

<b>Application Number:</b>	2017/0037	<b>Application Type:</b>	Full
<b>Proposal:</b>	Variation of Condition 2 (list of approved drawings) and submission of information required by conditions 4, 5, 7, 14, 15, 16 and 18 pursuant to planning permission 2016/0334	<b>Location:</b>	Land To The Rear Of Buxton Street Whitworth Rochdale
<b>Report of:</b>	Planning Manager	<b>Status:</b>	For publication
<b>Report to:</b>	Development Control Committee	<b>Date:</b>	21 March 2017
<b>Applicant:</b>	Calico Homes Ltd	<b>Determination Expiry Date:</b>	1 May 2017
<b>Agent:</b>	Pozzoni Architecture Limited		

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<b>REASON FOR REPORTING</b>	
<b>Outside Officer Scheme of Delegation</b>	<b>X - Variation of a Major Application</b>
<b>Member Call-In</b> Name of Member: Reason for Call-In:	
<b>3 or more objections received</b>	
<b>Other (please state):</b>	

## 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**

In April 2015 full planning permission was granted for the erection of a 28-bed specialist care home (Use Class C2) providing residential, nursing and dementia care, with associated access, car parking and landscaping (2014/0522). The approval was subject to a number of planning conditions, including Condition 15 which required the use of the shell and auger method to be used for any piled-foundations.

In November 2016 planning permission (2016/0334) was granted for an amendment to Condition 15, allowing the applicant to use an alternative technique to the shell and auger method. This application was made under under Section 73 of the Town and Country Planning Act and thereby resulted in a new planning permission containing a number of the previously attached planning conditions where appropriate, and a varied Condition 15.

The applicant (Calico Care Homes Ltd) now wishes to implement planning permission 2016/0334 however further amendments are required which can be summarised as follows:

1. Amendment to the height of the land on which the building will be located (raising by 150mm shown on drawing P375 SK 48 Rev A) and associated elevation changes, including minor alterations to the south elevation (drawing P3751 301 Rev M) and the west elevation (drawing P3751 302 Rev M). The applicant states that this is in order to facilitate accessibility, buildability and long term maintenance of the scheme.

This requires the variation of Condition 2 of the planning permission which lists the approved drawings.

2. Submission of the information as required by the planning conditions attached to application 2016/0334 so as to avoid the need to submit further discharge of condition applications. This relates to planning conditions 4, 5, 7, 14, 15, 16 and 18.

#### **4. RELEVANT PLANNING HISTORY**

The following applications are relevant to the determination of this application:

- 2016/0334 - 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). Approved with conditions 9 November 2016. This is the permission being varied.
- 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. On hold pending the outcome of this application.
- 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.
- 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 2015.

#### **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**

<b>Consultee</b>	<b>Response</b>
Michael Pooler Associates Ltd (Consulting Structural and Civil Engineer)	No objection. Amendments requested. Awaiting amendments.
Contaminated Land Officer	Awaiting final comments
LCC (Highways)	No objection subject to amendments: 1) to the boundary treatments at the site frontage; and 2) the proposed cycle store should have cycle stands/racks secured to the ground within the store to allow the cycles to be secured Awaiting amended plan
Ecology Consultant	Awaiting response to condition 7
United Utilities	Awaiting response
Environment Agency	Awaiting final comments

**7. NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order site notices were posted on 14/02/2017 and 43 letters were sent to neighbours on 06/02/2017. The application was also advertised in the Rossendale Free Press.

No responses have been received.

**8. ASSESSMENT**

The main considerations of the application are:

- 1) whether the proposed amendments to the levels and elevations are acceptable having regard to visual and neighbour amenity; and
- 2) whether the information provided in relation to conditions 4, 5, 7, 14, 15, 16 and 18 sufficiently addresses the requirements of the conditions.

## 1) Proposed alterations

The proposed alterations to the ground levels at the front of the site will have the effect of the building being raised by 150mm above the originally approved scheme. The application is accompanied by an Illustrative Market Street Elevation Comparison plan (P3751 SK 48 Rev A) which shows the proposed changes when viewed from Market Street, and in relation to the adjacent neighbouring properties.

The proposed alterations to the ground levels and building heights are nominal, and will have not a detrimental effect on the residential amenities of the neighbours, nor on the visual amenity of the street scene.

The proposed amendments to the south elevation (drawing P3751 301 Rev M) and the west elevation (drawing P3751 302 Rev M) are also acceptable. They are minor in nature and involve alterations to the previously approved ramp to the plant room, and the gabion wall to the south elevation and garden. The proposed changes are necessary as a result of the changes to the ground levels, and in order to facilitate accessibility, buildability and long term maintenance of the scheme. They will have negligible impact on visual amenity for the area, and will not affect the amenity of the nearest resident at no. 25 Market Street.

Accordingly, the proposed amendments are acceptable having regard to Policies 23 and 24 of the Core Strategy.

## 2) Information required by planning conditions

As part of this application to vary the approved drawings to take account of amendments to ground levels and elevations, the applicant has taken the opportunity to submit various reports and plans as required by the planning conditions (which are attached to planning permission 2016/0334). Information has been received in relation to conditions 5, 7, 14, 15, 16 and 18 however for completeness the table below summarises the status of all 18 planning conditions attached to planning permission 2016/0334.

<b>Condition</b>	<b>Submitted Information</b>	<b>Status</b>
1. Time limit	Compliance condition	Condition will remain
2. List of approved drawings:  - Planning application forms signed and dated 27/11/14 - 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	The applicant proposes to vary this condition to list the approved plans, the amended plans and the plans submitted to satisfy the planning conditions set out below. The varied condition is set out at the end of this report.	Condition is recommended to be varied

Condition	Submitted Information	Status
Floor Plan P3751-003 Rev C; and Proposed North Elevation and South Elevation P3751-301 Rev C.		
3. The premises shall only be used for a care home and for no other purpose including any other purposes in Class C2	This is a compliance condition	This condition will remain
4. List of approved materials	This is a compliance condition	This condition will remain
5. Locations of hard surfacing areas and their proposed materials	Proposed Hard Surfacing Plan P3751 940 Rev D	Further comments are awaited from the Ecologist along with an amended plan to address concerns raised with the proposed fences.  A further update will be included on the Update Report
6. Full details of the proposed bike and bin store (including additional landscaping details to screen the building from 1 Rosefield Cottage)	Insufficient information submitted.	This condition will remain but it is recommended to vary this condition to require full details of a smoking shelter also.
7. 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	Proposed Planting Plan P3751 004 Rev F	Further comments are awaited from the Ecologist along with an amended plan to address concerns raised with the proposed fences.  A further update will be included on the Update Report

Condition	Submitted Information	Status
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.		
8. Installation of protective fencing	Compliance condition	This will remain
9. Details of external lighting	No information submitted	This will remain
10. Develop in accordance with drawing SK_39 Proposed Bat and Bird Box Locations	Compliance condition	This will remain
11. Work to be undertaken outside of the bird breeding season (1 March-31 August)	Compliance condition	This will remain
12. Hours restricting demolition and construction works	Compliance condition	This will remain
13. Develop in accordance with the Construction Method Statement	Compliance condition	This will remain
14. No development shall commence until a Method Statement for the use of a vibrationless pile driving system has been submitted to and approved.	<ul style="list-style-type: none"> <li>- Combined Risk Assessment &amp; Method Statements Piling Works Package</li> <li>- Vibration Assessment for Precast Piling</li> <li>- Ring Stones Letter of 2 December 2016</li> </ul>	<p>An amended Risk Assessment &amp; Method Statements has been requested by Michael Pooler.</p> <p>Further details will be included on the update report.</p>
15. A scheme for the disposal of foul and surface waters for the entire site has been submitted to and approved in writing.	<ul style="list-style-type: none"> <li>- Drainage Strategy Rev A 25 January 2017</li> <li>- Dwg B/3962 20 Rev B</li> <li>- Dwg B/3962 21 Rev A</li> </ul>	Consulted UU awaiting response
16. Submission for approval the components to deal with the risks associated with contamination of the site.	<p>Remediation Strategy 7322/G/03 Rev A</p> <p>Phase 2 Geo-Environmental Investigation and Risk Assessment</p> <ul style="list-style-type: none"> <li>- 7622-SK01 Market Street Landscaping Zones for Remediation Strategy</li> </ul>	Comments are awaited from the Council's Contaminated Land Consultant which will be included on the update report.

Condition	Submitted Information	Status
17. Submission of verification report.	No information provided	This will remain
18. Submission of proposed building slab levels and proposed levels for the adjacent land.	<ul style="list-style-type: none"> <li>- Foundation Plan B/3962 03 Rev A</li> <li>- Ground &amp; Lower Ground Floor Plan B/3962 04 Rev A</li> <li>- First Floor Plan B/3962 05 Rev A</li> <li>- Proposed Site Plan P3751 001 Rev R</li> <li>- Illustrative Market Street Elevation Comparison P3751 SK 48 Rev A</li> </ul>	<p>The details are considered to be acceptable as per the assessment above.</p> <p>Recommend that the condition is amended to a compliance condition.</p>

## 9. **RECOMMENDATION**

That Committee grant the variation of the conditions set out above and planning permission is granted subject to the conditions set out below.

## 10. **SUMMARY REASON FOR APPROVAL**

The application proposes amendments to the approved drawings and additional information required by planning conditions relating to planning permission granted for the creation of a care home facility within the Urban Boundary and within a sustainable and accessible location. The proposed amendments and additional information is acceptable with regards to highway safety, visual amenity and neighbour amenity. The development is considered to accord with the National Planning Policy Framework, and Policies 1, 4, 8, 10, 16, 17, 18, 22, 23 and 24 of the Council's adopted Core Strategy DPD (2011).

## 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:

Drawing Title/ Document	Drawing Number / Reference
Proposed Site Plan	P3751 001 Rev R
Proposed Hard Surfacing	P3751 940 Rev D
Proposed Ground Floor Plan	P3751 002 Rev P
Proposed LG & FF Floor Plan	P3751 003 Rev N
Proposed Planting Plan	P3751 004 Rev F

Proposed North & South Elevation	P3751 301 Rev M
Proposed East & West Elevation	P3751 302 Rev M
Illustrative Market Street Elevation Comparison	P3751 SK 48 Rev A
Market Street Landscaping Zones for Remediation Strategy	7622-SK01
Foundation Plan	B/3962 03 Rev A
Ground & Lower Ground Floor Plan	B/3962 04 Rev A
First Floor Plan	B/3962 05 Rev A
Planning application forms	Signed and dated 27/11/14
Design and Access Statement	
Ecological Assessment	
Arboricultural Impact Assessment	
Construction Method Statement	
Proposed Bat and Bird Box Locations	SK_39

Reason: To accord with the permission sought and granted.

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.

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.

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 and in the interests of the visual amenities of the locality

6. Notwithstanding the details submitted, prior to first occupation of the development hereby approved, full details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- i) bike and bin store (including additional landscaping details to screen the building from 1 Rosefield Cottage);

- ii) smoking shelter; and
- iii) all boundary treatment details.

The approved scheme shall be implemented prior to first use of the development hereby approved and thereafter retained as approved.

Reason: Insufficient information has been submitted, and in the interests of visual and neighbour amenity.

7. Notwithstanding the 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.

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.

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.

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.

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.

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 the interests of residential amenity.

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 the interests of residential amenity and highway safety.

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

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.

16. 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 include:

i) a survey of the extent, scale and nature of contamination

ii) 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;

iii) 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.

17. Pursuant to condition 16 and prior to first 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

18. The development shall be carried out in strict conformity with the approved floor and slab levels as shown on drawings:

- Foundation Plan B/3962 03 Rev A

- Ground & Lower Ground Floor Plan B/3962 04 Rev A

- First Floor Plan B/3962 05 Rev A

- Proposed Site Plan P3751 001 Rev R

- Illustrative Market Street Elevation Comparison P3751 SK 48 Rev A

Reason: In the interests of visual and residential amenity.