

UPDATE REPORT 22nd FEBRUARY 2019

FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 26th February 2019

Item B1 – Spring Mill, Whitworth

Since publication of the Committee report, amended comments have been received from the Lead Local Flood Authority (Lancashire County Council), requesting amendments to the wording of condition 16 (which relates to the design and implementation of an appropriate surface water sustainable drainage scheme).

The amended condition would be worded as follows:

“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 + allowance for climate change see EA advice Flood risk assessments: climate change allowances’) - discharge rates and volumes (both pre and post development), including full details of the Return Period Summary of Critical Results by Maximum Level for all required storm events.*
- Temporary storage facilities.*
- The methods employed to delay and control surface water discharged from the site.*
- The measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.*
- Details of floor levels in AOD.*

b) The drainage strategy should demonstrate that the surface water run-off for the entire development site must not exceed the pre-development greenfield runoff rates generated by the 1 in 1 year, 1 in 30 year and 1 in 100 year critical storm events to rates of 62.31 l/s, 121.76 l/s and 148.98 l/s respectively. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Flood water exceedance routes, both on and off site.

d) *A timetable for implementation, including phasing as applicable.*

e) *Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.*

f) *Details of water quality controls, where applicable.*

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 and to ensure that there is no flood risk on or off the site resulting from the proposed development.”

The Lead Local Flood Authority provides expert advice to the Council on matters associated with surface water drainage, and it is considered necessary to amend the wording of condition 16 in line with the above recommendations.

There is no change to the recommendation in the Committee report, subject to the amendment of condition 16 as suggested.

B2 – Land to south of Commercial Street, Loveclough

Since publication of the Committee report, the applicant’s agent has suggested several changes to the wording of the proposed conditions, which are requested in order to provide flexibility in the future design and implementation of the development.

The suggested changes are as follows (shown in underlined italics):

“4. Either prior to the commencement of the development or as part of the first reserved matters application full details of the alignment, height and appearance of all fences and walls and gates to be erected (notwithstanding any such detail shown on the submitted plans) shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the above there shall be 1.8m boundary treatments between the rear gardens of each individual dwelling, and natural stone walling and native hedgerow planting shall be used around the perimeter of the site where necessary.

No dwelling shall be occupied until all fences, walls and other boundary treatments shown in the approved details to bound its plot have been erected in conformity with the approved details. Other fences, walls and other boundary treatments shown in the approved details shall have been erected in conformity with the approved details prior to substantial completion of the development.

Reason: The required details are not provided as part of this outline application and are required at an early stage in order to ensure a visually satisfactory form of development and to provide reasonable standards of privacy to residents.”

“6. Notwithstanding the details shown on the submitted plans the new dwellings shall predominantly be no greater than two storeys in height.

Reason: To ensure that the development is appropriate in terms of visual amenity and to protect neighbour amenity.”

“10. Within each phase of development, the new estate road/access which serves the site up to the junction with Burnley Road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place on each phase of the development.

Reason: In the interests of highway safety.”

“15. As part of the first reserved matters application, further information (in the form of a report compiled by a qualified ecologist) shall be submitted in relation to measures to minimise the risks to any amphibians present in the pond to the west of the site. The submitted report shall be informed through either or both of the following:

- a) Further field survey work such as eDNA or traditional survey;
- b) A detailed reasonable avoidance measures method statement

Reason: In the interests of protecting biodiversity.”

“17. Pursuant to condition 16 and prior to first occupation of any of the dwellings within each phase of development, a verification report, which validates that all remedial works undertaken within that phase 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: In the interests of mitigating hazards associated with land contamination, and preventing pollution.”

“19. Prior to first occupation of any of the dwellings within each phase of development, the sustainable drainage scheme for that phase shall be 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.”

Officers consider that the above amendments are appropriate, and will enable adequate scope for flexibility in terms of design at reserved matters stage (whilst retaining full control of design / materials / boundary treatments), and flexibility in the implementation of the development (which may be delivered in phases).

In order to ensure that any phasing of development is suitable, Officers deem it is appropriate to include a further condition as follows:

“23. Development shall not begin until a phasing programme for the whole of the proposal site and for the highways works referred to, has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved phasing programme.”

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

Subject to the above amendments, there is no change proposed to the recommendation contained in the Committee Report.

B4 – Land off Hall Street, Whitworth

Since publication of the Committee Report, a letter has been received from Hill Dickinson solicitors acting on behalf of the owners of 1 and 3 Fold Head. The letter relates to access rights claimed by the owners of those properties over part of the application site where the septic tanks and associated pipes serving those properties are located. The letter states that the proposed scheme would block such rights of access and interfere with the drainage rights of the occupiers of 1 and 3 Hall Fold.

Whilst objecting to the application, the letter does request that if planning permission is granted, it should be subject to the inclusion of pre-commencement planning conditions requiring that no development takes place until a survey of the existing septic tanks and associated pipework has been carried out and submitted to the Council along with details to demonstrate that the proposed works will not cause harm to such equipment.

Officers consider that any dispute over rights of access over the land is a private civil matter which would need to be addressed outside the planning process.

In relation to the conditions suggested in the letter, officers consider that proposed Condition 2 in the Committee Report adequately addresses the matter of protecting the septic tanks and associated pipework – it is not considered necessary to include further conditions in this respect.

There is no change to the recommendation in the Committee report.

B5 – Land to rear of 410 – 420, Newchurch Road, Rawtenstall

Since publication of the Committee Agenda, the Applicant has submitted further correspondence.

The Applicant also wishes to try and overcome the highways issues, which form part of the reason for refusal.

Therefore, it is recommended that the application is DEFERRED for future consideration and that your officers seek an extension of time for the period to determine the application. Change recommendation to DEFERRED.

Mike Atherton
Planning Manager
22/02/2019

