

Application Number:	2016/0544	Application Type:	Full
Proposal:	Variation of conditions 2 (list of approved drawings), 5 (use of Unit B2 to be restricted to the sales of frozen food only), 6 (use of Unit B3 restricted to the sales of comparison goods only and to be re-named Unit B4), 7 (preliminary risk assessment), 8 (materials), 15 (construction method statement), 16 (phasing and highway plan), 18 (pedestrian/ cycle link), 20 (drainage), 21 (drainage management), 24 (Construction Environmental Management Plan) and 25 (Arboricultural Method Statement) attached to Planning Approval: 2016/0129	Location:	Land Off A682 Swanney Lodge Road Rawtenstall Rossendale Lancashire
Report of:	Planning Unit Manager	Status:	For publication
Report to:	Development Control Committee	Date:	21 March 2017
Applicant:	Ropemaker Properties Limited	Expiry Date:	Extension of time agreed until 24 March 2017
Agent:	HOW Planning LLP		

Contact Officer:	Lauren Ashworth	Telephone:	01706-238638
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	✓ - Major Section 73 Variation 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**

That Committee approve the variation of condition and that full planning permission is granted subject to the conditions set out in Section 10.

2. **SITE**

The site is owned by Ropemaker Properties Limited and has full planning permission (2016/0129) for the erection of 3no. Retail Units (A1) and a Restaurant/Refreshment Unit (A1/A3/A5) with associated access, car parking, and landscaping. It extends to approximately 1.5ha and is in a prominent location, immediately to the south of the A682 and is 300m to the west of Rawtenstall Town Centre. It lies to the east of the New Hall Hey Retail Park and to the north of the East Lancashire Railway Line. The nearest residential properties are in a terraced row (Railway Terrace) just to the south of the railway line on New Hall Hey Road, around 70m from the site. There are a number of commercial units located along this section of New Hall Hey Road. There are more residential properties facing towards the site located to the north, beyond the A682. These are also around 70m away.

The site is generally flat and roughly triangular in shape. It is occupied by scrub vegetation, saplings and pockets of hardstanding. Security fencing defines the site's boundaries. There is further established tree cover along the southern boundary of the site, and within the eastern corner. The trees are not covered by a Tree Preservation Order. Vehicular access is taken from Swanney Lodge Road, which currently serves New Hall Hey Retail Park, off New Hall Hey Road. The site is accessible for pedestrians and cyclists as along the southern boundary of the site is a footpath which leads from New Hall Hey Road to the south west junction of the A682 and Bury Road to the north east. It then connects into the highway infrastructure via controlled crossing points to Rawtenstall Town Centre.

The site is shown on the Adopted Proposals Map (1995) as an 'Employment Site' however this policy was not saved by the adopted Core Strategy (2011). The site is within the Urban Boundary of Rawtenstall and is 'brownfield' in planning terms having previously been a large mill reservoir which was backfilled in the 1970s. Being 300m to the west of Rawtenstall Town Centre, but approximately 900m from the Primary Shopping Area, it is "out of centre" in retail planning policy terms.

3. **PLANNING HISTORY**

The following applications are relevant to the determination of this application:

- 2017/0060 – Discharge of conditions – on hold pending the determination of this application.
- 2016/0462 – Discharge of conditions – on hold pending the determination of this application.
- 2016/0129 - Full Major: Erection of 3no. Retail Units (A1) and a Restaurant/Refreshment Unit (A1/A3/A5) with associated access, car parking, and landscaping. Approved with conditions 15 September 2017. The current application seeks a variation of this application.

4. **PROPOSAL**

In September 2016 full planning permission was granted (2016/0129) for the erection of 3no. Retail Units (A1) and a Restaurant/Refreshment Unit (A1/A3/A5) with associated access, car parking, and landscaping. The approval was subject to 27 planning conditions, including conditions 3, 4, 5 and 6 which placed restrictions on the use of the units. The first building (Unit C1) was approved for A1 food retail with the occupier named as Aldi. Condition 3 restricted the sales of comparison goods from Unit C1 to a maximum of 20% of the net sales area. The second building contained three units as follows:

- Unit B1 as a small refreshment unit (Use Class A1 convenience goods/A3/A5);
- Unit B2 for the sale of frozen food; and
- Unit B3 for the sale of comparison goods.

The applicant (Ropemaker Properties Limited) now proposes to amend the planning permission. The application is accompanied by a Planning Statement which summarises the proposed changes as follows:

- Reduction in the size of unit B2 from 929 sq. m. to 278 sq. m;
- Increase in the size of unit B3 from 743 sq. m. to 1,393 sq. m (annotated as unit B4 on the application drawings);
- Variation in the range of goods that can be sold from unit B2 to allow it to trade as a bakery and sandwich shop by Subway;
- Variation in the range of goods that can be sold from unit B4 to allow Home Bargains to trade from the unit;
- Alterations to the elevations of Units B2 and B4 to reflect the change in unit sizes;
- Amendments to the approved Landscaping Plan showing the loss of trees which is necessary to construct the widened footpath, and a scheme of replacement planting.

The Planning Statement explains that when planning application 2016/0129 was submitted, apart from Aldi, the tenant line-up of the development was not known. Now that two tenants have committed to the scheme (there is still no known tenant for the small refreshment unit), the proposed changes are being sought to accommodate identified tenant requirements. In addition, the approved scheme included the widening of the footpath running along the south eastern boundary of the site. The applicant's Planning Statement explains that after consulting with an arboricultural specialist, it will not be possible to retain the existing landscaping due to the construction works required to widen the path. Following discussions with the Local Planning Authority, the applicant has provided details of a scheme of replacement planting to act as a buffer between the application site and the public footpath. The proposed scheme is set out on the Landscaping Plan V14097-L01 Rev D. As the applicant seeks to implement this current application rather than 2016/0129, to seek to reduce the number of the pre-commencement conditions, the applicant has taken the opportunity to submit information required by planning conditions 7 (preliminary risk assessment), 8 (materials), 15 (construction method statement), 16 (phasing and highway plan), 18 (pedestrian/ cycle link), 20 (drainage), 21 (drainage management), 24 (Construction Environmental Management Plan) and 25 (Arboricultural Method Statement) as part of this S73 application.

The amendments proposed as part of this application are summarised below and are shown in a table format. The rows in blue are proposed to be amended as part of this application. The proposed changes will require a number of the planning conditions

attached to permission 2016/0129 to be varied. The full list of planning conditions as varied are set out in Section 10.

Table 1: Schedule of Proposed Development

Development	Floor area	Unit number	Proposed Occupier
'Discount' foodstore (Use Class A1)	<ul style="list-style-type: none"> 1,783sqm Gross External Area (GEA) 1,718sqm Gross Internal Area (GIA) Net sales area of 1,254sqm 	Unit C1	<p>The Planning and Retail Statement states that this unit is proposed to be occupied by Aldi.</p> <p>No changes are proposed.</p>
Restaurant / refreshment unit (Use Class A1/A3/A5)	<ul style="list-style-type: none"> 181sqm GEA 167sqm GIA 	Unit B1	<p>This unit is intended to provide refreshments for those already shopping at New Hall Hey Phase 1 and 2 e.g. coffee shop, sandwich shop etc.</p> <p>No changes are proposed</p>
Retail unit (Use Class A1)	Reduction in GIA from 929sqm to 278sqm	Unit B2	The Planning and Retail Statement states that this unit is proposed to trade as a bakery / sandwich shop by Subway.
Retail unit (Use Class A1)	<p>Increased from 743sqm GIA to 1,393sqm GIA to 880sqm GEA</p> <ul style="list-style-type: none"> 743sqm GIA 594sqm net sales area 	Unit B3 has been renamed Unit B4	The Planning and Retail Statement states that this unit is amended to allow Home Bargains to trade – comparison goods with 30% convenience goods sales

*Please note, there is no Unit 'B3'

POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong Competitive Economy
- Section 2 Ensuring the vitality of town centres
- Section 4 Promoting Sustainable Transport
- 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

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP 4 Rawtenstall
- Policy 1 General Development Locations and Principles
- Policy 6 Training and skills

Policy 8	Transport
Policy 9	Accessibility
Policy 11	Retail and Other Town Centre Uses
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

5. **CONSULTATION RESPONSES**

Table 2: Schedule of Consultation Responses

Consultee	Summary of Comments Received
RBC Operations	No comments received.
Lancashire County Council Local Lead Flood Authority	Awaiting comments.
Environmental Health	No objection subject to conditions imposed on 2016/0129 (10,11,12,13 and 14)
Contaminated Land Officer	Awaiting comments.
LCC (Highways)	No objection however awaiting comments on off-site highways plans.
Ecology Consultant	No objections to proposed landscaping scheme Awaiting comments on Arboricultural Method Statement and Environmental Management Plan.
Highways England	No objection subject to conditions
Bury MBC	No objection
Blackburn Council	No objection
Hyndburn Council	No response received
GL Hearn (Retail Planning Advice)	No objection.

6. **NOTIFICATION RESPONSES**

To accord with the General Development Procedure Order a press notice was published on 23/12/16, site notices were posted on 08/12/17 and 107 letters were sent to neighbours on 06/12/17.

No responses have been received.

7. **ASSESSMENT**

The key issues for consideration are:

- 1) Retail impact of the proposed changes as listed in Table 1;
- 2) Impact of the proposed changes to the external elevations;
- 3) Ecology and landscaping considerations in relation to the amended landscape plan;
- 4) Impact of the proposed changes on the local highway network; and

5) Information submitted in relation to planning conditions.

1) Impact of the proposed changes

Background

Members will recall that planning permission 2016/0129 restricted the occupation of Unit B2 to a frozen foods retailer only, and restricted Unit B3 for the sale of comparison goods only (i.e. no convenience goods). The applicant was willing to accept a planning permission with such restrictions.

On submission of this S73 application to vary the originally imposed restrictions the Local Planning Authority (LPA) requested details from the applicant of the efforts made to secure retailers to the units in accordance with the original consent. The applicant has provided a letter from Cheetham and Mortimer Surveyors which states:

“We targeted Iceland Frozen foods, who had at the time the site was purchased, indicated that the location may be of interest. However subsequently they advised that they had agreed terms on the proposed development at Park 66, Pilsworth and in their operators views, this outlet would cover the Rawtenstall area. As such, they were not able to take matters further forward. We discussed with Farm Foods who indicated that it may be of interest for a unit of approx. 6-8,000sqft however the quoting rent was too high for them. They indicated a rental level at which they would consider offering however this was too low and would not have been financially viable.

Interest was shown by Peacocks for a unit of approx. 5,000sqft however their board requirements are for a 10 year lease with a tenant’s only break clause in year 5. This break requirement has a detrimental effect on the investment yield which makes a development unviable.

We also had discussions with Poundland, who were originally linked to phase 1, however Poundland subsequently acquired 99p Stores and suffered financial issues following that, and as a consequence they withdrew their interest in this, and many other developments in the country. Interest was also confirmed from Poundworld, for a unit of 5,000sqft, but on the proviso that no other similar price point retailers were let on to the development, including Home Bargains and GHM.”

The LPA queried the extent of the efforts made, being mindful that the permission restricts the use of Unit B2 to frozen food retail only, as only Farm Foods and Iceland are referred to in the letter. Similarly, Unit B3 is restricted to the sale of comparison goods only, therefore Officers were concerned that other than Peacocks, the retailers targeted have been mixed-use retailers i.e. Poundland and Poundworld, both of which have elements of convenience retail (which would not be permitted in accordance with the original condition restrictions). The applicant’s agent has clarified that the details of the scheme were sent through to a much larger list of retailers as part of a targeted marketing exercise, and none were interested in taking floorspace in Rawtenstall. They note that while some frozen food operators expressed an interest, the rental values they are willing and or able to pay are not sufficient to make the development viable. They conclude by stating that a retailer such as Home Bargains is required to deliver the development scheme and the benefits to the local area such as the new job creation.

Retail Impact Assessment

The applicant has submitted a Planning Statement and Retail Impact Assessment to identify the likely turnover of the development as now proposed, compared to that approved under application 2016/0129. It then goes on to assess the implications this will have on Rawtenstall and other centres. The assessment concludes that the proposed alterations will result in a lower impact on Rawtenstall town centre in terms of convenience and comparison shopping, therefore the likely level of impact will not be significant. Accordingly the assessment concludes that the proposal accords with Policy 11 of the Core Strategy and paragraph 26 of the Framework.

As with the previous application, the Local Planning Authority instructed GL Hearn to provide specialist retail advice in relation to the applicant's Retail Impact Assessment. The response received is provided below:

"The application follows an application at New Hall Hay Retail Park, Rawtenstall, Rossendale (Ref: 2016/0129) submitted by Ropemaker Properties Ltd. Which proposed a development consisting of:

- *Class A1 foodstore with GIA of 1,718sqm, net sales 1,254 sqm (Aldi)*
- *Flexible use A1/A3/A5 retail unit, GIA of 167sqm (restaurant/refreshment unit)*
- *Class A1 retail unit GIA of 929sqm, net sales 743 sqm (frozen foodstore)*
- *Class A1 retail unit GIA of 743sqm and net sales of 594sqm (variety discount store)*
- *Associated car parking landscaping and other works*

The current application seeks minor amendments to the consented scheme which require a variation of conditions 2 (plans), 5 (removes reference to frozen) and 6 (restriction to comparison goods in unit B3). The alterations relative to this retail appraisal consists of:

- *Reduction in the size of unit B2 from 929sqm to 278 sqm*
- *Increase in the size of unit B4 from 743sqm to 1,393sqm*
- *Variation in the range of goods to be sold from unit B2 to allow it to trade as a bakery and sandwich shop by Subway*
- *Variation in the range of goods that can be sold from unit B4 to allow Home Bargains to trade from the unit*

Retail Policy Considerations

Local and national policy requirements require the sequential and impact of developments in out of centre locations, such as New Hall Hay to be considered.

In this respect it is noted that the applications have not revisited the sequential approach to site selection following the approval identified above. A variation of condition application essentially forms a new planning permission for the site and as such should be considered on the basis of the merits at that point in time. Notwithstanding this, the previous approval is a significant material consideration. Unless the Council are aware of any significant changes in previously considered or any new sequential sites (and I note they have not identified any to date) then the proposal would comply with the sequential approach to development.

In terms of impact, it is noted that the proposed level of floorspace and therefore the turnover has reduced as identified at para 4.2 and 4.5 of the Planning Statement. This has been amended slightly by updated tables submitted during the planning application, but this does not change the overall position of a reduction.

In order to accommodate the changes, the proposed amendments to condition 5 seeks a reduction on the level of (frozen food) retail floorspace by 651 sqm and a relaxation of the restriction on frozen foods. This is said to enable the unit to be occupied by Subway. The reduction of 651sqm of food floorspace is then accommodated in unit B4 to create a larger unit for occupation by Home Bargains. It is also noted that the applicants are seeking to amend the restriction within condition 6 of this unit to allow the sale of all goods within an A1 use class. If this were to occur then there would be an increase in the level of food floorspace at the site of 743 sqm. (table below paragraph 3.5)

In order to address this and to comply with the development as submitted and assessed, condition 5 should be reworded to restrict the floorspace within unit B4 to 334 sqm of food floorspace and 780 sqm of non-food floorspace. I note that the applicants have written to confirm acceptance of this as a proposed condition.

Overall the impact of the proposal will have reduced, once the updated figures are considered in light of the position approved previously, which is identified below for Rawtenstall as a whole:

Table 3: Impact of proposed changes

Rawtenstall Total turnover 2021 (£m)	Total Cumulative Impact (£m)	Total Impact (%)
Approved scheme 106.93*	12.7	11.9%
Proposed Scheme 116.71	10.5	9.0%

*Note: *total turnover from the catchment only.*

Rawtenstall identified as Rawtenstall Town Centre, Asda, Tesco and Lidl

The impact on the key centre of Rawtenstall must consider the potential impacts of the edge of centre stores, as the vitality and viability assessment previously acknowledged that these stores support the overall vitality and viability of the centre. The level of impacts on these stores are proportionately higher than the town centres, but this is not to be unexpected given the proposed crossover in terms of likely provision between these stores.

The levels of impact identified are lower than those already approved and as such would not be expected threaten the ongoing vitality and viability of these stores. Overall the level of trade diversion should not be considered significant.

Overall, subject to the updating of proposed condition 5 to refer to the floorspace assessed, there would be no conflict with Core Strategy Policy 11 or paragraph 27 of the NPPF and the proposal should be supported.

Core Strategy Policy AVP4: Strategy for Rawtenstall

The Adopted Core Strategy refers specifically to New Hall Hey, with Policy AVP 4, safeguarding it for bulky goods retail and business use. Policy 11 places Rawtenstall at the top of the Borough's retail hierarchy, and in the reasoned justification to this policy it "supports the Council's vision of achieving quality, well designed, mainly higher order retail development at the Valley Centre, with only appropriate retail at New Hall Hey which cannot be accommodated in the Town Centre, such as bulky goods". The proposed development does not include bulky goods retail. However, it is understood that the purpose of safeguarding land at New Hall Hey for bulky goods was in order to ensure that most new retail is focussed within Rawtenstall Town Centre and to restrict convenience floorspace; the Retail and Town Centre Study at that time identifying no capacity for additional

convenience floorspace in the Borough. It did identify capacity for comparison shopping, and noted that this could be met particularly in Rawtenstall, by way of medium to large scale retail development. Therefore it was considered that New Hall Hey was the most appropriate location to direct bulky goods retail (which is a form of comparison goods).

Notwithstanding that bulky goods are not part of the proposed development, Policy AVP4 highlights a number of issues facing Rawtenstall, including the amount of vacant land and buildings, and identifies the redevelopment of New Hall Hey as a key opportunity. This is a material consideration. In addition, shopping patterns have changed significantly in recent years with the rise in popularity of online shopping, particularly for large items such as white goods. Therefore, having regard to the conclusions of the LPA's retail adviser that both the convenience and comparison goods will not have a detriment effect on the vitality or viability of Rawtenstall as a whole, and that the impact is indeed almost 3% lower than the previously approved scheme, Officers are also mindful that the development involves named occupiers, which will make significant inroads into achieving the Council's aims (through Policy AVP4) to reduce the amount of vacant land and avoid any further vacant buildings within this part of New Hall Hey.

Conclusion

Having regard to all of the factors above, the proposed amendments to units B2 and B4 to enable retailers such as Home Base and Subway to trade are considered to be compliant with both the Development Plan and the National Planning Policy Framework.

2) Impact of the proposed changes to the external elevations

The proposed changes are nominal and are necessary to reflect the amendments to the internal arrangements to Units B2 (Subway) and B4 (Home Bargains). There are no objections to the alterations.

3) Ecology and landscaping considerations in relation to the amended landscape plan

The approved scheme includes widening the footpath running along the south eastern boundary of the site to 3 metres, to enable use by both pedestrians and cyclists. This was a key component of the application proposals which secured improved linkages from the site to Rawtenstall Town Centre, in the interests of improving opportunities for sustainable transport modes in accordance with Policies AVP4 and 9 of the Core Strategy.

After consulting with an arboricultural specialist, the applicant has found that it will not be possible to retain the existing landscaping strips adjacent to the footpath (as per planning permission 2016/0129) due to the construction works required to widen the path. Instead, a scheme of replacement planting is proposed which will provide a buffer between the application site and the public footpath. The proposed scheme is set out on the submitted landscape plan (ref: V14097-L01 D). An amended Arboricultural Method Statement and Tree Protection Scheme has been submitted which reflects the amended landscaping plan.

No objections have been received from the Council's Ecologist towards the proposed amended landscape plan. Officers are awaiting comments on the Arboricultural Method Statement and Tree Protection Scheme and Members will be updated on this matter within the Update Report.

4) Impact of the proposed changes on the local highway network

A Traffic Statement Technical Note accompanies this application, the purpose of which is to provide a comparison of the trip generation associated with the extant use (2016/0129) compared to the proposed use. The statement demonstrates that the proposed development will result in fewer trips on the local highway network compared to the previous consent.

Lancashire County Council Highway Engineer has reviewed the statement and has confirmed that there are no highway related objections to the amendments proposed.

5) Information submitted in relation to planning conditions attached to the previous planning approval

Table 4 below lists the information submitted by the applicant as required by a number of the planning conditions attached to planning permission 2016/0129. Where comments have not been received from the statutory consultees, or discussions are ongoing, Members will be updated on the status of the conditions within the Update Report.

Table 4: Status of planning conditions

Condition	Information	Status
Condition 7	Remediation Strategy Method Statement and Verification Plan 112475/02 (February 2017)	Awaiting response from Contaminated Land Officer
Condition 8	Schedule of Materials	The submitted materials are considered to be acceptable and as such it is recommended that this condition is varied to a compliance condition.
Condition 15	Construction Management Plan Revision 1	The submitted Plan is considered to be acceptable and as such it is recommended that this condition is varied to a compliance condition.
Condition 16	Details of off-site highway works on drawings: 313-01/GA-03 118082-1001 118082-1002 118082-1003 118082-1004 118082-1005 118082-1006	Discussions are ongoing between the applicant and LCC Highways. The outcome of these discussions will be included on the Update Report

Condition 20	Surface water sustainable drainage scheme on drawings and documents: Drainage calculations 8480/D/101 A 8480/D/102 C 8480/D/401 A 8480/D/402 A 8480/D/403 B 8480/D/701 B	Awaiting response from the Lead Local Flood Authority. This will be included on the Update Report
Condition 21	Drainage Maintenance Plan	Awaiting response from the Lead Local Flood Authority. This will be included on the Update Report
Condition 23	Litter management	Awaiting additional information from agent. This will be included on the Update Report
Condition 24	Construction Environmental Management Plan	Awaiting response from Ecologist This will be included on the Update Report

8. **RECOMMENDATION**

For the reasons set out above it is considered that the scheme is considered to be acceptable.

9. **SUMMARY REASON FOR APPROVAL**

The proposed development will bring back into use a large, vacant and previously developed site which occupies a prominent position on the approach into Rawtenstall, within the Urban Boundary. The site is 'out of centre' however the applicant has demonstrated through a Retail Impact Assessment that the proposed development does not conflict with paragraph 27 of the National Planning Policy Framework. Subject to the use of planning conditions, the proposal is acceptable with regards to design, residential amenity, highway safety, landscaping and flood risk. The development is in accordance with Policies AVP4, 1, 8, 9, 11, 16, 17, 18, 19, 22, 23 and 24 of the Adopted Core Strategy DPD and the National Planning Policy Framework.

10. CONDITIONS

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

Title	Drawing Reference
Proposed Site Plan	14097-120
Proposed GA Plan	14097-121
Proposed Elevations	14097-122
Proposed Roof Plan	14097-103 Rev B
Proposed Landscaping Site Plan	V14097-L01 Rev D
Schedule of Materials	14097-3.1
Construction Management Plan	Rev 1 dated 2 nd February 2017
Environmental and Sustainability Statement	

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

Retail conditions

2. No more than 20% of the net sales area contained within Retail Unit C1 (shown on the Proposed Site Plan listed in Condition 2) shall be used for the sale of comparison goods.

Reason: To ensure the sales of non-food goods remain ancillary to the sales of food and to ensure the proposal does not adversely affect the vitality and viability of neighbouring town centres.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, Unit B1 as identified on the Proposed Site Layout Plan (listed at Condition 2) shall be permitted to operate within Use Classes A1, A3 or A5, and no other use. Where the unit operates within Class A1, it shall not be used for the sale of comparison goods.

Reason: to ensure it maintains its ancillary refreshment role having regard to the vitality and viability of neighbouring town centres.

4. Unit B2 as identified on Proposed Site Layout Plan (listed at Condition 2) shall be restricted to the sales of food only.

Reason - to ensure the proposal does not adversely affect the vitality and viability of neighbouring town centres

5. Unit B4 as identified on the proposed site layout plan (listed at Condition 2) shall be permitted to sell comparison goods within Use Class A1. No more than 30% (a maximum floor area of 334m²) of the net sales area contained within Unit B4 shall be used for the sale of convenience goods.

Reason - to ensure the proposal does not adversely affect the vitality and viability of neighbouring town centres.

Contaminated Land

6. Prior to the commencement of the development, a Preliminary Risk Assessment report, including a conceptual model and a site walk over, to assess the potential risk of land contamination, shall be submitted to and approved in writing by the Local Planning Authority. Should a potential risk be identified then:
 1. A Site Investigation report shall be submitted to and approved in writing by the Local Planning Authority. 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 and the wider environment; and
 2. The details of any proposed Remedial Works shall be submitted to, and approved in writing by the Local Planning Authority. Such Remedial Works shall be incorporated into the development during the course of construction and completed prior to occupation of the development; and
 3. Prior to first occupation a Verification Report shall be submitted to, and approved in writing by, the Local Planning Authority. The Verification Report shall validate that all remedial works undertaken on site were completed in accordance with those agreed by the LPA.

Reason: To safeguard the health of future occupants of the land in the interests of public health and to safeguard watercourses.

Materials

7. The development hereby approved shall be carried out in accordance with the Schedule of Materials (reference 14097-3.1 received 17th February 2017) prepared by The Harris Partnership.

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

8. Notwithstanding the details shown on Proposed Elevations Plan (as listed at Condition 2), prior to installation, full details of all boundary treatment shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall then be constructed in accordance with approved details.

Reason: The submitted details of a timber fence are not acceptable in this location, and to ensure that the development will be of a satisfactory appearance.

Noise

9. Unit C1 as shown on the Proposed Site Plan (14097-102 Rev E) shall be fitted only with low noise coldroom condensing units as set out in 'Option 1' at page 16 of the Noise Impact Assessment.

Reason: To protect neighbouring residents from loss of amenity due to noise from fixed plant.

10. Prior to occupation of Units B1, B2 and B4 a plant noise impact assessment shall be undertaken in accordance with BS4142:2014 and submitted to the Local Planning Authority for approval in writing. Any recommendations shall be implemented in full.

Reason: To protect neighbouring residents from loss of amenity due to noise from fixed plant.

11. No construction works shall take place outside of the hours of Monday to Friday 08:00 to 18:00 and Saturday 08:00 to 13:00. There shall be no working on Sundays or Bank or Public Holidays.

Reason: To protect neighbouring residents from loss of amenity.

12. Once operational, no deliveries (including waste collections) shall be taken at or despatched from the site outside the hours of Monday to Saturday 06.00 to 23.00 hours and Sundays 08.00 to 23.00 hours.

Reason: To protect the residential amenity of neighbouring properties.

13. Prior to installation, full details for the arrangements for lighting on the access road and to the rear of the retail units shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed in accordance with the approved details.

Reason: To protect the residential amenity of neighbouring properties and in the interests of the visual amenities of the area.

Highways

14. The development hereby approved shall be carried out in accordance with the Construction Management Plan (Revision 1) throughout the construction period.

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

15. Within one month of the date of this permission, the following shall be submitted to and approved in writing by the Local Planning Authority:

- i) a phasing and implementation plan for the development site; and
- ii) full details of the off-site highway works, subject to detailed design, which shall include widening of the carriageway at Bocholt Way with associated signalling, road markings, drainage, street lighting and street furniture re-location.

The approved phasing plan shall be adhered to throughout the development, and no part of the development shall be open for trading until the off-site highway works have been completed in accordance with the approved details.

Reason: For reasons of highway safety in relation to construction traffic and customer traffic.

16. Prior to first trading of any of the units hereby approved, the car park shall be surfaced / paved and marked out, and the cycling and motorbike facilities shall be provided in accordance with approved plans listed in Condition 2.

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

17. Details of the materials to be used in widening the pedestrian / cycle link to the south of the site to 3 metres as shown on the approved Proposed Site Plan, shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this permission. The works shall be undertaken in accordance with the approved details and shall be complete prior to first trading of any of the units hereby approved.

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

18. Prior to first trading of any of the units hereby approved, the proposed new link to the existing pedestrian / cycle link as shown on the approved Proposed Site Plan, shall be implemented and thereafter retained as such.

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

Drainage and flood risk

19. Within one month of the date of this permission full details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme shall be 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 +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation, including phasing as applicable;
- f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
- g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to the development hereby approved opening for trading. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, and to ensure that water quality is not detrimentally impacted by the development proposal.

20. Within one month of the date of this permission full details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development shall be submitted to and approved in writing by the Local Planning Authority which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, 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) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation 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 plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or 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 as a result of inadequate maintenance, **and** to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

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.

Litter

22. Prior to the first opening of each unit hereby approved, a regime to include, but not limited to, the management of litter picking, provision of waste bins in suitable locations close to pedestrian / cyclist access and egress points, and arrangements for emptying the bins on a regular basis, for that unit shall be submitted to and approved in writing by the Local Planning Authority. The approved regime shall be adhered to at all times whilst the unit is in operation.

Reason: In the interests of the character and appearance of the area.

Ecology and landscaping

23. Within one month of the date of this permission a Construction Environmental Management Plan, which follows the recommendations of Envirotech Ecological Assessment (March 10 2016 Section 6), shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall include:

- a) All retained vegetation including trees shrubs and watercourses (if present) are suitably protected by temporary high visibility fencing to an appropriate buffer or root zone in order to protect them from accidental spillage of spoil or stored materials.
- b) Other vegetation clearance including trees, shrubs undergrowth and grassland should occur outside the bird breeding season (March – August inclusive) unless it can be demonstrated by a suitably qualified person that no breeding bird activity is present.
- c) All trenches left open overnight should contain a mammal ladder which is suitable to allow mammals and/or reptiles and amphibians to escape. In the unlikely event that any species be either found, trapped in the trenches or suspected which might be protected (eg badger, reptiles or newt) then all work should cease and appropriate advise sought and implemented from a suitably qualified person.

The Management Plan shall be adhered to in full throughout the construction period.

Reason: To ensure that precautionary measures are implemented to ensure that wildlife legislation is not breached during the implementation of the proposal and protects features of value.

24. Within one month of the date of this permission an Arboricultural Method Statement and Tree Protection Plan providing details of the procedures, working methods and protective measures to be used in relation to retained trees (retained trees are shown on Landscaping Plan listed at Condition 2 and within the Arboricultural Impact Assessment), shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be adhered to in full throughout the construction process.

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

25. During the first planting season following the commencement of development hereby approved Landscaping Plan listed at Condition 2 shall be carried out to the satisfaction of the Local Planning Authority, subject to a minor amendment that the small area of wildflower grassland proposed to the east of the built zone is established on a suitably prepared sub-soil base.

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: To ensure a satisfactory form of development and to enhance the visual amenities of the locality.

26. The sustainability measures identified within the Environmental and Sustainability Statement (Section 8) shall be incorporated into the development.

Reason: In the interests of minimising energy consumption and achieving sustainable development.

11. **INFORMATIVES**

1. Lancashire Constabulary recommends that the proposed security measures identified in the Design and Access Statement (section 7.11 page 25) accord with the requirements of Secured By Design and should be implemented.
2. If, during any works on site, contamination is suspected or found, or contamination is caused, the LPA shall be notified immediately. Where required, a suitable risk assessment shall be carried out and/or any remedial action shall be carried out in accordance to an agreed process and within agreed timescales in agreement with the LPA. Please refer to the Contaminated Land Officer's letter dated 31 May 2016.
3. 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 Council operates a pre-application planning advice service. All applicants are encouraged to engage with the Local Planning Authority at the pre-application stage. In this case the applicant did not engage in pre-application discussions.
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.