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Meeting of: Planning and Licensing Committee
Date: Wednesday, 30th May, 2018
Time: 6.15 pm.
Venue: Training and Conference Suite, First Floor,
Number One Riverside - Number One
Riverside

This agenda gives notice of items to be considered in private as required by Regulations 5 (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

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Agenda Item 6

Planning and Licensing Committee Update Report – 30th May 2018

AGENDA ITEM 6(b) – 18/00059/FUL – site of Belden Cdt Ltd, Stockton Street, Littleborough, OL15 8YJ - Demolition of existing buildings on site and erection of a food store (Class A1) with associated parking and landscaping

ADDITIONAL CONSULTATION RESPONSE

The Environment Agency (EA) previously provided comment on the application as summarised on page 33 of the report. Following receipt of these comments the applicant submitted additional information in relation to land contamination issues and provided a 'Phase II' report along with a proposed remediation strategy. The EA commented on these elements on 24th May, raising an objection on the basis that the reports did not demonstrate that the risk of pollution to controlled waters was understood. The EA later confirmed that they were satisfied that their objection could be resolved by way of imposition of a condition requiring the submission of revised reports prior to commencement of development – the resultant changes to the condition (number 10) are summarised below.

ANALYSIS

In light of receipt of the additional comments from the Environment Agency, the land remediation analysis (page 65 of the report) is revised to clarify that a condition is recommended requiring the approval of a revised site investigation and remediation strategy to the Local Planning Authority for assessment in collaboration with the EA prior to commencement of development and the subsequent submission of a verification report to the LPA for approval prior to first occupation of the building. Subject to the imposition of this condition, it is considered that any pollution and contamination risks are satisfactorily mitigated and the proposal would meet the relevant requirements of Policy G9 of the Core Strategy and the NPPF.

RECOMMENDATION

A number of changes to the recommended planning conditions are required to be made. The recommendation remains as set out in the report but subject to amendments to the following conditions (condition numbers are retained as per the agenda report for the purposes of clarity but the number sequence may be altered on the final decision notice in order to comply with best practice guidance).

Condition 5 requires that no development shall take place until such time as a detailed scheme of off-site highway improvements works, in accordance with the outline improvement details shown on plan ref. SCP/17033/SK01 rev. C contained within the submitted 'Technical Note 02' by SCP dated 09.05.2018, has been submitted to and approved in writing by the Local Planning Authority. The applicant has advised that they intend to commence demolition and remediation works on site immediately, should permission be granted, and have therefore requested that additional flexibility is built into the wording of the condition to allow for the condition to be discharged with the LPA in parallel with the technical approval of the off-site highway works. Accordingly, it is recommended that condition 5 is revised as follows (altered text shown bold):

5. ***No above ground works shall take place until such time as a detailed scheme of off-site highway improvement works, in accordance with the outline improvement details shown on plan ref. SCP/17033/SK01 rev. C***

contained within the submitted 'Technical Note 02' by SCP dated 09.05.2018, has been submitted to and approved in writing by the Local Planning Authority. No part of the development hereby approved shall be occupied until such time as the duly approved scheme has been fully implemented.

Reason: In the interests of highway safety in accordance with Policies T2 and DM1 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

In light of the additional comments from the Environment Agency it is recommended that condition 10 (remediation) is replaced with the following:

10. *No development, including works of demolition or site preparation, shall take place until an investigation and risk assessment (in addition to any assessment provided with the planning application) has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency. 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,*
 - controlled waters, 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 and a verification report submitted to and approved in writing by the Local Planning Authority before any of the building(s) hereby approved are first occupied.

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 in accordance with Policies G8 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

Condition 26 as recommended requires that the development achieve a 'very good' or 'excellent' Building Research Establishment Environmental Assessment Methodology (BREEAM) rating or equivalent, in line with previous proposals for redevelopment of the site. However, the applicant has advised that to achieve a BREEAM rating in this instance would be 'wholly unachievable' due to a lack of previous integration of the standards in the design process for the development to date.

It is noted that the Council previously imposed a requirement for all new non-residential developments (500m sq. m or more) to meet at least BREEAM 'very good' standard;

however, the relevant 'Energy and New Development' Supplementary Planning Document has been revoked.

The National Planning Policy Framework sets out 6 tests for imposing conditions, one of which being that the condition should be 'reasonable in all other respects'; any proposed condition that fails to meet any of the 6 tests should not be used. The National Planning Practice Guidance clarified that conditions which unreasonably impact on the deliverability of a development will fail the test of reasonableness.

It is therefore recommended that the requirement to achieve a BREEAM standard be replaced with a more bespoke and achievable requirement to better reflect the nature of the building proposed and the Council's current energy and new development policies contained within the Core Strategy. As such, it is recommended that condition 26 be replaced with the following:

26. *The building hereby approved shall be constructed to achieve the following:*
- *A reduction in total predicted carbon dioxide emissions to achieve 10% less than the Building Regulations Target Emission Rate; and*
 - *Provision of a minimum of 10% of predicted energy needs of the development from low carbon energy.*

No part of the development shall be occupied until such time as a detailed scheme to achieve the above standards has been submitted to and approved in writing by the Local Planning Authority. The duly approved scheme shall be implemented prior to first occupation of the building and a post-installation verification report shall be submitted to the Local Planning Authority for approval in writing within two months of the building first being occupied to demonstrate that the agreed measures have been installed. Thereafter the approved measures shall be retained and maintained in perpetuity.

Reason: To ensure that the development is sustainable and the potential CO2 emissions are reduced in accordance with Policies G1 and G2 of the adopted Rochdale Core Strategy, the Council's Climate Change Adaptation SPD and the National Planning Policy Framework

Condition 28 requires that the site shall be landscaped in accordance with the submitted landscaping scheme (drawing no. R/2040/1B) – this plan includes the removal of the two mature Sycamore trees at the frontage with Church Street. Condition 6 in the report requires the developer to submit an Arboricultural Method Statement including the retention of these two trees (or where necessary for health/condition reasons compensatory planting for tree T1). It is necessary to revise condition 28, for the avoidance of doubt, as follows (altered text shown bold):

28. ***Except where superseded by the provisions of condition 6 of this permission, the landscaping works shown on the approved plans (drawing no. R/2040/1B) shall be carried out in accordance with the approved details and within the first planting season following final occupation of the development hereby permitted. Any trees or shrubs planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of planting shall be replaced within the next planting season by trees or shrubs of similar size and species to those originally required to be planted. Landscaping shall be maintained in accordance with the provisions of the***

submitted Landscape Management Document by FDA Landscape Ltd. dated April 2018

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development and in accordance with Policies G6 and G7 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

AGENDA ITEM 6(c) – 18/00368/FUL– Land at Roughlee Farm, Edenfield Road - Erection of a cross sculpture (7m high in total) including formation of landscaped area with associated stone wall boundary treatment and the creation of an additional pathway from the existing public footpath - Resubmission of 17/00729/FUL

ADDITIONAL REPRESENTATION

Councillor James Gartside is unable to attend the Committee and has emailed the following additional representation in support of the application:

“Dear Licensing and Planning Committee,

I think that very special circumstances are demonstrated below to outweigh the finding of inappropriateness of development in the Green Belt:

1. There is huge support from local churches and individuals, including the land owner; 2. Many of the supporters live in or close to the Green Belt themselves so are very conscious of the need to preserve it, as indeed I am, but still support this Application; 3. Relative to windmills close by it is a small structure, designed to be visible but not to dominate the landscape. When one of the nearby windmills was approved by the Planning Inspector after refusal by our Planning they said it was not significant in the context of the present wind farm. After that decision the next nearby windmill was approved by Planning on the grounds it would also have been approved by the Inspector; 4. It will cause no noise or shadowing or scaring of horses - apparently windmills can; 5. It will not cause a hazard to birds nor to wildlife - apparently windmills can; 6. Although there may be some parking on the lane leading to the farm the intention is that it will encourage walkers and walking groups to see it as a destination - the design also includes complimentary (and complementary) seating - so has potential health and recreation benefits; 7. It is a wooden structure supported by local rocks etc. and a lovely design sympathetic and beneficial to the landscape.

There is a Cross on the hills above Oldham, which although it is in Greater Manchester is I appreciate a completely different Authority of course, but I am not aware that that has caused any concerns.

Thank you for considering this plea and those of anyone who has spoken this evening in favour. I hope you are able to agree that it does have very special circumstances that allow it to be passed.”

Officer Response: As these matters have previously been raised and referred to in the Report the recommendation remains unchanged.