

UPDATE REPORT

**FOR DEVELOPMENT CONTROL COMMITTEE
MEETING OF 26 JULY 2022**

B1 – 2021/0289 Land North of Chapel Villas, Todmorden Road, Bacup

Minor adjustments to the numbering and wording of conditions have been made since publication of the agenda. Those detailed below should therefore be substituted for those appearing on the agenda.

11. CONDITIONS

1. An application for the approval of the reserved matter (namely the layout, scale and landscaping of the development) must be made to the Council before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The outline planning permission hereby approved relates to the erection of up to 41 residential units and shall be carried out in accordance with the following plans and documents unless otherwise required by other conditions:

- Application form received on 28th August 2018.

- Site Location Plan (TOD 001 LP) received on 13/05/21.

-The planning layout (BAC12 PL01 Rev D) received on 10/06/22 in respect of access. In all other respects the plan is for illustrative purposes only and does not imply acceptability.

Reason: To ensure that the development complies with the approved plans.

Ecology/Landscaping

3. As part of any reserved matters application an updated ecological assessment shall be provided.

Reason: To ensure that any permission is based on the most up to date information and to ensure the protection of the wild life on the site.

4. The removal of tree called T1 may have the potential to cause harm to bats as identified in the Arboricultural Impact Assessment Ascerta ref. P.1417.21 and shall not be removed unless a further bat survey has been provided to and agreed in writing by the local planning authority.

Reason: To safeguard bats.

5. As part of reserved matters, measures to incorporate foraging and commuting for bats across the site shall be provided based on up to date bat activity surveys. This will be supplied to and agreed in writing by the LPA.

Reason: To safeguard bats.

6. Updated great crested newt information shall be submitted as part of a Reserved Matters application either in the form of surveys of the ponds to the north (if access was gained), terrestrial surveys and/or evidence that Natural England would accept the development into the District Level Licensing scheme.

Reason: To safeguard great crested newts.

7. As part of reserved matters a detailed scheme of landscaping shall be submitted and agreed in writing by the Local Planning Authority. The submitted plan shall demonstrate that a similar amount of open space is provided to that shown on the illustrative plan submitted as part of this application and wherever possible the retention of existing stone walls and hedges within the site

The approved details shall be implemented in full during the first planting season following substantial completion of the development or prior to occupation of the first dwelling on site (whichever is the sooner), and any plants / trees which become damaged, diseased or die within ten years of being planted shall be replaced with similar specimens in the following planting season.

Reason: To enhance the visual amenity of the site and provide semi natural open space for the amenity of residents of the development.

8. As part of any reserved matters an updated landscape appraisal shall be provided to and agreed in writing by the Local Planning Authority

Reason: To ensure the protection of the ecological value and amenity of the site.

9. As part of the reserved matters a further Arboricultural Impact Assessment including details of tree and hedge protection measures shall be submitted to and agreed in writing by the Local Planning Authority

Reason: To ensure the protection of trees and hedges on the site in the interests of biodiversity and visual amenity.

10. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed shared landscaped areas within the development have been submitted to and approved by the Local Planning Authority. The landscaped area shall thereafter be maintained in accordance with the approved management and maintenance details.

Reason: In order to ensure proper management and maintenance of the landscaped areas within the development.

Boundary Treatment

11. As part of the 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.

Existing stone boundaries of the site shall be retained and repaired where possible using dry stone walls.

No dwelling shall be occupied until all fences, walls and other boundary treatments shown in the approved details have been erected in conformity with the approved details.

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.

Coal Mining

12. As part of the reserved matters application a report shall be submitted of findings arising from intrusive site investigations carried out to assess the ground conditions on the site and establish the risks posed to the development by past coal mining activity (shallow mining / mine entry); and any remedial and / or measures necessary, including the submission of the proposed layout plan which identifies the location of any on-site mine entries (if found present) including appropriate zones of influence for all mine entries, and the definition of suitable 'no-build' zones. Any remedial works and mitigation measures required should be implemented in full.

Reason: The undertaking of intrusive site investigations, prior to the commencement of development, is considered to be necessary to ensure that adequate information pertaining to ground conditions and coal mining legacy is available to enable appropriate remedial and mitigation measures to be identified and carried out before building works commence on site. This is in order to ensure the safety and stability of the development.

Flood Risk/Drainage

13. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment and drainage 2 management strategy (HYD569_TODMORDEN.ROAD_FRA&DMS - Rev 1.1 – 06

MAY 2021) The measures shall be fully implemented prior to first occupation of any dwelling (of each phase) and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

Reason To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

14. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance. The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

15. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority. Those details shall include for each phase, as a minimum: a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be

discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA. b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance. The development shall be constructed in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

16.No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed. Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the National Planning Policy Framework

Materials

17. Either prior to the commencement of the development or as part of the first reserved matters application full details of the following (including samples) shall be submitted to the Local Planning Authority for its approval. No development shall take place until such approval has been given in writing by the Local Planning Authority:

- a) All external facing and roofing materials to the proposed dwellings
- b) All hard ground surfacing materials.

The development thereafter shall be constructed utilising the approved materials.

Reason: The application is in outline only and is not accompanied by detailed plans, and to ensure that the development is appropriate in terms of visual amenity and to ensure that it responds to the local context of the site.

Scale

18. Notwithstanding the details shown on the submitted plans the new dwellings shall be no greater than 2.5 storeys in height.

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

Highways and Parking

19. No development shall take place until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a legal agreement has been entered into with the Local Highway Authority or a private management and maintenance company has been established.

Reason: In order to ensure proper management and maintenance of the streets within the development.

20. As part of the reserved matters application or prior to the commencement of the development details of proposed cycle storage (capable of accommodating two cycles) and an electric vehicle charging point shall be provided in conjunction with each of the dwellings hereby approved. The cycle stores and charging points shall be constructed in the approved positions and in accordance with the approved details before the dwelling to which they relate is first occupied and shall thereafter be satisfactorily retained at all times.

Reason: In the interests of securing sustainable development.

21. The new estate 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 within the site.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

22. No part of the development hereby approved shall commence until a scheme for the construction of the site access (based on the submitted drawing P21006- 001B) and the off-site works (Bus stop improvements - Upgrading of the two bus stops to the North East of the sites access on Todmorden Road to Quality Bus Standard, EA compliant) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

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

23. No part of the development hereby approved shall be occupied until the approved scheme referred to in Condition 22 has been constructed and completed in accordance with the approved scheme details, without prior agreement from the Local Planning Authority.

Reason: In order that the traffic generated by the new development does not exacerbate unsatisfactory highway conditions in advance of the first occupancy or trading.

24. The submitted Interim Travel Plan (dated May 2021) as accepted must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum of 5 years.

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

Construction Management Plan

25. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the local planning authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number.
- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.
- Arrangements for turning of vehicles within the site.
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate. • Wheel washing facilities.
- Measures to deal with dirt, debris, mud, or loose material deposited on the highway as a result of construction. • Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition and construction working hours. which shall not be outside the hours of 08:00 to 18:00 Monday to Friday 08:00 to 13:00 Saturday and not at all on Sundays or Bank or Public Holidays.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

Reason: In the interests of the safe operation of the adopted highway during demolition and construction phases.

26. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: to prevent stones and mud being carried onto the public highway to the detriment of road safety.

Contaminated Land

27. Notwithstanding any information submitted with the application, no development shall take place (except for demolition and enabling works as agreed with the LPA) until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

i) A Preliminary Risk Assessment report (phase 1), including a conceptual model and a site walk over survey;

ii) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and

iii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development. The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is suitable for the proposed end use.

28. Pursuant to condition 27 and prior to first occupation of the dwellings 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 ensure that the development is suitable for the proposed end use.

B2 – 2022/0112 – Woodlea Mission, Waterfoot

The applicant has confirmed that the signs were installed on the building in March. The above is provided for the Members' information only, and no changes are proposed to the recommendation contained in the Committee report.

B3 – 2022/0238 – Spring Mill, Whitworth

Since publication of the Committee report for this item, the applicant has indicated that they wish to withdraw this application from the agenda for this Committee meeting –

so that they can work with officers to agree a mutually acceptable trigger point for the delivery of the LEAP (Local Equipped Area for Play) within Condition 28.

Officers agree that it would be in the interests of all parties to withdraw this application from the Committee agenda, so that efforts can be made to reach an agreement on a suitable trigger point for the delivery of the LEAP.

As such, officers recommend that this item is removed from the agenda for this Committee meeting. The application would be brought back before Committee at a future meeting once further discussions have taken place between officers and the applicant.

Mike Atherton
Head of Planning and Building Control
DATE: