

Application Number:	2019/0101	Application Type:	Full
Proposal:	Change of use and conversion of Commercial Unit to 14 no. Apartments, with associated works.	Location:	Village Pine Glen Top Works Newchurch Road Stacksteads OL13 0NW
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	12/08/2019
Applicant:	Mr C Cooper	Determination Expiry Date:	19/08/2019
Agent:	Mr Steven Hartley (HPDA)		

Contact Officer:	James Dalglish	Telephone:	01706 238643
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	✓ (Major Application)
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

Grant planning permission subject to the conditions set out in section 11.

APPLICATION DETAILS

2. SITE

The application relates to a substantial two-storey commercial building of natural stone construction (with an attached lower two-storey element of artificial stone construction), which is accessed directly off Newchurch Road. The main part of the building has a slate roof, whereas the roof of the lower part is constructed of corrugated sheeting.

It is understood that most of the building itself has unused for several years, through its forecourt has until recently been host to a car wash business.

To the east of the site are residential properties of various scale and construction, some fronting the main road directly, and some set back in their own grounds. To the south across Newchurch Road there is a car sales and repair business with a substantial forecourt, from which a car wash business is also operated. To the west of the site is The Glen, a scenic cutting through which Newchurch Road passes, which also hosts a series of railway tunnels which are currently undergoing renovation and conversion to form a cycleway. To the north of the site is open countryside.

The site lies entirely within an area of land designated as Green Belt.

3. RELEVANT PLANNING HISTORY

2011/0381 - Change of Use of the car park within the grounds of Village Pine to a car washing facility (retrospective). (Refused)

2012/0073 - Change of use of car park within the grounds of Village Pine to be used as a car washing facility (retrospective). Resubmission of 2011/0381. (Approved)

2013/0309 - Erection of canopy/undercover work area for use with car wash and valeting business (Withdrawn)

2013/0412 - Erection of canopy/undercover work area for use with car wash and valeting business (Approved)

4. PROPOSAL

Planning permission is sought for the conversion of the existing buildings on site into a 14 no. new one-bedroom apartments.

The proposed scheme would involve the reconfiguration of the internal layout of the buildings, the demolition of the existing storage extension on the western side of the buildings, and alterations to the external appearance of the buildings including changes to fenestration and the construction of balconies on the front and rear elevations.

The existing taller two storey building would retain its natural coursed stone finish, with repairs where necessary using matching stone and slate.

The lower part of the building would have its artificial stone walls replaced with reclaimed natural coursed stone walls to its lower half, and the upper half would be clad with grey slate. A new standing seam zinc roof (with a shallow mono-pitch sloping from front to back) would be installed over the lower part of the building. The proposed balconies would have frameless glass balustrades on stainless steel supports.

New timber window and door units would be installed throughout the building.

A site plan has been submitted which shows that 20 car parking spaces would be provided at the development, on the existing forecourt and in the space cleared by the demolition of the stores building.

The application is accompanied by a full landscaping and boundary treatment layout plan, which shows that there will be a number of areas of new planting (shrubs and turf) on the site. The plan also shows that a natural stone flag (Scout Moor stone) walkway will be formed around the perimeter of the building.

On the boundary fronting the highway, the existing stone wall will be repaired where necessary and would be topped by 300mm galvanized steel railings. The wall would incorporate a pedestrian gate towards the eastern end of the site, beyond which the footway would be widened.

5. POLICY CONTEXT

Policy Considerations

National

National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 5 Delivering a Sufficient Supply of Homes
- Section 6 Building a Strong, Competitive Economy
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 13 Protecting Green Belt Land
- Section 15 Conserving and Enhancing the Natural Environment
- Section 16 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD

AVP 2	Bacup, Stacksteads, Britannia and Weir
AVP 3	Waterfoot, Lumb, Cowpe and Water
Policy 1	General Development Locations and Principles
Policy 8	Transport
Policy 9	Accessibility
Policy 16	Preserving and Enhancing Rossendale's Built Environment
Policy 18	Biodiversity and Landscape Conservation
Policy 21	Supporting the Rural Economy and its Communities
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

Other Material Planning Considerations

National Planning Practice Guidance

Alterations and Extensions to Residential Properties SPD

Conversion and Reuse of Buildings in the Countryside SPD

RBC Emerging Local Plan

6. CONSULTATION RESPONSES

RBC Tree Officer	No objection following amended plans.
LCC Highways	No objection subject to conditions.
Contaminated Land Officer	No objection subject to conditions.
Environment Agency	No comments to make on the application.
United Utilities	No objection subject to conditions.
LCC Lead Local Flood Authority	No objection.
RBC Environmental Health	No comments to make on the application.
RBC Operations	No comments received.
Cadent	No comments received.
Ecology	No objection.
LCC Education	No objection.
RBC Strategic Housing	No comments to make.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted and neighbour letters were sent out. A notice was also published in the Rossendale Free Press.

One objection has been received raising the following issues:

- Land ownership / boundary issues.
- Loss of privacy due to balcony in proximity to neighbouring property.
- Highway safety concerns.
- Noise and disturbance.
- Ecological issues.
- Building is at risk of flooding.
- Land contamination concerns.

8. ASSESSMENT

The main considerations in assessing this planning application are:

1) Principle; 2) Visual Amenity; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety; 5) Planning Contributions; 6) Ecology.

Principle

Loss of Employment Land

It is understood that the building in question has not been used for any significant commercial activity associated with the former furniture manufacturing business for several years.

The proposed change of use of the forecourt from a car wash to parking associated with residential apartments would not conflict with Core Strategy Policy 10, as the existing car wash is not considered an employment (B Class) use under the terms of that policy.

Policy 10 states the following:

“The loss of existing employment sites and buildings to non-employment generating uses will only be supported where:

(a) re-development for employment uses has been adequately demonstrated to the satisfaction of the Council to be economically unviable and the site is unlikely to be used for existing or future employment purposes, or

(b) the access to the site is poor and cannot be adequately improved, or

(c) the current, or any alternative employment, use has a significant adverse impact on the neighbouring land uses,

or

(d) the site and/or buildings are significant heritage assets and their re-use or development is the most appropriate means to secure and maintain an acceptable and viable use that is consistent with their conservation,

and in all cases

- (e) the site has been marketed for 12 months, or less in exceptional circumstances, using a methodology agreed by the Council, and
- (f) the development will have no unacceptable adverse impacts on surrounding land uses.”

The applicant has submitted a statement in respect of the scheme’s compliance with Policy 10, which reads as follows:

“The building known as Village Pine has been variously underused and unused for several years. In order to provide an alternative income, the previous owners let out the front service area as a car wash. Planning approval was granted for this under application 2012/0073 on the 20 April 2012. At that time officers expressed concerns over the proposed commercial activity to adjoining residents. It stated in its report to Committee:

‘The proposed development is considered likely to cause significant detriment to the amenities residents of 588 and 588a Newchurch Road could reasonably expect to enjoy, by reason of the noise, disturbance and general activity associated it will create, contrary to Policy DC1 of the Rossendale District Local Plan’

That could apply equally to the use of the building itself for commercial purposes.

The Council’s Commercial property Register, November 2018 includes 18 available premises in Bacup alone, totalling 48,713 ft²

Summary

1. *The building has been underused /unused for several years and is currently unused*
2. *Any continued commercial activity is likely to significantly and adversely affect adjoining occupants of residential properties, as recognised in the Committee report of 2012 concerning application 2012/0073*
3. *The commercial use of the building is constrained by its layout over more than one floor and by poor access to it for vehicles and staff*
4. *The building is not included for commercial uses in the saved District Plan no in the emerging Local Plan*
5. *There is a surfeit of available commercial space in Bacup and throughout the Borough”*

The applicant’s agent has provided information from an estate agent confirming that the property has been marketed for 8 months for its current use without success. It is understood that the property was subsequently withdrawn from sale and was purchased by the applicant with the intention of residential development.

The application does not therefore fully comply with the marketing requirements of Policy 10 (12 months), falling around 4 months short of the required marketing period. However, it is acknowledged that the building has been vacant for several years and that there is an existing planning permission for use of the forecourt / parking area as a car wash – which if operational would considerably restrict the availability of car parking and external space to serve the existing commercial premises.

Notwithstanding the above, the proposed scheme does not fully comply with the requirements of Policy 10, a factor which will weigh against the proposal to a degree in the planning balance.

Principle of Residential Development

The Council cannot currently demonstrate a five-year supply of deliverable housing sites, and therefore certain Core Strategy policies concerned with the supply of housing cannot be considered up-to-date (in line with paragraph 11 of the Framework). Notwithstanding this, the development comprises the re-use of a vacant building for housing, which accords with Policy 1 of the Core Strategy in so far as it will *“Make the best use of under-used, vacant and derelict land and buildings.”* Policy 2 relates to meeting the Borough’s housing requirements and it states that new housing will be achieved through *“Supporting the re-use and conversion for appropriate buildings for housing”*.

Sustainable Development and Benefits of the Proposed Scheme

The Framework contains a presumption in favour of sustainable development, and as such a key consideration in this case is whether the proposed scheme represents sustainable development or not.

The site is located around 700m from the nearest local shops and services in Waterfoot, and is located on a main bus route which carries several frequent services to town centres within and outside of the Borough. There are bus stops in either direction on Newchurch Road located around 170m from the site.

Given the location of the site on a good quality bus route, and relatively close to Waterfoot centre it is considered that the development would be sustainably located, in line with paragraph 11 of the Framework. The proposed development would deliver a significant number of new residential units on a brownfield site in a sustainable location - a benefit to which appropriate weight must be afforded in the planning balance, as it will help to address a recognised borough-wide housing need.

Green Belt Policy

Paragraph 146 of the Framework identifies that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include: *“...the re-use of buildings provided that the buildings are of permanent and substantial construction.”*

Given that the proposed scheme would not involve any new buildings or any significant extension of existing buildings, and that the building is of permanent and substantial construction, it is not considered that the scheme would conflict with Section 13 of the Framework in respect of development within the Green Belt.

Visual Amenity

The proposed scheme includes several alterations to the existing building, and the demolition of the single storey storage extension on the western end of the building.

The scheme would retain the taller part of the building (constructed of natural coursed stone) as it currently stands, albeit including changes to fenestration and repair works.

The lower part of the building would have its artificial stone walls replaced with reclaimed natural coursed stone walls to its lower half, and the upper half would be clad with grey slate. A new

standing seam zinc roof (with a shallow mono-pitch sloping from front to back) would be installed over the lower part of the building.

The proposed alterations to the building are considered to be acceptable, and it is considered that the proposed changes to the lower portion constitute an improvement in terms of appearance over that of the existing structure. It is considered necessary to include a condition requiring samples of all new facing materials to be provided and approved prior to any works taking place on site.

The new proposed windows on the ground floor of the lower building will have stone heads and sills to match those on the main building, whereas the windows at first floor level will not (they will be set within the proposed slate cladding). Such contrast is in this case considered acceptable, as it responds appropriately to the marked difference in style between the proposed traditional stone ground floor and the more contemporary first floor level. Similarly, the use of contemporary frameless glass balustrades at first floor level on the front elevation is appropriate having regard to the design of that part of the building.

The proposed scheme of landscaping and boundary treatment is appropriate, and it is considered necessary to include a condition to ensure that all planting / landscaping is carried out prior to first occupation of any of the proposed apartments.

Subject to the above conditions, the scheme is considered acceptable in terms of visual amenity.

Residential Amenity

Given the siting and orientation of the existing building in relation to neighbouring properties to the east, it is unlikely that the proposed scheme would result in any significant loss of light or outlook for neighbours.

However, there are several proposed windows on the east side elevation of the main building which would serve habitable rooms in the proposed apartments. These windows would allow direct overlooking of the neighbouring house and garden to the east of the site.

It is noted however that the plans state that acid-etched (obscure glazed) non-opening windows will be used in all windows on the elevation in question. Subject to a condition requiring the use of such glazing, it is not considered that the windows in question will cause an undue loss of privacy for neighbouring residents. All affected rooms have an additional window either to the front or rear elevation and as such Officers are satisfied that the use of obscure glazing to the windows on the side elevation will not create an unacceptable loss of outlook from the habitable rooms to the proposed occupiers.

An objection was received from a neighbouring resident, who raised concern over a loss of privacy due to the easternmost balcony proposed at first floor level on the rear elevation of the building – which is in proximity of the neighbouring property’s boundary. In response, the case officer has liaised with the applicant’s agent, resulting in submission of an amended plan showing that the balcony in question will be fitted with a 2m high obscure-glazed privacy screen on the eastern side of the balcony. It is considered that the proposed screen will adequately mitigate any impact on the privacy of neighbouring residents.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The Local Highway Authority has raised no objection to the scheme, but requested several changes to the proposed layout of the site, which have all now been shown on amended plans.

Conditions have been requested by the Local Highway Authority, including:

- Surfacing / marking out of car park prior to first occupation.
- Cycling facilities to be provided prior to first occupation.
- No development to commence until a scheme of off-site highway works and site access has been submitted and approved.
- No occupation of the development until the above scheme has been implemented.

The above conditions are considered appropriate, and are necessary to make the development acceptable in terms of access, parking and highway safety.

Planning Contributions

In accordance with the requirements of Policy 22 of the Core Strategy and the Open Space and Play Equipment Contributions SPD, the applicant has agreed to meet the following contributions:

- Open space and play equipment contribution of £1,366 per apartment (totalling £19,124).

The above contributions are necessary to make the development acceptable (in accordance with Core Strategy Policy 22). It is therefore considered appropriate to require the signing of a S.106 Agreement prior to planning permission being granted, in order to secure the contributions.

No contribution has been requested by Lancashire County Council to supplement education provision.

Ecology

The Council's ecology consultant requested that a survey of the existing building for bats was undertaken prior to determination of the application. The applicant commissioned such a survey as requested (survey by Verity Webster, dated July 2019), which concludes that *"the proposals to change the use of the buildings on site are unlikely to have a negative impact upon individual bats, or the conservation status of bats in the locality"*.

However, whilst the report considered that there was sufficient confidence of there not being a bat roost within the building, it did note that bat activity on site was high. As such, it considered that there is scope to enhance the site for bats.

The report states that *"enhancement of the site will ensure improved potential roosting opportunities for bats in the renovated building and appropriate planting will ensue improved opportunities for a variety of wildlife in the area"* – and contains recommendations for measures to be implemented as part of the development to secure such enhancement. It also contains recommendations for the protection of bats during development, which can form the basis of planning conditions.

The Council's ecology consultant has confirmed that they are satisfied with the submitted bat survey report and the recommendations contained within it for biodiversity enhancement measures on site. As such, it is considered appropriate to include conditions reflecting the suggested measures in the report, in line with the guidance contained within Section 15 of the Framework.

Planning Balance

The benefits of the proposed scheme include a valuable contribution towards local housing needs on a brownfield site in a relatively sustainable location, and the visually appropriate renovation of a disused and run-down building in a prominent roadside position. Substantial weight is afforded to this benefit.

It is recognised that the scheme will result in the loss of the existing employment use of the building in question, and that the building has not been marketed for its existing use for the full 12 month period as required by Core Strategy Policy 10 (it has been marketed for only around 8 months). The building is not of particularly modern construction; however there is no reason to assume that it is not physically suited to the needs of modern businesses (particularly if it was adapted). As such, moderate weight is associated to the loss of the existing employment use of the building (without it having been marketed in accordance with the requirements of Policy 10).

On balance, having regard to the benefits of the scheme in terms of housing delivery and the renovation of a currently unsightly building in a prominent position, and the fact that a car wash business could lawfully operate from the building's car park (impairing the ability of the building to provide adequate parking and servicing arrangements for any business which may operate from it), it is not considered that the adverse impacts of granting planning permission would *significantly and demonstrably* outweigh the benefits of the scheme in this case.

9. RECOMMENDATION

Approve planning permission subject to conditions and a S.106 Agreement to secure the payment of planning contributions towards public open space.

10. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle and subject to conditions will not have an unacceptable impact on visual amenity, neighbour amenity or highway safety. As such, it is considered that the proposed development accords with the National Planning Policy Framework and Policies AVP2, AVP3, 1, 8, 9, 16, 18, 22, 23 and 24 of the Core Strategy DPD.

11. CONDITIONS

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

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 plans and documents unless otherwise required by the conditions below:

- Application form received on 20th May 2019

- Landscape Plan (Including Site Plan and Location Plan) (Drawing Number 18.06D) received on 8th August 2019.
- Proposed Plans (Floor Plans) (Drawing Number 18.05) received on 20th May 2019.
- Proposed Plans (Elevations) (Drawing Number 18.02C) received on 2nd July 2019.
- Bat Presence / Absence Survey and Biodiversity Enhancement Report (July 2019)

Reason: For the avoidance of doubt.

3. Prior to first occupation of any of the apartments hereby approved, or upon substantial completion of the development (whichever is the sooner), all boundary treatments and hard landscaping works shall be implemented in full in accordance with the details shown on the approved scheme of proposed landscaping and boundary treatment (drawing number 18.06D).

All planting shall take place in the planting season immediately following substantial completion of the development, or first occupation of the apartments hereby approved (whichever is the sooner). Any plants that are removed, die or become diseased within five years from the date of planting shall be replaced by plants of the same size and species in the following planting season.

Reason: In the interests of visual amenity.

4. All windows in the east elevation of the building shall be fitted with obscure glass and shall be non-opening below a height of 1.7m from the associated floor level. Obscure glazing and non-opening windows shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing by the Local Planning Authority.

Reason: In the interests of the privacy of occupiers of neighbouring property.

5. The apartment located in the north eastern corner of the building at first floor level (as numbered '13' on drawing number 18.05) shall not be occupied until the 2m high obscure glazed privacy screen has been installed on its balcony in accordance with the details shown on drawing number 18.02C. The obscure glazed privacy screen shall be retained at all times thereafter. The obscure glazing shall be to at least Level 3 on the Pilkington Levels of Privacy.

Reason: In the interests of the privacy of occupiers of neighbouring property.

6. Prior to first occupation of any of the apartments hereby approved, the car park and manoeuvring areas shall be surfaced or paved, and marked out, in accordance with the details shown on approved drawing number 18.06D. The car park and manoeuvring areas shall be retained and maintained as such thereafter.

Reason: To allow for the effective use of the parking areas.

7. Prior to first occupation of any of the apartments hereby approved, the secure covered cycle storage facilities shown on drawing number 18.06D (3 no. Covered Fortis Cycle Shelters with Cycle Racks, each with capacity for 10 no. cycles) shall be provided in full. The cycle storage facilities shall be retained thereafter for the use of residents of the apartments.

Reason: To ensure adequate provision of cycle storage facilities, and to promote sustainable modes of transportation.

8. Prior to first occupation of any apartment, an electric vehicle charging point shall be installed and made available for use within the car park. The charging point shall be retained and maintained thereafter.

Reason: In the interests of promoting more sustainable forms of transport.

9. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

No part of the development shall be occupied until the works have been carried out in accordance with the approved details.

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

10. The following measures will be carried out on site for the duration of development works:

- A toolbox talk shall be delivered to site operatives by a suitably qualified ecologist or bat worker prior to the start of works on site to ensure they are informed of the risk of bats within the roof structure. Any operatives (including subcontractors) working on site in a manner which could affect bats shall be provided with such a toolbox talk.

- Any roof slates or other parts of the building fabric requiring repair or removal from the building must be dismantled by hand, with care, ensuring they are checked for bats and signs of the presence of bats (droppings). If any bats, or additional signs of the presence of bats (droppings) is found during the works, all works shall stop in the vicinity and a qualified ecologist shall be contacted for advice. Development shall thereafter proceed in accordance with the ecologist's advice.

- Any lighting during the construction and operational phase shall be directed to avoid the adjacent green space (field to the north and west and boundary vegetation).

- Baffles shall be used to avoid spillage of light into the sky and into areas toward the vegetated boundary.

- Lighting installed during the operational phase shall be High or Low Pressure Sodium or LED type lighting.

Reason: In the interests of protecting any bats on site during development works, and in accordance with the recommendations of the submitted Bat Presence / Absence Survey and Biodiversity Enhancement Report (July 2019).

11. Prior to first occupation of any of the apartments hereby approved, the following biodiversity enhancement measures shall be implemented:

- Either four (1FQ) Schwegler bat boxes (or similar) shall be installed on the north, east and west elevations of the building; or alternatively four bat boxes shall be integrated into the walls of the new extension, using for example the (1FE) Schwegler Access Panel or Istock Enclosed Bat Box Panel 'C'.
- Single Schwegler bird boxes (1MR) will be installed on the west and east elevation of the building close to vegetation. The bird boxes will be installed at 3-4m height, and located below the bat boxes.
- Two Terrace House sparrow boxes (1SP) shall be installed on the west elevation of the building, at a height of 3-4m.

The bat and bird boxes shall thereafter be maintained in accordance with the recommendations contained in the submitted Bat Presence / Absence Survey and Biodiversity Enhancement Report (July 2019).

Reason: In the interests of enhancing the ability of the site to provide roosting habitat for bats, and in accordance with the recommendations of the submitted Bat Presence / Absence Survey and Biodiversity Enhancement Report (July 2019).

12. 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 shall be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

All new surface water drainage shall drain to a watercourse.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

13. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

14. 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 submitted report shall include:

- i) An updated 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: In the interests of protecting future occupants of the development from hazards associated with land contamination, and in the interests of preventing pollution.

15. Pursuant to condition 13 and prior to first occupation of any of the apartments, 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: In the interests of protecting future occupants of the development from hazards associated with land contamination, and in the interests of preventing pollution.

16. No development shall take place until samples of all new facing materials (including reclaimed natural coursed stone, grey slate, standing seam zinc, and window and door frames) to be used on the development have been provided by means of the erection on site of a one metre square sample panel for the written approval of the Local Planning Authority. The panel shall be retained on site and shall not be removed until the external walls are complete.

The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure that the final details of proposed facing materials are appropriate prior to work commencing, and in the interests of securing a high quality appearance for the development.

16. No development shall take place until a protective fence (compliant with BS 5837 2012) has been erected around the top of the retaining wall around the mature Beech tree at the east end of the site.

Reason: To protect the tree in question, in the interests of visual amenity and the conservation of biodiversity.

12. INFORMATIVES

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adop ted

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did engage in pre-application discussions.

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or writing to Developer Support Section, Lancashire County Council, Environment Directorate, Cuerden Mill Depot, Cuerden Way, Cuerden, PR5 6BJ or email lhscustomerservice@lancashire.gov.uk
3. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.
4. The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.