

# Rossendale Borough Council

## APPLICATION FOR PLANNING PERMISSION

### Town and Country Planning Act 1990

Applicant Name: C/O Agent  
Notice Recipient: Mr Michael Gilbert  
Peter Brett Associates  
Oxford Place  
61 Oxford Street  
Manchester  
M1 6EQ

#### **Part 1 – Particulars of Application:**

**Date Received:** 28th January 2020

**Application Number:** 2020/0018

**Proposed Works:** Partial demolition and redevelopment of building into a residential scheme comprising 42 apartments, together with associated car parking and landscaped amenity space.

**Location:** The Heritage Arcade And Adjacent Buildings At 23-27 Bacup Road  
Bacup Road Rawtenstall

Following consideration of the application in respect of the proposal outlined above, it was resolved to **GRANT PLANNING PERMISSION** for the following reasons:-

#### **SUMMARY REASON FOR APPROVAL:**

The proposed scheme is acceptable in terms of visual amenity, heritage impact, neighbour amenity, flood risk, contamination, ecology and highway safety. Accordingly, the scheme is considered to accord with the National Planning Policy Framework and Policies 1, 2, 3, 7, 8, 9, 16, 7, 18, 19, 23 and 24 of the Council's Core Strategy DPD.

The scheme delivers substantial benefits in terms of:

- It amounts to a good quality regeneration scheme which would cause less than substantial harm to the character and appearance of the Conservation Area.
- Wider regeneration and economic benefits for the town centre through enhanced vitality of the area.
- Bringing the vacant part of the site back into use.
- Boosting the supply of housing locally on a brownfield site.
- Addressing all relevant planning issues.

#### **CONDITIONS:**

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

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall be carried out in strict accordance with the following unless otherwise required by the conditions below:
  - Application form
  - Location Plan (HH/HA/LP/01)
  - Ground Floor Plan (HH/HA/GFP/01/REV K)
  - First Floor Plan (HH/HA/FFP/01/REV F)
  - Second Floor Plan (HH/HA/SFP/01/REV F)
  - Third Floor Plan (TFP/01/REV F)
  - Fourth Floor Plan (FFP/02/REV F)
  - Proposed Elevations (HH.HA.PE.01/REV A)
  - Materials Plan (HH/HA/MP/01)
  - Noise Impact Assessment (Peter Brett Doc Ref 3001/Rev 00/November 2019)
  - Flood Risk Assessment & Drainage Strategy (Peter Brett Doc Ref 4001/FRA/Rev 01/November 2019)
  - Ecological Assessment (Peter Brett Project Ref 42757001//Rev AA/December 2019)

Reason: For the avoidance of doubt.

3. Prior to the commencement of the development hereby approved, notwithstanding the materials plan referred to in condition 2 above, samples of all materials to be used in the development, shall be submitted to for approval in writing by the Local Planning Authority.

Reason: In the interests of visual amenity.

4. Prior to the occupation of the first apartment hereby approved, a landscaping scheme for the communal courtyard shall be submitted to and approved in writing by the Local Planning Authority. This shall comprise the mix and type of species, along with planting schedules. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity.

5. No development shall commence until final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Flood Risk Assessment and Drainage Strategy (Ref No.: 42757/4001, Rev: 1, Dated: 15.11.2019) which was prepared by (Peter Brett Associates LLP).

Those details shall include:

- a) Final sustainable drainage layout plan appropriately labelled to include:
  - o Pipe/structure references
  - o Dimensions,
  - o Design levels,
  - o Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of plot to confirm minimum 150mm+ difference for FFL.
- b) The drainage scheme should demonstrate that the surface water run-off and volume shall not exceed the agreed runoff rate of 5l/s, as per the submitted Flood Risk Assessment and Drainage Strategy (FRA-DS) (4257/4001/REV 1 - NOVEMBER 2019). The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. Any variation to the discharge rates and location of surface water or foul flows shall be agreed in writing by United Utilities and the Local Planning Authority prior to the commencement of the development. The development shall be completed in accordance with the approved details.
- c) Sustainable drainage flow calculations (1 in 1, 1 in 30 and 1 in 100 + climate change (pre & post development), volume of attenuation required (post development)), to include the return period summary of critical results by maximum levels.
- d) Detailed flood mitigation measures for all floor levels and Flood Response Management Plan for occupants, as per the FRA-DS.
- e) Details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development. This shall include arrangements for adoption by an appropriate public body or statutory undertaker or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable.
- f) Construction phase surface water management plan to include how surface water and pollution prevention will be managed during each phase of construction. The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or 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 reduce the risk of flooding from the development.

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

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

7. Prior to any site clearance or machinery on site, a Method Statement for the avoidance of harm to bats shall be submitted to and agreed in writing by the Local Planning Authority. All measures will be implemented and maintained for the lifetime of the development. The final locations of bat roots to be erected shall be submitted as part of this Method Statement and implemented to the satisfaction of the Local Planning Authority, prior to the occupation of the first apartment. This Method Statement should be prepared by suitably qualified ecological consultants.

Reason: To protect biodiversity.

8. Prior to occupation, a "lighting design strategy for biodiversity" for areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall:
- a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason: To ensure that lighting for the site is designed to limit pollution and disturbance to bats.

9. No development shall commence until full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site) and a drawing to show full details of any retaining walls (heights, locations, materials) shall have been submitted to and approved in writing by the Local Planning Authority, notwithstanding any such detail shown on previously submitted plan(s). The development shall be carried out strictly in conformity with the approved details.

Reason: Insufficient details have been submitted and in order to protect the appearance of the locality and in the interests of the amenities of local residents.

10. The garages hereby approved shall be kept freely available for the parking of cars and shall not be converted or altered to form an additional room within the dwelling without the submission and grant of a planning permission for that purpose by the Local Planning Authority.

Reason: To ensure adequate off street parking is maintained and thereby avoid hazards caused by on-street parking.

11. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The requirements of the approved statement shall be adhered to throughout the demolition and construction period. 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 routeing to / from the site  
Wheel washing facilities throughout the demolition and construction period  
Contact details for the site manager

Reason: In the interests of highway safety.

12. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

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

13. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority

Reason: In order to satisfy the Local Planning authority that the final details of the highway scheme/works are acceptable before work commences on site.

14. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 13 has been constructed and completed in accordance with the scheme details.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

15. No apartment shall be occupied until facilities have been implemented to enable the recharge of electrical battery-powered vehicles to the satisfaction of the Local Planning Authority. Unless otherwise required by the agreed location, the installation(s) shall comply with IEE regulations, IEC 61851-1 Edition 2, and BSEN 62196-1. The facility shall be so retained thereafter.

Reason: In the interests of sustainable development.

16. Any demolition and construction works associated with the development hereby approved shall not take place, except between the hours of 07:00 and 18:00 Monday to Friday and 7:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays

Reason: In the interests of neighbouring amenity.

17. Notwithstanding, any information submitted with the application, no development shall take place (except for demolition and enabling works as agreed with the LPA) until an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. The submitted report shall include:

- i) Where potential risks are identified by the Preliminary Risk Assessment, a Phase 2 Site Investigation report shall also be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The investigation shall address the nature, degree and distribution of land contamination on site and shall include an identification and assessment of the risk to receptors focusing primarily on risks to human health, groundwater and the wider environment; and
- ii) Should unacceptable risks be identified the applicant shall also submit and agree with the Local Planning Authority in writing a contaminated land remediation strategy prior to commencement of development.

The development shall thereafter be carried out in full accordance with the duly approved remediation strategy or such varied remediation strategy as may be agreed in writing with the Local Planning Authority.

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

18. Pursuant to condition 17 and prior to first occupation of any of the dwellings hereby approved, a verification report, which validates that all remedial works undertaken on site were completed in accordance with those agreed with the Local Planning Authority, shall be submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of mitigating hazards associated with contamination and to prevent pollution.

19. No development, site clearance/preparation, or demolition shall take place on the site until the Applicant, or their Agent or successors in title, has secured the implementation of a programme of building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise the creation of a record of the building to Level 3 as set out in 'Understanding Historic Buildings' (Historic England 2016). It should include a full description of the building, inside and out, a drawn plan, elevations and at least one section (which may be derived from checked and corrected architect's drawings), and a full photographic coverage, inside and out. The record should also include a rapid desk based assessment, putting the building and its features into context. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists ([www.archaeologists.net](http://www.archaeologists.net)).

Reason: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.

## 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\\_ad\\_opted](http://www.rossendale.gov.uk/downloads/download/331/core_strategy_local_plan_part_1_ad_opted)

The Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage.

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. Response does not grant permission to connect/remove/divert ordinary watercourses

For the avoidance of doubt, this response does not grant the applicant permission to connect to or remove/divert any ordinary watercourses once planning permission has been obtained, it does not mean that land drainage consent will be given. It should be noted that LCC will generally refuse consent applications which seek to culvert/divert/remove existing ordinary watercourses. This is in line with Environment Agency guidance on protecting watercourses. 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>

3. During the period of construction, should contamination be found on site that has not been previously identified, no further works shall be undertaken in the affected area. Prior to further works being carried out in the affected area, the contamination shall be reported to the Local Planning Authority within a maximum of 5 days from the discovery, a further contaminated land assessment shall be carried out, appropriate mitigation identified and agreed in writing by the Local Planning Authority. The development shall be undertaken in accordance with the agreed mitigation scheme.  
The applicant is advised that they have a duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.
4. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
5. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or writing to Developer Support Section, Lancashire County Council, Environment Directorate, Cuerden Mill Depot, Cuerden Way, Cuerden, PR5 6BJ or email [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk)
6. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.

Date: 21.01.2021  
Development Control  
First Floor  
The Business Centre  
Futures Park  
Bacup  
OL13 0BB

Signed: Mike Atherton

Mike Atherton  
Planning Manager

Please note that this notice does not relieve the applicant from the need to ensure compliance with the appropriate provisions of the Building Act 1984 and the Building Regulations 2000.

IT IS IMPORTANT THAT YOU SHOULD READ THE NOTES ACCOMPANYING THIS NOTICE

**GUIDANCE NOTES FOR APPLICANTS  
WHERE AN APPLICATION HAS BEEN APPROVED**

**1. APPLICATIONS FOR PLANNING PERMISSION, APPROVAL OF RESERVED MATTERS, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT.**

If you object to the Local Planning Authority's decision to grant permission, approval or consent subject to conditions, you may appeal to the Secretary of State for the Environment under Section 78 of the Town and Country Planning Act 1990 within 12 weeks of the date of this notice. With regard to granted applications concerning listed buildings in a conservation area, you may appeal under Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 8 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990.

Please make your appeal using a form from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk). The Secretary of State may allow a longer period for you to give notice of appeal, but will normally only do so if there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears that the Local Planning Authority could have granted permission for the proposed development only subject to the conditions it imposed, bearing in mind the statutory requirements, the development order, and any directions given under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority made its decision on the grounds of a direction that he or she had given.

It may be that planning permission, conservation area consent or listed building consent is granted subject to conditions, whether by the Local Planning Authority or by the Secretary of State for the Environment; but you, as the landowner, claim that the land is no longer fit for reasonably beneficial use in its existing state and you cannot make it fit for such use by carrying out the permitted development. If so, you may serve a purchase notice on Rossendale Borough Council requiring the Council to buy your interest in the land. You can do this under the Town and Country Planning Act 1990 or Section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings and buildings in conservation areas.

You may claim compensation against the Local Planning Authority if the Secretary of State has refused or granted permission subject to conditions, either on appeal or when the application was referred to her or him.

Compensation is payable in the circumstances set out in:

(a) Section 114 and Part II of Schedule 3 of the Town and Country Planning Act 1990; or (b) Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Regulation 9 of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 in respect of listed buildings.

**2. ADDITIONAL NOTES ON LISTED BUILDING CONSENT**

- 1 If you wish to modify the development referred to in your application or to vary it in any way, you must make another application.
- 2 This notice refers only to the grant of listed building consent and does not entitle you to assume that the City Council has granted its consent for all purposes:
  - (a) If you have applied for planning permission under Section 57(1) of the Town and Country Planning Act 1990, we will send you a separate notice of decision;



- (b) We will send you a separate notice about plans you have submitted under the Building Regulations 2000;
  - (c) If the development for which listed building consent has been granted includes putting up a building for which you have to submit plans under the Building Regulations 2000, you should not do any work connected with erecting that building until you have satisfied yourself that you have complied with Section 219 of the Highways Act 1980 or that they do not apply to this building.
- 3 Even if you have gained listed building consent, you must comply with any restrictive covenants that affect the land referred to in the application.

### **3. APPLICATION FOR CONSENT TO DISPLAY ADVERTISEMENTS**

If the applicant is aggrieved by the decision of the Local Planning Authority to grant consent, subject to conditions, he or she may appeal to the Secretary of State for the Environment in accordance with Regulation 17 and Part 3 of Schedule 4 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 within eight weeks of the receipt of this notice. (Appeals must be made on a form which obtainable from The Planning Inspectorate, Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372) [www.planning-inspectorate.gov.uk](http://www.planning-inspectorate.gov.uk)).

## **IMPORTANT**

### **Compliance with Planning Conditions**

The Council's Planning Enforcement Team is responsible for monitoring the implementation of planning permissions. This includes ensuring that all relevant conditions have been complied with. Effective enforcement is important to:

- tackle breaches of planning control which would otherwise have unacceptable impact on the amenity of the area;
- maintain the integrity of the decision-making process;
- help ensure that public acceptance of the decision-making process is maintained.

Whilst the majority of developers/homeowners do comply with the requirements of planning permissions, there are a number who do not. Where any planning conditions are breached, the Council can take formal enforcement action without further notice. Enforcement action could include such measures as requiring remedial works, cessation of use, or complete demolition and can cause the developer/homeowner unnecessary expense, delay and frustration.

### **It is important that you read and understand the eight points below to avoid any potential breaches of planning control:**

- 1) Please take some time to read through the conditions attached to the planning permission and their particular requirements.
- 2) All planning conditions and timeframes for their submission/implementation must be complied with in full, unless a subsequent application or appeal is made to vary or remove those conditions and is subsequently approved.
- 3) Applications to vary conditions attached to a planning permission can take up to 8 weeks to determine (13 weeks if relating to a major planning application). Appeals normally take much longer.
- 4) Applications for approval of details reserved by planning condition (more commonly referred to as condition discharge applications) can take approximately 8 weeks to determine.

- 5) Applicants should ensure that they submit any applications or appeals in good time, well in advance of any anticipated or scheduled start date for commencement of the development.
- 6) If any amendments are sought to the permission, either prior to commencement of development or during the development, the developer should contact the Planning Department at their earliest opportunity to establish what form of application will be required. Work should not continue until any amendments are approved in writing by the Local Planning Authority.
- 7) Fees are normally payable for applications for approval of details reserved by planning condition (condition discharge applications). The relevant application forms, associated fees and details of how to apply can be found on the Planning Portal: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)
- 8) Should you have any queries relating to any part of the Planning Process the Council's Duty Planning Officer is available Mondays, Wednesdays and Fridays between the hours of 0900-1200 and can be contacted during those times on 01706 217 777 (Option 4).

Mike Atherton  
Planning Manager