

Application Number:	2021/0305	Application Type:	S.73 (Variation of Conditions)
Proposal:	S.73 Application: variation of condition 2 (approved plans) pursuant to planning approval 2020/0137, to permit alterations to the external appearance of the building, amendments to raised decking structure, raised roof height, reductions to external retaining structures and an increase to the external canopy size.	Location:	Plot 1 Futures Park Bacup
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	27/07/2021
Applicant:	Mr Guy Darragh (RBC)	Determination Expiry Date:	30/07/2021
Agent:	Mr Arwel Jones (DAY Architectural)		

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

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	Council-owned land

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**

Approval subject to the conditions set out in this report.

2. **SITE**

The site extends to 0.29 hectares and is located immediately to the south of (and at lower level than) Newchurch Road. The site is accessed via a road that serves Futures Park. The access to the site is already in place and features a turning head.

The site is around 40m west of the Council's Futures Park offices, a prominent three storey building which lies adjacent to Newchurch Road and its junction with New Line. Properties along Newchurch Road to the north of the site are of varied design and construction, and are in a combination of commercial and residential use.

The southern boundary of the site is defined by the River Irwell, which flows in an east-west direction at a lower level. Glen Street is located to the west of the site, and Lee Road is further to the south.

The site is nearing completion as part of the implementation of planning permission 2020/0137 for the construction of a new nursery building.

The topography of the site is generally flat but there is a significant difference in levels between the site and Futures Park / Newchurch Road.

The site is shown on the Adopted Proposals Map (1995) as an 'Employment Site' although this policy was not saved by the adopted Core Strategy (2011). However, the Core Strategy (Policy 10) does identify Futures Park as a key employment location which the Council will seek to protect and make best use of.

The site is entirely within the urban boundary.

The Council's emerging Local Plan proposes to include the land in question within a wider mixed use site allocation. Consultation on Main Modifications will take place later this summer, and the Plan is expected to be adopted by the Council by the end of the year.

3. **PLANNING HISTORY**

2006/0256 - Erection of a Building for Class B1/B2 Business/General Industrial Use – Approved (relates to a nearby plot)

2013/0450 - Construction of Trail Centre Building Associated with Lee Quarry Bike Trails, Comprising Shop, Cafe, Showers, Workshop, Classroom/Function Space and Associated Parking – Approved (relates to a nearby plot)

2019/0102 - Full: Erection of industrial / manufacturing building (Use Class B2) incorporating ancillary office and storage space. Development also includes creation of service yards (with associated gates / fencing, sprinkler tank and cooling towers), parking facilities, hard and soft landscaping, access and associated works – Approved (relates to a nearby plot)

2020/0137 - Construction of nursery building, with associated works, parking and access – Approved

2021/0117 - Provision of timber cabin for use as outdoor clothing store and changing room (associated with the approved nursery development) – Approved

2021/0298 - Application for discharge of planning condition 6 (site investigation) pursuant to planning application 2020/0137 – Approved

4. PROPOSAL

Following the approval of planning application 2020/0137 for a new nursery building on the site, the applicant seeks to vary condition 2 (approved plans) pursuant to that planning approval, to permit alterations to the external appearance of the building, amendments to raised decking structure, a raised roof height, reductions to external retaining structures and an increase to the external canopy size.

The details of the proposed changes are as follows:

- The external door and window positions/arrangements have been amended to suit tenant requirements. The eaves and ridge heights have increased by approximately 300mm.
- The footprint of external raised decking has increased from approximately 35m² to 53m². Previously the raised decking was only to the south façade, the revised proposal now wraps around the south/west corner. The area beneath the raised decking is proposed as storage with infill panels coloured to match external building cladding.
- The eaves and ridge heights have increased approximately by 300mm. This is to account for an amended structural frame which was found necessary during technical design development.
- The previous retaining wall was shown to wrap around the North and East of the site. As the design has developed it was realised by the design engineers that this extent was not required. Retaining structures are in place at N/E and N/W corners of the building. A retaining structure is also in place to the south (car park) as previously approved.
- The external canopy to the main entrance has increased from approximately 2.5m to 5m in length. The canopy will cover 2 no. external doors, whereas the previous design only provided shelter to 1 no. door.
- The replacement of the approved natural facing stone on the north elevation with artificial stone.

5. POLICY CONTEXT

National

National Planning Policy Framework

Section 2	Achieving Sustainable Development
Section 4	Decision Making
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 14	Meeting the Challenges of Climate Change, Flooding, etc
Section 15	Conserving and Enhancing the Natural Environment
Section 16	Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

AVP 2	Bacup, Stacksteads, Britannia and Weir
Policy 1	General Development Locations and Principles
Policy 7	Social Infrastructure
Policy 8	Transport
Policy 9	Accessibility
Policy 10	Employment
Policy 16	Preserving and Enhancing Rossendale's Built Environment
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

6. CONSULTATION RESPONSES

Consultee	Summary of Comments received
RBC Building Control	No comments received
LCC Highways	No objection
RBC Property Services	No comments received
RBC Environmental Health	No objection

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order a site notice was posted and letters were sent to neighbours.

No objections or representations have been received.

8. ASSESSMENT

The main considerations of the application are:

- 1) Principle
- 2) Visual Amenity
- 3) Neighbour Amenity
- 4) Access, Parking and Highway Safety

Principle

The acceptability in principle of the scheme has already been established under 2020/0137.

Visual Amenity

The proposed amendments to the approved plans as described in the section of the report above will not result in a markedly different appearance to the building compared to that which has already been approved. The visual impact of the scheme will be comparable. Whilst it is noted that artificial stone is now proposed on the north elevation of the building

(rather than natural stone as previously approved), the majority of that elevation is below the level of Newchurch Road, and will be adjacent to the existing highway retaining wall – which will largely shield it from view from any public vantage points.

Having regard to the above, the scheme is considered acceptable in terms of visual amenity.

Neighbour Amenity

Core Strategy Policy 24 requires new developments to be designed to protect the amenity of the area, including residential amenity in terms of light, outlook, landscaping, and mitigating noise and light pollution.

One of the 12 core planning principles within the Framework states that planning should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.”*

In this case the site is a considerable distance away from residential properties, and screened to an extent by local topography and tree cover.

The proposed amendments to the scheme will not result in any significant increase in its impact on neighbour amenity.

The proposal is compliant with the Framework and Policy 24 of the Core Strategy with regards to neighbour amenity.

Access, Parking and Highway Safety

The Local Highway Authority (LCC Highways) has raised no objection to the proposed amendments. Conditions from the previous approval in relation to highways matters would be carried forward.

9. SUMMARY REASON FOR APPROVAL

The proposed development is acceptable in principle and will not unduly affect visual amenity, neighbour amenity or highway safety. The development accords with the National Planning Policy Framework and Policies AVP2, 1, 7, 8, 9, 10, 16, 18, 23 and 24 of the Council’s Core Strategy Development Plan Document.

10. CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Application Form
- Site Location Plan AL-01-001
- Proposed Elevations AE-02-001 Rev. D
- Proposed Site Plan AL-01-003 Rev. E
- Proposed Plan AL-02-001 Rev. C
- Proposed Site Sections AS-01-002 Rev. A
- Design and Access Statement March 2020

- Tree Constraints Plan D8153.001
- Arboricultural Impact Assessment 8153.001
- Swept Path Analysis 2949-SP03B
- Swept Path Analysis 2949-SP04A

Reason: To define the permission and in the interests of the proper development of the site.

2. The development hereby permitted shall be used only as a children's nursery. No other use of the site (including other uses within Use Class D1) shall be undertaken without a new separate grant of planning permission first being obtained from the Local Planning Authority.

Reason: The site is in an out of centre location within in an employment area, and the acceptability in principle of other uses has not been established.

3. Prior to substantial completion of the building hereby approved, a detailed scheme of landscaping, planting and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include:

- A detailed scheme of new tree planting on the site (including detailed planting specification, numbers, positions and proposed species of trees to be planted). All new trees shall be of native species appropriate to the site. The submitted details shall include a method statement to ensure the success of planting the trees.
- Full details of any hard and soft landscaping on the site, with details of proposed surfacing.
- Details of the location, height and appearance of any proposed fencing, gates or other boundary treatments.

The development shall thereafter be implemented in accordance with the approved details. All boundary treatments shall be erected prior to first use of any part of the development hereby approved.

All planting shall take place in the planting season immediately following substantial completion of the development, or first occupation of any part of the development hereby approved (whichever is the sooner). Any plants or trees 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: To ensure that the visual impact of the development is adequately mitigated, and to compensate for the loss of existing trees on site.

4. The development shall proceed in strict accordance with the remediation strategy approved under application 2021/0298 – specifically outlined in the following documents:

- Phase II Geo-Environmental Investigation Plot 1, Futures Park Bacup OL13 0DE by Ensafe Consultants. REC Reference: 1-CO106968.004P1R1 - Prepared for: Rossendale Borough Council. Date: July 2020.

- Plot 1 Futures Park Bacup Lancashire Remediation Strategy Report by Ashdown Site Investigation Ltd for Barnfield Construction Ltd Project Reference: C14842 Report Reference: R14487. Issue No. 2. Dated 6 January 2021.

No variation to the approved scheme of remediation shall be carried out unless first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution in line with paragraph 170 of the National Planning Policy Framework.

5. Pursuant to condition 4 and prior to first use or occupation of the building, a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of pollution in line with paragraph 170 of the National Planning Policy Framework.

6. Prior to first occupation of the development hereby approved, a secure, fully covered cycle store (either internal or external to the main building) with ample space to store five cycles shall be provided on site, and shall be retained and maintained thereafter.

Washing, changing and secure personal storage lockers shall be made available within the building hereby approved for the use of cyclists, and shall be retained and maintained thereafter.

Reason: To ensure adequate facilities are in place for cyclists, and to promote sustainable forms of transport.

7. The development shall be implemented in strict accordance with the approved Construction Environmental Method Statement (Ecological Statement / Method Statement (Bowland Ecology Ref: BOW17.1177)).

Reason: In the interests of protecting biodiversity and preventing pollution.

8. No external lighting shall be attached to the building hereby approved which allows direct illumination of the adjacent river.

Reason: In the interests of protecting nocturnal wildlife which may be adversely affected by such lighting.

9. All trees which are proposed to be retained on site shall be protected in accordance with the measures set out in the approved Arboricultural Impact Assessment (ref: 8153.001) for the duration of the development.

Reason: In order to protect trees to be retained on site.

10. The development shall be carried out in accordance with a surface water drainage scheme which must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
- (ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); and
- (iii) A timetable for its implementation.

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

The drainage scheme shall be implemented prior to first occupation / use of the building hereby approved.

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

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

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

12. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear. Such provisions shall be laid out in accordance with the approved plans and the vehicular turning space shall be laid out and be available for use before the development is brought into use, and shall be maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

13. The car park shall be surfaced or paved in accordance with a scheme first submitted to and 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 the parking areas.

14. The access to the site from Glen Street shall be used only for maintenance purposes. There shall be no access for children, parents, visitors or staff through the Glen Street access at any time, and the gates at that access shall be kept securely locked when the access is not being used for maintenance purposes.

Reason: To limit the number of access points to, and to maintain the proper construction of the highway.

15. No further development shall take place on the site 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. The development shall thereafter be implemented in accordance with the approved details.

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

16. No further development shall take place on the site until a scheme for the retaining structure adjacent to the highway has been submitted to, and approved by, the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

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

17. No part of the development hereby approved shall be occupied until the approved scheme referred to in Conditions 15 and 16 have been constructed and completed in accordance with the approved 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.

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

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

19. The development shall be implemented in strict accordance with the approved Construction Method Statement and accompanying Site Plan (Barnfield Construction).

Reason: In the interests of highway and pedestrian safety.

11. **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 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.