

Rossendale Borough Council

Town and Country Planning Act 1990

Planning Permission

PLA11105

Applicants Name : The Hurstwood Group

IMPORTANT NOTICE

Notice Recipient : Savills
(Applicant/Agent) Fountain Court
68 Fountain street
Manchester
M2 2FE

THIS IS AN APPROVAL UNDER

PLANNING ONLY

APPROVAL MUST ALSO BE OBTAINED

BEFORE ANY WORK IS CARRIED OUT

UNDER THE BUILDING REGULATIONS

Part 1 - Particulars of Application

Date Received : 07/02/2007

Application No : 2007/030

Proposed works : Erection of 3 retail units measuring 3356 sq m, 1412 sq m and 1412 sq m.

Location : LAND AT NEW HALL HEY RAWTENSTALL

Grid Reference : (E)22500000(N)80700000

Part 2 - Particulars of Decision

The Rossendale Borough Council hereby give notice that **planning permission has been granted** for the execution of works referred to in Part I hereof in accordance with the application and plans submitted **subject to the following conditions:**

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

Reason for this condition : Required by Section 51 of the Planning and Compulsory Purchase 2004 Act

- 2 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 buildings at New Hall Hey (including roller shutters), 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 unless otherwise first agreed in writing by the LPA.

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

- 3 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or an other amending or revoking and re-enacting that order Units 1A and 2A as shown on drawing no. 7035 L03 Rev L shall be used for the sale of home improvement and garden related products, furniture, floor coverings, soft furnishings, electrical products, household goods, pets, pet food and pet supplies and other goods ancillary to or directly associated with these goods, and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason for this condition : To ensure compliance with the applicant's retail impact assessment against which the application was assessed and to safeguard the viability and vitality of Rawtenstall Town Centre and neighbouring districts in accordance with PPS6, Policy 16 of the adopted Joint Lancashire Structure Plan and Regional Spatial Strategy.

- 4 Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987, or an other amending or revoking and re-enacting that order, unit 3A as shown on drawing no. 7035 L03 Rev L hereby approved shall not be used for the sale of clothing (other than items normally associated with DIY tasks or if sold by a catalogue retailer) or for the sale of food or drink for human consumption (other than for the consumption on the premises as an ancillary use) unless otherwise agreed in writing by the Local Planning Authority.

Reason for this condition : To ensure compliance with the applicant's retail impact assessment against which the application was assessed and to safeguard the viability and vitality of Rawtenstall Town Centre and neighbouring districts in accordance with PPS6, Policy 16 of the adopted Joint Lancashire Structure Plan and Regional Spatial Strategy.

- 5 No part of this development shall be occupied unless and until its associated car parking/servicing provision has been completed and available for use. The car parking provision shall be retained and kept available for use as such.

Reason for this condition : To ensure the provision of adequate off street parking/servicing 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.

- 6 Within 6 months of the commencement of each element of the development a scheme detailing any external lighting shall be submitted to and agreed in writing by the Local Planning Authority. Such scheme as is approved shall be implemented in full prior to first use of the development.

Reason for this condition : To safeguard the amenity of the area in accordance with policy DC1 of the Rossendale Local Plan.

- 7 No development at New Hall Hey 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. 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 to which it (most closely) relates, 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 for this condition : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan.

- 8 Prior to first occupation of any unit hereby approved a scheme detailing security measures shall be submitted to and approved in writing by the Local Planning Authority. The details submitted shall include illumination of car parking areas, enclosure of service yards and the installation of a system of CCTV. The development shall be undertaken in accordance with the approved scheme.

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

- 9 No development approved by this permission shall be commenced until a scheme for the provision and implementation, of surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved.

Reason for this condition : To prevent pollution of the water environment, in accordance with policy DC1 of the Rossendale Local Plan.

- 10 Prior to the commencement of development, a site investigation shall be undertaken to establish whether or not any culverted watercourses cross the site, and the route of any culverted watercourse(s) crossing the site shall be identified. In the event that one or more culverted watercourses are located on site, details of a scheme for the diversion of the culvert(s) around the proposed buildings shall be submitted to and approved by the Local Planning Authority. Such details shall include the route, size, materials, depth, levels and method of construction. The works shall be constructed and completed in accordance with the approved plans.

Reason for this condition : To ensure a satisfactory form of development and in the interests of land drainage

- 11 No development approved by this permission shall be commenced until:

a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.

b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing by the local planning authority prior to that investigation being carried out on the site.

c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the local planning authority.

d) A Method Statement and remediation strategy, based on the information obtained from (c) above has been submitted to and approved in writing by the Local Planning Authority. The development shall then proceed in strict accordance with the measures approved.

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 for this condition : To ensure the site is properly remediated and any risk to human health and controlled waters is minimised in accordance with Policy DC1 of the Rossendale District Local Plan.

- 12 Throughout the construction period, facilities shall be provided / retained within the New Hall Hey 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 for this condition : To avoid the deposit of mud and / or loose materials on the public highway, in the interests of highway safety in accordance with DC1 of the Rossendale District Local Plan.

- 13 Notwithstanding what is shown on the submitted drawings, the development hereby approved shall not be commenced until full details of all the materials to be used for all the hard-surfaced external areas, together with 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. The development shall be undertaken using the approved materials.

Reason for this condition : In the interests of visual amenity and to accord with Policy DC1 of the adopted Rossendale District Local Plan

- 14 The development hereby approved 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 in conjunction with the Highway Authority.

Reason for this condition : 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.

- 15 Prior to the commencement of development full design and construction details for the approved roundabout (A682) shall be submitted for the written approval of the Local Planning Authority. The roundabout shall be implemented and constructed in accordance with approved details prior to the first occupation of any building hereby approved.

Reason for this condition : In the interests of highway safety in accordance with policy DC1 of the Rossendale Local Plan.

- 16 The existing access off the A682 (Swanney Lodge Road) shall be physically and permanently closed and the existing verge / footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads upon completion of the approved roundabout (A682).

Reason for this condition : To limit the number of access points to, and to maintain the proper construction of the highway in accordance with the criteria of Policy DC1 of the adopted Rossendale District Local Plan.

- 17 The development shall be carried out in accordance with the following plans unless otherwise agreed in writing by the Local Planning Authority:

7035 L03 Rev L
7035 05 RevB
7035 14
7035 P10 Rev A
7035 P9 Rev A
7035 L01 RevA

Reason for this condition : For the avoidance of doubt.

- 18 Prior to first occupation of any unit hereby approved a scheme detailing public art provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.

Reason for this condition : To secure a public art in the interests of public amenity, in accordance with the Councils adopted Planning Obligations Policy

- 19 Prior to first occupation of unit A1 a scheme detailing the sprinkler tank shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail an implementation programme. The development shall be undertaken in accordance with the approved scheme and programme.

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

- 20 The maximum gross floor areas within the development, including any internal alterations, shall not exceed :

7418 sq m non food retail (Comprising of Units A1, A2 and A3 and including 1230 sqm garden centre as shown on the approved plan no. 7035 L03 Rev L

Reason for this condition : To safeguard the viability and vitality of Rawtenstall Town Centre and neighbouring districts in accordance with PPS6, Policy 16 of the adopted Joint Lancashire Structure Plan and Regional Spatial Strategy.

- 21 Within 18 months of Unit A1 (as shown on the approved plan no. 7035 L03 Rev L) being brought into use not less than 1,651 square metres of B1 floorspace shall be constructed and made available for occupation.

Reason for this condition : To ensure the significant economic and job creation benefits of the scheme are realised.

- 22 Not to commence development on the site (pursuant to Section 56(4) of the Town and Country Planning Act 1990), unless and until a Section 106 agreement has been entered into substantially in the form attached unless otherwise first agreed in writing by The Local Planning Authority.

Reason for this condition :

To ensure delivery of sustainable transport measures and public art in accordance with PPS1, PPS6 & PAG15 and with Policies 1, 2 and 16 of the adopted Joint Lancashire Structure Plan, LCC Planning Obligations Policy, and Policy DC1 of the adopted Rossendale Districted Local Plan.

Summary of Reasons for Approval

- 1 The decision to grant planning permission has been taken having regard to the policies and proposals contained within the development plan as set out below, and to all relevant material considerations. There are no other material planning considerations that outweigh this finding.

Summary of the policies and proposals in the Development Plan(s) which are relevant to the decision

Local Plan

DC1	Development Criteria
HP2	Listed Buildings
J1	Land for Employment .
J2	Service Industries
S1	Major retail proposals in Town
S2	Major retail proposals outside t
T4	Car Parking
T6	Pedestrians
T7	Cycling

Note:

Date: 9 May 2007

Development Control
One Stop Shop
Town Centre Offices
Lord Street, Rawtenstall
Rossendale BB4 7LZ



Linda Fisher
Head of Planning, Legal & Democratic Service