

Application Number:	2016/0608	Application Type:	Full
Proposal:	Section 73 application to vary/ remove conditions 2, 3, 4, 7, 11, 12, 13, 14 ,20 ,21 ,22 and 28 attached to planning approval 2015/0476 which granted consent for the erection of a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1), including associated facilities, car parking and landscaping, demolition of former police station, town hall annex, public toilets and part demolition and works to the Old Town Hall, within Rawtenstall conservation area.	Location:	Rawtenstall Town Square Bank Street Rawtenstall
Report of:	Planning Manager	Status:	For publication
Report to:	Development Control Committee	Date:	17 th January 2017
Applicant:	Barnfield Construction Ltd	Determination Expiry Date:	15 th March 2017
Agent:	DAY ARCHITECTURAL LTD		

Contact Officer:	Nicola Hopkins	Telephone:	01706 252420
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REASON FOR REPORTING	
Outside Officer Scheme of Delegation	X
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	
Other (please state):	

HUMAN RIGHTS

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

Article 8

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

Article 1 of Protocol 1

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

1. **RECOMMENDATION**

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

2. **SITE**

At the Development Control Committee meeting in January 2012 Members considered and approved a scheme for demolition of the Valley Centre Shopping Precinct and its replacement with an interim development comprising a public realm and event space (2011/570 & 2011/581CAC) in Rawtenstall town centre. The approved scheme has been implemented.

This application relates to land immediately to the south and south east of those works which is presently occupied by the former Town Hall, One Stop Shop building (Town Hall annex), Police Station, public toilets and the existing bus station. It also includes a section of St James Street leading to the work place parking for a number of shops to the rear of Bank Street and the undertakers; Bacup Road for the section between St James Street and Kay Street between the bus station and the former town hall, and also Lord Street, North Street and Annie Street which run through the site.

The Former Town Hall itself has an attractive traditional stone frontage to Bacup Road but has been subject to a number of unsympathetic alterations and extensions to the rear elevation which are currently largely screened from view by the town hall annex. Between the annex and the old town hall is a small former employee car park largely screened from view. The Bus Station on to Bacup Road built as a temporary structure now has a dated and tired appearance. The Town Hall Annex and public toilets also now appear tired and dated in the street scene as does the police station which has a stark appearance when considered in the context of nearby traditional buildings. The site also consists of a car park accessed from Lord Street (tarmacked) and which sits below the level of this road and is accessed via a ramp and the treed area and car parking area to its north side which is flagged. Twelve underused cycle racks can be found adjacent to the town hall annex, largely screened by the building and a retaining wall to the flagged car park. The floorscape around the buildings is a mix of somewhat dated materials including tarmac, flags and rounded stones. A small number of mature trees can be found adjacent to the town hall annex and on the corner of St James Street and Bacup Road.

The application site is located within the defined Urban Boundary, in addition to being within the boundary of Rawtenstall Town Centre, as designated by Policy 11 of the Council's Adopted Core Strategy. It is also within its Conservation Area. The Conservation Area Character Appraisal was adopted as a material planning consideration in 2011. The Town Hall Annex, police station, bus station and the public toilets are identified in the appraisal as Buildings where sensitive redevelopment would be welcome, whilst the old Town Hall is identified as a 'Positive Unlisted Building of High Quality'. The nearest Listed Building to the application site is Longholme Chapel, which is situated behind the funeral directors fronting to the west side of James Street.

The application site forms part an area designated by Rossendale Core Strategy Policy AVP4 which includes proposals for amongst other things the redevelopment of the former valley centre site that will complement its conservation area setting and Rawtenstall's townscape, where pedestrian links and cycle access to the Railway Station will be improved

/ made direct and attractive and Rawtenstall Bus Station will be rebuilt to provide high quality passenger facilities and a landmark new development in the town centre. Policy 12 of the Core Strategy indicates redevelopment of the Valley Centre and adjacent buildings is of strategic importance.

3. PROPOSAL

Existing consent (2015/0476)

Full planning permission was granted on 9 March 2016 (2015/0476) for the following:

“The redevelopment of the site for a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1), including associated facilities, car parking and landscaping, demolition of former police station, town hall annex, public toilets and part demolition and works to the Old Town Hall, within Rawtenstall conservation area.”

28 planning conditions were attached to the planning permission.

Proposed variations

Using Section 73 of the Town and Country Planning Act, permission is sought to vary/ remove a number of the conditions which is linked to desire to commence the development, in particular the demolition elements of the development, early 2017. The reasons for the variation/ removal are set out in full below.

4. RELEVANT PLANNING HISTORY

2011/0581- Demolition of existing Valley Centre Shopping Precinct, including Astoria Hall, to be replaced with an interim development comprising a public realm and event space. Approved and implemented

2011/0570- Demolition of existing Valley Centre Shopping Precinct, including Astoria Hall. Approved and implemented.

2013/0510- Demolition, making good the footprint of the building & its surrounds with reclaimed asphalt plantings & planters, and aesthetic improvements to rear elevation of Town Hall. Approved but not implemented.

2014/0538- Demolition of the town hall, One Stop Shop (Town Hall Annex), former police station, bus station, public toilets and removal of existing car parking areas (30 spaces) and construction of a new bus station with retail at ground floor and offices above, and provision of associated parking (56 spaces) and landscaping. Withdrawn

2015/0476- The redevelopment of the site for a bus station and retail/cafe units (Use Classes A1, A2, A3, A4, A5 or B1), including associated facilities, car parking and landscaping, demolition of former police station, town hall annex, public toilets and part demolition and works to the Old Town Hall, within Rawtenstall conservation area. Approved 9th March 2016

5. 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 11 Conserving and Enhancing the Natural Environment
 Section 12 Conserving and Enhancing the Historic Environment

Development Plan

RBC Core Strategy DPD (2011)

AVP4 Rawtenstall
 Policy 1 General Development Locations & Principles
 Policy 9 Accessibility
 Policy 11 Retail and Other Town Centre Uses.
 Policy 12 The Valley Centre
 Policy 16 Preserving & Enhancing the Built Environment
 Policy 23 Promoting High Quality Designed Spaces
 Policy 24 Planning Application Requirements

Other Material Planning Considerations

LCC Historic Town Assessment Report for Rawtenstall (2006)
 RBC Rawtenstall Town Centre Conservation Area Character Appraisal (2011)
 RBC Rawtenstall Town Centre Draft Supplementary Planning Guidance (2011)
 Lancashire Local Transport Plan – A Strategy for Lancashire (2011-2021)
 East Lancashire Highways Masterplan (2014)

6. CONSULTATION RESPONSES

Consultee	Comments	Conditions
LCC Highways	Have commented on the various proposed changes as set out full in the assessment section below	Yes
Lancashire Archaeology Service	Are satisfied with the submitted written scheme of investigation	No
RBC Conservation Officer	Initially raised some concerns with the roof profile of the extension to the town hall	No
Lancashire Constabulary Designing Out Crime Officer	Has suggested a package of security measures which will be attached to any positive recommendation as an informative	No

7. NOTIFICATION RESPONSES

To accord with the General Development Procedure Order site notices were posted on 16th December 2016 and placed in the Rossendale Free Press on 23rd December 2016. 122 neighbour letters were sent on 16th December 2016.

In total 4 representations have been received which are summarised below

- Different applicant than original
- Health and Safety document is a purely generic piece of work
- Validation queries
- Concerned with the extent of the proposed hoarding area and road closures
- The Applicant and/or its Agent has committed an offence in submitting a false application with regard to ownership of the land. RBC cannot therefore determine this Application.
- The statement contained in this Application in Certificate A is false. Rossendale Borough Council is the sole owner, confirmed by the Land Registry under title Number LAN48803. The applicant has failed to serve notice on the land owner- Counsel Opinion and precedent suggest that you or The Monitoring Officer must now report this matter to the police for them to consider if any offences have been committed.
- There is no detail in any of the submitted material which is specific to this Application, all that has been advanced and submitted with this application are blank documents, sales catalogues, or generic industry standard templates, incomplete reports or drafts, appendices missing or with no specific detail or even blanks, none of which contain anything relevant to support this Application.
- The Applicant states at item 4 on the application form, that “several meetings have taken place throughout the application process and planning stages” with the Planning Manager. The lack of the required information in the application itself suggests detail was never included in such meetings.

Objections and defects relative to the Application Form.

- Part 3 – The correct address and post code are omitted and the description is incomplete, as only a tiny part of this development affects the former Valley Centre site.
- Part 5 asks for details of the proposal. It states “Refer to attached covering letter for details of conditions” As above - the covering letter dated 2.12.16, from Day Architectural, reference DAY/319/15/S1/NH/GH, is constantly referring to “documentation in support of this application”. There is no detail in any of the submitted material which is specific to this Application.
- Part 6 – Again refers to the covering letter, which in turn refers the reader to “attached documentation in support of this application”- such documentation does not exist
- Part 7, repeating the above objection on the grounds that an offence(s) has been committed, the Agent has signed Certificate A on the form on 8.12.2016- the land is solely owned by Rossendale Borough Council- The law is very, very clear and states that an application is not valid, and therefore cannot be determined by the local planning authority, unless the relevant certificate has been completed.
- Part 8 has been left blank. Another breach of Article 7b

“Other Conditions”

- Condition 4-No reason is given or detail or information provided to support this application, other than it appears the applicant wishes to ignore the condition, so that they can just get on with the demolition stage and re-fit the Town Hall, as they presumably believe they do not need to comply with the original condition.
- Condition 7 – is simply a brochure of a company called “Schuco” and provides no specific information relevant to this application. Therefore no detail provided. There is no mention in the brochure of “rai 7016”, which is mentioned in Day’s letter.
- Condition 12 In the Gantt chart it states “RTB to RBC agreement statement signed re claw back liabilities”- it has been previously stated that there will be absolutely no cost to RBC.
- Condition 12 It states that the Bus Station Operator to be appointed. No tendering or advertising has been seen.

- Condition 12 Hoardings scheduled to begin erection in January 2017, despite Stopping Up Orders not being in place and despite the conditions attached to the original planning application not having been met. This cannot be approved in the absence of such an Order and/or the original conditions imposed have been approved in writing by the Planning Authority.
- Condition 12 - No detail provided about the work to the Town Hall, despite the Tenant and Client sign off between 5/12/16 and 9/12/16. Where is there anything to suggest there is any form of value for money?
- Condition 12 – “Start to address phase 2 design and council requirements Mon 31/10/16 to Fri 31/03/17”. This is despite the consultation process has only just commenced-Only a phone exercise has taken place. It will be interesting to see how wide the public consultation will be.
- Condition 12 – “Agree communication strategy to town centre businesses and residents Mon 07/11/16 Fri 23/12/16”. So far as I am aware, having spoken to a couple of businesses, no such communication has been made, despite the intention to commence work in early January 2017
- Condition 12 – “Roll out comms (sic) strategy in advance of construction start Mon 05/12/16 Fri 16/12/16”. This also appears not to have taken place. Another date missed.
- Condition 14- this document is only a draft and refers to future documents, photographs and drawings to be later included. As this detailed material is absent and the report incomplete, the original planning condition, as mentioned in the report is not complied with and the scheme has not been submitted and cannot be therefore agreed with the Local Planning Authority. In the absence of such agreement, no development can take place.
- The Pre-Construction Information Summary document has been compiled by RJD Associates. In numerous sections, references are made to Appendices 1 to 10. Such appendices are not attached to the document. Therefore this report is incomplete as much of the relevant information has been omitted and the public prevented from seeing the detail. Not all detail supplied so it fails to conform and the planning conditions are not met.
- Barnfield has included its generic document entitled “Policies for Control of Specific Risks” Whilst it mentions the various hazards, there is nothing specific to this particular development, and since Asbestos was deemed a major concern earlier in the year, it is not clear if there is any risk to the public or workforce from asbestos or from any of the other listed risks in this site. The asbestos risk in respect of the buildings subject to Planning Application 2015/0476 requires far more detailed explanation. As no details are provided specific to this project, the application fails to comply with Article 7b.
- Barnfield Environmental Protection Plan states “The attached drawing illustrates identified receptors and pathways for the site” No drawing is attached, so yet again the public are prevented from seeing this detail. Another part of this application which fails to conform to 7b and thus fails to satisfy the conditions set out in the original planning approval. This is not listed as, and should not be confused with an attempt to complete and submit an appropriate Environmental Impact Assessment.
- Barnfield Construction Ltd. Construction Phase Health & Safety Plan is listed as Spinning Point draft construction phase plan. This is a blank document except the name and phone number of their Health and Safety Manager and HSE contact details.
- Materials details (condition 7) simply reproduces a catalogue of Euro Clad Limited, and highlights nothing specific to this project and therefore has no value.
- Site Layout Sketch listed as Construction Phase Plan Condition 11. On this drawing it states: Interim hoarding line until the solution for the Royal Mail vehicle movements is agreed & in place. This is presumably relates to issues connected to the unresolved application for the Stopping Up Orders.
- There are numerous outstanding objections to the Stopping Up Order application, and DoT will not grant the Order until all of these are resolved and the individual objectors have each told the DoT themselves, in writing, that they are withdrawing their objections.

- Construction management plan (condition 11) is simply a drawing – ref - 319-15

Other omissions

- As this is an application under Section 73, shouldn't the Applicant have included in this application an Environmental Impact Assessment in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011?

Conclusion

- Even if this was a lawful application, which it is not, there is clearly insufficient information on which any reasonable person could even begin to make any informed decision.
- No development can commence until such time that these conditions are met. It is noted that in condition 2, this also includes demolition.
- No material planning considerations cannot be arrived at or contemplated, because of the failure by the Applicant to provide the detail required by the original grant of permission.
- Various comments on the progression of the project to date.
- There is nothing whatsoever that closely provides the detail required to discharge conditions at 2 i) to 2 x).
- The hoarding cannot go up and the demolition cannot commence.
- There is nothing which satisfies any of the other conditions either.
- The letter from Day Architectural totally lacks sufficient detail
- The Royal Mail Group appears to being treated in a more favourable fashion.
- Validation appears to have taken place on a false submission and a total lack of any detail.

Rosendale Civic Trust objects to the proposals in respect of the proposed extension at the old Town Hall on the following summarised grounds:

- Regret that planning permission was given for demolition of the existing Town Hall extension before these proposals were available.
- There has been no opportunity until now to fully assess the balance of harm or benefit to the Conservation Area and the town centre as a whole.
- The proposed structure is unacceptable for the following reasons:
 1. Its proportions and character are incompatible with the existing building; it does not 'belong' to it nor take any cues from it; it certainly does not compliment it.
 2. It does not relate to the street scene, failing to supply the necessary strong horizontal frontage to this stretch of Bacup Road.
 3. It is incompatible with the bulk and substantiality of this Victorian Conservation Area.
 4. The proposed materials are totally out of character with the ethos of the town as a whole. This is a stone building in a predominantly stone built town.
- Has the retention of any part of the existing building, in situ, has been considered as part of the design process?
- The application itself leaves confusion. Whereas the one full colour image of the structure shows it to have a clear glass facade to Bacup Road (!) and also the western side facing the approach along Bacup Road, the back elevation is unseen. Yet the captions and drawings show an elevation to the west labelled 'aluminium cladding' and the back has a symbol that is not explained. The note on materials shows item 5 on all sides as being clear glazing when it points to a block base of unidentified materials.
- If the back is aluminium cladding, this would be totally incompatible with the material palette of the rest of the building and town centre and present a dull 'back street' effect to the forecourt of the bus station.

- Rossendale Civic Trust is not 'anti' modern buildings
- It is deeply disappointing that all we are being presented with here is a simple glass box that will surely bring a plethora of public disapproval on all concerned.
- If our town is to lose a substantial feature such as this, then it deserves something far better to replace it.
- The present proposal does nothing at all to enhance the Conservation Area.

8. **ASSESSMENT**

Condition 2

Condition 2 of the planning permission lists the approved plans as follows:

The development shall be carried out in accordance with the following plans unless otherwise required by the conditions below:

- Schematic Drainage Layout dwg no. SP CE XX 01 DR D 503 203 P02
- Indicative Public Realm Masterplan dwg no. N218-GA-1001 Rev P09
- Phase 1 General Arrangement Sheet 1 of 2 dwg no. N218-GA-1002 Rev P07
- Phase 1 General Arrangement Sheet 2 of 2 dwg no. N218-GA-1003 Rev P07
- Proposed Phase 1 Public Realm dwg no. N218-GA-1004 Rev P05
- Planning Elevations 1 of 2 dwg no. E-20-001 Rev P4
- Planning Elevations 2 of 2 dwg no. E-20-002 Rev P2
- Former Town Hall Proposed Elevations (extent of demolition) dwg no. E-20-003
- Former Town Hall Proposed North Elevation dwg no. E-20-004
- Former Town Hall Proposed East and West Elevation dwg no. E-20-005
- Former Town Hall Proposed South Elevation dwg no. E-20-006
- Proposed Site Plan L-00-004 Rev P3
- Proposed Site Demolition Plan L-15-001 Rev P1
- Proposed Floor Plans L-20-001 Rev P3
- Former Town Hall Proposed Basement Plan L-20-002
- Former Town Hall Proposed Ground Floor Plan L-20-003
- Former Town Hall Proposed First Floor Plan L-20-004
- Former Town Hall Proposed Second Floor Plan L-20-005
- Building sections S-20-010 P3
- Capita Drawing 'General Arrangement' ref 083519-CAP-PW-DR-C-001b revision 103.

Reason: To ensure the development complies with the approved plans and submitted details, in accordance with Policies 1 and 24 of the adopted Core Strategy DPD.

As set out further below a number of plans have been submitted to address some of the original condition requirements. Condition 2 will be amended to include these additional plans.

Condition 3

Condition 3 of the planning permission relates to nesting birds and requires further surveys if vegetation clearance is proposed between 1st March and 31st August as follows:

No vegetation clearance required by the scheme shall be undertaken during the optimum period for bird nesting (1 March to 31 August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds their eggs and young

are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

Reason: In the interests of protecting biodiversity in line with Policy 18 of the Council's Core Strategy and the NPPF.

This is a compliance condition which only requires an investigation into nesting birds if vegetation clearance is proposed between 1st March and 31st August in any one year. In this case of this development the agent for the scheme has confirmed that tree removal will take place between January and February 2017 which ensures that potential impacts on nesting birds will not be an issue. This condition will be retained as originally worded for compliance purposes.

Condition 4

Condition 4 of the planning permission relates to the landscaping of the site with submission of the details required before the commencement of the development which includes the demolition works, as follows:

The site shall be treated in accordance with a landscape scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Such scheme shall include full details of trees and shrubs to be planted (and details of their root containment system), walls, fences, bat and bird boxes, boundary and surface treatment and shall be carried out within the next planting season following the commencement of development. Any trees or shrubs dying within five years of planting shall be replaced with the same species within twelve months. All tree work to be to BS 3998 (2010) in the interests of safety and for benefit of those trees retained as detailed in the submitted arboricultural report. All trees to be retained both on site and immediately adjacent should be protected by fencing in accordance with BS 5837 (2012) as detailed in the arboricultural report.

Reason: Insufficient detail has been shown on the submitted drawings including no plant species, sizes, numbers, specification for soil, cultivation, planting, staking, mulch etc. 25 trees are shown indicatively underplanted with ornamental species which is acceptable. In the interests of visual amenity and biodiversity and in accordance with the NPPF and Policy 24 of the Rossendale Core Strategy.

This Section 73 application seeks to vary the requirements of this condition to exclude demolition and fit out of the existing Town Hall in terms of the commencement of development. In the case of this condition it is not considered essential that the landscaping information is provided prior to demolition and fitting out of the retained Town Hall building. At a National level, set out within the Neighbourhood Planning Bill and the 2016 Budget, it is clear that the Government's direction of travel is to reduce the number of unnecessary prior commencement conditions attached to planning consents as they can slow down development. Whilst this in part relates to 'front-loading' the planning process to ensure that a planning application is accompanied by all pertinent information in this case it is not considered necessary to have the landscaping details before demolition or the building fit out commences and as such the condition will be amended accordingly.

Condition 7

Condition 7 of the planning permission relates to the details of the approved town hall extension as follows:

Notwithstanding submitted details, no development shall commence until scaled elevations and sections of the proposed town hall extension have been submitted and approved in

writing by the Local Planning Authority. Details shall include glazing and any proposed coloured or tinted glazing, obscured glazing, window and door design. The development shall be carried out in accordance with approved details.

Reason: In the interests of visual amenity, in accordance with Policies 1, 16 and 24 of the Council's adopted Core Strategy DPD (2011).

Plans of the proposed extension to the Town Hall have been provided with this S73 application which detail a modern single storey aluminium framed glazed extension to the western elevational of the retained town hall. The front and side elevations incorporate floor to eaves glazing which will be clear glazed without any tinting.

Concerns have been raised by Rossendale Civic Trust in respect of this proposed extension as set out above and the Council's Conservation Officer raised concerns about the design of the roof of the proposed extension. The Conservation Officer was concerned that the originally submitted scheme appeared incongruous next to the town hall as the roof detailing appeared top heavy. The officer queried whether this could be simplified to a sleeker and understated roof detail.

In response to the comments from the Conservation Officer the plans have been amended with a simplified glazed extension and a re-notification on the amended plans was sent to neighbours and contributors on 6th January. Any further comments received in respect of this re-notification will be reported on the Committee Update Report.

As set out within the original committee report the proposed extension to the western elevation was always proposed to be a contemporary addition and its impact assessed as neutral as part of the original application in respect of both the retained Town Hall and the Conservation Area. The original Committee report states the following in respect of the proposed extension:

The single storey extension proposed to the western elevation is contemporary in design and provides a visual link between the architecture of the bus station and the town hall. It is small-scale and subservient but further detail is needed on materials and design which must be carefully controlled by condition to ensure it has a strong presence in the street scene without appearing out of place.

It is considered that the amended scheme represents a contemporary addition to the former Town Hall building and the simplified design ensures that whilst the extension will be visible within the streetscene it won't appear out of place.

Condition 11

Condition 11 of the planning permission requires the submission of a construction method statement prior to the commencement of the development as follows:

No part of the development hereby approved shall commence, including any works of demolition, 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:

- i. The parking of vehicles of site operatives and visitors
- ii. The loading and unloading of plant and materials
- iii. The storage of plant and materials used in constructing the development
- iv. The erection and maintenance of security hoarding
- v. Wheel washing and road sweeping facilities

- vi. Measures to control the emission of dust and dirt during construction
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii. Details of working hours
- ix. Routing of delivery vehicles to/from site
- x. Site Manager contact details

Reason: In the interests of pedestrian and highway safety and neighbour amenity in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

As part of this S73 application it is proposed to satisfy the requirements of this condition by submitting the details set out above. This information has been reviewed by the Highway Engineer at Lancashire County Council who has made the following comments:

No highways (North Street, Lord Street, Annie Street) should be enclosed with hoarding or used for any other purposes until they have been formally stopped up and the Council have received the signed notice. The applicants have been made aware of this comment along with the requirement to secure a hoarding license from LCC and the agent for the application has spoken to the street works team who deal with the applications to address this requirement.

The Engineer has also commented that there is currently a lack of road space at Bacup Road resulting in buses using the whole width of the carriageway to turn left and full details will need to be provided to LCC, the applicants have been made aware of these comments.

Based upon the submitted information the requirements of condition 11 have been satisfied and as such this condition will be amended to a compliance condition.

Condition 12

Condition 12 of the planning permission requires the submission of a construction and demolition phasing project plan prior to the commencement of the development as follows:

No part of the development hereby approved shall commence until a construction and demolition phasing project plan is submitted to and approved in writing by the Local Planning Authority, which shall be adhered to through the demolition and construction period.

Reason: In the interests of pedestrian and highway safety and neighbour amenity in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

As part of this S73 application it is proposed to satisfy the requirements of this condition by submitting the required details and a demolition and construction programme has been submitted with the application. This has been reviewed by the Highway Engineer at LCC who is satisfied with the details but has requested the following additional information:

1. Highway stopping up order decision date
2. S278 agreement signed by date
3. Off-site highway works start/end
4. Demolition of existing Bus Station
5. Subsequent car park and access works on Bacup Road

In response to this request the Demolition and Construction Phasing Plan has been updated to include the items requested. This has been forwarded to the Highway Engineer at LCC and her comments will be reported on the Update Report.

Condition 13

Condition 13 of the planning permission requires the submission of a scheme for the construction of the site access and the off-site works of highway improvement prior to the commencement of the development as follows:

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 be carried out in accordance with the approved details.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site, in accordance with Policies 1 and 24 of the Council's Core Strategy DPD.

This S73 application seeks to vary the requirements of this condition to require the submission of the proposed details, which will form part of a Section 278 Agreement with Lancashire County Council, within the following phases:

1. Submit the required details within 6months of the commencement date,
2. Submit the works north of Bacup Rd implemented prior to the occupation and opening of the new Bus Station facility, and
3. The works to the south of Bacup Rd must be completed within 3months of the Existing Bus Station ceasing operation.

This request has been considered by the Highway Engineer at LCC who has commented that LCC would be agreeable to a time period of 3 months to submit a scheme for the construction of the site access and off-site highway works shall be submitted to, the approved works shall be completed prior to the first occupation/operation of the new bus station, excluding the footway and access works to the south side of Bacup Road on the former Bus Station site which will be completed within the following 3 months.

The Engineer considers that the requested 6 month time period following commencement of the works to submit a scheme would provide insufficient time to design and construct the works prior to the completion of the Bus Station. Additionally the Engineer has commented that the wording proposed for the completion of the works does not include Bacup Road itself and therefore it has been amended accordingly.

The agent for the application is satisfied with the Engineers suggestions and as such the condition has been amended accordingly.

Condition 14

Condition 14 of the planning permission requires the submission of a scheme for the retaining structure adjacent to the highway and Bus Station apron prior to the commencement of the development as follows:

No part of the development hereby approved shall commence until a scheme for the retaining structure adjacent to the highway and Bus Station apron has been submitted to, and approved by, the Local Planning Authority. The development shall be carried out 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.

This S73 application seeks to remove this condition as a retaining structure will no longer be required. In this regard the Highway Engineer at LCC has commented that at pre-application stage a potential retaining wall alongside the highway named James Street, was identified which this condition relates to. The Engineer has commented that there has been some confusion about an existing retaining wall on Lord Street that is to be encompassed into the development site. Given this confusion the Engineer requested a plan to show any new walls adjacent to the highway and confirmed that if there are none then condition can be removed.

In response to this request the agent has confirmed that no retaining wall structures are required as part of this development. This confirmation has been forwarded to the Engineer at LCC and it is considered that as no retaining wall structures are required the condition can now be removed.

Condition 20

Condition 20 of the planning permission requires the submission of details of the bin store and cycle stores prior to occupation of the development as follows:

No part of the development hereby approved shall be occupied or opened for trading until the following has been submitted and approved in writing by the Local Planning Authority and subsequently implemented:

- 1) Details of layout, design, visibility, security and signage of the proposed bin store and cycling store provision for the bus interchange facility.
- 2) Full details of the proposed cycling store to be located within the ground floor of the former town hall.

Reason: To secure appropriate levels of cycle stores and bin store provision and to accord with Policies 1 and 24 of the Core Strategy and the NPPF.

This application seeks to vary the requirements of point 2 of this condition to omit the reference to the ground floor of the former town hall as external cycle storage may be provided. The Highway Engineer has no objection to this variation subject to the provision of secure and covered cycle storage which can be addressed within the varied condition wording.

Condition 21

Condition 21 of the planning permission requires the submission of a demolition method statement prior to the commencement of the development as follows:

Notwithstanding what is shown on the submitted drawings / in the supporting statement, prior to the commencement of demolition, the following shall be submitted to and approved in writing by the Local Planning Authority:

- i) A method statement in respect of the demolition works to be undertaken, including details of the means by the boundaries of the site will be screened, harm to existing trees bounding the site and within the site to be retained will be avoided and where any site cabins / compound will be located.

Reason: To protect the character and appearance of the locality, in accordance with Policies 1,16,23 and 24 of the adopted Core Strategy DPD 2011.

This application seeks to provide the information required in respect of this condition. The submitted details are considered to be acceptable and as such this condition will be amended to a compliance condition.

Condition 22

Condition 22 of the planning permission relates to contamination and required the submission of the following details prior to the commencement of the development, including demolition:

No development shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

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

Reason: To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Contaminated Land Phase I Report, to accord with Policies 1 and 24 of the Council's adopted Core Strategy DPD (2011) and the NPPF

This S73 application seeks to vary the requirements of this condition to exclude demolition and fit out of the existing Town Hall in terms of the commencement of the development. This request is a reasonable request as it will not be possible to undertake a full site investigation until the demolition works have been completed and this condition relates to the part of the site to be developed as opposed to the retained part of the Town Hall which will be used for office accommodation. As such this variation is considered to be acceptable.

Condition 28

Condition 28 of the planning permission requires the submission of a written scheme of investigation in respect of archaeological building recording and analysis prior to the commencement of the development as follows:

No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological building recording and analysis. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure and safeguard the recording and inspection of matters of archaeological / historical importance associated with the building in accordance with policy 16 of the Council's adopted Core Strategy DPD (2011) and NPPF.

This application is accompanied by a Building Recording Survey in an attempt to satisfy the condition requirements. This document has been reviewed by Lancashire Archaeological Advisory Service (LAAS) who are satisfied with the contents of the documents. As such this condition can be varied to a compliance condition with a requirement for the submission of a final report.

Comments received in respect of the Application

As set out above comments have been received in respect of the validity of this application and concerns with the submitted information. These comments were received on the day the report was due for publication and as such will be addressed in full on the Update Report for Committee.

9. RECOMMENDATION

For the reasons set out above it is recommended that the conditions are varied/ removed and that permission be granted subject to the conditions set out in Section 10

10. CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from 9th March 2016

Reason: Required by Section 51 of the Planning and Compulsory Purchase 2004 Act

2. The development hereby approved shall be carried out in accordance with the following plans unless otherwise required by the conditions below:

Schematic Drainage Layout dwg no. SP CE XX 01 DR D 503 203 P02
Indicative Public Realm Masterplan dwg no. N218-GA-1001 Rev P09
Phase 1 General Arrangement Sheet 1 of 2 dwg no. N218-GA-1002 Rev P07
Phase 1 General Arrangement Sheet 2 of 2 dwg no. N218-GA-1003 Rev P07
Proposed Phase 1 Public Realm dwg no. N218-GA-1004 Rev P05
Planning Elevations 1 of 2 dwg no. E-20-001Rev P4
Planning Elevations 2 of 2 dwg no. E-20-002 Rev P2
Former Town Hall Proposed Elevations (extent of demolition) dwg no. E-20-003
Former Town Hall Proposed North Elevation dwg no. E-20-004
Former Town Hall Proposed East and West Elevation dwg no. E-20-005
Former Town Hall Proposed South Elevation dwg no. E-20-006
Proposed Site Plan L-00-004Rev P3
Proposed Site Demolition Plan L-15-001 Rev P1
Proposed Floor Plans L-20-001 Rev P3
Former Town Hall Proposed Basement Plan L-20-002
Former Town Hall Proposed Ground Floor Plan L-20-003
Former Town Hall Proposed First Floor Plan L-20-004
Former Town Hall Proposed Second Floor Plan L-20-005
Building sections S-20-010 P3
Capita Drawing 'General Arrangement' ref 083519-CAP-PW-DR-C-001b revision 103
Interim Draft Construction Phase Plan (reference: SK01 Rev B received 5th January 2017)
Draft Construction Phase Plan (reference: SK01 Rev Ø received 9th December 2016)
Construction and demolition phasing project plan revision A (received 5th January 2017)
Construction Phase Health & Safety Plan (received 9th December 2016)
Pre-construction information summary reference document dated 7th June 2016.
Environmental Protection Plan (received 9th December 2016)

Demolition Method Statement (received 9th December 2016)
Demolition Method Plans (received 9th December 2016)
Building Recording Survey (received 9th December 2016)
Proposed Town Hall Extension (Ref: PL-20-001 Revision A received 6th January 2017)

Reason: To ensure the development complies with the approved plans and submitted details

3. No vegetation clearance required by the scheme shall be undertaken during the optimum period for bird nesting (1 March to 31 August inclusive) unless nesting birds have been shown to be absent by a suitably qualified person. All nesting birds their eggs and young are specially protected under the terms of the Wildlife and Countryside Act 1981 (as amended).

Reason: In the interests of protecting biodiversity

4. The site shall be treated in accordance with a landscape scheme which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the new bus station and/or occupation of the former Town Hall (whichever is the earlier).

The scheme shall include full details of trees and shrubs to be planted (and details of their root containment system), walls, fences, bat & bird boxes, boundary and surface treatment.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

All tree work to be to BS 3998 (2010), or any subsequent amendment to the British Standard, in the interests of safety and for benefit of those trees retained as detailed in the submitted arboricultural report. All trees to be retained both on site and immediately adjacent should be protected by fencing in accordance with BS 5837 (2012) as detailed in the arboricultural report.

Reason: Insufficient detail has been shown on the submitted drawings including no plant species, sizes, numbers, specification for soil, cultivation, planting, staking, mulch etc. 25 trees are shown indicatively underplanted with ornamental species which is acceptable.

5. The development hereby approved shall be carried out in accordance with the following materials which have been agreed:

- Paving shall be Scoutmoor natural sandstone flagstones in Rustic finish. The Scoutmoor sandstone flag stones shall be a minimum depth of 50mm.
- Paving shall be Charcon Andover washed Light Grey, Charcon Andover Washed Silver Grey, Charcon Andover Washed Anthracite Charcoal, Charcon Andover Washed Dark Grey
- Stone cladding/ashlar to the proposed bus station shall be Fletcher Bank Sandstone sawn to a smooth finish.

Reason: In the interests of visual amenity and to clarify the consent

6. Prior to installation the following details shall be submitted to and approved in writing by the Local Planning Authority:

- Window design to all elevations of the remaining town hall
- Details of roofing material to the town hall extension and bus station
- Details of all obscured, coloured or tinted glazing to bus station

The development shall then be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the details are appropriate

7. The approved Town Hall Extension shall be carried out in accordance with approved Proposed Town Hall Extension Plan (Ref: PL-20-001 Revision A received 6th January 2017)

Reason: In the interests of visual amenity.

8. Prior to installation, details of the design of wall to Bacup Road to be submitted and approved in writing by the Local Planning Authority. This shall include coursing, coping detail, material, extent and height. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity and to ensure the details are appropriate

9. No pressure or abrasive cleaning methods shall be carried out to the exterior stonework of the former town hall building until such details have been submitted to and approved in writing by the Local Planning Authority. Any cleaning shall then be undertaken in strict accordance with approved details.

Reason: In order to protect the character and appearance of the Conservation Area

10. The development hereby permitted shall not be commenced, excluding demolition, until a formal stopping up of the highway named North Street (west of Kay Street), part of Lord Street and part of James Street is granted under Section 247 of the Town & Country Planning Act 1990 shown on the approved plan named 'Highway adoption and Stopping Up' 083519-CAP-PW-DR-C-006b Rev I02.

Reason: To ensure the satisfactory development of the site in the interests of highway safety

11. The development shall adhere to the approved construction method statement throughout the entire construction period. In particular the following shall be adhered to:

- i. The parking of vehicles of site operatives and visitors shall be wholly within the development site as detailed on plans reference SK01 Rev B received 5th January 2017 and SK01 Rev Ø received 9th December 2016
- ii. The loading and unloading of plant and materials shall be wholly within the confines of the site in accordance with the approved pre-construction information summary reference document dated 7th June 2016.
- iii. The storage of plant and materials used in constructing the development shall be wholly within the confines of the site
- iv. Security hoarding shall be erected in accordance with plans reference SK01 Rev B received 5th January 2017 and SK01 Rev Ø received 9th December 2016 and maintained throughout the construction period
- v. Wheel washing facilities shall be provided as per plans reference SK01 Rev B received 5th January 2017 and SK01 Rev Ø received 9th December 2016 and road sweeping facilities shall be provided if necessary during the construction period.
- vi. Dust and dirt created during construction will be minimised in accordance with the Environmental Protection Plan received 9th December 2016

- vii. Waste resulting from demolition and construction works shall be removed from the site in accordance with the Construction Phase Health & Safety Plan received 9th December 2016
- viii. The working hours shall be between 7.30am and 6.30pm Monday to Friday and 7.30 am and 4pm on Saturdays. No construction works shall take place on Sundays or Bank Holidays
- ix. Delivery vehicles will be routed to/from site in accordance with the Draft Construction Phase Plan Rev B received 5th January 2017
- x. Site Manager is Russell Currie – 01282 442300

Reason: In the interests of pedestrian and highway safety and neighbour amenity

12. The development hereby approved shall be completed in accordance with the submitted construction and demolition phasing project plan revision A (received 5th January 2017) and the Construction Phase Health & Safety Plan received 9th December 2016.

Reason: In the interests of pedestrian and highway safety and neighbour amenity

13. Within 3 months of the commencement of the development a scheme for the construction of the site access and the off-site works of highway improvement shall be submitted to, and approved in writing by, the Local Planning Authority. The construction of the site access and the off-site works of highway improvement shall be carried out in accordance with the approved details and completed prior to the first occupation/operation of the new bus station excluding the footway and access works to the south side of Bacup Road on the former Bus Station site which shall be completed within 3 months following the first occupation/operation of the new bus station.

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

14. No part of the development hereby approved shall be occupied or opened for trading until a travel plan is submitted and approved by the local planning authority. The travel plan shall be carried out in accordance with the details approved.

Reason: To ensure a multi modal transport provision to the development and minimise vehicular movements in the interests of sustainability.

15. No part of the development hereby approved shall be occupied or opened for trading until the approved scheme referred to in Condition 13 has been constructed and completed in accordance with the scheme details unless otherwise agreed as set out in the demolition and construction phasing project plan.

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

16. No part of the development hereby approved shall be occupied or opened for trading until a "Bus Station Management Strategy" shall be submitted to and approved in writing by the Local Planning Authority, which shall then be adhered to throughout the life of the development.

Reason: In order to maintain safety within and external to the site when the development is operational

17. No part of the development hereby approved shall be occupied or opened for trading until, a 'Site Access, Deliveries and Servicing Strategy' and a 'Site Movement and Safety Strategy' shall be submitted to and approved in writing by the Local Planning Authority. The strategy to cover access for all deliveries, service vehicles and emergency services and contain agreed routes and

access times for deliveries to be outside 7:30 and 18:00 Monday to Saturday and 10:00 and 16:00 Sunday only and safety mechanisms put in place for reversing of delivery vehicles adjacent to bus apron and access roads. Any changes to these operating hours would need to be agreed. The strategy to satisfy the safety audit of the internal layout.

Reason: In order to maintain safety within and external to the site and flow within the development and on local roads when the development is operational.

18. No part of the development hereby approved shall be occupied or opened for trading until the highway Sycamore tree located on the western footway on James Street has been removed.

Reason: In the interests of pedestrian safety

19. No part of the development hereby approved shall be occupied or opened for trading until the following has been submitted and approved in writing by the Local Planning Authority and subsequently implemented:

- 1) Details of layout, design, visibility, security and signage of the proposed bin store and cycling store provision for the bus interchange facility.
- 2) Full details of the proposed cycling store to serve the former town hall which shall be secure and covered.

Reason: To secure appropriate levels of cycle stores and bin store provision

20. The demolition of the buildings hereby approved shall be undertaken in full accordance with the Demolition Method Statement and plans submitted on 9th December 2016.

Reason: To protect the character and appearance of the locality.

21. Prior to the commencement of the construction of the new bus station, extension to the former Town Hall and/or occupation of the former Town Hall (whichever is the earlier) a scheme, that includes the following components to deal with the risks associated with contamination of the site, shall each be submitted to and approved, in writing, by the Local Planning Authority:

- i) A preliminary risk assessment which has identified:
 - all previous uses;
 - potential contaminants associated with those uses;
 - a conceptual model of the site indicating sources, pathways and receptors; and
 - potentially unacceptable risks arising from contamination at the site.
- iii) A site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iv) The results of the site investigation and detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- v) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- vi) Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Contaminated Land Phase I Report

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

Reason: To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Contaminated Land Phase I Report.

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

Reason: To ensure development of the site proceeds in a safe and satisfactory form, having regard to the findings of the submitted Contaminated Land Phase I Report

24. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

i) Limiting the surface water run-off generated by the critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. This discharge rate is to be agree with United Utilities if entering their system.

ii) The mitigation measures shall be fully implemented prior to commencement and subsequently in accordance with the timing / phasing arrangements embodied within the scheme. Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and by ensuring that compensatory storage of flood water is provided, and to reduce the risk of flooding to the proposed development and future occupants.

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

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

26. This site must be drained on a separate system, with only foul drainage connected into the foul sewer unless otherwise agreed in writing by the Local Planning Authority. Surface water should discharge to surface water sewer network

Reason: To ensure satisfactory foul drainage arrangements, and to accord with the advice of United Utilities

27. Prior to the demolition of any part of the former Town Hall building the building shall be recorded and analysed in accordance with the submitted Building Recording Survey, undertaken by Oxford Archaeology North dated December 2016. Within 2 months of the completion of the demolition works on site the final report shall be submitted to and approved in writing by the Local Planning Authority.

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