to and approved in writing by the Local Planning Authority. The strategy shall cover access for all deliveries, service vehicles and emergency services and contain agreed routes and access times for deliveries to be between 2400 and 0600.

Reason: In order to maintain safety within and external to the site and flow within the development and on local roads when the development is operational.

13. Deliveries, servicing and collections to the development hereby approved, including waste collections, shall not take place outside the following hours: 0600 and 2400 Monday to Sunday (including all Bank and Public Holidays). Where exceptional circumstances require deliveries/servicing/collections to take place outside these stated hours, full written permission will firstly be sought from Rossendale Borough Council.

Reason: In the interests of highway and customer safety.

14. Prior to the first use of the residential apartments hereby approved, details of a secure, covered cycle store for 28no cycles shall be submitted to and approved in writing by the Local Planning Authority. The cycle store shall be implemented in accordance with the approved details prior to first use of the apartments, and retained as approved thereafter.

Reason: To promote sustainable modes of travel.

15. The Framework Travel Plan (Rev 4) hereby approved shall be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum of 5 years.

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

16. Foul and surface water shall be drained on separate systems.

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

17. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 50 l/s.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

18. Prior to opening, a regime to include the provision of waste bins in suitable locations close to pedestrian access and egress points, shall be submitted to and

approved in writing by the Local Planning Authority. The approved regime shall be adhered to throughout the duration of the development.

Reason: In the interests of the character and appearance of the area.

19. Prior to first trading of any of the units, full details (location, specification and maintenance) of all proposed vehicular electric charging points to be installed within the site shall be submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed in accordance with the approved details prior to the first trading of any of the units hereby approved and retained as approved thereafter.

Reason: To encourage the use of electric cars, in the interests of sustainable development.

20. All windows serving the hotel / residential apartments hereby approved shall be fitted with 10/12/6 upgraded thermal glazing together with passivent TVAldB 450 window frame as detailed in (or equivalent to) in the Noise Assessment Report dated 14 December 2017, to ensure that the noise level inside the building meets the BS8233 daytime and night time levels.

Reason: To protect the amenity of the future occupiers of the hotel / apartments with regards to noise.

21. The development shall be constructed in full accordance with the best practice mitigation set out in the Air Quality Assessment (page 34) hereby approved.

Reason: To protect the public health from the harmful effects of air pollution.

22. The Planting Plan hereby approved shall be carried out in the first planting season following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of the appearance of the locality.

23. No tree removal shall be undertaken during the bird nesting season (March to July inclusive) unless a survey for nesting birds has first been undertaken, submitted to and approved in writing by the Local Planning Authority which demonstrates the absence of nesting birds.

Reason: To ensure the protection of any birds which may be nesting within trees which will be felled as part of the proposals

24. Within 3 months of the commencement of development a Crime Reduction Statement shall be submitted to and approved in writing by the Local Planning Authority. The statement shall identify the security measures adopted using the recommendations from Lancashire Constabulary's Designing Out Crime Officer (letter dated 21 December 2017) where possible.

Reason: To reduce the opportunity for crime within the proposed development.

25. The buildings hereby permitted shall be constructed to achieve a minimum Building Research Establishment (BREEAM) standard of 'good'. Within 6 months of occupation a 'Post Construction Stage' assessment and a Final Certificate shall be submitted to the Local Planning Authority certifying that a BREEAM standard of at least 'good' has been achieved.

Reason: In the interests of minimising the environmental impact of the development.

26. Prior to the occupation of any part of the buildings hereby permitted a letter of assurance; detailing how the buildings have achieved BREEAM has been issued by a licensed BREEAM Assessor/Auditor and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising the environmental impact of the development.

27. The parking and associated manoeuvring facilities within James Street car park, shown on the plans hereby approved, shall be surfaced, marked out and made available in accordance with the approved plans prior to the occupation of any of the Block A hereby approved; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

Reason: To ensure the car park arrangement does not interfere with the servicing arrangements for Block A.

No changes are proposed to the recommendation set out within the Officer's Report to Committee.

Item B2- 2018/0043- Land off Rockcliffe Road, Bacup

Viability

The VOA has not provided comments in respect of the viability of this development and as such it is unclear whether planning obligations can be secured. It is therefore proposed that the recommendation stay as:

Approve full planning permission subject to the conditions and the Section 106 Agreement

However Members are requested to grant delegated authority to the Planning Manager in consultation with the Chair to remove the need for the legal agreement if the scheme is demonstrated as being unviable.

Condition 22 has been amended as follows:

Prior to commencement of any development a scheme for the site access on Rockcliffe Road including full engineering, drainage, street lighting and swept path analysis shall be submitted and approved in writing to the Local Planning Authority. The site access shall be completed to base course level as a minimum prior to commencement of any works. Prior to the occupation of any of the dwellinghouses hereby approved the site access shall be completed and open to vehicular traffic in accordance with the approved plans.

Reason: In the interests of highway safety and to direct construction traffic via Rockcliffe Road.

Condition 24 has been amended as follows:

Within 3 months of commencement of the development a full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the proposed traffic calming measures along the estate road to ensure that a 20mph speed limit is self-enforcing. The development shall, thereafter, be constructed in accordance with the approved details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: in the interests of highway safety and the development of the site

The following conditions have been added to the recommendation:

27) The development hereby permitted shall be carried out in accordance with the following approved plans and documents unless otherwise required by other conditions:

Title	Drawing Reference	
Received date Location Plan January 2018	A1729-LIB-S1-A1 01-ZZ-LL-P2-002 Rev C	31st
Proposed Site Plan January 2018	A1729-LIB-S1-A1 01-ZZ-LL-P2-001 Rev C	31st

Proposed Plot Levels January 2018	A1729-LIB-S1-A1 02-ZZ-LL-P2-001 Rev C	31st
Proposed Site Setup Plan January 2018	A1729-LIB-S1-A1 02-ZZ-LL-P2-002 Rev C	31st
Proposed Landscape and Planting Plan January 2018	A1729-LIB-S1-A1 03-ZZ-LL-P2-001 Rev C	31st
Elevations January 2018	A1729-LIB-B2-A1 20-ZZ-LL-E2-001 Rev P1	26th
Ground and First Floor Plans January 2018	A1729-LIB-B2-A1 20-ZZ-LL-P2-001 Rev P1	26th
Proposed Footpath January 2018	A1729-LIB-S1-A1 01-ZZ-LL-P2-003 Rev B	26th
Proposed Drainage General Arrangement January 2018	CS052552-02-500 Rev T02	26th
Proposed and Existing Surface Water Catchments January 2018	CS-052552-02-513 Rev C04	26th
S104 Agreement Drainage Layout January 2018	CS-052552-02-518 Rev I03	26th

Reason: To define the permission and in the interests of the proper development of the site

28) Notwithstanding the submitted details a scheme for the landscaping of the development and its surroundings shall be submitted prior to the commencement of the development. These details shall include all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development; indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded, paved or hard landscaped; and detail any changes of ground level or landform. Landscaping proposals should comprise only native plant communities appropriate to the natural area.

Reason: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

29) Prior to the commencement of the development, full details of the Management Company to deal with the future management and maintenance of the site shall be submitted to and approved in writing by the Local Planning Authority. The site shall thereafter be managed by the approved Management Company.

Reason: To ensure the satisfactory management of the significant landscaped areas on the site.

30) Prior to the commencement of the construction of the dwellinghouses hereby approved full details of any retaining walls shall be submitted to and approved in writing by the Local Planning Authority. The details shall include elevations of the

walls, the location of the walls, sections through the walls and the technical specification of the retaining wall. The retaining walls shall thereafter be constructed in accordance with the approved details prior to the occupation of any of the dwellings which require a retaining wall within their curtilage.

Reason: to ensure that the retaining walls are acceptable from a visual amenity perspective and to ensure they are designed to sufficiently retain the adjacent land.

Item B3 – 2017/0438 Land Behind Nos. 2–10 Bridleway, Waterfoot

Access, Parking and Highway Safety

Further to publication of the Committee report, additional comments have been received from the Highway Authority requesting the inclusion of conditions relating to:

- Cycle storage
- Vehicle turning area
- Management and maintenance of the proposed access road
- Off-site highway works
- Access road to be constructed to base course level at the start of the development
- Construction method statement

Several of the above issues have already been addressed by the conditions proposed in the Committee Report. However, it is considered appropriate to include two further conditions as follows, in line with the recommendation of the Local Highway Authority:

13. No above ground construction works relating to the construction of the dwellings hereby approved shall take place until the access road and parking areas shown on the approved site plan (Drawing Number SCH/675/1803/01 REV. D) have been laid out and constructed in accordance with the approved details pursuant to condition 6 to at least base course level up to the entrance of the site, with provision made for vehicles to enter and leave the highway in forward gear.

Reason: In the interests of highway safety

14. Prior to first occupation of the dwellings hereby approved, each dwelling shall be provided with a secure covered cycle store with space to store at least two cycles. The cycle stores shall be retained thereafter and kept available for the storage of cycles.

Reason: In order to promote sustainable modes of transport.

No changes are proposed to the recommendation set out within the Officer's Report to Committee.

Item B4 – 2018/0030 Former Kearns Mill, Cowpe Road, Cowpe

Since publication of the Update Report Rossendale Civic Trust has submitted an amended version of its objection which raises no new issues.

A further representation has been received from a local resident in which they state: *“Overall we are pleased with the appearance and quality of the new development...However we do have concerns about the drainage of the site due to the proximity of the reservoir and reduced capacity of the overflow into what was previously Cowpe Lodge...we need to know that all contingencies have been carefully considered”.*

As previously advised, the Environment Agency has raised no objection to the scheme now proposed. As water within the mill lodge area is not being returned to its former level there is greater capacity for water to back-up in this area after a heavy downpour before over-spilling the embankment that retained water in the former mill lodge.

No changes are proposed to the officer’s recommendation.

Since publication of the committee report three further objections to the application have been received and the Applicant has requested that two of the conditions which have been recommended be slightly modified.

Objections

Rossendale Civic Trust objects to the loss of the Cowpe Mill Pond and raises issues in terms of the long term regular management of Cowpe Reservoir and Cowpe Brook.

Having regard to the reference in the submitted Flood Risk Assessment to release of 20 cubic metres of water by United Utilities during regular maintenance of Cowpe Reservoir it queries whether greater risk of flooding downstream will arise as a result of provision of the wetland rather than return of the mill lodge at Kearns Mill *“for instance, to children playing in the river”*. It also states that *“the use of the road as an overflow path is totally unacceptable”*. Its objection goes on to state :

“The planning permission if given by RBC should be on condition that the deviation from the original plan is deemed by EA and guaranteed by EA that it will be have no adverse effect on the dwellings, property, infrastructure, and lives downstream ,including all water releases by the way of maintenance, emergency or reservoir bypass from Cowpe Reservoir.”

The two other representations are from local residents who object to deviation from the previously-approved scheme in relation to the mill lodge/flood risk mitigation, considering return of water at its former level within the mill lodge area will mean it serves less well as a ‘buffer’ to surges in Cowpe Brook following downpours on the surrounding moorlands.

Officer Response

It is not the responsibility of the Developer to remedy any pre-existing/continuing issues in relation to Cowpe Reservoir or with Cowpe Brook downstream of the Kearns Mill site. However, it is for the Developer to demonstrate that their proposal adequately addressed issues of surface-water drainage/flood risk mitigation within their site and will not adversely affect the situation beyond their site.

The current application was submitted following lengthy discussions between the Applicant and Environment Agency regarding the variation of the previously-approved scheme of surface-water drainage/flood risk mitigation.

The Environment Agency has raised no objection to the scheme now proposed. As water within the mill lodge area is not being returned to its former level there is greater capacity for water to back-up in this area after a heavy downpour before over-spilling the embankment that retained water in the former mill lodge. Only in an extreme event is there any likelihood of water over-topping the embankment and it is preferable that contours of the site below the embankment then direct water down the road / away from houses, as is proposed.

Conditions

The Agent has requested the wording of Conditions 13 and 14 be slightly modified.

As currently worded, Condition 13 requires that a Landscape Management Plan be submitted and approved prior to commencement of the development for which permission is being sought. In order not to delay the date by which construction of the proposed houses can commence the Agent has asked the Condition be modified to require that the Landscape Management Plan be submitted and approved 'within three months of the date of the notice granting planning permission'. As the condition does not relate to the scheme of surface-water drainage/flood risk mitigation, and having regard to the time it will take to construct the 6 houses, it is considered appropriate to modify this condition as requested.

Condition 14 relates to hours at which construction works can take place. As currently worded it limits the hours of working on Saturdays to 0800 to 1300. The Agent has asked that this Condition be modified to allow a Saturday start of 0730, in-line with the Developer's normal practice. It is considered appropriate to modify this condition as requested.

Nicola Hopkins
Planning Manager
23 March 2018

