

**TITLE: 2005/21 - ERECTION OF BUILDING FOR RETAIL SALES  
(USE CLASS A1) AND RESTAURANT (USE CLASS A3),  
WITH ASSOCIATED CAR PARK, ETC**

**ST MARY'S WAY, RAWTENSTALL**

**TO/ON: DEVELOPMENT CONTROL COMMITTEE - 12 JULY 2005**

**BY: TEAM MANAGER DEVELOPMENT CONTROL**

**APPLICANT : ASDA STORES LTD**

**DETERMINATION EXPIRY DATE : 17 MAY 2005**

### 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.

### The Site

This application relates to an irregularly shaped site of approximately 4 hectares in area, which is situated to the west side of St Mary's Way. From the main road frontage the land rises up to the west (towards Haslingden Old Road and the houses fronting it and Schofield Close) and to the south (towards Holly Mount and St Mary's Church).

The site was formerly occupied by Lower Mill. In anticipation of the re-development of the site, the buildings have now been cleared (except for the Clock Tower by the Memorial Garden), and a length of the river running through the site de-culverted and new bridges over it constructed, leaving the tree-cover on the banks towards the back of the site.

### Relevant Development Control History of the Application Site

14/00/286 - Erection of a Food Convenience Superstore, Leisure Facility and Offices, with associated car park, etc

Outline Permission granted August 2001

(Note : The application site embraced Holly Mount)

14/04/030 - Construction of a building of 11,512 sq m gross floorspace (with 5,400 sq m net retail space / 2,525 sq m leisure space / 1,193 sq m office space and a 576-space car park)  
Reserved Matters approved June 2004

14/04/420 - Extension by 12 months of the period by which Reserved Matters pursuant to Outline Permission 14/00/286 must be submitted  
Permission granted November 2004

14/04/535

&

14/04/536 - Construction of a building of 10,369 sq m gross floorspace (with 5,400 sq m gross retail space / 2,525 sq m leisure space and a 537-space car park)  
Reserved Matters approved November 2004

### **The Proposal**

Rather than implement the permissions which exist, permission is sought to erect upon the application site (which excludes Holly Mount) a building of 10,319 sq m gross floorspace, to contain : -

- 3,067 sq m of space for retailing convenience goods (including food)
- 2,510 sq m of space for retailing comparison goods
- an ancillary restaurant.

The resulting building will have a siting broadly matching that of the previously permitted schemes and, similarly, be of 2-storey construction. It will stand approximately 15m from the footway to St Mary's Way. The elevation it presents to the main road will have a length of 105m and a height for the most part of 13m. This elevation will be clad largely with smooth-faced white panels, beneath a broad fascia. The appearance of this elevation will be relieved somewhat by the cylindrical glazed entrance/restaurant block at one end, the additional height and grey profiled-metal sheeting on the block at the other end, and two panels at intermediate points along its length that rise to fascia-level and will be faced with reconstituted-stone.

As with the previously permitted schemes, visitor parking will be provided to the south and west of the proposed building, on two levels, with cars entering/leaving the site at the southern end via a signal-controlled junction to be formed. The submitted scheme shows 604 car parking spaces. A link-road is also shown between the upper parking level and Holly Mount. Goods vehicles will enter/leave the site at the northern end via a signal-controlled junction. Pedestrians will be able to gain access to the site directly from St Mary's Way or by means of a footway to run through a landscaped area connecting to the existing Memorial Garden at the southern tip of the site. The applicant has indicated that it is ready to enter into a S.178 Agreement with the Highway Authority to fund provision of a bus lay-by immediately in front of its site and other works at the Queens Square Gyratory. Whilst the wooded areas towards the rear of the site are to be retained, the applicant proposes to selectively remove some of the trees and plant others.

### **OTHER RECENT/CURRENT APPLICATIONS OF RELEVANCE**

#### **EXISTING ASDA SITE**

The existing ASDA site has an area of approximately 2.5 hectares and is occupied by a petrol filling station and tyre-and-exhaust centre, besides the store itself. Permission exists for extension of the store which, if implemented, would increase its

gross floor area from 5,017 sq m to 6,782 sq m. Outline permission also exists for erection of a replacement store on the site of 7,432 sq m gross.

### TESCO

Tesco is proposing to operate a store from the former Lancashire Homes & Gardens Garden Centre, Haslingden. The implementation of schemes of alteration/extension permitted in May 2004 and February 2005 will result in a store having a net sales area of 5,476 sq m. The new store will open shortly.

## **Consultation Responses**

### LCC (PLANNING)

Retail Policy :

The proposed development is considered overall to be in conformity with the policies of the JLSP. However, this Council needs to take into account the cumulative impact of this development together with similar developments that are currently proposed in Rossendale.

Transport Policy :

To encourage those visiting the site to make use of public transport it recommends the provision of electronic bus-departure screens within the site and a financial contribution be obtained from the applicant towards re-construction of the bus station and provision of additional bus services.

With respect to on-site car parking provision it advises that the submitted scheme complies with the approved Parking Standards in terms of the total number of car parking spaces proposed. However, it wishes the layout to be amended in a number of respects, most particularly to incorporate more spaces for use by the mobility-impaired and suitably sited and secure parking for motorcycles and bicycles.

### BLACKBURN WITH DARWEN BOROUGH COUNCIL

It is not considered that there will be any significant impact on its Town Centres.

### ROCHDALE MBC

This Council has no comments.

### LCC (HIGHWAYS)

The Highway Authority has indicated it has no objection to the proposed development subject to implementation of the package of highway improvement works agreed in respect of the previous permissions, including the provision of a bus lay-by to the front of the site, signal-controls at both of the vehicular access-points and other works at the Queens Square Gyratory.

### ENVIRONMENT AGENCY

No objection in principle.

### UNITED UTILITIES

No objection subject to provision of separate systems for the disposal of foul and surface water, and for the protection/diversion of sewers and electrical apparatus within/bounding the site.

## ENVIRONMENTAL HEALTH MANAGER

No objection in principle but would recommend a condition be imposed on any permission to guard against noise nuisance for residential neighbours from roof-mounted refrigeration/air-conditioning units or activities in the service yard.

### Notification Responses

No comments have been received as a result of advertisement of the application and posting of site notices.

### Development Plan Policies

#### Rossendale District Local Plan (Adopted 1995)

In short, the application site lies within the Urban Boundary and Town Centre Boundary for Rawtenstall and is immediately adjacent to the Rawtenstall Town Centre Conservation Area (which for the most part runs to the other side of St Mary's Way but does embrace the Memorial Garden to the south of the site and the complex of buildings to the north of the site within the triangle of land bounded by St Mary's Way and Haslingden Old Road). The Clock Tower bounding the Memorial Garden and Holly Mount are Grade II listed buildings. Trees within the grounds of Holly Mount are protected by a Tree Preservation Order. Policy J1 of the Local Plan allocates the site for Employment development. Accordingly, regard should be given to the following policies :

DS1  
S1  
E4  
HP1  
HP2  
DC1  
T4  
T6  
T7  
T10

#### Joint Lancashire Structure Plan (Adopted 2005)

Policy 1  
Policy 2  
Policy 7  
Policy 10  
Policy 16  
Policy 20  
Policy 21  
Policy 24

### Other Material Planning Considerations

PPG1  
PPS6  
PPG13  
PPG15

Rossendale Retail & Town Centre Study (2005)

**Rawtenstall Town Centre Action Area/Master Plan (Draft) ?????**

### Planning Issues

In dealing with this application the main issues to consider are : 1) Principle; 2) Townscape/Landscape Impact; 3) Neighbour Amenity; 4) Traffic.

## PRINCIPLE

The application site has the benefit of planning permission for retail development as a result of the Outline Permission granted in August 2001. This may take a number of forms, Reserved Matters approval having been given for three differing schemes. None would allow more than 5,400 sq m of net retail space. It should also be noted that the gross floorspace of the building now proposed is somewhat smaller than would result from implementation of any of the Reserved Matters approvals. Whilst this is a material consideration in the assessment of the current proposal for the creation of 5,577 sq m of net retail space, it is necessary to look at the impact of the proposed development as a whole and not just at the consequences of permitting an additional 177 sq m of net retail space.

In undertaking this assessment it is appropriate to take into account not simply the retail floorspace proposed but the type of retail use being proposed. In this regard the previous Reserved Matters approvals did not distinguish between the space to be used to display convenience-goods (eg food and other consumables bought daily/weekly and quickly used) and the space to be used to display comparison-goods (eg clothes and other items bought less frequently/having a longer life in use). The current application proposes that 55% of the retail space created be used for the display of convenience-goods and 45% for the display of comparison-goods.

Policy S1 of the Rossendale District Local Plan lends support to the current proposal, in that (amongst other things) it seeks to ensure that retail development which is intended to serve a wide catchment area, or which might have a significant effect on local shopping patterns, is located "...within or adjacent to the main shopping centre of Rawtenstall". However, the latest Government advice in respect of retail development, as set out in PPS6 (published in March 2005) and followed by the Joint Lancashire Structure Plan (adopted in March 2005), makes the key objective of retail planning policy the protection and promotion of the vitality and viability of Town Centres ahead of other locations, even edge-of-centre locations.

Having regard to the way in which retail planning policy has moved on since the Local Plan was adopted in 1995 I consider it appropriate to assess, firstly, whether or not the application site lies within the Town Centre and, secondly, whether or not the proposal accords with the criteria set out below. On the first point, the applicant acknowledges that the application site is most appropriately considered to be an edge-of-centre site and not a town centre site. In arriving at my conclusions upon the matters raised by the criteria I have taken into account particularly the advice of LCC (Planning) and the Council's own consultants, Nathaniel Lichfield & Partners (hereafter referred to as NLP). Both have had available to them the Planning Support Statement submitted by the applicant as well as the recently-completed Rossendale Retail & Town Centre Study, produced on the Council's behalf by NLP. Paragraph 3.4 of PPS6 states that applicants should demonstrate :-

- a) The need for the development in qualitative and, particularly, quantitative terms.
- b) That the development is of an appropriate scale in relation to the role and function of the centre and the catchment it serves.
- c) That there are no more central sites for the development (in accordance with a 'sequential approach'), the first choice for development being the Town Centre, followed next by edge-of-centre locations and then out-of-centre sites.

- d) That there are no unacceptable impacts on existing centres
- e) That locations are accessible by a choice of means of travel and minimise use of the private car.

### The Need for the Development

With respect to the qualitative assessment, the applicant argues that there is a need to provide a more modern large-format foodstore close to Rawtenstall Town Centre than the present ASDA. That Tesco is shortly to open its out-of-town store makes it all the more important that ASDA proceed with the proposed development in order that it, and Rawtenstall Town Centre can successfully compete with its retail-offer. I concur with the view of NLP that there is a good deal of force in this argument.

The quantitative assessment also tells in favour of the application. The deficiency in Rawtenstall's retail-offer in respect of convenience and comparison goods is evident from the high proportion of expenditure by Rossendale Borough residents presently being lost to shopping centres in neighbouring authorities. NLP advises that at the present time only 40% of the expenditure of Rawtenstall residents on comparison-goods is occurring in the Borough and for more distant parts of Rawtenstall Town Centres natural catchment area the loss of expenditure on goods to neighbouring authorities is even greater. Besides which I consider there will be some economic/employment benefit in holding more of this expenditure within the Borough.

Additionally, the applicant argues that there will be benefit for existing retailers in the Town Centre from the proposed development, with people initially drawn to the store being provided on the application site being less likely to go out-of-town (ie to Tesco) or out of the Borough for their other purchases. Although it is difficult to quantify the trade-gain existing retailers in the Town Centre will derive from such linked-visits, there will undoubtedly be some benefit from this. One only has to look at the way in which the existing ASDA creates this spin-off benefit.

### That the Development is of an Appropriate Scale

The applicant estimates the total expenditure of the population resident within the catchment area of Rawtenstall Town Centre to have been £138m for convenience-goods and £217m for comparison-goods in 2004. It calculates that only 40% of this expenditure on convenience-goods took place within the catchment area of Rawtenstall Town Centre and only 52% of the comparison-goods expenditure. Factoring in for changes over time in expenditure available/spending opportunities, and having regard to the opening shortly of the Tesco store and the proposal for redevelopment of the existing ASDA site for non-food retail use, the applicant considers there to be the 'headroom' for both the convenience and the comparison-goods space they propose without unacceptable harm for existing retail centres within the catchment area/the redevelopment proposal for the existing ASDA site/the Council's ambitions for (re-)development of the Valley Centre.

NLP considers the likely turnover of the proposed development will be in the order of £42m in convenience-goods and £17.5m in comparison-goods (at 2004 prices). It is in no doubt that there is sufficient 'headroom' to accommodate a development of the nature and scale proposed without undue harm for existing centres/committed schemes/the Council's ambitions for the Valley Centre. It says this on the basis that the existing ASDA site is not retained/redeveloped as a large-format food retail outlet. Whilst this option cannot be completely dismissed, both NLP and I consider it unlikely. Being mindful also of the retail space which may be provided on the

application site as a result of Outline Permission 14/00/286, I do not consider there are grounds to refuse this application for reasons of capacity in the catchment area or scale in relation to the role and function of Rawtenstall.

#### That There Are No More Central Sites for the Development

NLP has indicated its main concern about the proposal is not with the overall scale of the development, but with the nature of the retail uses the applicant may wish to accommodate within the units.

The applicant contends that a large-format unit of the scale and nature proposed is most commonly provided edge-of-centre, rather than on the high street or within pedestrianised precincts. Also that to provide the intended space within a number of separate units would not be sufficiently attractive to compete with/divert trade from such developments out-of-centre (eg Tescos) or outside the catchment area. I agree that to dot individual units on individual sites about the Town Centre would not yield the same benefit. Nor do NLP consider there to be a suitable site within Rawtenstall's primary shopping area to be either suitable or available for the proposed development. This being the case, in accordance with the 'sequential' approach of PPS6, it is appropriate for the development to locate on an edge-of-centre site, such as this. Although St Mary's Way is somewhat of a barrier between the primary shopping area and the site the distance between them is modest. Furthermore, the signal-controlled junction being formed at the southern site access-point will incorporate a pedestrian-crossing to ease pedestrian movement.

#### That There Are No Unacceptable Impacts on Existing Centres

SNLP and I are satisfied that the proposed development will not result in significant harm for any existing town centres so long as the proposed building is not subdivided into smaller units, use made of a greater part of the building for the sale and display of goods than the 5,577 sq m of net retail space for which permission is sought or a different split is made between the space for convenience and comparison-goods than that for which permission is sought. Since there will not be the opportunity for linked-trips with the out-of-town Tesco store shortly to open it is important that investment is made edge-of-centre in Rawtenstall in a new large-format store of the type proposed to minimise the diversion of trade from existing town centre retailers and further the Council's ambitions for the renewal of Rawtenstall Town Centre.

#### That Locations Are Accessible

Although a main road and a river intervene, the site is relatively visible from the town centre and, with the installation of the signal-controls at the southern site access-point, accessibility on foot will be improved. The site is also accessible by public transport, being on a busy bus route and less than 150m from the bus station; a bus lay-by is to be provided immediately in front of the site to encourage bus use by customers. Likewise, the proposed development is well served in road-network terms. The submitted layout provides satisfactory arrangements for delivery vehicles and for no more car parking spaces than specified in the Council's approved parking standards. That said I consider it appropriate for conditions to be imposed to secure amendment of the layout and off-site improvements to better provide for the vehicles visiting the site and, more particularly, to encourage customers to use alternative means of travel to the private car.

#### TOWNSCAPE/LANDSCAPE IMPACT

The mill buildings which formerly occupied the site did not make a positive contribution to the character of Rawtenstall Town Centre Conservation Area, nor to

the setting of the Listed Buildings in the vicinity of the site. The construction of the proposed building, and its associated two-deck car park, will markedly change the appearance of this area. They will both appear as 'modern' features within the street-scene by reason of their significant size and their design and facing materials. However, I am satisfied that they will not appear unduly prominent or intrusive by reason of their size and siting; they will be viewed in the context of the rising ground to the south and west (the former occupied by the large property known as Holly Mount and the latter by mature woodland). Nor will the design and facing materials of these elements unduly detract from the setting of the Listed Buildings in the vicinity. Although the retaining wall which has recently been constructed towards the southern boundary of the site (to hold back the ground on which Holly Mount sits) is stark in appearance and requires to be greened over. However I am in no doubt that the setting of the Clock Tower is being greatly enhanced by the landscaping proposed around it.

#### **NEIGHBOUR AMENITY**

I am satisfied the proposed development will not detract to an unacceptable extent from the amenities of any local residents or any other neighbours.

The development will be at a significantly lower level than the residential properties to the west and south of the site and will, in large measure, be screened from them by mature trees. In accordance with the advice of the Environmental Health Manager, I would recommend a condition is imposed on any permission to ensure residents will not experience noise disturbance from roof-mounted refrigeration/air-conditioning units or activities in the service yard.

#### **TRAFFIC**

I have no reason to doubt the conclusions of the Highway Authority that the local road network can satisfactorily improved to accommodate the traffic likely to be generated by this proposal. The conditions recommended will secure a satisfactory internal layout for the site and the off-site highway works the Highway Authority considers necessary.

#### **CONCLUSION**

I consider the proposed development will accord with the retail strategies and policies of PPS6 and the Joint Lancashire Structure Plan, subject to a conditions to preclude sub-division on the building into smaller units, use of a greater part of the building for the sale and display of goods than the 5,577 sq m of net retail space for which permission is sought or a different split between the space for convenience-goods and comparison-goods than that for which permission is sought. Indeed, the redevelopment of the site in this manner will contribute positively towards the Council's wider objectives for renewal of Rawtenstall Town Centre. Accordingly, permission is recommended.

The nature and scale of the development is such that, if Committee is minded to grant permission, before issuing the decision it will first be necessary for the application to be referred to the Government Office for the North West in order that it may consider whether it wishes to make the decision.

#### **Summary of Reasons for Approval/Refusal**



It is considered that this is appropriate retail development having regard to national guidance, the Joint Lancashire Structure Plan and Rossendale District Local Plan and will not cause significant harm to the amenities of neighbours, the heritage interest, townscape, highway safety or in respect of any other material consideration.

## **RECOMMENDATION**

### **Recommendation**

a) That the Secretary of State be advised that the Local Planning Authority is minded to grant Planning Permission for this development subject to the conditions set out below and subject to the applicant first entering into a Section 106 Obligation requiring the payment of contributions towards provision of a new Bus Station for Rawtenstall Town Centre & new bus services, a Travel Plan and Car Park Management.

b) That should the Secretary of State refer this application back to the Local Planning Authority for a decision, the decision to approve be delegated to the Team Manager (Development Control) on completion of the Section 106 Obligation and subject to the following conditions:

1. The development permitted shall be begun before 18 November 2008.  
*Reason : The condition is required by virtue of Section 91 of the Town and Country Planning Act 1990.*
2. The restaurant hereby permitted shall operate in a manner ancillary to the retail unit. Furthermore, the retail unit shall neither be sub-divided or extended by the insertion of a first-floor without the prior written consent of the Local Planning Authority.  
*Reason : To help protect and promote the vitality and viability of Rawtenstall Town Centre and to accord with PPS6 and Policy 16 of the adopted Joint Lancashire Structure Plan.*
3. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or any order amending or revoking and re-enacting that order, not more than 3,067 sq m of floorspace within the building hereby permitted shall be used for the display of convenience goods and not more than 2,510 sq m of floorspace for the display of comparison goods.  
*Reason : To help protect and promote the vitality and viability of Rawtenstall Town Centre and to accord with PPS6 and Policy 16 of the adopted Joint Lancashire Structure Plan.*
4. Prior to the development commencing a Contaminated Land Phase One Report (to assess the actual/potential contamination risks at the site) shall be submitted to and approved in writing by the Local Planning Authority. Should the Phase One Report recommend that a Phase Two Investigation is required it shall be carried out and the results submitted to and approved in writing by the Local Planning Authority. Should the Phase Two Investigation indicate that remediation is necessary then a Remediation Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The Remediation Scheme in the approved Remediation Statement shall then be carried out and, prior to first use of any of the units hereby permitted, a Completion Report shall be

submitted to the Local Planning Authority detailing the conclusions and actions taken at each stage of the works (to include validation works).  
*Reason: To ensure the development is suitable for its end use and the wider environment in accordance with policy DC1 of the Rossendale District Local Plan.*

5. Throughout the construction period, facilities shall be provided/retained within the site by which means the wheels of vehicles may be cleaned before leaving the site, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

*Reason : To avoid the deposit of mud &/or loose materials on the public highway, in the interests of highway safety.*

6. Before the development is commenced, and throughout the construction period, temporary protective metal fencing shall be provided/retained to the sides of Limy Water, in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority.

*Reason : To prevent debris and construction materials being deposited in the River Irwell, in the interests of preventing pollution, and to accord with Policy DC1 of the adopted Rossendale District Local Plan.*

7. The building hereby permitted shall have the Lower Floor at a level of 171.2m unless otherwise agreed in writing by the Local Planning Authority.

*Reason : To reduce the risk of flooding, and accord with Policy DC1 of the adopted Rossendale District Local Plan.*

8. Notwithstanding what is shown on the submitted drawings, the development shall not be commenced until full details (including representative samples) of the external materials of construction to be used for the building (including roller-shutters and signage), and for any means of enclosure, have been submitted to and first approved in writing by the Local Planning Authority, and no others shall thereafter be used. The submitted details of enclosures shall include boundary treatment adjacent to Limy Water.

*Reason : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.*

9. Notwithstanding what is shown on the submitted drawings, the development shall not be commenced until full details of all materials to be used for all hard-surfaced external areas, together with details of any system of external lighting, free-standing signs, bollards, benches, litter-bins or other street-furniture to be provided, have been submitted to and approved in writing by the Local Planning Authority, and no others shall thereafter be used.

*Reason : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.*

10. Details of crime prevention measures to be carried out as part of the development shall be submitted to and approved in writing by the Local Planning Authority before development commences. The details submitted shall include illumination of parking areas and the installation of a system of CCTV. The approved measures shall be implemented and thereafter retained at all times.

*Reason : In the interests of designing out crime in accordance with policy DC1 of the Rossendale District Local Plan.*

11. The development shall not commence until a scheme and timetable for the provision of off-site access/highway works to be undertaken/funded by the Developer has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall provide for :
- a. the installation of signal-controls at both the vehicular access-points to the site, and incorporating appropriate pedestrian-crossing facilities;
  - b. works to facilitate the free-flow of traffic at the Queens Square gyratory;
  - c. provision of a bus lay-by to the front of the site.
- The development shall not be brought into use until the approved access/highway works have been completed/commissioned in accordance with the approved scheme and timetable.

*Reason : To secure a sustainable form of development and in the interests of highway safety, in accordance with PPS6, PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and Policies DC1 and T6 of the Rossendale District Local Plan.*

12. Notwithstanding the details shown on the submitted drawing, the development shall not be commenced until a scheme has been submitted to and approved in writing by the Local Planning Authority in respect of the surfacing, draining and marking out of all areas to be used for the parking and manoeuvring of vehicles (to provide satisfactory arrangements for service vehicles, taxis and for not more than 604 car parking spaces, of which 10% of the car parking spaces shall be to mobility-standard and half of this allocated for parent-and-child parking, with an additional 4% of spaces for motorcycles and 10% of spaces for cycle parking in secure/covered facilities). The submitted scheme shall provide suitable pedestrian and vehicular access from the site to Holly Mount. The approved scheme shall be fully implemented prior to first use of any of the units hereby permitted (or as otherwise agreed in writing by the Local Planning Authority), and the facilities thereby provided shall be kept available for use as such thereafter.

*Reason : To ensure the provision of adequate off-street parking and secure a sustainable form of development, in accordance with PPS6, PPG13, Policy 1 of the adopted Joint Lancashire Structure Plan and Policies DC1, T4 and T7 of the Rossendale District Local Plan.*

13. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include details of all existing trees and hedgerows on/bounding the site, detail any to be retained and the measures for their protection in the course of development, together with details of the planting to be provided. The submitted details shall include for the protection and enhancement of the Limy Water corridor.

*Reason : In the interests of visual amenity and to accord with the advice of the Environment Agency and Policy DC1 of the adopted Rossendale District Local Plan.*

14. All planting, seeding and turfing proposed in the approved details of landscaping shall be carried out in the first planting and seeding seasons following substantial completion of the building, and any trees or plants which within a period of five 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, unless the Local Planning Authority gives written consent to any variation.

*Reason : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.*

15. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through oil interceptors designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not be passed through the interceptor.

*Reason : To prevent pollution of the water environment in accordance with policy DC1 of the Rossendale District Local Plan.*

19. No development shall be commenced until noise assessment details have been submitted to and approved in writing by the Local Planning Authority.

The assessment should include information about :

- a) the levels of noise emitted from the roof-mounted refrigeration/cooling units, the air-handling units and the predicted noise levels at the nearest noise sensitive dwellings.
- b) The levels of day and night-time noise generated from the loading –bay operations eg. reversing-bleepers on vehicles, etc and the predicted noise levels at the nearest noise sensitive dwellings.

*Reason : To protect the amenities residents in the vicinity of the site could reasonably expect to enjoy, and to accord with Policy DC1 Of the adopted Rossendale District Local Plan.*

#### **NOTES FOR APPLICANT**

To implement this planning permission you will have to enter into an appropriate Legal Agreement with the County Council as Highway Authority. You should contact the Environment Director at P.O.Box 9, Guild House, Cross Street, Preston PR1 8RD in the first instance to ascertain the details of such an agreement and the information to be provided.

You are advised that separate consent may be required for the display of any advertisement.

Your attention is drawn to the existence of a separate legal agreement under Section 106 of the Town and Country Planning Act 1990 which relates to the use or development of the land to which this permission relates (most particularly the contribution of sums towards provision of a new Bus Station for Rawtenstall Town Centre & new bus services, a Travel Plan and Car Park Management).