

Application Number:	2019/0102	Application Type:	Full
Proposal:	Full: Erection of industrial /manufacturing building (Use Class B2) incorporating ancillary office and storage space. Development also includes creation of service yards (with associated gates / fencing, sprinkler tank and cooling towers), parking facilities, hard and soft landscaping, access and associated works.	Location:	Plot 5 Futures Park Bacup
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	09/04/2019
Applicant:	Mr Guy Darragh (Rossendale Borough Council)	Determination Expiry Date:	12/06/2019
Agent:	Mr Ryan Lawler (Day Architectural Ltd)		

Contact Officer:	James Dalglish	Telephone:	01706-238643
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	✓ (Major Application)
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**

Approve planning permission subject to the conditions contained within the report.

APPLICATION DETAILS

2. **SITE**

The site extends to 1.35 hectares and is located around 200m to the south of Newchurch Road, accessed via Futures Park. The access to the site is already in place and features a turning head.

The site is around 180m south of the Council's Futures Park offices, a prominent three storey building which lies adjacent to Newchurch Road and its junction with New Line.

To the west of the site is a narrow lane which serves properties further to the south, and also provides access to the mountain bike, equestrian and walking trails at Lee Quarry. Further to the west (around 30m from the site) are located some residential properties along Flag Street, which leads off Lee Road.

The site comprises vacant land containing mixture of bare ground, broad-leaved plants, marshy grassland and trees scattered throughout.

The topography of the site is variable but generally flat (with a gentle incline towards the south).

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

The site is located partly within the urban boundary and predominantly within the countryside, straddling the boundary between the two.

Within the Emerging Rossendale Local Plan, which was submitted to the Planning Inspectorate for Examination in March 2019, the site is situated within the Futures Park allocation which permits employment uses.

3. **PLANNING HISTORY**

2006/0256 - Erection of a Building for Class B1/B2 Business/General Industrial Use – Approved (relates to plot 3)

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

4. **PROPOSAL**

Full planning permission is sought for the construction of a new manufacturing / industrial building on the site, with a total floor area of 5,485m². The use of the building would fall within Use Class B2 (General Industrial), and there would be an element of ancillary office accommodation contained within.

It is understood that an end-user is in place for the building, which is looking to expand its existing operations (located elsewhere within the Borough), facilitating the growth of the business.

The building is proposed to be constructed from a combination of profiled and feature wall cladding with various areas of glazing. The proposed cladding of the majority of the building would be light grey, with sections of darker anthracite grey feature cladding. All window and door frames will anthracite grey in colour. A profiled roof would be used, which would incorporate a large number of roof light windows.

The application also seeks permission for car parking, servicing yards and hard and soft landscaping. A new sprinkler tank, cooling towers and boundary treatments are also proposed. Access to the site would be via the existing access road leading to the site from Futures Park.

It is understood that 100 full time jobs will be created as a result of the proposed development. The jobs would however be split across the applicant's two sites within the Borough – with up to 30 of the jobs eventually being located on the application site (beginning with 7 jobs on the site initially).

5. **POLICY CONTEXT**

National

National Planning Policy Framework

- Section 2 Achieving Sustainable Development
- Section 4 Decision Making
- Section 6 Building a Strong, Competitive Economy
- Section 9 Promoting Sustainable Transport
- Section 11 Making Effective Use of Land
- Section 12 Achieving Well Designed Places
- Section 14 Meeting the Challenges of Climate Change, Flooding, etc
- Section 15 Conserving and Enhancing the Natural Environment
- Section 16 Conserving and Enhancing the Historic Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

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

Policy 17	Rossendale's Green Infrastructure
Policy 18	Biodiversity 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

6. **CONSULTATION RESPONSES**

Consultee	Summary of Comments received
Ecology	No comments.
RBC Building Control	No objection.
Coal Authority	No objection.
Environment Agency	No objection subject to conditions.
LCC LLFA	No objection subject to conditions.
LCC Public Rights of Way	No comments have been received.
LCC Highways	No objection subject to conditions.
RBC Conservation Officer	Comments received.
RBC Economic Development	No comments have been received.
RBC Environmental Health	No objection.
RBC Forward Planning	No comments have been received.
RBC Operations	No comments have been received.
United Utilities	No objection subject to conditions.
Contaminated Land	No objection subject to conditions.
Cadent	No comments have been received.
Tree Officer	No objection subject to conditions.

7. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a press notice was published on 15/03/2019, site notices were posted on 13/03/2019 and 65 letters were sent to neighbours on 14/03/2019.

One representation has been received, raising concern over the following issue:

- An increase in traffic from the site will exacerbate difficulties for vehicles accessing the A671 from Futures Park (particularly turning right), particularly at peak times given the amount of traffic on the main road and the proximity to the junction with New Line.

8. **ASSESSMENT**

The main considerations of the application are:

- 1) Principle;
- 2) Visual Amenity, Countryside Impact and Heritage Impact;
- 3) Ecology;
- 4) Access, Parking and Highway Safety;
- 5) Neighbour Amenity;
- 6) Drainage and Flood Risk,
- 7) Land Contamination.

Principle

Full planning permission is sought for the erection an industrial unit (Use Class B2), with ancillary office accommodation and associated access, service yards and car parking. The site is partly within the urban boundary and predominantly within the countryside.

It is noted that the Council's emerging Local Plan proposes to include the site within the amended urban boundary, and allocate it as a part of a wider mixed use site including employment uses. The emerging Local Plan has not however yet been through Examination in Public nor has it been adopted by the Council. As such, only very limited weight can be afforded to it, in relation to this planning application.

Paragraph 11 of the Framework states that planning decisions should apply a presumption in favour of sustainable development. In this case, the site is sustainably located close to a main road which carries regular public transport services to town centres and other areas within the Borough. The site is well served by an existing access and is identified by Core Strategy Policy 10 as a key employment location which the Council will seek to protect and make best use of. It is considered that the proposed scheme accords with the aims of paragraph 11 of the Framework, and Core Strategy Policy 10.

Paragraph 80 of the Framework states the following:

“Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”

It is understood that the proposed development will result in the creation of 100 new jobs. The jobs would be split across the applicant's two sites within the Borough – with up to 30 of the jobs eventually being located on the application site (beginning with 7 jobs on the site initially). This level of job creation is a significant benefit of the scheme to which considerable weight is afforded.

It is considered that the development accords with paragraph 80 of the Framework, and will create suitable conditions for an existing business to invest and expand.

The proposed development is acceptable in principle.

Visual Amenity, Countryside Impact and Heritage Impact

The application is accompanied by a Design and Access Statement which explains the general design principles for the development of the site.

It is considered that the proposed design and facing materials are appropriate to the type of buildings proposed and are of good quality. Whilst the design of the proposed building is relatively simple, such design is typical for a modern industrial / fabrication building and reflects the needs of the business which will operate from it. The design is considered to be acceptable in the context of the site & would not have a detrimental impact on the character & appearance of the area.

The proposed building would not appear unduly prominent in views from Newchurch Road given the separation distance involved, the local topography and the fact that views into the site from the main road are obstructed by the existing Council office building and a degree of tree cover around the wider site. Consequently, it is not considered the proposal will have a detrimental visual impact

Whilst a large part of the site extends into an area designated as countryside in the Adopted Core Strategy, the site in question is not particularly prominent in wider views owing to the fact that it is set at a relatively low level and surrounded by raised topography and mature tree cover.

The Council's Conservation Officer considers that the proposed building will have a negative impact on the setting of several Listed Buildings located in the local area. However, the relevant test as described in paragraph 195 of The Framework is the proposal should be allowed if it would have less than substantial harm in terms of the impact on a heritage asset. The Listed Buildings in question are all separated from the site by a distance of greater than 250 metres, and sightlines between the site and the buildings in question are all obscured to a considerable degree by trees, other buildings or topographical features. In this instance, the Conservation Officer concludes that the proposal would have less than substantial harm in terms of its impact on the setting of the nearest Listed Buildings.

Also, in response to the Conservation Officer's comments, the applicant has submitted a revised Landscape and Visual Impact Assessment (LVIA) carried out by TPM Landscape Ltd, containing contextual views of the site and nearby heritage assets, along with an assessment of the level of visual effects. The LVIA concludes as follows:

"The proposed development will result in a change to the land use of the proposal site, shifting from disused land to a large industrial facility. The development will be situated at a low level on site which is well contained by a woodland to the east, vegetation to the south and existing settlement to the north and west.

The proposal site forms only a small part of a wider local and regional character area and is currently a degraded parcel of land, with an access road/ spur which does not currently serve any purpose. The proposal site and access road are currently used as a stopping point for large wagons for nearby industrial units. The proposed industrial development is located within a site previously used for industry/ quarrying and is in close proximity to existing industry to the west and business to the north. The introduction of an industrial building within the urban fringe of Bacup will not be incongruous with the key characteristics of the wider NCA.

The development is assessed to have a larger visual effect on views in close proximity, and where there are unobstructed vantage points overlooking the development which is typical for the nature of development proposed. However, built form is a prominent urban feature in the landscape and when viewed from receptor locations to the south, and therefore the development is not incongruous in its wider setting. The views available to the north of the site, are significantly higher than that of the proposal site and therefore, the proposed development will only be viewed as a very small part of the view.

Three visual receptors will experience visual residual effects of moderate or above post mitigation (at year 15) with all expected to become a neutral change. The site is currently unused but does not form part of a wider field pattern and is not perceived to be part of the wider countryside. Therefore, it is assessed that the development will become part of the

existing settlement pattern and be assimilated into the context of the area once mitigation planting establishes.”

The revised LVIA contains an updated landscaping schedule (Section 8 – Mitigation Proposals), which includes the following:

- Retain existing vegetation and trees where possible along the western boundary of the site.
- Incorporate new boundary trees and woodland planting to provide a buffer to the built form along the northern and southern boundaries.
- New hedgerow planting to strengthen the vegetated boundaries and provide structure along the northern and western boundaries.

The proposed Landscape Framework Plan is shown below:



The Conservation Officer states “I would consider the development to have less than substantial harm on the setting of the Listed assets, which will need to be weighed on the public benefit of the scheme and wider consideration.”

Paragraph 196 of the Framework states:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”

In this case, it is acknowledged that the proposed scheme will have a negligible impact on the setting of several Listed Buildings. However, the degree of that impact is considered to be less than substantial given the separation distances involved, differences in local topography and tree cover. It is considered that the amended landscaping and mitigation scheme will further reduce that impact once the landscaping / planting establishes.

The amended mitigation proposals outlined above also address concerns raised by the Council’s Tree Officer, who has no objection to the proposed scheme subject to conditions ensuring that the landscaping proposals are properly implemented. It is however considered necessary to include a condition in the event of a planning approval, requiring the submission of full details in relation to the proposed Landscape Framework Plan (i.e. the actual locations, numbers and species of trees to be planted, along with details of any other landscaping and boundary treatments).

The level of any potential harm to the setting of nearby Listed Buildings will be included in the balancing exercise carried out at the end of the report, in line with the requirements of paragraph 196 of the Framework.

Ecology

The Council’s Ecological Consultant has been consulted, and has not raised any objection to the proposed scheme. The Ecological Assessment submitted with the application considers the impact of the development on protected species and priority habitats. The proposal is not considered to have any detrimental ecological impacts and therefore complies with policy 18 of the Adopted Core Strategy.

Access, Parking and Highway Safety

The application is accompanied by a Transport Assessment prepared by SCP which has been assessed by the Local Highway Authority (LCC Highways).

One letter of objection has been received from a local resident, raising concern over the impact of additional vehicles using the Futures Park junction. However, the Local Highway Authority has not raised an objection to the proposed development. In terms of access to the site, it has stated:

“The methodology employed in the Transport Assessment (TA) is acceptable and I am satisfied that in traffic generation terms the existing highway infrastructure can adequately cope with the quantum of traffic generated by a development of the size and use proposed.”

In terms of parking provision, for a B2 unit of the size proposed the parking standards contained within the Core Strategy specify between 113 and 76 spaces (allowing for reductions based on the accessibility of the site). However, the parking standards are maximum – rather than minimum requirements. The final assessment on the acceptability of proposed parking provision is a matter for the decision maker, having regard to the specific material planning considerations of each case.

The Local Highway Authority has stated:

“The applicant proposes to provide 30 parking spaces. These spaces would satisfy the anticipated parking provision for the initial occupier of the development based on their current business plan but the applicant has acknowledged that the parking provision should be suited to a potential end user rather than a specific occupant and has therefore suggested that additional parking for a further 88 vehicles can and would be made available on an adjacent plot of land. The land identified falls outside the red edge of the application and the concern is that if the land is not under the control of the applicant any future parking requirements would not be fully met.”

The Local Highway Authority acknowledges that the proposed 30 parking spaces is adequate for the proposed use of the building by the specified end-user. It rightly raises concern that a different end-user in future could have a greater demand for parking provision on site.

However, in this case Rossendale Borough Council owns the application site – and would retain ownership of it in perpetuity (the building would be leased to a specified end-user). The Council also owns the adjacent plot of land where there is space to construct 88 additional car parking spaces if the need ever arises in future.

As such, the Council (as landowner) would retain full control over the occupation of the site and could restrict the occupancy of the building to a level not requiring more than 30 parking spaces. If at a future date there is a demand for more parking spaces, the Council could then apply for planning permission to construct further spaces on the adjacent plot of land.

Having regard to the above, and the fact that the Local Highway Authority is satisfied that the proposed level of parking provision is more than adequate to meet the identified needs of the proposed end-user of the building, it is considered that the scheme is acceptable in terms of parking provision.

The Local Highway Authority has requested the inclusion of several conditions on any approval, relating to cycle parking, site access, surfacing, a construction method statement and wheel washing facilities.

It has also requested the inclusion of a condition relating to the creation of a Traffic Regulation Order (for parking and waiting restrictions along Futures Park). However, it is not considered that such a condition would meet the tests for planning conditions set out in paragraph 55 of the Framework as there is no guarantee that the TRO in question would be confirmed following the necessary public consultation by the Local Highway Authority.

The Local Highway Authority has stated that it has no objection to the proposed scheme, and it cannot be the case that the TRO is necessary to make the development acceptable in planning terms – as it is possible that the TRO may not be confirmed following consultation.

If it is considered necessary to investigate the potential for a TRO, the Local Highway Authority have their own powers to advertise and implement such an Order under separate legislation.

Subject to the other conditions above, the scheme is considered acceptable in terms of access, parking and highway safety.

Neighbour Amenity

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

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

In this case the site is a considerable distance away from residential properties, and screened to an extent by mature trees.

The Council’s Environmental Health Officer has no objection to the proposed scheme, and is satisfied that the submitted Noise Impact Assessment is acceptable.

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

Drainage and Flood Risk

United Utilities has no objection to the proposed scheme subject to the inclusion of a condition requiring the submission and approval of an appropriate surface water drainage scheme.

Similarly, the Lead Local Flood Authority has no objection to the proposed scheme subject to the inclusion of conditions requiring the submission and approval of an appropriate surface water drainage system, and a scheme of maintenance and management of that system.

It is considered that the above conditions are necessary to ensure that the development is adequately drained, and that the development will not increase the risk of flooding elsewhere (through surface water run-off). However, it is not considered that the conditions need to be pre-commencement conditions in this case given the relative isolation of the site from nearby properties – it is however appropriate for the required information to be submitted and approved prior to above-ground construction works commencing (i.e. construction of the floor slab and walls of the building), and any conditions would be worded as such.

Subject to the above, the scheme is considered acceptable in terms of drainage and flood risk.

Land Contamination

The Council’s land contamination consultant has raised no objection to the proposed scheme, subject to the inclusion of a condition requiring the submission of a phase 2 site investigation report.

The Environment Agency has also raised no objection to the scheme subject to a similar condition.

It is considered appropriate to include the recommended conditions and to require any necessary scheme of remediation to be approved and carried out prior to the floor slab of the building being constructed.

Subject to the above, the scheme is considered acceptable in terms of land contamination.

Planning Balance

Planning decisions must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

What are the benefits of the proposal?

The development would deliver a very substantial amount of new employment floor space on a site with good access links in a sustainable location. Furthermore the site has been identified within the Core Strategy as a key employment location (and is proposed for future allocation as part of a mixed use site in the emerging Local Plan).

The proposed scheme will generate an estimated 100 new jobs split across two sites within the Borough.

The above benefits are considerable and accordingly are afforded considerable weight in the overall planning balance.

What harm will be caused by the proposal?

The proposed scheme will result in the encroachment of development into an area of countryside as allocated in the Core Strategy; however having regard to the specific circumstances of the site and the proposed scheme it is not considered in this case that such encroachment would cause a degree of harm that would significantly and demonstrably outweigh the benefits of the development.

Similarly, whilst the proposed scheme will have a very minor impact on the non-immediate setting of several Listed Buildings, that impact is considered to be *less than substantial*, and extremely limited in its extent.

An amended scheme of landscaping and planting has been submitted as part of the current application, and it is considered that the proposed scheme is suitable to mitigate the visual impact of the proposed building to a degree, once the landscaping / planting is established.

Conclusion

The scheme would provide considerable employment benefits on a suitable site in a key employment location within the Borough (as identified within the Core Strategy), and such benefits carry considerable weight in the planning balance.

The development would result in a small degree of visual harm through the encroachment of built development into an area designated as countryside; however such harm will be mitigated to a degree by the location of the site, local topography and surrounding tree cover, and through the implementation of a high quality scheme of landscaping and planting.

In conclusion, it is not considered that the visual impact of the scheme and the *less than substantial* harm to the setting of any Listed Buildings would significantly and demonstrably

outweigh the substantial public benefits (employment, on a suitable and sustainable site) that the scheme would provide.

As such on balance, the proposals are acceptable subject to the conditions outlined below.

9. **SUMMARY REASON FOR APPROVAL**

The proposed development is acceptable in principle and will not unduly affect visual amenity, heritage assets, neighbour amenity or highway safety. The development is considered to accord with the National Planning Policy Framework and Policies AVP2, 1, 8, 9, 10, 16, 17, 18, 19, 23 and 24 of the Council's Core Strategy Development Plan Document.

10. **CONDITIONS**

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

Title	Reference
Application Form	
Proposed Elevations – General Arrangement	AE-04-001
Site Location Plan	AL-02-001
Proposed Site Plan	AL-04-001
Proposed Ground Floor Plan – General Arrangement	AL-04-002
Proposed first floor plan – general arrangement	AL-04-003
Flood Risk Assessment and Drainage Management Strategy	HYD405 Rev. 1.0
Arboricultural Impact Assessment and Method Statement	3263
Landscape and Visual Impact Appraisal (Specifically, the Mitigation Proposals outlined in Section 8, as shown on Figure 14 – Landscape Framework Plan)	3263 Rev. 2
Travel Plan	PT/190180/TP/1

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

3. The building hereby permitted shall be constructed in accordance with the details shown on drawing number AE-04-001 (Proposed Elevations – General Arrangement), and in accordance with the schedule of submitted samples below:

- Profiled Cladding (Joris Ide 32/1000, Colour: Goose Wing Grey)

- Profiled Roof System (Joris Ide 32/1000, Colour: Goose Wing Grey)
- Feature Cladding (Kingspan AWP Micro-Rib, Colour: Anthracite RAL 7016)
- Curtain Walling / Window / Door Frames (Colour: Anthracite RAL 7016)

Reason: In the interests of securing the acceptable appearance of the building.

4. Prior to installation of the floor slab of the building hereby permitted, a detailed scheme of landscaping, planting and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority.

The submitted details shall include:

- A detailed scheme of new tree planting on the site (including numbers, positions and proposed species of trees to be planted). All new trees shall be of native species appropriate to the site, and shall be semi-mature when planted (not saplings). The submitted details shall include a method statement to ensure the success of planting the semi-mature trees.
- Full details of any hard and soft landscaping on the site, with details of proposed surfacing.
- Details of the location, height and appearance of any proposed fencing, gates or other boundary treatments.

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

All planting shall take place in the planting season immediately following substantial completion of the development, or first occupation of any part of the development hereby approved (whichever is the sooner). Any plants or trees that are removed, die or become diseased within five years from the date of planting shall be replaced by plants of the same size and species in the following planting season.

Reason: To ensure that the visual impact of the development is adequately mitigated, and to compensate for the loss of existing trees on site.

5. The installation of the foundations or floor slab of the building hereby permitted shall not commence until a remediation strategy to deal with the risks associated with contamination of the site in respect of the development hereby permitted, has been submitted to, and approved in writing by, the Local Planning Authority.

This strategy will include the following components:

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 the 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 written consent of the Local Planning Authority.

The scheme shall be implemented as approved. It is noted that the information already submitted goes some way to fulfilling this condition, however further works are required in connection with the underground storage tanks, and further investigation of the entire site is required. The developer's attention is drawn to the further advice provided by the Environment Agency listed below in the Informatives.

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

6. Prior to any part of the permitted development being occupied, a verification report demonstrating the completion of works set out in the approved remediation strategy (pursuant to condition 5) 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.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete in line with paragraph 170 of the National Planning Policy Framework.

7. Piling using penetrative methods shall not be carried out as part of the development other than with the prior written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the proposed development does not harm groundwater resources.

8. The installation of the floor slab of the building hereby permitted shall not commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme (SuDS) have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include, as a minimum:

- a) Information about the lifetime of the development:
 - Design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances')

- Discharge rates and volumes (both pre and post development) and full details of the Return Period Summary of Critical Results by Maximum Levels.
- The methods employed to delay and control surface water discharged from the site.
- The measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses.
- Details Finished Floor Levels (FFL) in AOD, including site drawing showing FFL at the minimum of 150mm above adjacent ground levels.

b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate (which has been calculated at 5l/s litres per second as per submitted Flood Risk Assessment (FRA) HYD405_PLOT5.FUTURES.PARK_FRA&DMS REV 1 – 12/03/19).

c) Flood water exceedance routes, both on and off site.

d) A timetable for implementation, including phasing as applicable.

e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.

f) Details of water quality controls, where applicable.

g) Confirmation that there will be no use of the proposed development until completion of SuDS in accordance with agreed SuDS Scheme and Management & Maintenance Plan.

The scheme shall be implemented in accordance with the approved details prior to first occupation of the building hereby approved, or substantial completion of the development, whichever is the sooner.

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

Reason: To ensure that the proposed development is adequately drained and to ensure that there is no flood risk on or off the site resulting from the proposed development

9. The installation of the floor slab of the building hereby permitted shall not commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

a) The arrangements for adoption by an appropriate public body or statutory undertaker, or management and maintenance by a Management Company.

b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) including elements such as:

- On-going inspections relating to performance and asset condition assessments.
- Operational costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

c) Means of access for maintenance and easements where applicable.

The development shall be implemented in accordance with the approved details prior to first occupation of the building hereby approved, or substantial completion of the development, whichever is the sooner. 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 and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

10. All trees identified (as group G2) in the submitted Arboricultural Impact Assessment (TPM Landscape Limited Ref: 3263 Rev. A) to be retained along the western boundary of the site shall be protected during the course of construction works on site in accordance with the measures specified in that document. Tree protection fencing shall be maintained around the trees for the duration of construction works on site.

Reason: To protect trees to be retained on site, in the interests of visual amenity.

11. The layout of the development shall include provisions to enable all vehicles to enter and leave the highway in forward gear and such provisions shall be available for use before the development is first occupied. Such provisions shall be maintained thereafter.

Reason: To prevent vehicles reversing to and from the highway, which may otherwise cause a hazard to road users.

12. The development hereby approved shall not be occupied until the car park and vehicular manoeuvring areas have been surfaced and marked out in accordance with the approved plans.

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

13. Prior to first occupation of the development hereby approved, a secure, fully covered cycle store with ample space to store 20 cycles shall be provided on site in accordance with the approved plans, and shall be retained and maintained thereafter.

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

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

14. The installation of the foundations or floor slab of the building hereby permitted shall not commence until a scheme for the construction of the site access has been submitted to, and approved by, the Local Planning Authority.

The site access shall thereafter be constructed in accordance with the approved details.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before substantial above-ground construction works commence on site.

15. For the full period of construction works, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. Details of the facilities for wheel washing shall be agreed in writing by the Local Planning Authority prior to the first vehicular use of the site.

The roads adjacent to the site shall be mechanically swept as required throughout the construction period.

Reason: To prevent stones and mud being carried onto the public highway.

16. The installation of the foundations or floor slab of the building hereby permitted shall not commence until a construction method statement has been submitted to and approved in writing by the Local Planning Authority.

It shall provide for:

- The parking of vehicles of site operatives and visitors
- The loading and unloading of plant and materials
- The storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding
- Details of working hours
- HGV delivery times and routing to / from the site
- Contact details for the site manager

The approved statement shall be adhered to throughout the construction period.

Reason: In the interests of highway safety.

11. **INFORMATIVES**

1. The Local Planning Authority has a Core Strategy (adopted in November 2011) and a series of Supplementary Planning Documents, which can be viewed at:

http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_adopted

The Local Planning Authority has considered the application and where necessary considered either the imposition of planning conditions and/or sought reasonable amendments to the application in order to deliver a sustainable form of development in accordance with the National Planning Policy Framework and the local planning policy context.

2. The applicant's attention is drawn to the Coal Authority's standing advice for development in areas potentially affected by historic coal mining activity.

3. The applicant's attention is drawn to the advice provided by the Environment Agency below:

Reuse of material on site

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- *excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution*
- *treated materials can be transferred between sites as part of a hub and cluster project*
- *some naturally occurring clean material can be transferred directly between sites*

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to:

- *the Position statement on the Definition of Waste: Development Industry Code of Practice and;*
- *The Environmental Regulations page on GOV.UK.*

Waste to be taken off site

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- *Duty of Care Regulations 1991*
- *Hazardous Waste (England and Wales) Regulations 2005*
- *Environmental Permitting (England and Wales) Regulations 2017*
- *The Waste (England and Wales) Regulations 2011*

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with relevant guidance and that the permitting status of any proposed treatment or disposal activity is clear.

If in doubt, we should be contacted for advice at an early stage to avoid any delays.

Environment Agency planning advice

If the applicant requires further detailed planning advice from us following our response to this application, we may be able to provide this through our voluntary charged for service. Any request for planning advice should be submitted to clplanning@environment-agency.gov.uk.

We will review the request and where appropriate, we will provide a written offer based on our planning advice charges of £100 VAT per person per hour. We will not undertake any additional work until an offer has been accepted. Through this service, we can also offer our technical advice on details that are required to satisfy planning conditions we recommend.

By agreeing details with us before submitting a formal discharge of conditions application, an applicant will have the assurance that a scheme that satisfies us has been agreed.

An agreed scheme will then help a planning authority make a timely decision on any subsequent discharge of conditions application. We will be unable to offer this service where we consider that a request is unreasonable, goes beyond what we can advise on through our planning remit or where other operational activities and issues prevent us from doing so.

4. For the avoidance of doubt, planning permission does not grant the applicant permission to connect to an ordinary watercourse and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>