

Application Number:	2017/0292	Application Type:	Full Application
Proposal:	Erection of 3 industrial units (Use Class B2/B8), with ancillary two-storey office accommodation, and with associated service yards and staff car parks pursuant to the variation of Condition 20 (land drainage consent) on planning approval 2016/0221 to relate to the largest unit only	Location:	Land to the West Of New Hall Hey Road, Rawtenstall, BB4 6HR
Report of:	Development Control	Status:	For Publication
Report to:	Development Control Committee	Date:	29 August 2017
Applicant:	Barnfield Construction	Determination Expiry Date:	14 September 2017
Agent:	Craven Design Partnership		

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

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

1. RECOMMENDATION(S)

That permission is granted subject to the conditions set out in Section 10.

APPLICATION DETAILS

2. SITE

The site extends to 1.9 hectares and is in a prominent location to the south of the A682. It is accessed off the A682 via New Hall Hey Road. It is located immediately to the west of the New Hall Hey Retail Park (Marks and Spencer, TK Maxx, Pets at Home), and to the north of Hardman's Mill (Grade II listed), Riverside Gym and the offices of Green Vale Homes. Land to the north of the site beyond the A682 bypass is open countryside within the Green Belt, beyond which are terraced residential properties, approximately 150m away. Land to the west of the site is also designated Green Belt land. Approximately 30m to the south is the River Irwell.

The site comprises vacant land containing mixture of bare ground, broad-leaved plantation, marshy grassland and trees scattered throughout. The bare ground exists to the north east of the site and along the southern boundary where a compound and road have been created by removing the topsoil and laying hard core. The broad-leaved plantation belts are along the western boundary and adjacent to the southern boundary, both of which are protected by a Tree Preservation Order. Along the northern boundary there is a small area of self-seeded alder and willow. Aerial photographs suggest that the site was once agricultural land although parts of the site have previously been used for the storage of building supplies.

The topography of the site is variable with the eastern portion being relatively flat (with a gentle fall towards the south) but at a lower level than the A682 and adjacent roundabout. The site rises to the west by approximately 3 or 4 metres.

There are a number of constraints on the site including easements, varying levels, Tree Preservation Orders, and the fact that the site is within the setting of a Grade II listed building.

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 and AVP4) does identify New Hall Hey as a key employment location which the Council will seek to protect and make best use of. The site is also within the Urban Boundary of Rawtenstall. It is within Flood Zone 1.

3. RELEVANT PLANNING HISTORY

2017/0213 – Application for approval of details reserved by condition (Conditions 19 and 22) of 2016/0221. Submitted details approved on 3 August 2017.

2017/0137 - Application for approval of details reserved by conditions 3 (contaminated land), 4 (remediation), 11 (construction method statement), 12 (off-site highway works), 23 (himalayan balsam) and 26 (tree protection) pursuant to planning permission 2016/0221. Pending consideration.

2016/0221 - Erection of 3 industrial units (Use Class B2/B8), with ancillary two-storey office accommodation, and with associated service yards. Approved with conditions 16/12/16.

4. THE PROPOSAL

In December 2016 planning permission (ref 2016/0221) was granted for the erection of three industrial units (Use Class B2/B8), with ancillary two-storey office accommodation, and with associated service yards. This was subject to a number of planning conditions, including Condition 20 which states:

“No development shall commence until land drainage consent has been issued to the applicant for temporary works to the culverted watercourse located at the north west point of the largest unit, and a copy of which shall be submitted to the Local Planning Authority for written approval prior to commencement of development.

Reason: To ensure there is no increase in flood risk on-site or off-site and that the watercourse continues to convey the flow of water without obstruction or impediment during the construction period.”

The applicant is keen to commence development of the two smaller units, however as worded, Condition 20 prohibits all development until land drainage consent has been issued. Accordingly, the applicant is seeking permission to vary this condition to apply to the construction of the larger unit only, thereby allowing construction of the two smaller units to commence.

5. POLICY CONTEXT

Development Plan

Rossendale Core Strategy DPD 2011:

- AVP 4 Rawtenstall
- Policy 1 General Development Locations and Principles;
- Policy 4 Affordable and Supported Housing
- Policy 8 Transport
- Policy 9 Accessibility
- Policy 16 Preserving and Enhancing Rossendale’s Built Environment
- Policy 17 Rossendale’s Green Infrastructure
- Policy 18 Biodiversity, Geodiversity and Landscape Conservation
- Policy 19 Climate Change and Low & Zero Carbon Sources of Energy
- Policy 22 Planning Contributions
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

National

National Planning Policy Framework (2012)

- Section 2 Building a strong, competitive economy
- Section 4 Promoting Sustainable Transport
- Section 6 Delivering a wide choice of high quality homes
- Section 7 Requiring good design
- Section 8 Promoting healthy communities
- Section 10 Meeting the Challenges of Climate Change, Flooding, etc
- Section 11 Conserving and Enhancing the Natural Environment
- Section 12 Conserving and Enhancing the Historic Environment

6. CONSULTATION RESPONSES

Consultee	Response
Lead Local Flood Authority	No objection

7. REPRESENTATIONS

To accord with the General Development Procedure Order site notices have been displayed in the vicinity of the site, and a notice placed in the Rossendale Free Press.

No responses have been received.

8. REPORT

The key consideration of the application is the acceptability of the proposed amendment to Condition 20 to the Lead Local Flood Authority (LLFA) as the statutory consultee who recommended that Condition 20 be attached to planning approval 2016/0221.

When considering planning application 2016/0221 the LLFA noted that the applicant intended to discharge surface water from the western side of the development into the culverted watercourse. It was also noted that the north-west portion of the largest unit encroaches in the 5 metre easement for the culverted watercourse. The applicant has confirmed that they intend to disturb this section of culverted watercourse whilst they carry out construction works to the north-west portion of the largest unit, and therefore the LLFA highlighted that it is the applicant's responsibility to ensure the flow of water is not impeded at any time during the construction period. The LLFA informed the application that under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), consent is required from themselves for such works. Accordingly Condition 20 was attached to planning approval 2016/0221.

Condition 20 is a pre-commencement condition which prohibits construction works from taking place within the site as whole until the applicant has received land drainage consent for the proposed temporary works to the culvert. The condition also requires a copy of the consent to be provided to the Local Planning Authority (LPA) before the construction commences. The applicant proposes to vary the condition to prohibit construction works to the largest unit such time that the land drainage consent is obtained, thereby allowing construction works to commence on the two smaller units. The LLFA was consulted on the proposed variation and has raised no objection. Accordingly Officers propose to amend Condition 20 to state:

“No construction works to the largest unit shown on the Phase 4 Floor Plans and Elevations drawing (ref 1490/11J) approved under planning permission 2016/0221 shall commence until land drainage consent has been issued to the applicant for temporary works to the culverted watercourse located at the north-west point of the largest unit. A copy of the land drainage consent shall be submitted to and approved in writing by the Local Planning Authority prior to any construction works taking place to the largest unit.”

Reason: To ensure there is no increase in flood risk on-site or off-site and that the watercourse continues to convey the flow of water without obstruction or impediment during the construction period.”

It is not known when the applicant will make an application to the LLFA for land drainage consent, however, in accordance with Condition 20, this must be undertaken and a consent issued prior to the commencement of works on the largest unit.

9. RECOMMENDATION

For the reasons set out above it is recommended that planning permission be granted subject to the conditions set out in Section 10.

10. CONDITIONS

1. The proposed development must be begun not later than three years from 15 December 2016.

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

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

Title	Reference
Phase 3 Floor Plan & Elevations	1490/10F
Site Sections Scheme B	1490/103
Site Layout Plan Scheme B	1490/B/120L
Phase 4 Floor Plan & Elevations	1490/11J
Landscape Proposals	250516/001/SJT Rev E
Tree Constraints Plan	16 5837 06 03 AIA Rev 1
Amended Site Location Plan	N/A
Proposed Drainage Layout	15106-C-53
Drainage Maintenance and Management Report	Project Ref: 15106/CR/01 (April 2017)
Proposed Drainage Layout	15106-C-53 Rev D
Himalayan Balsam Invasive Treatment and Control Method Statement	N/A
Construction Method Statement	N/A
Phase 1 Report	EB1069/DM/2928, Issue 01
Arboricultural Method Statement and Tree Protection Scheme	March 2017

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

3. No development approved by this planning permission shall take place until a scheme that includes the following components to deal with the risks associated with

contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

The submitted Phase 1 report (Ref: EB1069/DM/2928, Issue 01) satisfies Part 1 of the above planning condition

Reason: To ensure the development does not pose a risk of pollution to controlled waters.

4. No occupation of any part of the development hereby permitted shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure the development does not pose a risk of pollution to controlled waters.

5. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure the development does not pose a risk of pollution to controlled waters.

6. No infiltration of surface water drainage into the ground on land affected by contamination must be 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.

Reason: To protect controlled waters from pollution by ensuring that there are no unacceptable discharges to ground or surface waters.

7. Surface water draining from areas of hardstanding shall be passed through an oil separator or series of oil separators, prior to being discharged into any watercourse, soakaway or surface water sewer. The separator(s) shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water or vehicle washdowns and detergents shall not pass through the separator(s) and should be drained instead to foul sewer or sealed system.

Reason: to reduce the risk of pollution to the water environment.

8. The development shall be carried out in accordance with the materials shown on approved drawings 1490/11J and 1490/10F, and samples provided to the Local Planning Authority for written approval prior to commencement of development where specified:

- Horizontal profiled wall cladding in Pure Grey in accordance with colour sample Colorcoat HPS200 Ultra
- Horizontal micro rib composite cladding in Anthracite in accordance with colour sample Colorcoat HPS200 Ultra
- Vertical micro rib composite cladding in Pure Grey in accordance with colour sample Colorcoat HPS200 Ultra
- 6 degree profiled roof deck in Anthracite in accordance with colour sample Colorcoat HPS200 Ultra
- Window frames and doors in polyester powder coated aluminium in Anthracite (sample to be submitted for approval)
- Insulated mimic panels - sample including colour to be submitted for approval.

Reason: To ensure that the development will be of a satisfactory appearance.

9. Prior to installation, full details of all window and door designs, including glazed canopies, shall be submitted to and approved in writing by the Local Planning Authority (colour Anthracite). The development shall then be constructed in accordance with approved details and they shall be retained as approved thereafter.

Reason: To ensure that the development will be of a satisfactory appearance.

10. Prior to installation, full details of all boundary treatment, walls (including retaining walls) and areas of hard standing shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be implemented to occupation of the development hereby approved.

Reason: To ensure that the development will be of a satisfactory appearance.

11. The development hereby approved shall be carried out in strict accordance with the Construction Method Statement.

Reason: In the interests of highway safety and to protect residential amenity.

12. No part of the development hereby approved shall commence until a scheme for the construction of the site access points and the off-site highway works (to include the upgrade of the pedestrian route from the site to New Hall Hey Road and the provision of a TRO to restrict on-street parking on the New Hall Hey Road) has been submitted to and approved in writing with the Local Planning Authority. No part of the development shall be occupied until the works have been carried out in accordance with the approved details.

Reason: For reasons of highway safety and pedestrian accessibility.

13. The car park as shown on the approved Site Layout Plan shall be surfaced and the car parking spaces and manoeuvring areas laid out in accordance with the approved plan, before first use of the premises hereby approved.

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

14. Prior to first occupation of the development hereby approved, details of secure covered cycling and motorcycle facilities shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved plan, before first use of the premises hereby approved and shall be retained therefore.

Reason: In the interests of improving accessibility to the site for pedestrians and cyclists.

15. The electric vehicle charging point shall be installed before first use of the premises hereby approved. This charging point shall be retained as approved thereafter.

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

16. The approved Framework Travel Plan shall be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum of 5 years.

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

17. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) September 2016 / Project Ref: 15106/FRA/01 / Paul Waites Associate and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the critical storm periods for 1 in 1 year, 1 in 30 year and 1 in 100 year event plus allowance for climate change so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Provision of compensatory flood storage as detailed in the FRA
3. Demonstration within the FRA that the improvement/protection and maintenance of existing flood defences will be provided.
4. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.

5. Confirmation of the opening up of any culverts across the site.
6. Finished floor levels for the three units are set no lower than described in section 6.1 of the FRA

The mitigation measures shall be fully implemented prior to commencement and subsequently 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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to ensure the structural integrity of existing and proposed flood defences thereby reducing the risk of flooding, to ensure safe access and egress from and to the site, to reduce the risk of flooding from blockages to the existing culvert(s), and to reduce the risk of flooding to the proposed development and future occupants.

18. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained, and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

19. Prior to first occupation of any of the buildings hereby approved (or completion of the development, whichever is the sooner), the drainage details as set out in the approved Drainage Maintenance and Management Report (Project Ref: 15106/CR/01 April 2017) shall be implemented in full. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. To reduce the flood risk to the development as a result of inadequate maintenance. To identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

20. No construction works to the largest unit shown on the Phase 4 Floor Plans and Elevations drawing (ref 1490/11J) approved under planning permission 2016/0221 shall commence until land drainage consent has been issued to the applicant for temporary works to the culverted watercourse located at the north-west point of the largest unit. A copy of the land drainage consent shall be submitted to and approved in writing by the Local Planning Authority prior to any construction works taking place to the largest unit.

Reason: To ensure there is no increase in flood risk on-site or off-site and that the watercourse continues to convey the flow of water without obstruction or impediment during the construction period.

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

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

22. The development shall be completed in accordance with the surface water drainage scheme shown on approved drawing Proposed Drainage Layout 15106-C-53 Rev D.

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

23. The development hereby approved shall be undertaken in strict accordance with the approved Himalayan Balsam Invasive Treatment and Control Method Statement.

Reason: To eradicate / control Himalayan Balsam in the interests of biodiversity.

24. No removal of or works to any vegetation or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the main bird breeding season 1st March and 31st July inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority for approval.

Reason: To conserve and enhance biodiversity and to protect breeding birds.

25. The development hereby approved shall be carried out in strict accordance with the Arboricultural Method Statement and Tree Protection Scheme (March 2017).

Reason: To ensure retained trees are adequately protected during the construction process.

26. During the first planting season following the commencement of development hereby approved the Landscape Proposals Plan listed at Condition 2 shall be implemented in full.

Please note, the approved landscaping scheme includes planting within the highway embankment, which requires a planting license under Section 42 of the Highways Act 1980. The signed license shall be submitted to the Local Planning Authority prior to any landscaping works taking place within the highway embankment.

Any trees, plants or shrubs so planted which die or are felled, uprooted, wilfully damaged or destroyed within five years of the date of planting shall be replaced by the applicants or their successors in title.

Reason: In the interests of the structural stability of the highway embankment, and to ensure highway safety, and to ensure a satisfactory form of development and to enhance the visual amenities of the locality.