

Application Number:	2020/0137	Application Type:	Full
Proposal:	Construction of nursery building, with associated works, parking and access.	Location:	Plot 1 Futures Park Bacup
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	28/04/2020
Applicant:	Mr Guy Darragh (Rossendale Borough Council)	Determination Expiry Date:	15/05/2020
Agent:	Day Architectural Ltd		

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

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 authority is delegated to the Chair of Committee and the Planning Manager to grant planning permission (subject to the conditions set out in this report) once Officers (and the Environment Agency) are satisfied that the development will not be at undue risk of flooding and that the development will not unduly increase the risk of flooding elsewhere. Also that

authority is delegated to the Chair of Committee and the Planning Manager for any additional flood risk-related conditions (related to the above) to be authored and included on the grant of planning permission as necessary.

2. **SITE**

The site extends to 0.29 hectares and is located immediately to the south of (and at lower level than) Newchurch Road. The site is accessed via a road that serves Futures Park. The access to the site is already in place and features a turning head.

The site is around 40m west of the Council's Futures Park offices, a prominent three storey building which lies adjacent to Newchurch Road and its junction with New Line. Properties along Newchurch Road to the north of the site are of varied design and construction, and are in a combination of commercial and residential use.

The southern boundary of the site is defined by the River Irwell, which flows in an east-west direction at a lower level. Glen Street is located to the west of the site, and Lee Road is further to the south.

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

The topography of the site is generally flat but there is a significant difference in levels between the site and Futures Park / Newchurch Road.

The application site also includes part of the highway on Futures Park, and part of the existing car parking area serving the Business Centre.

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 entirely within the urban boundary.

The Council's emerging Local Plan proposes to include the land in question within a wider mixed use site allocation. The emerging Local Plan has not however yet been through Examination in Public nor has it been adopted by the Council.

3. **PLANNING HISTORY**

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

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 a nearby plot)

2019/0102 - 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 – Approved (relates to a nearby plot)

4. **PROPOSAL**

Full planning permission is sought for the construction of a new nursery building on the site, with a total floor area of 630m². The use of the building would fall within Use Class D1 (Non-Residential Institutions).

The building would contain facilities for the care of babies, toddlers and pre-school children, along with all other necessary supporting functions (office space, reception area, staff rooms, laundry, sensory room and kitchen).

The building is proposed to be constructed from the following materials:

- Coursed ashlar stone on Newchurch Road elevation to match the Business Centre
- Vertical trapezoidal metal wall panels on all other elevations – RAL 7016 (dark grey)
- Vertical trapezoidal metal roof panels – RAL 7016 (dark grey)
- Aluminium window and door frame units – RAL 7016 (dark grey)

The application also seeks permission for car parking and access taken from Futures Park (via a new ramp). A total of 20 car parking spaces are proposed, with 11 of those taken from the existing provision serving the Business Centre at Futures Park.

The majority of the available land around the nursery building would be used as outdoor play space, and the applicant has submitted the following summary of the proposals for outdoor play on site:

“The outdoor areas for the main nursery are adequate. They would consist of a small area in front of the two baby rooms. The whole area from the building to the Newchurch Road retaining wall will serve the two pre-school rooms and an area to the west elevation for the 2-3-year-old room. Extending from that point into the remainder of the site to the Glen Street gates would be used as a rustic forest school area. This would be left fairly natural with bark paths, rustic log seating and activity tables and clambering features on the slopes. The defined play space areas would have a mixture of rolled resin bound rubber crumb surface and artificial grass areas. Some of this would be landscaped to provide, for example, a crawl tunnel under a grass covered mound and clamber frames over the mound. There will not be much fixed play equipment other than, for example a 'Wendy House' type structure. There will not be any large play equipment as you would find in a park playground. We are likely to major on natural timber items and natural colours rather than brightly coloured 'rainbow' finishes. The typical scale can be judged from recognising that the oldest children are under five and features would not exceed a typical height of 2 meters overall.”

The applicant has also submitted the following overall statement in support of the proposed scheme:

“The Futures Park masterplan was produced in 2018 with the aim of bringing forward development on the largest development site in the East of Rossendale. It is geographically close to the some of the wards with the highest levels of deprivation in the borough and as such is seen as a key site in addressing social and income disparity.

The circa 4.84ha Futures Park site is split into 5 development plots. At the time of the masterplan only plot 2 had seen development with the remaining 4 plots in an unused state

since the 2001 North West Development Agency funded access road and utility works. Bringing forward inward investment into a site that is situated circa 5 miles from the A56 dual carriageway and reliant upon local roads makes this site less attractive to many investors. As such the masterplan's aim was to be as flexible as possible to enable employment related enquiries to proceed through to development. The site is designated as mixed use to try to reflect the flexibility required in order to achieve full development. Initially this was earmarked as employment B1 B2 and leisure.

Plot 1 is a challenging plot to develop due to topography, size and the river location. All enquiries received through the Economic Development Team and the appointed commercial agent have been extensively followed through. The nursery application has been progressed as it is able to bring substantial job creation with an estimated 30 full time equivalent jobs. This is substantially more than an equivalent B2 industrial unit would be expected to bring to the same size plot. The jobs will also be appealing to many local residents that are seeking employment. It will also complement the wider Futures Park masterplan and link well with the plot 2 office development and proposed plot 3 trail centre.”

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 7	Social Infrastructure
Policy 8	Transport
Policy 9	Accessibility
Policy 10	Employment
Policy 16	Preserving and Enhancing Rossendale's Built Environment
Policy 18	Biodiversity and Landscape Conservation
Policy 19	Climate Change and Low & Zero Carbon Sources of Energy
Policy 23	Promoting High Quality Design & Spaces
Policy 24	Planning Application Requirements

6. CONSULTATION RESPONSES

Consultee	Summary of Comments received
Land Contamination Officer	No objection subject to conditions.
LCC Highways	Objection.
LCC Public Rights of Way	No objection.
United Utilities	No objection subject to conditions.
Environment Agency	Requested further information.
LCC Drainage	No comments to make on the application.
RBC Environmental Health	No comments to make on the application.
Ecology Consultant	No objection subject to conditions.
RBC Operations	No objection.
RBC Building Control	No comments received.
RBC Forward Planning	No objection.
RBC Tree Officer	No objection subject to conditions.

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order site notices were posted on 22/03/2020 and 17 letters were sent to neighbours on 20/03/2020.

No objections or representations have been received.

8. ASSESSMENT

The main considerations of the application are:

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

Principle

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, and is within the defined Urban Boundary.

The site is well served by an existing access (Futures Park) 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. Whilst the proposed use of the land is D1 (non-residential institution) the proposed nursery has the potential to create a significant number of new jobs (30 new jobs are estimated by the applicant).

It is considered that the proposed scheme accords with the broad aims of paragraph 11 of the Framework, and Core Strategy Policy 10 in this respect.

Policy 7 (Social Infrastructure) of the Core Strategy states that *“It is proposed that social infrastructure improvements and new provision will be encouraged at suitable locations within the Borough.”*

The policy goes on to state that *“A positive approach will be taken to the development of new and enhanced social infrastructure, especially where this creates options for a variety of uses and user groups and reduces the need to travel.”*

It is considered that the proposed children’s nursery would represent a significant new piece of social infrastructure, in a very accessible location adjacent to a bus stop on a main public transport corridor. The public benefits of the childcare facility in this location (which is near to several large employment sites) would be considerable.

The site is within the proposed mixed-use allocation ‘M4 – Futures Park, Bacup’ in the emerging Local Plan which has been submitted to the Secretary of State and is presently at the examination stage (and as such carries only limited weight at this stage in the decision making process).

The proposed allocation considers the following uses to be suitable: A1 (shops), A3 (restaurants and cafes), A4 (drinking establishments), B1 (businesses), B2 (general industrial), B8 (storage and distribution) and C1 (hotels). This does not include D1 (non-residential institutions). However, since the proposal relates to a small part of the overall site allocation and will generate employment in the local area (30 full time equivalent jobs estimated by the applicant) it is considered acceptable in principle on this site. Indeed, it will provide additional job opportunities in an area located in the 50% most deprived Lower Super Output Areas (LSOA) which also adjoins areas identified as the most deprived according to the English Indices of Deprivation 2019 map.

Having regard to all of the above, the proposed development is acceptable in principle.

Visual Amenity 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 nursery 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 and would not have a detrimental impact on the character and appearance of the area. The use of coursed ashlar stone on the elevation facing Newchurch Road would be appropriate in the street scene.

The proposed building would not appear unduly prominent in views from Newchurch Road given the levels difference involved.

The building would be located around 110m from Rockcliffe House, a Grade II Listed Building, and around 70m from the gate arch to the grounds of Rockcliffe House, which is also a Grade II Listed Building.

However, the Listed Buildings in question are separated from the site by a considerable distance, and sightlines between the site and the buildings in question are all obscured to a

considerable degree by trees, other buildings or topography. Having regard to the above, it is not considered that the proposed development will have a detrimental impact on the setting of any nearby Listed Buildings.

The Council's tree / landscaping officer has recommended the inclusion of a condition requiring the submission, approval and implementation of a full planting / landscaping scheme – it is considered appropriate to include such a condition to ensure that the site is landscaped to the highest quality as part of the final development.

Ecology

The Council's ecology consultant has no objection to the proposed development subject to conditions requiring:

- No removal of or works to any hedgerows, trees or shrubs shall take place in the bird nesting season, unless an ecologist has first undertaken a survey to confirm that no nesting birds will be affected.
- A Construction Environmental Method Statement (CEMS) to be submitted and approved before any work commences, to include details of measures to be taken to protect the adjacent River from any possibility of pollution or contamination during ground clearance and construction works.
- In the interests of nocturnal wildlife direct lighting of the River shall be avoided.
- Submission, approval and implementation of a full landscaping / planting plan.
- An amphibian and reptile Reasonable Avoidance Measures Method Statement (RAMMS) to be required to ensure that killing or injury of amphibians or amphibians that may be present within the site are avoided during site clearance.
- An Invasive Species Method Statement to outline the approach for eradicating the invasive species on-site to be submitted, approved and implemented.

Subject to the conditions above, the development is acceptable in terms of ecology.

Access, Parking and Highway Safety

The Local Highway Authority (LCC Highways) has raised concerns over the level of information provided with the application, and has requested the following items of further information:

1. *Number of children and age groups. There are minimum supervision ratios for childcare. Taking the info on the layout plan (AL-02-001) (using the figures in brackets) using the current OFSTED staffing ratios, then based on the number of children being provided for, there should be 17 staff members covering the various child age groups (the application form suggests 8 staff - 4 full time and 4 part time).*
2. *The application form states 9 car parking spaces to be provided but the red edge includes a further 11 spaces on the council car park opposite. These spaces would also need to be signed and segregated from the wider car park users. It is also a requirement that there should be a drop off zone for parents although the Rossendale parking standards do not give a figure for this the LCC parking standards suggest that a ratio of 1 space per 10 children should be provided either in / out of the site. Although no figure for the number of children is provided it is assumed that this would be in the order of 110 children which equates to 11 additional drop off spaces being available. Overall the parking provision for this development should be in the order of 28 parking / drop off spaces. The development is providing 20 spaces. Without adequate parking provision*

there would be a serious concern that indiscriminate parking in the vicinity of the development would result in highway safety issues. Notwithstanding the provision of adequate parking provisions for the development, there would remain an issue that parents may choose to park on the highway in preference to using the parking facilities. In order to avoid this situation it would be necessary to introduce waiting restrictions on Futures Park and Newchurch Road [LCC Highways have requested a condition to secure such waiting restrictions].

3. *The applicant would need to demonstrate that the additional car parking spaces identified on the council offices car park would not compromise the parking availability for council employees.*
4. *Swept path for delivery vehicles. The applicant would need to demonstrate that delivery vehicles would be able to enter and leave in a forward gear.*

Officers would respond as follows to the points above:

1. Since the original submission of the application, the applicant has confirmed that there will be approximately 30 staff members, which is more than adequate having regard to the supervision ratios highlighted by the Local Highway Authority.
2. It is considered that the final arrangements for the provision of parking for the nursery (including signage, arrangements for spaces to be provided in perpetuity and drop-off areas) could be secured by a pre-commencement planning condition in this instance – preventing any development from taking place until such matters are resolved to the satisfaction of officers and the Local Highway Authority. In terms of waiting restrictions (Traffic Regulation Orders) on the highway at Futures Park, it would be for the Local Highway Authority to investigate, advertise and implement such measures if it considered them necessary, under separate legislation. It would be inappropriate for matters relating to Traffic Regulation Orders (TROs) to be contained within a planning condition when separate legislation already provides a mechanism for such Orders to be implemented, and when there is no certainty that a TRO will be pursued in any case – as proposed TROs must first undergo a public consultation and may not be implemented.
3. Officers are very familiar with the occupancy of the existing Futures Park Business Centre car park and can confirm that there is ample spare capacity for 11 of the existing spaces to be dedicated to the nursery.
4. It is considered that the requirement for a swept-path analysis drawing can in this instance be dealt with by a pre-commencement planning condition. In addition, it is noted that the Council's Operations Team has raised no objection in terms of the ability of the site to be accessed by refuse vehicles.

Having regard to the above, it is considered that the development can be made acceptable in terms of access, parking and highway safety subject to the inclusion of pre-commencement planning conditions as outlined above.

A Transport Assessment has been recently received from the applicant, which is now being reviewed by the Local Highway Authority.

In addition, the Local Highway Authority has requested the inclusion of several other conditions as outlined below, which are considered necessary and appropriate:

- The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear.
- 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.
- The existing vehicle access from Glen Street shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.
- No development to 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.
- No development to commence until a scheme for the retaining structure adjacent to the highway has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.
- For the full period of construction, 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. The roads adjacent to the site shall be mechanically swept as required during the full construction period.
- No development to take place until a construction method statement has been submitted to and approved in writing by the local planning authority.

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 local topography and tree cover.

The Council’s Environmental Health Officer has no objection to the proposed scheme, and no representations have been received from members of the public.

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

Drainage and Flood Risk

The Environment Agency has objected to the proposed development on the grounds that inadequate information has been submitted to enable a proper assessment to be made of the risks posed to the development by flooding, and the risks of the development increasing flood risk elsewhere. The objection states the following:

“The application site lies in Flood Zone 1, on land adjacent to the main river River Irwell and associated Flood Zone 3. The proposed development as a nursery is classed as “more vulnerable”, and we have significant concerns regarding the potential flood risk to the site, and the impact on flood risk elsewhere. The works proposed are likely to require a Flood

Risk Activity Permit, and without additional information we are not able to assess whether this would likely be granted. Therefore, in the absence of sufficient information to enable us to adequately assess this proposal, we object to the application as submitted and recommend that planning permission is refused.

We have reviewed the Proposed Site Plan ref AL-01-0003 dated 12 March 2020; and Proposed Site Sections ref AS-01-002 16 March 2020. The plans show the Environment Agency 8m easement on the south side of the main river, however, they do not show the easement on the north bank. It is therefore not possible to assess the impacts of the proposal either on the easement, or on the flood plain. This is of particular concern as the site sections show the intention for land raising by at least 2 metres, likely to be within the 8m easement of the north bank of the river. Proposed ground modifications could increase flood risk elsewhere by taking up floodplain volume.

In order to overcome our objection the applicant should submit plans that clearly show the development proposals in relation to both the flood zone and the 8m easement on the north bank of the river.

Given the close proximity to Flood Zone 3 the applicant should submit a flood risk assessment (FRA) that considers both the future safety of the site from flood risk, (taking climate change into account); and the impact of the proposal on flood risk elsewhere. Without a FRA the flood risks posed by the development flood are unknown.”

The vast majority of the site (including all of the proposed building footprint) lies within Flood Zone 1.

Guidance contained in paragraph 163 of the Framework in relation to Flood Risk Assessments states the following:

“When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment (50).”

With regard to Flood Risk Assessments Footnote 50 of the Framework states:

“A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3.

In Flood Zone 1, an assessment should accompany all proposals involving:

- Sites of 1 hectare or more*
- Land which has been identified by the Environment Agency as having critical drainage problems*
- Land identified in a strategic flood risk assessment as being at increased flood risk in future*
- Land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.”*

The site is in Flood Zone 1 and is less than 1 hectare. Officers are not aware of any evidence to suggest the site has been identified as having critical drainage problems. The Strategic Flood Risk Assessment for the Council’s emerging Local Plan identifies the site (outside of Flood Zone 3) as being of low risk of increased flood risk in the future.

If the site were to flood, it appears that there would be ample scope to get users off site quickly, or for parents not to drop children off at the facility. Also, it is noted that the levels on site are proposed to be raised, further reducing the on-site risk.

As such, it doesn't appear that there is a lot of evidence that this application meets the criteria for requiring a Flood Risk Assessment as set out in the Framework.

However, officers are mindful of the Environment Agency's objection and request for further information in relation to the above. Separately, United Utilities have requested the inclusion of a condition relating to the submission, approval and implementation of a scheme of surface water drainage for the development.

The Lead Local Flood Authority (Lancashire County Council) has been consulted on the application and has not provided comment.

Therefore, it is recommended (subject to all other matters being acceptable) that authority is delegated to the Chair of Committee and the Planning Manager to grant planning permission once Officers (and the Environment Agency) are satisfied that the development will not be at undue risk of flooding and that the development will not unduly increase the risk of flooding elsewhere. It is also recommended that authority is delegated to the Chair of Committee and the Planning Manager for any additional flood risk-related conditions (related to the above) to be authored and included on the grant of planning permission as necessary.

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 further site investigation (and if necessary remediation) reports prior to commencement of development.

The Environment Agency has also reiterated the need for a condition along the above lines.

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

Conclusion

The scheme would provide significant social infrastructure and employment benefits on a suitable site in a sustainable location. The proposed nursery would also provide a potentially complementary function (childcare) having regard to the existing employment uses within the vicinity of the site (such as the developments at Futures Park and the nearby JJ Ormerod sites for example).

The above benefits carry substantial weight in the planning balance.

Subject to overcoming the Environment Agency's concerns, it is not considered that the development would cause any significant harm which would significantly and demonstrably outweigh the benefits.

As such 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, ecology or highway safety. The development is considered to accord with the National Planning Policy Framework and Policies AVP2, 1, 7, 8, 9, 10, 16, 18, 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	
Site Location Plan	AL-01-001
Proposed Elevations	AE-02-001 Rev. A
Proposed Site Plan	AL-01-003 Rev. A
Proposed Plan	AL-02-001
Proposed Site Sections	AS-01-002
Design and Access Statement	March 2020
Tree Constraints Plan	D8153.001
Arboricultural Impact Assessment	8153.001

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-02-001 Rev. A (Proposed Elevations), and its facing materials shall be in accordance with the details below:

- Aluminium door and window units (dark grey in colour)
- Coursed ashlar stonework on the elevation facing Newchurch Road
- Dark grey coloured metal wall and roof cladding

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

4. The development hereby permitted shall be used only as a children's nursery. No other use of the site (including other uses within Use Class D1) shall be undertaken without a new separate grant of planning permission first being obtained from the Local Planning Authority.

Reason: The site is in an out of centre location within in an employment area, and the acceptability in principle of other uses has not been established.

5. Prior to the commencement of any development on site, 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 detailed planting specification, numbers, positions and proposed species of trees to be planted). All new trees shall be of native species appropriate to the site. The submitted details shall include a method statement to ensure the success of planting the 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.

6. Notwithstanding any information submitted with the application, no development shall take place 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) A Preliminary Risk Assessment report (Phase 1), including a conceptual model and a site walk over survey;
- ii) 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
- iii) 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 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.

7. Pursuant to condition 6 and prior to first use or occupation 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: 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.

8. Prior to first occupation of the development hereby approved, a secure, fully covered cycle store (either internal or external to the main building) with ample space to store 15 cycles shall be provided on site, 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.

9. No development shall take place until a Construction Environmental Method Statement (CEMS) has been submitted to and approved in writing by the Local Planning Authority. The CEMS shall include details of measures to be taken to protect the adjacent river from any possibility of pollution or contamination during ground clearance and construction works. The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To protect the adjacent river from pollution or contamination.

10. No external lighting shall be attached to the building hereby approved which allows direct illumination of the adjacent river.

Reason: In the interests of protecting nocturnal wildlife which may be adversely affected by such lighting.

11. No removal of or works to any hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to and approved in writing by the Local Planning Authority prior to the works taking place, and the works shall thereafter proceed in accordance with the approved details.

Reason: To protect nesting birds on the site.

12. No development shall take place until an amphibian and reptile Reasonable Avoidance Measures Method Statement (RAMMS) has been submitted to and approved in writing by the Local Planning Authority. The RAMMS shall include methods such as staged vegetation strimming, hand searching and removal of debris piles and vegetation and translocation to a safe location of any amphibians or reptiles found.

The development shall thereafter be implemented in strict accordance with the approved RAMMS.

Reason: To protect amphibians and reptiles on the site.

13. No development shall take place until an Invasive Species Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall outline the proposed approach for eradicating invasive species on site - this may include on-site treatment, burial or off-site disposal.

The development shall thereafter be implemented in strict accordance with the approved details.

Reason: To prevent the spread of invasive species.

14. All trees which are proposed to be retained on site shall be protected in accordance with the measures set out in the approved Arboricultural Impact Assessment (ref: 8153.001) for the duration of the development.

Reason: In order to protect trees to be retained on site.

15. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

The drainage scheme must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;

(ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations); and

(iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

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

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

17. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear. Such provisions shall be laid out in accordance with the approved plans and the vehicular turning space shall be laid out and be available for use before the development is brought into use, and shall be maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

18. The car park shall be surfaced or paved in accordance with a scheme first submitted to and 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 the parking areas.

19. Prior to first use of the facility hereby approved, the existing vehicle access from Glen Street shall be physically and permanently closed and the existing verge/footway and kerbing of the vehicular crossing shall be reinstated in accordance with the Lancashire County Council Specification for Construction of Estate Roads concurrent with the formation of the new access.

Reason: To limit the number of access points to, and to maintain the proper construction of the highway.

20. 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. The development shall thereafter be implemented 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 work commences on site.

21. No part of the development hereby approved shall commence until a scheme for the retaining structure adjacent to the highway has been submitted to, and approved by, the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the retaining structure are acceptable before work commences on site.

22. No part of the development hereby approved shall be occupied until the approved scheme referred to in Conditions 20 and 21 have been constructed and completed in accordance with the approved 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.

23. For the full period of construction, 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. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

24. No development shall take place until a construction method statement has been submitted to and approved in writing by the Local Planning Authority.

The approved statement shall be adhered to throughout the 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
- Contact details for the site manager

Reason: In the interests of highway safety.

25. No development shall take place until full details of the proposed arrangements for the provision of vehicular parking and pick-up / drop-off areas for the nursery have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include the following:

- Arrangements for any necessary signage
- Arrangements / mechanisms to ensure that all parking spaces are available for nursery use in perpetuity (including evidence of any relevant legal agreements)
- Pick-up / drop-off areas

The development shall thereafter be implemented in strict accordance with the approved details, and the parking spaces and pick-up / drop-off areas shall be maintained and retained for use in connection with the nursery in perpetuity.

Reason: In the interests of highway and pedestrian safety and to ensure adequate parking provision for the nursery in perpetuity.

26. No development shall take place until a swept-path analysis drawing has been submitted to and approved in writing by the Local Planning Authority, which demonstrates that delivery vehicles can safely access, manoeuvre within and exit the site.

The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of highway and pedestrian 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. 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.

4. 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.

5. 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.

6. 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 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

For the avoidance of doubt such works shall include:

- The formation of the site access off Futures Park
- Pedestrian crossing facilities on Futures Park between the site and the council car park
- Stopping up of the existing access from Glen Street

- The introduction of waiting restriction on Glen Street and Newchurch Road
7. This consent does not give approval to a connection being made to the County Council's highway drainage system.
 8. Before proceeding with the scheme preparation the Developer should consult with the Environment Director (Lancashire County Council) for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme.

For this purpose, the term highway structure shall include:

- Any bridge or culvert having a span of 1.5 metres or greater, or having a waterway opening cross sectional area exceeding 2.2 square metres {Note: span refers to the distance between centre of supports and not the clear distance between supports},
- Any retaining wall supporting the highway (including and supporting land which provides support to the highway),
- Any retaining wall supporting land or property alongside the highway.

The term 'highway' shall include footpaths and bridleways