

UPDATE REPORT

**FOR DEVELOPMENT CONTROL COMMITTEE
MEETING OF 14 DECEMBER 2021**

Item B1 – 2020/0458 - Church of St. John The Evangelist, Bacup

Since publication of the Committee report for this application, further comments have been received from the Rossendale Civic Trust. In summary the comments raise the following points:

- Regrettable that the significant slope of the upper ground floor has resulted in the removal of the original floor covering.
- It is pleasing to see that there has been further thought about the ventilation from the kitchen, and that it has been decided that this must be kept internal and utilise the existing flue. However, limited details of how fumes will be carried through pipes up to the chimney.
- Two very important issues that are not addressed in any response are firstly the original need to make a careful inventory of the building and its fittings, and the need for a fully professional archaeological survey.
- Need to understand where any burials have taken place within the church grounds and how this may affect the construction of the holiday let apartment.
- Need a long term strategy to protect the fabric of the building and its surroundings.

In response to the above points, officers would respond as follows:

- The Council's conservation consultant (Growth Lancashire) has carried out a full and detailed assessment of the proposed scheme, having regard also to works which have already taken place. Whilst acknowledging that there will inevitably be some change and (less than substantial) harm to the building's historic fabric, they consider that the wider conservation and public benefits of the proposed development would outweigh such harm. In conclusion, Growth Lancashire state the following:

"The Local Planning Authority needs to recognise that changing a former Church into a new use will always likely compromise its significance, especially its interior. Such matters are always going to have to be balanced with the 'bigger picture' of the benefits generated by such schemes in providing a sustained new use and safeguarding the (greater) historic and architectural significance of the retained fabric. I think this is the case in point with this application. Clearly there are aspects of the work which have an impact on features of the building and its significance. The Heritage Statement produced by Buttress recognises that fact. However the harm to the building caused by the change of use is less than substantial and as such

under P.202 of the NPPF can be balanced by the benefits generated by the scheme. In this respect I have not changed my view from my original comments on the scheme in that the benefits of the new use outweigh the loss of significance caused by implementing the scheme.”

- In terms of the ventilation system, it is understood that the proposed ‘Fusion Hot’ system will not require any external flue and will not use the chimney – the system is completely internal to the building and utilises replaceable filters / absorbers which recycle the air once particulates and other substances have been removed.
- A condition has already been proposed (condition no. 10) within the Committee report which would require a building record to be undertaken by a qualified archaeological contractor, to Level 2 as set out in Understanding Historic Buildings (Historic England 2016). This condition was included having regard to the advice of the Rossendale Civic Trust in their initial comments on the application.
- If any exhumation of historic graves needs to be carried out to facilitate the construction of the holiday let apartment, then there would be potential requirements under separate legislation in this regard – outside the planning process.
- The proposed development, in the opinion of the Council’s conservation consultant (Growth Lancashire), does represent a long term strategy to conserve the building by securing its use, and facilitating greater public appreciation of the internal space within the former church.

Having regard to all of the above it is not proposed to alter the recommendation contained in the Committee report, nor is it proposed to amend any of the proposed conditions.

Item B2 – 2021/0271 – Station Road, Facit

Since publication of the committee report some minor changes have been made to the planning conditions which has led to a reduction in the number – from 34 to 30. For the avoidance of doubt, the full list of planning conditions is provided at the end of this update report.

Whitworth Town Council

Whitworth Town Council was consulted on the application however their comments have not been reported in the committee report, in error.

In the Town Council meeting some concerns of visibility / sight lines for vehicles exiting Station Road / Market Street next to the Halfway House Public House were raised. The Town Council considers that a safer option would be for this development to use the access at Barlow Bottoms where they consider motorists would have better visibility.

As set out in the committee report, Lancashire County Council as the Highway Authority has assessed the planning application including the proposed access (which includes the provision of visibility splays and a block-paved raised junction on the corner of Station Road and Cowm Park Way North to reduce speeds). Subject to the details of the access as shown on the Proposed Site Access plan, no objection

is raised to the development. This includes no objection to the use of the existing vehicular access from Market Street to Station Road. LCC Highways considers the site access to be safe and suitable, as required by national planning policy. With that in mind, it is not necessary to require the applicant to design an alternative access to the site.

Other representations

Since publication of the report, a further representation has been received which raises the following matters:

- Number of tree losses

In response to this query, 7 trees, 2 groups (low quality or unsuitable for retention due to their condition) and 1 part group (moderate quality) are proposed to be removed as part of the development.

27 (not 31 as referred to in the committee report) trees will be replaced within the site in a variety of locations. This is considered to be the maximum number of trees the site can accommodate however other ecological enhancements will be secured in order to deliver net gain, as set out in the report. Both the Council's ecological and arboricultural advisors are satisfied with the proposals in this regard.

- Number of houses

The number of houses proposed is an appropriate number having regard to the site's location and the character of the surrounding area. All dwellings are served by parking and gardens, and there is on-site open space. Therefore, officers are satisfied that 37 dwellings on this site is appropriate.

The development is providing a financial contribution to fund two secondary school places at Whitworth Community High School, and a contribution towards the improvement of existing play space / sports facilities in the local area.

- Traffic

This is addressed within the committee report.

Other matters of clarification

NHS contribution

It is stated in the report that the East Lancs NHS Trust made a request for a financial contribution of £64,847. The East Lancashire Hospitals NHS Trust is a provider of acute and planned health services for residents of East Lancashire and Blackburn with Darwen, and has provided a response towards this planning application. It states that the existing service delivery infrastructure for acute and planned health care is unable to meet the additional demand generated as a result of the proposed development. The Trust has calculated that the development must contribute to provide additional services to meet patient demand. Members will note that the Trust further recommends the application be refused if the applicant is unwilling to meet the contribution.

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 authority is considering taking legal advice to establish whether the current methodology utilised by the trust and the subsequent contribution request would be considered CIL compliant and thereby whether it would meet the tests of reasonableness.

Having regard to all of the above it is not proposed to alter the recommendation contained in the Committee report, however the planning conditions are amended as per the list below.

CONDITIONS

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in accordance with the following plans and documents unless otherwise required by the conditions below:

Drawing / document	Reference
Site Location Plan	19-100-SL01-A
Proposed Site Layout	19-100 PL01 Rev O
Refuse Plan	19-100 RP01 Rev F
Amended Site Access Drawing	B027762-TTE-00-XX-PL-D-002, Rev P05
House Type Arundel EBH	872-ARU-113 Rev F
House Type Arundel ERH	872-ARU-115 Rev F
Arundel MB	872-ARU-116 Rev F
Arundel MR	872-ARU-118 Rev F
Burghley EBH	614-BUR-113
Burghley ALT EBG	614A-BUR-113
Burghley EBG	614-BUR-116A
Gosford EBG	912-GOS-110 Rev E
Woburn EBH	724-WOB-113 Rev F
Woburn MB	724-WOB-116 Rev F
Hard Landscaping Plan	19-100 HL01 Rev G
Landscaping Proposals	6559.01 Rev D
Materials Plan	19-100 MP01 Rev H
Materials Schedule	19-100-MAT01
Updated Ecology Statement	ERAP dated 7 September 2021
Ecological Survey and Assessment report	ERAP dated April 2021
Desk Study Report For Station Road, Facit by Betts Geo	dated March 2021; referenced 21WCH016/DS

Flood Risk Assessment & Drainage Management Strategy by Betts Hydro	(dated 13 August 2021; referenced HYD598_STATION.ROAD_FRA&DMS Rev 3.1)
Indicative Cross Sections	Drawing number 19-100-CS-01-B dated 18 August 2021)
Summary Note from Betts Hydro	(dated 19 August 2021; referenced HYD598_STATION.ROAD_MB_EA_L01)
Arboricultural Impact Assessment	April 2021

Reason: To ensure the development complies with the approved plans and submitted details.

3. Prior to the construction of any buildings hereby approved, samples of the external materials (brick, roof tiles, render, window frames, any other roof materials (including any dormers and porches) of the dwellinghouses shall be provided by means of the erection on site of a one metre square sample panel including proposed mortar mix and joint detail, for the written approval of the Local Planning Authority. The panel so approved shall be retained on the site and shall not be removed until such time as the external walls of all of the dwellings hereby approved are complete.

The development thereafter shall be constructed utilising the approved materials.

Reason: To ensure that the development is appropriate in terms of visual amenity and to ensure that it responds to the local context of the site.

4. Prior to installation, full details of all boundary treatment including walls and fencing shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be constructed in accordance with approved details and they shall be retained or replaced with the same materials thereafter. Plot divisional fencing shall be installed prior to occupation of that dwelling, and all other boundary treatments shall be installed prior to substantial completion of the development.

Reason: Insufficient details have been provided, and to ensure that the development will be of a good standard of design and privacy for residents.

5. All shared driveways shown on the approved Proposed Layout Plan Rev O shall be constructed of a suitable paving material, details of which shall be submitted to and approved in writing by the local planning authority.

Grasscrete (any other similar material shall first be agreed in writing by the local planning authority), shall be provided to all private driveways in accordance with the above plan, and retained as approved thereafter.

Reason: To ensure that the development is appropriate in terms of visual amenity and to minimise surface water run-off.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (Schedule 2, Part 1, Class F) or any subsequent re-enactment thereof, no hardsurfacing shall be constructed over the front gardens shown on the approved landscaping plan and proposed site layout.

Reason: To protect the visual amenities of the development.

7. No development except demolition and enabling works (as agreed with the LPA) shall commence until a statement demonstrating how the development is designed to be adaptable to climate change, how it incorporates energy efficiency principles and adopts principles of sustainable construction including Sustainable Drainage Systems, has been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved statement.

Reason: The Council has declared a climate emergency, therefore to ensure that the development incorporates such principles.

8. Each dwelling shall make provision for cycle storage and an electric vehicle charging point. They shall be installed at each dwelling prior to the dwelling's occupation and retained thereafter.

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

9. Full details (including levels) of the proposed access / gate to the Valley of Stone cycleway shall be submitted to and agreed in writing by the local planning authority. The details shall be submitted, approved and implemented prior to occupation of any dwelling.

Reason: To ensure that the development provides a link to the Valley of Stone cycleway in the interests of sustainable transport options.

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

- 24 Hour emergency contact number
- Details of the parking of vehicles of site operatives and visitors.
- Details of loading and unloading of plant and materials.

- Arrangements for turning of vehicles within the site.
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures.
- Measures to protect vulnerable road users (pedestrians and cyclists).
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate.
- Wheel washing facilities 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, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction.
- Measures to control the emission of dust and dirt during construction.
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works.
- Construction vehicle routing.
- Delivery, demolition and construction working hours.

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

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

11. Works shall be undertaken in line with the Site Access drawing ref B027762-TTE-00-XX-PL-D-002, Rev P05: for 1) the construction of the site access; and 2) the off-site highway works including footway improvements and junction table. The works shall be undertaken in line with a programme to be agreed with the LPA (in conjunction with the local highway authority) and completed in accordance with the approved programme and 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.

12. Any demolition and construction works associated with the development hereby approved shall not take place except between the hours of 8:00 am and 6:00 pm 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. Access and egress for construction activity vehicles shall be restricted to the working hours indicated above.

Reason: To ensure that site working only takes place during normal working hours in order to restrict the times during which any disturbance and nuisance may arise.

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. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the flood risk assessment and drainage management strategy (HYD598_STATION.ROAD_FRA&DMS Rev 3.1 13.08.2021).

No development shall commence except for demolition works, until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority, in line with the flood risk assessment and drainage management strategy (HYD598_STATION.ROAD_FRA&DMS Rev 3.1 13.08.2021) and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details shall include, as a minimum:

a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep. (Surface water runoff rate for site restricted to 15.6l/s Qbar, as per submitted FRA)

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, design levels;

iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;

v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each plot to confirm minimum 300mm+ difference for FFL; (as per submitted FRA).

vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;

vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Flood mitigation measures to protect plots from the low to medium surface water flood risk levels, as shown on the EA surface water flood risk maps.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

The measures shall be fully implemented prior to first occupation of any dwelling and in accordance with the timing / phasing arrangements embodied

within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority in consultation with the lead local flood authority.

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

15. Prior to the commencement of development, except for demolition, full details of the proposed ground levels (relative to the existing ground levels) shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: The submitted section drawings are noted as “indicative only” and in the interests of flood risk.

16. No development shall commence except until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The development shall be constructed in accordance with the approved details.

Reasons:

1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;

2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

17. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and

control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of a final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.

Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

18. No development shall take place except for demolition until a scheme for the provision and management of a minimum 4 metre wide buffer zone alongside the River Spodden has been submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall be carried out in accordance with the approved scheme. The buffer zone scheme shall be free from built development including any ground remodelling, land raising, lighting, domestic gardens and formal landscaping. The scheme shall include:
- plans showing the extent and layout of the buffer zone
 - details of any proposed retained or new soft landscaping, including a planting schedule predominantly based on native species.
 - details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan
 - details of biosecurity measures to be adopted, as outlined in best practice (PCACOP-Control-of-Knotweed-24pp_04.05.18-WEB.pdf (property-care.org)) to ensure that all Schedule 9 invasive plants (including Indian Balsam) and contaminated soils are not spread as a result of redevelopment works at the site, and appropriate measures are adopted through an Invasive Species Management Plan (ISMP)
 - A Construction and Environment Management Plan (CEMP) outlining how proposed riparian development and associated site clearance, earth moving, site drainage, wider construction etc. will take place while protecting the River
 - Spodden and key ecological receptor from any accidental spillages, dust and debris
 - details of any new boundary fencing, lighting, etc.

Reason: To conserve and enhance the water environment by avoiding harm and detrimental impacts and where possible, providing net gains for biodiversity.

19. 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 (except for demolition and enabling works as agreed with the LPA). 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 (except for demolition and enabling works as agreed with the LPA). 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 mitigating any hazards posed by contaminated land, and in the interests of reducing pollution.

20. Pursuant to condition 19; and prior to occupation of a plot, a verification report, which validates that all remedial works undertaken to that plot, 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. Prior to any public areas of the site being made available for use, a verification report covering those areas shall be submitted to and approved in writing by the LPA. The reports shall identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: In the interests of mitigating any hazards posed by contaminated land, and in the interests of reducing pollution.

21. No infiltration of surface water drainage into the ground where adversely elevated concentrations of contamination are known or suspected to be present is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled

waters. The development shall be carried out in accordance with the approval details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

22. Details of piling or any other foundation designs using penetrative methods shall be submitted to and approved in writing by the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: Piling should be avoided in the first instance but where it is necessary it requires formal approval, for the future protection of the Water Environment from risks arising from land contamination.

23. Notwithstanding the submitted landscaping plan, all dwellings' rear gardens shall be turfed prior to occupation of that dwelling.

Reason: In the interests of visual amenity and residential amenity.

24. All trees and hedgerows to be retained must be protected by a scheme in accordance with BS 5837 (2012) and as detailed in the specification within the Arboricultural Impact Assessment (AIA). Measures must be implemented on site before any other works are undertaken. All tree work must be undertaken in accordance with BS 3998 (2010).

Where areas of hard surface encroach into the tree Root Protection Area of Tree G2, they shall be constructed with a cellular confinement specification as included in the AIA.

Reason: In the interests of visual amenity and biodiversity.

25. The landscape proposal drawing 6559.01 Rev D shall be implemented fully in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier. Any trees or plants which within a period of 10 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 interest of the appearance of the locality.

26. No construction of any building shall take place until full details of the acid grassland creation and its management, in addition to the measures to provide biodiversity enhancements contained within the ERAP letter report (listed a – h) and Section 5.2 of the Ecological Survey and Assessment report, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the long-term management and maintenance of biodiversity within the development.

27. Any new lighting shall be designed to minimise the impact on nocturnal mammals such as roosting bats (see section 5.4.1-5.4.4 of the ecology report), and a light spill plan should be submitted and approved in writing to demonstrate no negative impact on the proposals on features which may be used by commuting or foraging bats (and other nocturnal/riparian species). Any lighting shall be carried out in accordance with the approved details.

Reason: To minimise the impact on nocturnal mammals.

28. No development shall take place until a badger survey and method statement to be followed during the construction (see section 5.6 of the ecology report) have been submitted to and approved in writing by the local planning authority. Construction shall be carried out in accordance with the approved details.

Reason: To protect badgers (and other wildlife) that may be present on the site during the works.

29. The applicant must be aware of the legal protection that active bird nests receive. Work which may impact on nesting birds (such as building demolition, site and vegetation clearance) shall not take place between 1st March and 31st August in any year unless a detailed bird nest survey by a suitably experienced ecologist has been carried out immediately prior to clearance and written confirmation provided that no active bird nests are present, which has been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting nesting birds, which is a legal requirement.

30. Prior to earthworks taking place, a management plan to treat and prevent the spread of invasive species (including Japanese knotweed and Himalayan balsam) shall be supplied to and agreed in writing by the local planning authority. The development shall then be carried out in accordance with the statement.

Reason: Derelict sites adjacent to watercourses are high risk for such species and several have been recorded on or adjacent to the site. It is an offence to plant to cause these species to grow in the wild.

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. 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 (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.
3. Construction Management Plan:
 - There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
 - There must be no storage of materials in the public highway at any time.
 - There must be no standing or waiting of machinery or vehicles in the public highway at any time.
 - There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
 - A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk
 - All references to public highway include footway, carriageway and verge.

The applicant's attention is drawn to the advice provided by the Environment Agency in their letter dated 8 September 2021 which is available to view on the Council's website within the planning file.

4. 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.

Mike Atherton
Head of Planning and Building Control
10 December 2021