

## UPDATE REPORT

### FOR DEVELOPMENT CONTROL COMMITTEE MEETING OF 7 JUNE 2016

#### **B3. 2016/0012 – Land to rear of Rock Bridge Fold, Whitewell Bottom**

Following publication of the Officer Report Members are asked to consider the following further information/conditions which Officers consider would improve the impact of the proposed development:

#### **Access**

It is noted that the proposed access route to the site is via a farm track to which the applicant is currently in the process of establishing legal access rights. Officers recommend that an additional condition (No. 17) should be added to ensure the applicant has a legal right of access to the development site:

**Condition 17:** No development shall commence until evidence has been submitted to and approved in writing by the Local Planning Authority that a legal right of access for both vehicular and pedestrian traffic from the application site to a public highway has been obtained. The evidence should also demonstrate that this right will be retained in perpetuity.

*Reason: There is no right of access from the application site to a public highway and it is essential that such rights are obtained prior to any work commencing on site.*

#### **Badgers**

It is noted that the proposed development, including through proposed works to alter the site levels, could impact badgers on and/or off site. As such Officers recommend that an additional condition (No. 18) should be added to ensure the proposed development does not have an unacceptable impact on badgers:

**Condition 18:** No development shall take place until such time as a Report prepared by a suitably qualified Ecologist has been submitted to and approved in writing by the Local Planning Authority that assesses the impact of the development on badgers on and in the vicinity of the site, and sets out the mitigation measures to be taken during the groundworks and construction phase, having regard in particular to the works to be undertaken altering site levels, for the remediation of any contaminants on site, to ensure proper drainage or in the construction of foundations of the proposed buildings. The approved mitigation

measures shall be implemented and adhered to throughout the groundworks and construction phase.

*Reason: To ensure the proposed development results in a satisfactory ecology impact in accordance with Policy 18 of the Adopted Core Strategy (2011).*

### **Electricity Pole**

Officers note the site contains a single electricity pole adjacent to the plot's west boundary, an area which will be impacted by the proposed development. The applicant proposes to apply for its removal should planning permission be granted and has contacted the relevant Statutory Undertaker (Electricity North West) regarding its removal. Electricity North West has confirmed the pole can be removed/repositioned subject to payment of a fee.

### **B4. 2016/0074 - Land adj 14 Millfold, Facit, Whitworth**

Since publication of the Officer Report the Agent has provided samples of the stone and slate they wish to use to construct the 2 detached house for which permission is sought.

#### **Officer Response :**

The samples will be displayed at the Committee meeting.

### **B5. 2015/0566 - Land adj 72 Holland Avenue, Rawtenstall**

Since publication of the Officer Report the Agent has provided further information in respect of 2 matters :

- 1) With regard to private rights to/over the application site I have now received information from the applicant.
  - He and his family are not aware of any rights claimed by the occupants of Collinge Fold Farm to a right of way or any other legal entitlement along its boundary as claimed. But even if there was any such right the proposed development will not physically prevent it. Any claim to any such right or legal entitlement is, of course , a private matter and not a material planning consideration
  - So far as any rights to the well are concerned I attach an extract from the applicant's family deeds which shows the location of such a well (never used in the lifetime of the applicant's family). I have marked on the plan the boundary of the application and it is apparent that the well is sited beyond that boundary. Access to it will still be available as now.
- 2) I think the Civic Society has a point when it says that the proposed buildings – or at least one of them – sits rather high and so I attach

revised plans to show a reduction in the finished floor level of the most southerly of the proposed houses by 1m to give it a FFL of 103.0m AOD.

The composite sketch reflects the reduction in its FFL.

To my mind the proposed development fits well in the street scene

**Officer Response :**

The additional drawings are appended.

The reduction in level now proposed in respect of the most southerly of the houses for which permission is being sought is to be welcomed. Accordingly, to reflect this change Officers recommend that Condition 2 be amended to read as follows :

The development shall be carried out in accordance with the Location Plan received on 30/3/16 and Drawing No HA-30-03-16 (as amended on 31/05/16), unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority.

Reason : For the avoidance of doubt.

**B6. 2016/0062 - Land at Holly Mount, St Mary's Way, Rawtenstall**

Since publication of the Officer Report the Agent has provided further information in respect of the following matters :

- Construction management statement
- Drainage report
- Report re management & maintenance of the road & landscaping areas
- Landscaping and boundary treatment proposals

The Agent says that they have submitted this additional information to avoid pre-commencement conditions requiring submission of a further application at a later date.

**Officer Response :**

**Condition 3** was requested by LCC Highways and presently reads as follows :

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) Vehicle 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

Reason : In the interests of neighbour amenity and highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

**I attach a copy of the submitted Construction Management Statement.**

With respect to parking of vehicles of site operatives & visitors it suggests use be made of the ASDA car park and parking areas provided for existing Holly Mount residents. Use of the ASDA car park would be an eminently sensible solution but there is no suggestion that ASDA is agreeable to use of its car park in this way and I do not consider it desirable in terms of neighbour amenity for parking areas provided for existing residents to be used in this way. Nor do I think it would be desirable in terms of neighbour amenity or highway safety for site operatives to park on Haslingden Old Road or utilise the vehicular access from it to park on land within the applicant's ownership.

Likewise, I would not be concerned that loading & unloading of plant and materials will inconvenience/endanger other users of highways if the vehicular access from Haslingden Old Road to the land within the applicant's ownership was closed-off for the duration of the construction works. However, the submitted CMS does not propose this.

In respect of the other matters the Condition requires be submitted the submitted CMS is short in detail.

**Accordingly, Officers recommend no change to the present wording of Condition 3.**

**Condition 4** presently reads as follows :

Foul and surface water shall be drained on separate systems. 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 5l/s. The approved scheme shall be implemented in full prior to first occupation of any dwelling or as otherwise first agreed in writing by the Local Planning Authority.

Reason : To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution, in accordance with the advice of United Utilities & LCC Drainage and Policy 24 of the Rossendale Core Strategy DPD (2011).

**I attach a copy of the submitted Drainage Report.**

I do not accept the Agent's contention that "...*there is no requirement for a sustainable drainage scheme...*".

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), consultees recommend a condition to ensure that the site be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. Policy 19 of the Council's adopted Core Strategy states (amongst other things that :

*"The Council will promote adaptation to climate change by the following measures :*

*8. Expecting new developments to implement Sustainable Drainage Systems (SuDS) - such as incorporating permeable paving, swales, soakaways and conserving floodplains where appropriate, and minimise the use of impermeable surfacing in order to slow down the passage of rainwater into waterways and contribute to flood prevention."*

Additionally, I am mindful that the proposal is for erection of houses on a steep bank and will interfere with the existing surface-water drainage regime.

**Accordingly, Officers recommend no change to the present wording of Condition 4.**

**Condition 6** was requested by LCC Highways and presently reads as follows :

No building works shall commence until details of the proposed arrangements for future management and maintenance of the proposed street and retaining structures within the development have been submitted to and approved by the Local Planning Authority. The streets and structures shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason : In the interests of highway safety, in accordance with Policy 24 of the Rossendale Core Strategy DPD (2011).

**I attach a copy of the submitted 'Report re management & maintenance of the road & landscaping areas'.**

The submitted Report sets out the Applicant's broad intentions to create a company to manage and maintain the proposed street and retaining structures within the development. However, this falls short of what LCC Highways indicated the Council should be provided with before approval could be given.

In commenting on the application LCC Highways advised that the Decision Notice granting Planning Permission should carry the following Note for Applicant : *“The applicant is advised that to discharge the condition that the local planning authority requires a copy of the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.”*

As presently worded the condition does not prevent any/all works prior to submission and approval of suitable arrangements - the condition would not preclude ground and drainage works prior to approval of suitable arrangements but would preclude construction of the houses themselves.

**Accordingly, Officers recommend no change to the present wording of Condition 6.**

**Condition 10** presently reads as follows :

Prior to the commencement of the development hereby permitted a scheme of Landscaping/Boundary Treatment shall be submitted to and approved in writing by the Local Planning Authority, notwithstanding any such details which may have previously been submitted. The submitted scheme shall provide details of :

- a) measures to be taken during the development phase for the protection of trees/shrubs on the site to be retained;
- b) retaining structures/walls/fences/gates/hard-paved areas;
- c) the types and numbers of trees and shrubs to be planted on the application site and the blue-edged land to its north side, and their size and distribution; &
- d) any changes of ground level or landform.

Furthermore, no building works shall commence until details of the proposed arrangements for future management and maintenance of the land within the application site (excluding the residential curtilages) and the blue-edged land to its north side have been submitted to and approved by the Local Planning Authority.

Reason : In the interests of visual and neighbour amenity, and to protect and enhance heritage/wildlife assets, in accordance with Policies 1 / 16 / 24 of the Council’s adopted Core Strategy.

**I attach a copy of the submitted ‘Landscaping and boundary treatment proposals’.**

Whilst much of what is said in the submitted document is appropriate, the document is silent in respect of various matters, for example : how works are to be undertaken nearer to trees than the protective fences will avoid undue harm; details of retaining structures/walls/fences/gates/hard-paved areas; planting in the areas the applicant owns that lie between the red-edged application site and

properties that front Haslingden Old Road. Furthermore, the level of detail provided about the company to be created to manage and maintain the communal landscaped areas falls short of what is needed if the Council is to give approval to it.

**Accordingly, Officers recommend no change to the present wording of Condition 10.**

**B8. 2016/0041 - Farmers Glory Inn, Roundhill Road, Haslingden, BB4 5TU**

Following publication of the Officer Report Members are asked to consider the following further information and condition which Officers consider would improve the impact of the proposed development:

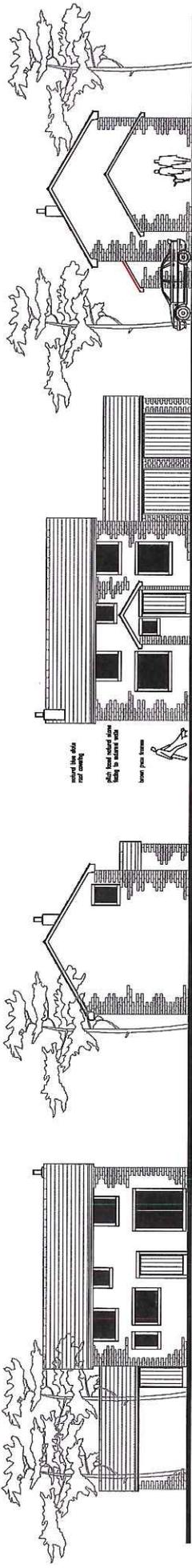
Officers propose to add a further condition to limit the amenity impact on the proposed kitchen door on the adjacent neighbouring property through restricting its opening to access/egress during the restaurant's hours of operation:

**Condition 5:**

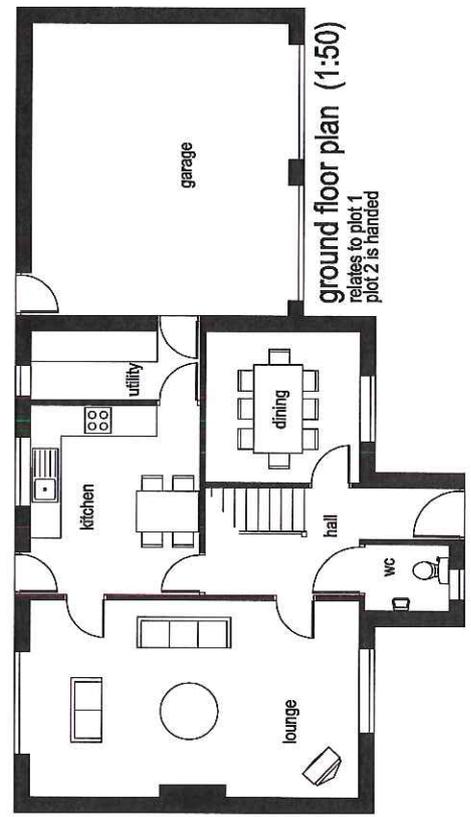
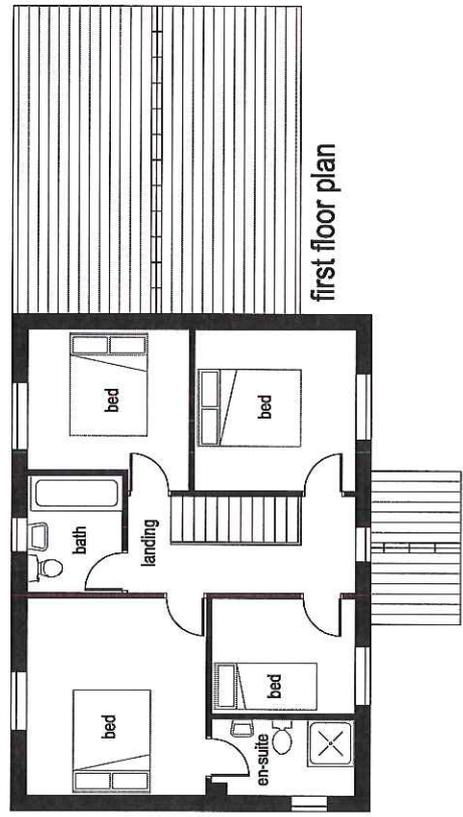
The door hereby approved in the side elevation shall be kept closed at all times during the opening hours of the restaurant, other than for the access / egress of persons.

*Reason: To ensure that the proposals do not result in greater noise disturbance to the detriment of the neighbours' amenities by the door being open for extended periods of time.*

**Nicola Hopkins**  
**Planning Manager**  
**7 / 6 / 16**



proposed elevations (1:100)

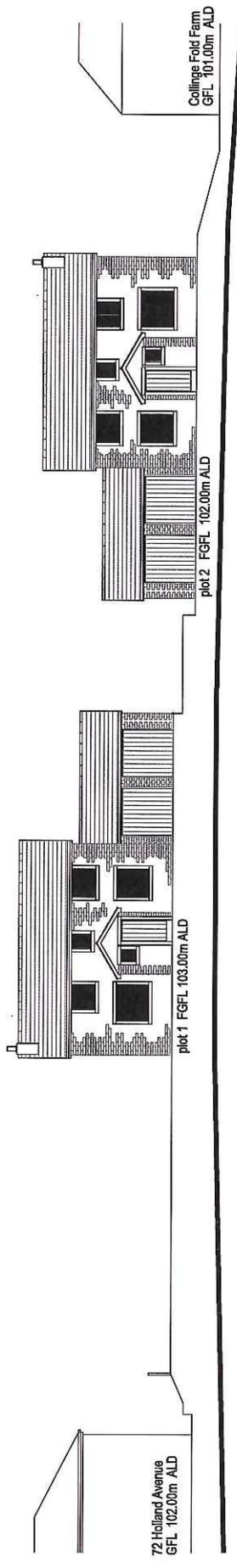


plan amended 31-05-16  
PGFL plot 1 lowered by 1m to 103.00m ALD  
proposed residential development comprising  
2 no 4 bed detached houses at

**Holland Avenue  
Rawtenstall**  
scale 1:50 1:100 1:200



drawing number HA-30-03-16  
Rus Cornall Associates Building Design and Planning Consultants  
214 Burnley Road Basing, Lancashire  
01752 873000



# composite elevation as seen from Holland Avenue

proposed residential development comprising  
2 no 4 bed detached houses at  
**Holland Avenue**  
**Rawtenstall**  
scale approx 1:100

drawing number HA-30-03-16-A  
Ree Conwell Associates Building Design and Planning Consultants  
214 Burnley Road Baxby Lancashire  
07708 873000

HOLLAND AVE.

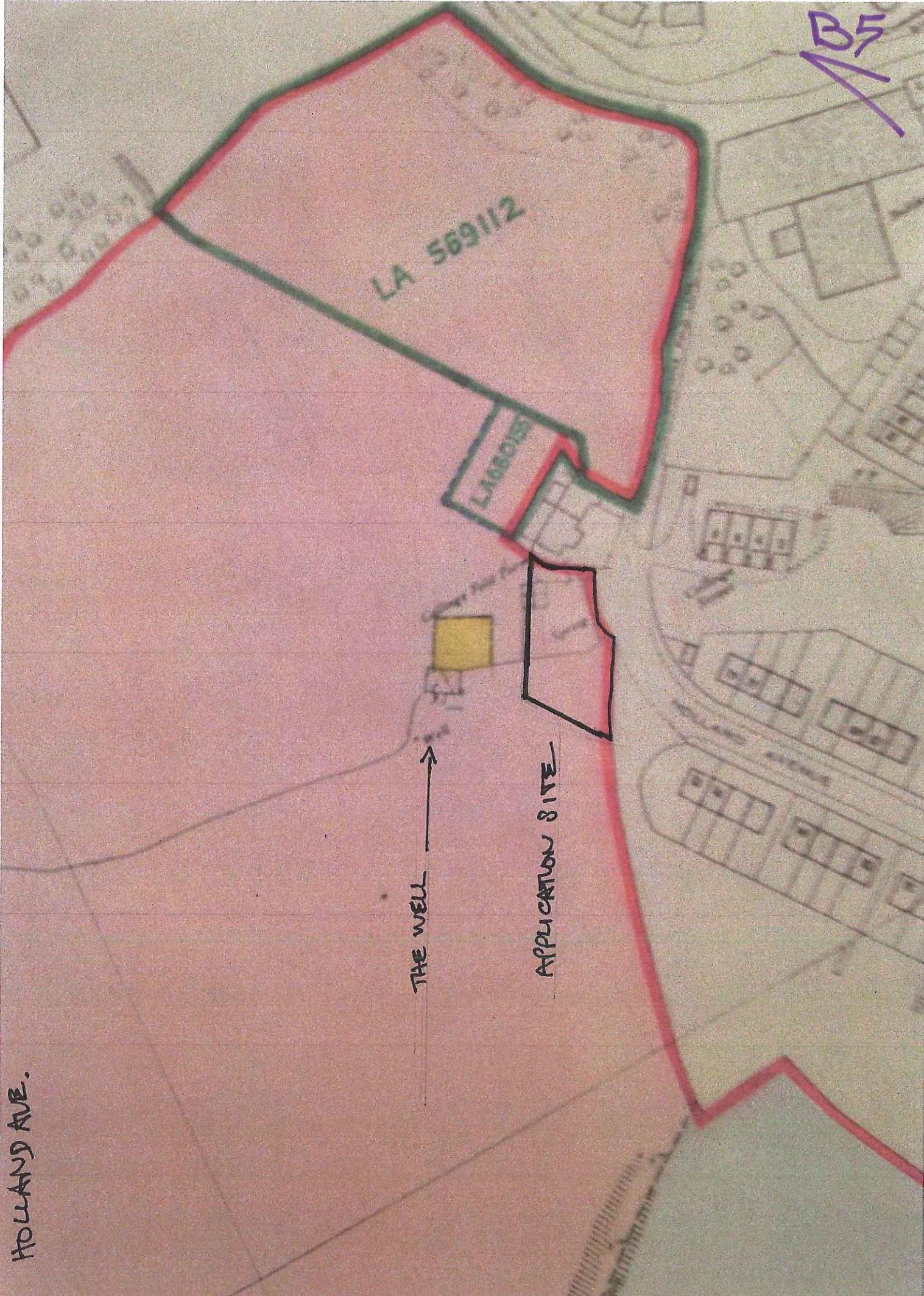
LA 569112

LIBBON

THE WELL

APPLICATION SITE

B5



BG  
16

**Planning application for 4 dwellings at Holly Mount, Rawtenstall.**

**Application no 2016/0062**

**Construction Management Statement  
25<sup>th</sup> May, 2016**

**i) The parking of vehicles of site operatives and visitors**

Adjoining the site is car parking for the Asda store and also for the apartments at Holly Mount, the latter of which is owned by the applicant.

While we are not advocating the wholesale use of the Asda car park (and not without its consent) it is highly likely that operatives and visitors will also visit the store as well as the construction site and will be able to park on the car park when visiting the store.

Car parking spaces immediately adjoining the construction site - especially those abutting the apartment development – are rarely fully used.

But in addition the construction of 4 houses is unlikely to require a great number of operatives and visitors. There will be parking available within the construction site as it progresses

**ii) The loading and unloading of plant and materials**

Materials will be delivered to the proposed access road and within the site.

**iii) The storage of plant and materials used in constructing the development**

Most construction materials will be delivered for immediate use rather than for storage purposes - for reasons relating to the economics of the development and also for reasons of security. If construction materials do have to be stored on site these will be placed towards the cul- de sac head, but still permitting vehicles to enter and leave in forward gear of the building)

Materials will not be stored off- site

**iv) The erection and maintenance of security hoarding**

Security hoarding is unlikely to be needed but should it be required heras fencing will be erected

**v) Wheel washing facilities**

In the unlikely event that there is any danger of mud being brought onto the road vehicles will be inspected and will be cleaned using a jet wash

**vi) Measures to control the emission of dust and dirt during construction**

The emission of dust and dirt is likely to be minimal and especially when the access road is finished to base coat level. The actual construction of the houses is unlikely to be a serious cause of dust.

In the event of dry weather which might cause dust the ground will be watered. The planning approval contains a condition limiting the hours of work.

**vii) A scheme for recycling/disposing of waste resulting from demolition and construction works**

There is unlikely to be much waste requiring recycling.

Any excavated material will be used as much as possible elsewhere on the site as the proposed levels require both cut and fill.

BG  
16

**Planning application for 4 dwellings at Holly Mount, Rawtenstall.**

**Application no 2016/0062**

**25<sup>th</sup> May, 2016**

**Drainage proposals**

The application is for the construction of 4 dwellings only. As such there is no requirement for a Sustainable drainage scheme and where the latter applies to schemes of 10 or more houses

In this instance both surface water and foul drainage will be connected as a separate system to the existing drains serving the adjoining apartment block



RB  
16

**Planning application for 4 dwellings at Holly Mount, Rawtenstall.**

**Application no 2016/0062**

**25<sup>th</sup> May, 2016**

**Report regarding the management and maintenance of the access road and areas of landscaping within the application site but excluding domestic curtilage land**

The proposal is that the householders will be responsible, on an equal basis, for the repair and maintenance of the shared access road for its full length and will be similarly responsible for the maintenance of those landscaping areas within the application red edge which do not comprise private curtilages.

The applicant, Ribble Valley Luxury Homes Ltd, has established a similar company for the management of the adjoining apartments and the applicant intends to establish a company in respect of the application houses on the same lines.

It is envisaged that such a company will be established prior to any sales of the houses. Indeed, potential buyers and their legal advisors are likely to want to see and sign such documentation before proceeding.

Below is a draft letter of intent with regard to the proposed arrangements.

Date: Monday, May 16, 2016

[Recipient]

[Title]

[Company]

[Address 1]

[Address 2]

[Address 3]

Dear [Recipient]:

Re: Maintenance of roads and landscaped areas, Holly Mount Application Number 2015/0063

I am currently the Director of Holly Mount Luxury Homes Management Company Ltd (Company Number: 08978566) and have been the main director of this company since its inception 2 years ago. Holly Mount Luxury Homes Management Company Ltd is the Residential Management Company with responsibility for the 27 apartments and 2 semi-detached houses that directly abut the land that this planning number refers to. I am responsible for the complete maintenance and upkeep of the entire infrastructure of this development. I have been a company director for the last 20 years.

It is proposed that I would look to oversee the maintenance and upkeep of these communal areas, in addition to the role I hold as Director of Holly Mount Luxury Homes Management Company Ltd. I am also in discussions with other interested parties in the surrounding area that are looking for property management services as I see this as something that is ill served in this area currently. I might also add that as I own 2 apartments that directly overlook the proposed development I have an additional motivation to keep the area maintained.

Sincerely,  
Howard D. Smith

**Planning application for 4 dwellings at Holly Mount, Rawtenstall.**

**Application no 2016/0062**

**25<sup>th</sup> May, 2016**

**Landscaping and Tree Proposals**

This document should be read in conjunction with the topographical survey that depicts existing trees. This will enable the proposed landscaping areas to be compared to the existing planted areas. Mature trees will be retained. Some “whips” will be removed (as can be determined by cross referencing the topographical survey with the site plan and the schedule below.

The schedule below relates to each planting area outside of the residential plots.

The following is for the tree planting areas as depicted as land within the green dotted lines on the submitted layout plan. These areas will be maintained by a management company via service charge agreements. (See separate report)

Species and sizes

Species			
%	Botanic	Common	Nursery size
16	<i>Alnus glutinosa</i>	Common alder	900-1200mm
20	<i>Sorbus aucuparia</i>	Rowan	900-1200mm
16	<i>Prunus avium</i>	Wild cherry	900-1200mm
16	<i>Corylus avellana</i>	Hazel	900-1200mm
16	<i>Crataegus monogyna</i>	Hawthorn	900-1200mm
16	<i>Prunus spinosa</i>	Blackthorn	900-1200mm

Planting matrix

Trees planted at 2m centres in species groups of 3 or 5 based on the table above.

Implementation

All planting to be notch.

Spiral rabbit guards or etiolation tubes to be pegged with canes or stakes.

Maintenance

Failure replacement within 5 years

Removal of guards, tubes and stakes year 7

### Front Residential Gardens

In respect of front gardens the following is proposed:

Each front garden would include a silver birch tree (900-1200mm).

Failure replacement within 5 years.

These will be maintained and assigned to residents.

### Tree Retention and Protection

The proposal seeks to retain all existing mature trees close to boundaries with properties on Haslinden Old Road. The proposal would have no impact on these trees.

Plot 1 is positioned so that it can retain existing trees immediately to the south. Plot 1 would be positioned outside of the drip line of the trees so as to not interfere with such trees. There are no principal windows to the side elevation of Plot 1; hence there will be no future pressures to fell these trees.

These trees will be protected by fencing in accordance with BS5837/2012 and as such the fencing will be placed at least 1m beyond the canopies.

### **Access Facilitation**

Care will be taken to ensure that wide or tall loads or plant does not come into contact with retained trees.

- Any such activity close to trees shall be conducted under the supervision of a banksman, to ensure that adequate clearance is at all times maintained.

### **Exclusion zones:**

- Protected trees will be safeguarded from construction by the creation and maintenance of exclusion zones.
- Proposed line of protective fencing around trees to be retained (minimum 12 x trunk diameter).
- These will be defined by protective fencing and within these all construction activity will be prohibited.
- Protective fencing will be at least 1.2 metres high, comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, supporting either

cleft chestnut pale fencing or chain link fencing.

- Such prohibited activities will include:-
- Storage of building and construction materials, debris and rubbish.
- Storage of DERV, oil, petrol tanks, paints or solvents;
- Site offices and amenity blocks and toilets.
- Mixing of cement and other materials
- Parking of vehicles and plant and machinery Storage of top soil
- Fires within 5 metres of any exclusion zone.
- No excavation by any other means without arboricultural site monitoring
- No hand digging without a written Method Statement No lowering of levels for any purpose (except removal of grass sward using hand tools)
- No construction of a sealed hard surface

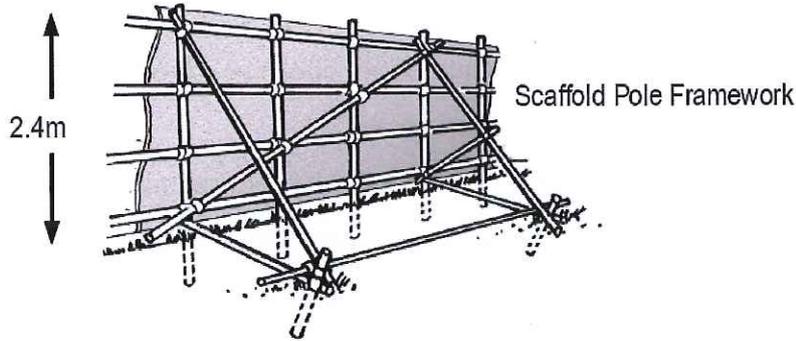
#### **Protective Fencing:**

- Protective fencing will be provided to retained trees.
- The fencing is to be strong enough to resist impacts and suitable to the degree of construction activity on the site and to be in accordance with that specified within BS5837:2012.
- All fencing will be in place prior to any development work. Such fencing will be erected before any materials or machinery is brought onto site. Once erected the fences will not be moved or altered in any way.
- If the fencing is damaged in any way it will be re-instated to its original condition before construction work can re-commence.
- Notices will be erected on the fencing stating Protected Area – No Operations within Fenced Area.
- Protective fences shall be maintained in situ until all equipment, machinery and surplus materials have been removed from the site.

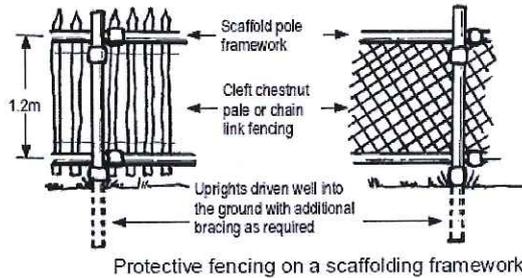
It would be the intention that the management company would look after all existing trees shown to be retained on the proposals plan (as well as the areas of proposed tree planting within the dotted green line).

**Specifications for protective fencing**

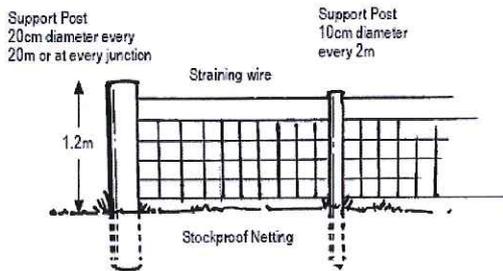
Minimum 20mm exterior grade ply or equivalent



The above fencing should be used in most situations and especially where site traffic is heavy or space is restricted. The two types below are suitable for distant parts of a site and where access is restricted.



Protective fencing on a scaffolding framework



Agricultural stockproof fencing

Sign for protective fencing



Other areas of existing but younger trees (shown within the areas edged on the site plan in green) will be likewise protected but using heras fencing. The same exclusion rules will apply.

### **Boundary treatment**

Existing boundaries to the application site are to remain unaffected.

Boundaries to the rear of house curtilages is to be close boarded timber fencing (light oak stain applied) at 1.8 metres in height

