

Application Number:	2016/0334	Application Type:	Full
Proposal:	Variation of Condition 15 (shell and auger method to be used for any piled-foundations) pursuant of planning permission 2014/0522 (erection of 28 bed care home providing nursing, dementia and residential care, with access, car parking and landscaping).	Location:	Land To The Rear Of Buxton Street Whitworth Rochdale
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	8 November 2016
Applicant:	Calico Homes Ltd	Determination Expiry Date:	11 November 2016
Agent:	Pozzoni Architecture Limited		

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

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

That Committee approve full planning permission subject to the conditions set out in Section 11.

2. SITE

The application site comprises 0.5 hectares (1.19 acres) of land located on the west side of Market Street within the Urban Boundary of Whitworth. It relates to the site owned by Calico Homes Ltd where planning permission exists (2014/0522) for the erection of a 28 bedroom care home. The site is irregularly shaped and is undeveloped land used as grazing pasture. Historically the site was undeveloped, being used only for a refuse tip. It has been landscaped and partly planted with saplings towards the western fringes of the site. In terms of topography, the site slopes down from the north east to the south west corner by approximately 6 metres. The site has a narrow frontage on to Market Street, although there is no vehicular access from the road into the site. Pedestrian access is available through an agricultural gate at the front of the site adjacent to the existing bus stop. The application site lies within the Urban Boundary of Whitworth and it forms part of a wider employment land allocation, as shown on the 1995 Proposals Map, albeit this policy has not been saved through to the adopted Core Strategy. The site is not within a conservation area, it is not adjacent to any listed buildings, and does not contain protected trees.

To the north and south of the site lies two storey traditional terraced housing and cottages, which have existing views across the site, and there is an existing sub-station located to but outside the boundary of the site. Approximately 40 metres to the west of the proposed building is the River Spodden and further open land within the Urban Boundary, beyond which is the open countryside. To the east is Market Street (A671) which contains a range of amenities from Shawforth in the north to Whitworth in the south. Further to the east lies open countryside. A bus service from Accrington to Rochdale operates along Market Street and a bus stop is located outside of the site. Two storey terraces line the main road and the terraces are largely stone faced to the road, rendered sides, slate pitched roofs and stone cills.

3. PROPOSAL

Planning permission was granted in 2014 (2014/0522) for the erection of a 28 bedroom care home (use Class C2) with access, car parking and landscaping. It was subject to a number of planning conditions including Condition 15 which states:

15. The shell-&-auger method shall be used to form any piled-foundations, unless a variation is first agreed in writing by the Local Planning Authority.

Reason: To protect the amenities of neighbours, in accordance with Policies 1 / 24 of the Council's Core Strategy DPD (2011).

The applicant seeks permission via Section 73 of the Town and Country Planning Act to vary the condition to use a 'driven pile' instead of the shell and auger method of piling.

4. RELEVANT PLANNING HISTORY

2016/0231 – Discharge of conditions 4 (Section 106 Agreement), 5 (Sample of Materials), 9 (Tree Protection), 11 (Bird/Bat Boxes), 12 (Site Clearance condition) and 14 (Construction Method Statement). Approved.

2016/0268 – Discharge of Conditions 6 (hard surfacing areas), 8 (hard and soft landscaping), 16 (drainage) and 17 (site investigations) of planning permission 2014/0522. Pending.

2014/0522 - Erection of a 28-bed specialist care home (Use Class C2) providing residential, nursing and dementia care, with associated access, car parking and landscaping. Approved with conditions 9 April 2014.

5. **POLICY CONTEXT**

National

National Planning Policy Framework (2012)

Section 2	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 10	Meeting the Challenges of Climate Change, Flooding, etc
Section 11	Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 1	Strategy for Whitworth, Facit and Shawforth
Policy 1	General Development Locations and Principles
Policy 4	Affordable and Supported Housing
Policy 8	Transport
Policy 9	Accessibility
Policy 10	Provision for Employment
Policy 16	Preserving and Enhancing Rossendale's Built Environment
Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity, Geodiversity 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

6. **CONSULTATION RESPONSES**

RBC Environmental Health

Recommended seeking expert advice from a structural engineer.

Michael Pooler Associates Ltd – Consulting Structural and Civil Engineer

No objection subject to condition.

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order site notices were posted on 15/08/2016 and 21 letters were sent to neighbours on 03/08/2016. The application was also advertised in the Rossendale Free Press.

One response was received from the occupier of 1 Rosefield, Market Street raising concerns with effect on the houses from machinery. Already the machines that are on site cause light fittings to shake etc.

8. ASSESSMENT

The main consideration of the application are whether the proposed variation from a shell and auger piling method to a driven piling option would be acceptable, having regard to the residential amenities of neighbouring properties, in accordance with Policies 1 and 24 of the Rossendale Core Strategy.

The submitted application form explains that the shell and auger method will result in the excavation of contaminated material, bringing it above ground, which may result in potential hazards. The preference is for a driven pile which would not result in excavated material and would also reduce the amount of time piling on site, thereby being less disruptive to neighbours. Officers requested further information from the applicant with regards to this matter and received a statement from Ring Stones explaining the reason for requesting a driven system over the shell and auger method. The LPA commissioned Michael Pooler Associates Ltd to review the statement as the Council does not have in-house expertise in this field. The response from Michael Pooler is set out below:

“The planning condition stated recommends the use of shell and auger method for pile foundations as opposed to driven piles. This advice is based on recommendations from the Codes of Practice 5228 2008 (noise and vibration) and also BS6741/1 2008 The Guide to evaluation of human exposure to vibration in buildings.

Since these British Standards were produced the construction industry has progressed with the use of “vibrationless” driven piles in which vibrations emanating from the site are considerably reduced compared with the more traditional impact driving techniques. (Note – a shell and auger pile still requires the driving and subsequent removal of the shell casing).

In principle the use of a vibrationless technique with an approved contractor, with an appropriate track record in this type of pile driving, should not be problematic for the proposed development. Nevertheless we would expect a full Method Statement together with anticipated levels of maximum peak particle velocities emanating from the site to be proposed with an appropriate monitoring regime.

We would also expect adequate monitoring of the buildings immediately adjacent to the site to establish the pre contract condition and to be monitored during and after the contract period. The scope of monitoring may include an engineer’s inspection with photographic record together with the establishment of real time vibration monitoring to ensure recommended peak particle velocities are not exceeded during the process of the works.

The documents submitted as an overview of the benefits of driven as opposed to auger piles seem to dwell more on the potential additional costs of the augered piles with the spectre of potential contamination to the River Spodden. These factors should not be a consideration in the choice of the pile and would be dealt with or should be dealt with by a competent contractor.

In principle, subject to detailed proposals from an approved piling specialist with adequate experience, there should be no reason why vibrationless piles could not be used on the site providing the contractor has experience on these matters together with an approved monitoring system.”

On this basis, a revised Condition 15 shall require the following:

- Use of an approved contractor experienced in the use of vibrationless pile driving;
- Submission of a Method Statement and anticipated levels of maximum peak particle velocities emanating from the site to be proposed with an appropriate monitoring regime – for the LPA’s approval, prior to piling taking place.
- The monitoring regime shall include adequate monitoring of the buildings immediately adjacent to the site to establish the pre contract condition and to be monitored during and after the contract period. The scope of monitoring may include an engineer’s inspection with photographic record together with the establishment of real time vibration monitoring to ensure recommended peak particle velocities are not exceeded during the process of the works.
- The results of the monitoring shall be submitted for approval before the condition can be discharged in full.

Subject to the points above the proposed variation to Condition 15 of 2014/0522 is considered acceptable having regard to Policies 1 and 24 of the adopted Core Strategy.

9. RECOMMENDATION

That Committee grant full planning permission subject to the conditions set out below.

10. SUMMARY REASON FOR APPROVAL

The proposed driven pile method is acceptable and will not result in unacceptable detriment to neighbour amenity having regard to Policies 1 and 24 of the Council’s adopted Core Strategy DPD.

11. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from 09.04.2015.

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

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

- Planning application forms signed and dated 27/11/14
- Drawings: Proposed Site Plan P3751-001 Rev F; Proposed Planting Plan P3751-004 Rev A; Proposed East & West Elevation P3751-302 Rev C; Proposed Ground Floor Plan P3751-002 Rev G; Proposed Lower Ground Floor Plan P3751-003 Rev C; and Proposed North Elevation and South Elevation P3751-301 Rev C.
- Documents: Design and Access Statement; Ecological Assessment; Arboricultural Impact Assessment; and Phase 1 Desk Study.

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

3. The premises shall only be used for a care home and for no other purpose including any other purposes in Class C2 of the Schedule to the Town & Country Planning (Use Classes) Order 1987 (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification)

Reason: The Local Planning Authority would wish to retain control over any subsequent change of use of these premises in the interests of safeguarding the amenities of the area and to comply with Policies 1, 23 and 24 of the Council's Core Strategy and the National Planning Policy Framework.

4. The development shall be carried out in accordance with the following materials (locations of materials shown on approved drawings listed in condition 2):

- Natural stone - Stanton Moor Buff, Natural Stone , Dressed Face, RG1910-D
- Leicester Multi Cream Stock Brick
- HardiPlank Cladding, Cedar Effect - Iron Grey
- Interpon D2525:Bronze YW283F Powder coating
- RAL 7016 UPVC barge boards, rainwater goods, external doors, window frames, and the areas of curtain walling being aluminium (including the long strip windows) also in RAL 7016.
- Natural slate 'Roseleda'

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policies 23 and 24 of the Council's Core Strategy DPD (2011).

5. Prior to the commencement of the development hereby approved locations of hard surfacing areas and their proposed materials shall be submitted to and approved in writing by the Local Planning Authority. The hard surfacing shall be completed in accordance with the agreed details prior to the first occupation of the development hereby approved.

Reason: To ensure the use of appropriate materials, in the interests of the visual amenities of the locality and in order to comply with Policies 23 and 24 of the Council's Core Strategy.

6. Notwithstanding submitted details, full details of the proposed bike and bin store (including additional landscaping details to screen the building from 1 Rosefield Cottage) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to first use / occupation of the development hereby approved and thereafter retained.

Reason: In the interests of visual amenity and to accord with Policies 23 and 24 of the Council's Core Strategy DPD (2011).

7. Notwithstanding submitted details, prior to commencement of development a full scheme of hard and soft landscaping and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The details shall also include: intended ground levels; details of proposed tree translocation / replanting and subsequent management to create a 'woodland' of mixed structure, with ground flora, understorey and canopy and other habitat creation / management between the ornamental planting and existing woodland / River Spodden corridor such as diversification of grassland, or scrub planting; and full details of which trees are to be retained on or adjacent to the site. Walls / fences / gates / hard-landscaping forming part of the approved scheme shall be completed prior to first occupation of the building, unless otherwise first agreed in writing by the Local Planning Authority. Any planting forming part of the approved scheme shall be undertaken in the planting season thereafter, unless otherwise first agreed in writing by the Local Planning Authority. Any shrubs/trees removed, dying or becoming seriously damaged or diseased within 5 years of planting shall be replaced by plants of a similar size or species, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: Insufficient details have been submitted with the application, and in the interests of visual and neighbour amenity, in accordance with Policies 1 and 24 of the Council's adopted Core Strategy.

8. No vehicles, equipment or materials may enter the site, and no construction work may commence on site until protective fencing has been installed in accordance with the approved Arboricultural Impact Assessment Report Ref TEP.4870.001 Nov 2014. The protective fencing shall be retained throughout the construction period. Within the protected area(s) there shall not be carried out or permitted, during the construction period, any building or other operations, parking or passage of vehicles, or storage of building or other materials or any other object.

Reason: To ensure that the trees on the site are protected during construction works in the interests of local amenity, and in order to comply with National Planning Policy Framework Policies 1, 17 and 18 of the Council's Core Strategy DPD (2011).

9. No external lighting associated with the development shall be installed without the prior approval, in writing, from Rosendale Borough Council. All lighting associated with the development shall be minimal, designed to avoid excessive light spill and shall not illuminate the woodland / woodland edge. The principles of relevant guidance should be followed (e.g. the Bat Conservation Trust and Institution of Lighting Engineers guidance Bats and Lighting in the UK, 2009).

Reason: To ensure that any bat habitat would not receive light spill and in order to comply with the National Planning Policy Framework and Policy 18 of the Council's Core Strategy DPD (2011).

10. The development shall be carried out in accordance with details submitted on drawing SK_39 Proposed Bat and Bird Box Locations. The approved works shall be implemented in full before the development is first brought into use.

Reason: To ensure that bird and bat species are protected and their habitat enhanced, in accordance with Circular 06/05, the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 and to accord with Policy 18 of the Council's Core Strategy and the NPPF.

11. All vegetation clearance works, demolition work or other works that may affect nesting birds that is undertaken outside of 1st March and 31st August inclusive, shall be done in accordance with the TEP UK Letter from Lee Greenhough dated 2 June 2016.

Reason: To ensure that birds are protected and their habitat enhanced, in accordance with Circular 06/05, the Wildlife and Countryside Act 1981 (as amended) and the Conservation (Natural Habitats, &c.) Regulations 1994 and to accord with the National Planning Policy Framework and Policy 18 of the Council's Core Strategy DPD (2011).

12. Demolition or construction works shall not take place outside 0800 hours to 1800 hours Mondays to Fridays and 0900 hours to 1700 hours on Saturdays nor at any time on Sundays or Bank Holidays.

Reason: In order to comply with the National Planning Policy Framework, and Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).

13. The development shall be carried out in accordance with the approved Construction Method Statement and it shall be adhered to throughout the construction period.

Reason: In order to comply with the National Planning Policy Framework, and Policies 1, 23 and 24 of the Council's Core Strategy DPD (2011).

14. No development shall commence until a Method Statement for the use of a vibrationless pile driving system has been submitted to and approved in writing by the Local Planning Authority. The Statement shall contain the following, and it shall be adhered to in full:

- details of an approved contractor experienced in the use of vibrationless pile driving;
- anticipated levels of maximum peak particle velocities emanating from the site to be proposed with an appropriate monitoring regime;
- the monitoring regime shall include adequate monitoring of the buildings immediately adjacent to the site to establish the pre contract condition and to be monitored during and after the contract period. The scope of monitoring shall include an engineer's inspection with photographic record together with the establishment of real time vibration monitoring to ensure recommended peak particle velocities are not exceeded during the process of the works; and
- the results of the monitoring shall then be submitted to the LPA for approval.

Reason: To protect the amenities of neighbours, in accordance with Policies 1 / 24 of the Council's Core Strategy DPD (2011).

15. Notwithstanding any indication on the approved plans, no development approved by this permission shall commence until a scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The development shall be completed, maintained and managed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding in accordance with the National Planning Policy Framework.

16. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified: all previous uses; potential contaminants associated with those uses; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

17. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

18. Notwithstanding submitted details, prior to the commencement of development full details of proposed building slab levels and proposed levels for the adjacent land shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: In the interests of visual and residential amenity and to accord with the National Planning Policy Framework and Policies 1 / 23 / 24 of the Council's adopted Core Strategy.