

Application Number:	2020/0018	Application Type:	Full
Proposal:	Application for partial demolition and redevelopment of building into a residential scheme comprising 42 apartments, together with associated car parking and landscaped amenity space.	Location:	The Heritage Arcade And Adjacent Buildings At 23-27 Bacup Road, Rawtenstall.
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	18/01/2021
Applicant(s):	Hurstwood Holdings	Determination Expiry Date:	28/04/2020
Agent:	Michael Gilbert, Peter Brett Associates		

Contact Officer:	Mike Atherton	Telephone:	01706 252420
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	<input checked="" type="checkbox"/> (Major Application)
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	<input checked="" type="checkbox"/>
Other (please state):	

HUMAN RIGHTS

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights:-

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

1. RECOMMENDATION

That the application is approved subject to the conditions set out in this report.

APPLICATION DETAILS

2. SITE

The site is located within the Rawtenstall Conservation Area. The Heritage Arcade (former cinema) is noted as a 'Positive 'Unlisted Building of High Quality' and the adjoining building is Modern 'Positive Building which fit into the townscape within the Rawtenstall Conservation Area Appraisal. The building is not statutory listed, however, this section of the Conservation Area is highly sensitive with several key listed and non - designated assets next to and adjacent the site. Directly opposite the site is the Grade II Longholme Methodist chapel dated 1841-42 and the Grade II Parsonage to the Chapel constructed at the same time as the Chapel which is more modest in design, but highly reminiscent of the late Georgian influence. Again, directly opposite the site is a later Victorian dwelling with its Gothic features and rock faced stone work.

In the wider setting, beyond the former bus station and a modern supermarket situated to the east of the site, is the Grade II Listed Ilex Mill built in 1856 and one of the largest cotton Mills within the Borough which has since been converted into residential apartments. The site has clear site lines to the Mill and there are very clear views from the Mill.

To the south, beyond Longholme Street is a retail unit and to the west of the application site is a row of commercial properties, fronting Bacup Road.

The site itself comprises the vacant, former Cinema, fronting onto Bacup Road and the adjacent former Billiard Hall building. Numbers 23 - 27 Bacup Road, adjacent to the Heritage Arcade and within the application site are currently used as a drinking establishment/nightclub. Internal inspection has revealed the vacant, former Cinema is now in a dilapidated condition.

The site lies in an area designated as town centre, it is situated in close proximity to shops and services and the new bus station in the centre of Rawtenstall.

3. RELEVANT PLANNING HISTORY

2013/0271 - Change of use of Indoor Market to two A1 Retail units and one A5 Hot Food Takeaway, entailing external alterations that include demolition of 1-storey lean-to to east side and installation in this elevation of shopfronts fronted by ramped accesses/steps. Approved with Conditions. 13.11.2013.

4. PROPOSAL

The proposal retains the façade of existing buildings and the construction of a new building following demolition of the Heritage Arcade. The new development will accommodate 42 two bedroom apartments. There will be a landscaped communal courtyard at 1st floor level within the development and 58 car parking spaces (including

6 disabled spaces) at ground floor level with one - way vehicle access/egress from the road immediately to the east side of the development (eastern section of Longholme Road, opposite the Lidl Supermarket car park). There will also be provision for cycle parking and bin storage at ground level, which has been enhanced since the original submission, following comments from LCC Highways and the Council's Operations department.

The development will be between 2 and 4 storeys in scale which represents a moderate increase in height over the existing building but the development will be smaller in height than the Ilex Mill building which is in close proximity to this site.

The main street frontage onto Bacup Road is proposed to remain largely unchanged given that the existing facades will be retained and refurbished.

The materials of construction include stone, brick, glazing, slate and grey anthracite for window frames and doors.

The application is supported by a Planning Statement; a Design and Access Statement; and Ecological Appraisal; A Flood Risk Assessment and Drainage Strategy; A Noise Impact Assessment; a Heritage Assessment, a Building Inspection Report, a Marketing Letter and Historic England comments in response to a request for pre-application advice.

5. POLICY CONTEXT

National

National Planning Policy Framework (2018)

Section 5 Delivering a sufficient supply of homes

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well-designed places

Section 16 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

Policy 1 General Development Locations and Principles

Policy 2 Meeting Rossendale's Housing Requirement

Policy 3 Distribution of Additional Housing

Policy 7 Social infrastructure

Policy 8 Transport

Policy 9 Accessibility

Policy 16 Preserving and Enhancing the Rossendale Built Environment

Policy 17 Rossendale's Green Infrastructure

Policy 18 Biodiversity and Landscape Conservation

Policy 19 Climate Change and Low & Zero Carbon Sources of Energy

Policy 23 Promoting High Quality Design & Spaces

Policy 24 Planning Application Requirements

Appendix 1 Parking Standards

Other Material Considerations

Emerging Rossendale Local Plan – Submission Version – March 2019
(Listed and Conservation Areas) Act 1990 – Sections 66(1) and 72(1)
Rawtenstall Conservation Area Appraisal and Management Proposals plan (2011)
RBC Extensions and Alterations to Residential Properties SPD
National Planning Practice Guidance

6. CONSULTATION RESPONSES

Consultee	Response
RBC Economic Development	Support the development
Growth Lancashire (Conservation)	Advice provided
Historic England	Advice provided
RBC Operations	Advice provided re: capacity of waste/recycling on site
LCC Lead Local Flood Authority	No objection subject to condition
Environment Agency	No objection
Cadent	No comments received
Police	Advice provided
RBC Forward Planning	No objection in principle subject to assessment of appropriate impacts
LCC Highways	No objection subject to issues highlighted being resolved and conditions.
LCC Planning Contributions / Education	No education contribution required
East Lancashire NHS Trust	Require contribution of £24,558.
RBC Environmental Health	Support subject to glazing and ventilation specifications being met.
RBC Strategic Housing	Advice provided on affordable housing
RBC Tree Officer	No objection subject to condition requiring a landscaping scheme for the courtyard.
United Utilities	No objection subject to a condition
Ecology	No objection subject to condition requiring Method Statement
Land Contamination Consultant	No objection subject to condition

Consultee	Response
LCC Archaeology	Suggest a condition regarding recording of the building.
Rossendale Civic Trust	Welcomes the initiative to bring the site back into re-use, has some concerns about the details of the development.

7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices were posted and 25 neighbour letters were sent out. A notice was also published in the Rossendale Free Press.

Three objections have been received, raising the following points in summary:

- Proposal has a detrimental impact on the Conservation Area and neighbouring listed building.
- Doesn't preserve or enhance the Conservation Area.
- Doesn't respect the quality of the building.
- Poor quality façade retention scheme
- Heritage Assessment is insufficient to understand the impact on the significance of the building.
- The submission doesn't demonstrate that the building is capable of re-use.
- The marketing information is inadequate.
- The current building forms part of the character and interest in the street scene and townscape.
- Not demonstrated an alternative design could be achieved which wouldn't cause harm to the Heritage Asset.
- Proposal doesn't support the heritage features which make the building significant.
- Loss of existing businesses, jobs and entertainment venues.
- Pressure on local services / infrastructure.
- Proposal is contrary to national and local policy.

Two letters of support have been received, raising the following points in summary:

- The building has been vacant for too long, is dilapidated and needs to be re-used.
- Current building has a detrimental impact on the appearance of the townscape.
- The plans show a well - designed development which maintains the front of the building.

8. ASSESSMENT

Principle

The site is located within the Rawtenstall Town centre boundary, outside of the Primary Shopping Area but identified as a Secondary Shopping Frontage in the Adopted Core Strategy. There is no specific policy text on secondary shopping frontages in the Core Strategy and this designation is not included in the emerging Local Plan.

Paragraph 85 of The Framework (NPPF) recognises that, in order to promote the long term vitality and viability of town centres, they should be able to grow and diversify and allow a suitable mix of uses, including housing. It also recognises that residential development can play an important role in ensuring the vitality of centres. NPPF no longer makes reference to “primary” and “secondary” frontages.

Adopted Core Strategy policy 11 (Retail and other Town Centre Uses) and the emerging Local Plan policy R1 do not specify residential development as being one of the preferred town centre uses but both policies state that proposals for non-retail uses appropriate to town centres will be considered favourably. In light of the NPPF position, this could be taken to include housing.

Therefore, in relation to town centre policy, the principle of residential development on the site is acceptable as long as the amenity of future residents would not be affected by surrounding town centre uses, (this is demonstrated elsewhere in this report). Consequently, residential use is considered to be an appropriate use in this town centre location which would complement and enhance existing town centre functions.

Design and Scale/ Impact on Visual Amenity & the Heritage Asset

Policy 1 of the Core Strategy seeks to ensure that new developments complement and enhance the surrounding area through the use of inclusive design and locally distinctive materials.

Core Strategy Policy 16 (Preserving and Enhancing Rossendale’s Built Environment) states that the Council will promote the positive management of the Borough’s heritage assets, avoiding unnecessary loss and requiring appropriate mitigation of any negative impacts. It goes on to state that proposals should maximise potential for the re-use of buildings of historic or local interest for appropriate uses to ensure their future longevity but where this is not possible/appropriate, considerate and sensitive redevelopment will be supported, subject to advice from the Conservation team and English Heritage.

Policy 23 of the Core Strategy requires that new developments respect and respond to local context, distinctiveness and character.

Paragraph 127 of the Framework states that planning decisions should ensure that developments:

“a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”

Paragraph 193 of the Framework states *“that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be applied. This is irrespective of whether any harm is identified as being substantial, total loss or less than substantial harm to its significance”*.

Paragraph 195 of the Framework states *“where a development will lead to substantial harm to an assets significance LPA's should refuse consent unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all the following apply;*

a) the asset prevents all reasonable uses of the site; and

b) no viable use for the asset can be found in the medium term; and

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is possible; and

d) the harm or loss is outweighed by the benefits of bringing the site back into use”.

Paragraph 196 of the Framework identifies that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 197 of the Framework states *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in*

determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”.

Paragraph 198 of the Framework states *“Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred”.*

Paragraph 200 of the Framework states *“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably”.*

Paragraph 201 of the Framework states *“Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole”*

Historic England’s advice in relation to the proposal indicates that they do not normally favour façade retention but that in this case they think it would not be inappropriate. They do advise however, that the scale of the proposals would need to be sensitive to the form, scale and character of the frontage and the townscape character of the conservation area as a whole. On this matter, they felt that the eastern elevation (as originally proposed) and fourth floor compete with the character of the frontage to the cinema and could be revised to reduce this conflict.

Further to the comments from Historic England, Growth Lancashire in their role as the Council’s Conservation Advisors assessed the scheme and requested amended plans showing a simplified fenestration design to the eastern elevation which has subsequently been agreed and submitted by the Applicant and is now considered to address the original concerns.

Growth Lancashire (GL) having seen the building and viewed the surrounding context, are less concerned over the scale and the provision of the recessed top floor than Historic England. They consider that the regressed nature of the top floor will mean that it will not dominate views of the front façade, which can truly only be appreciated when viewing the building at close quarters from Bacup Road.

GL also consider that the former cinema in particular has a strong aesthetic value, largely created by its pale (faience) ‘Art Deco’ influenced front façade onto Bacup Road. They don’t believe the stone side flank (east elevation) was ever designed to be seen and is simply a product of the functional use of the building’s interior. The rear elevation is considered modern and presents onto a secondary street and is little of no value.

Under the ICOMOS Guidance on Heritage Impact Assessments (2010), GL assign both buildings to be of low significance (unlisted buildings of modest quality in their fabric or historical associations).

They consider that that whilst the impact on the former cinema is great, i.e. essentially total demolition, its impact on the character and appearance of the, Conservation Area, because the building is of a low overall significance, would amount to being 'less than substantial' rather than 'substantial harm' under the NPPF definitions. In this respect the correct assessment is via the NPPF P.196, which requires the LPA to balance the likely harm against any public benefits generated of the scheme.

The principle value of the former cinema building and adjacent Billiard Hall, is in its ornate front facade and the benefits this continuity provides to the Bacup Road frontage. It is considered that having a scheme which delivers a retained frontage should be welcomed and this should be perceived as a public benefit.

GL support how the front façade is visually separated from the new development behind by the use of a section of different material (dark brickwork) and also the work to retain the former Billiard Hall as a separate entity and maintaining the courtyard space between the two buildings.

Overall, it is considered that the scale of the development & the amended design would only cause a low/moderate degree of harm to both the character and appearance of the Conservation Area. However, the loss of the building undoubtedly represents some harm to the character of the Conservation Area.

Officers are mindful of the threat from the continued slow decline in the significance of the site and how the site's significance and that of the wider Conservation Area can be best retained. Delivering a sustainable regeneration scheme is thought to carry considerable public benefits in this respect and is a pragmatic approach which needs to be weighed against the level of harm in the planning balance.

On the basis of the revised plans, Growth Lancashire have concluded that less than substantial harm results to the heritage asset as a consequence of the design & scale of the development, including the matters raised by Historic England such as the eastern elevation and fourth floor competing with the front elevation. Therefore, the test in paragraph 196 of The Framework applies which means that the harm which has been examined as less than substantial, should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The resulting loss of significance to the heritage assets caused by the works has been assessed as low. In undertaking the weighing exercise, it is right to consider the wider regeneration potential and the positive contribution that conservation of the Bacup Road frontage would have on economic vitality of the area. It is also considered that the scheme delivers economic, social or environmental objectives as described in The Framework. Therefore, the scheme complies with the most up to date national planning policies, which is considered a substantial benefit in the overall planning balance.

Regeneration

The proposal has been designed to complement the Council's proposals for the regeneration of Rawtenstall town centre which has started with the refurbishment of the former Town Hall building and the construction of the new bus station. The development will create 42 new homes which may act as a catalyst for further regeneration of the town centre and will support the vitality of the area and viability of local shops and services. The development is supported by the Council's Economic Development Officer because it will enhance a predominantly vacant site and give a boost to this part of the town centre. It is therefore, considered that the proposal will bring significant regeneration benefits and complies with policies 1 and 23 of the Core Strategy.

Housing Supply

The proposed development would contribute 42 new dwellings to the borough's housing targets. Rossendale cannot currently demonstrate a five year supply of housing land, therefore, if the proposal is delivered, it would amount to a welcome boost to housing supply which should be afforded substantial, positive weight, in the overall planning balance.

Neighbour / Residential Amenity

A Noise Assessment was submitted with the application which has been considered by the Council's Environmental Health Officer who has raised no objection subject to glazing and ventilation specifications being met.

Given the limited number of existing dwellings in the vicinity of the site, it is not considered that the 42 new apartments will give rise to any issues of overlooking, resulting in a loss of privacy. Therefore, the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The original concerns raised by the Local Highway Authority and also the Council's Operations team (bin storage) have been addressed by way of amended plans. As such, there are no objections to the scheme as now proposed.

Having regard to the above, the scheme is considered acceptable in terms of access, parking and highway safety.

The proposal is situated in a sustainable location within walking distance of town centre amenities and in close proximity to the new bus station.

Flood Risk and Drainage

The site is situated in Flood Zones 2 and 3 and in close proximity to both Limy Water and the River Irwell. The application is accompanied by a Flood Risk Assessment and

Drainage Strategy. No objection has been received from Lancashire County Council in their role as the Lead Local Flood Authority, nor from the Environment Agency, subject to conditions. Therefore, the proposal is considered to be safe and should not have a detrimental impact on flood risk.

Land Contamination

The Council's land contamination consultant recommends that contamination matters any issues can be dealt with by a condition requiring a site investigation and risk assessment to be submitted to the Council's satisfaction.

Ecology

The Council's ecology consultant has no objection to the submitted scheme, subject to a condition requiring the submission of a method statement for the avoidance of harm to bats prepared by suitably qualified consultants.

Subject to the above condition, Officers are satisfied that the scheme is compliant with para. 170 of the Framework.

Landscaping

The Council's Tree Officer has no objection to the submitted plans, and suggest a landscaping condition for the proposed courtyard which would act as an area of open space for residents within the proposal and could also enhance biodiversity.

Therefore, it is appropriate to require the inclusion of a landscaping condition to control this aspect of the development.

Viability

The Applicant has submitted a Viability Appraisal which has been assessed by the Council's Viability Consultant. It has been confirmed by the Council's independent Assessor that the development is not sufficiently viable to support infrastructure and affordable housing contributions.

Affordable Housing

A request for a commuted sum based on a formula depending on the site's Gross Development Value, towards off site affordable housing, has been made by the Council's Strategic Housing Officer. However, as explained above the development has been assessed as not sufficiently viable to support the request.

NHS Contribution

Members will note that East Lancashire Hospital Trust have made a request that the developer pay a contribution of £24,558 to mitigate potential healthcare impacts resultant from the development. In respect of this matter the local authority, in this instance, will not be seeking to pursue or enforce this request for a contribution. The request is not considered to be Community Infrastructure Levy (CIL) compliant and

thereby would not meet the tests of reasonableness as future residents of this development (if planning permission is granted) will have already been included in NHS expenditure forecasts. In any event, as explained above, the development is not sufficiently viable to support financial contributions to infrastructure.

9. SUMMARY REASON FOR APPROVAL

The proposed scheme is acceptable in terms of visual amenity, heritage impact, neighbour amenity, flood risk, contamination, ecology and highway safety. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies 1, 2, 3, 7, 8, 9, 16, 7, 18, 19, 23 and 24 of the Council's Core Strategy DPD.

The scheme delivers substantial benefits in terms of:

- It amounts to a good quality regeneration scheme which would cause less than substantial harm to the character and appearance of the Conservation Area.
- Wider regeneration and economic benefits for the town centre through enhanced vitality of the area.
- Bringing the vacant part of the site back into use.
- Boosting the supply of housing locally on a brownfield site.
- Addressing all relevant planning issues.

10. CONDITIONS

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

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and 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 development shall be carried out in strict accordance with the following unless otherwise required by the conditions below:

- Application form
- Location Plan (HH/HA/LP/01)
- Ground Floor Plan (HH/HA/GFP/01/REV K)
- First Floor Plan (HH/HA/FFP/01/REV F)
- Second Floor Plan (HH/HA/SFP/01/REV F)
- Third Floor Plan (TFP/01/REV F)
- Fourth Floor Plan (FFP/02/REV F)
- Proposed Elevations (HH.HA.PE.01/REV A)
- Materials Plan (HH/HA/MP/01)
- Noise Impact Assessment (Peter Brett Doc Ref 3001/Rev 00/November 2019)

- Flood Risk Assessment & Drainage Strategy (Peter Brett Doc Ref 4001/FRA/Rev 01/November 2019)
- Ecological Assessment (Peter Brett Project Ref 42757001//Rev AA/December 2019)

Reason: For the avoidance of doubt.

3. Prior to the commencement of the development hereby approved, notwithstanding the materials plan referred to in condition 2 above, samples of all materials to be used in the development, shall be submitted to for approval in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

4. Prior to the occupation of the first apartment hereby approved, a landscaping scheme for the communal courtyard shall be submitted to and approved in writing by the Local Planning Authority. This shall comprise the mix and type of species, along with planting schedules. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

5. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref No.: 42757/4001, Rev: 1, Dated: 15.11.2019) which was prepared by (Peter Brett Associates LLP). Surface water will be permitted to drain directly into the 450mm public surface water sewer in Bacup Road at a maximum pass forward rate of 5l/s. Any variation to the discharge rates and location of surface water or foul flows shall be agreed in writing by United Utilities and the Local Planning Authority prior to the commencement of the development. The development shall be completed 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.

6. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include:

a) Final sustainable drainage layout plan appropriately labelled to include:

- Pipe/structure references
- Dimensions,
- Design levels,
- Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of plot to confirm minimum 150mm+ difference for FFL.

b) The drainage scheme should demonstrate that the surface water run-off and volume shall not exceed the agreed runoff rate of 5l/s, as per the submitted Flood Risk Assessment and Drainage Strategy (FRA-DS) (4257/4001/REV 1 – NOVEMBER 2019). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change (pre & post development), volume of attenuation required (post development)), to include the return period summary of critical results by maximum levels.

d) Detailed flood mitigation measures for all floor levels and Flood Response Management Plan for occupants, as per the FRA-DS.

e) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.

f) Construction phase surface water management plan to include how surface water and pollution prevention will be managed during each phase of construction. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To reduce the risk of flooding from the development.

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

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

8. Prior to any site clearance or machinery on site, a Method Statement for the avoidance of harm to bats shall be submitted to and agreed in writing by the Local Planning Authority. All measures will be implemented and maintained for the lifetime of the development. The final locations of bat roots to be erected shall be submitted as part of this Method Statement and implemented to the satisfaction of

the Local Planning Authority, prior to the occupation of the first apartment. This Method Statement should be prepared by suitably qualified ecological consultants.

Reason: To protect biodiversity.

9. Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:

a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and

b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: To ensure that lighting for the site is designed to limit pollution and disturbance to bats.

10. No development shall commence until full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) and a drawing to show full details of any retaining walls (heights, locations, materials) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: Insufficient details have been submitted and in order to protect the appearance of the locality and in the interests of the amenities of local residents.

11. The garages hereby approved shall be kept freely available for the parking of cars and shall not be converted or altered to form an additional room within the dwelling without the submission and grant of a planning permission for that purpose by the Local Planning Authority.

Reason: To ensure adequate off street parking is maintained and thereby avoid hazards caused by on-street parking.

12. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The requirements of the approved statement shall be adhered to throughout the demolition and construction period. It shall provide for:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Details of working hours
- HGV delivery times and routeing to / from the site
- Wheel washing facilities throughout the demolition and construction period
- Contact details for the site manager

Reason: In the interests of highway safety.

13. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

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

14. 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 in consultation with the Highway Authority

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

15. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 14 has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

16. No apartment shall be occupied until facilities have been implemented to enable the recharge of electrical battery-powered vehicles to the satisfaction of the Local

Planning Authority. Unless otherwise required by the agreed location, the installation(s) shall comply with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1. The facility shall be so retained thereafter.

Reason: In the interests of sustainable development.

17. Any demolition and construction works associated with the development hereby approved shall not take place, except between the hours of 08:00 and 18:00 Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays

Reason: In the interests of neighbouring amenity.

18. 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) 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

ii) 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 the development does not pose a risk of pollution.

19. Pursuant to condition 19 and prior to first occupation of any of the dwellings hereby approved, 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 mitigating hazards associated with contamination and to prevent pollution.

20. No development, site clearance/preparation, or demolition shall take place on the site until the Applicant, or their Agent or successors in title, has secured the

implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a record of the building to Level 3 as set out in 'Understanding Historic Buildings' (Historic England 2016). It should include a full description of the building, inside and out, a drawn plan, elevations and at least one section (which may be derived from checked and corrected architect's drawings), and a full photographic coverage, inside and out. The record should also include a rapid desk based assessment, putting the building and its features into context. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists (www.archaeologists.net).

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.

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_adopted

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.

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. Response does not grant permission to connect/remove/divert ordinary watercourses

For the avoidance of doubt, this response does not grant the applicant permission to connect to or remove/divert any ordinary watercourses once planning permission has been obtained, it does not mean that land drainage consent will be given. It should be noted that LCC will generally refuse consent applications which seek to culvert/divert/remove existing ordinary watercourses. This is in line with Environment Agency guidance on protecting watercourses. The applicant should obtain Land Drainage Consent from Lancashire County Council **before** starting any works on site. Information on the application process and relevant forms can be found here: <http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

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.

- 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.

4. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.

5. 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 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

6. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.