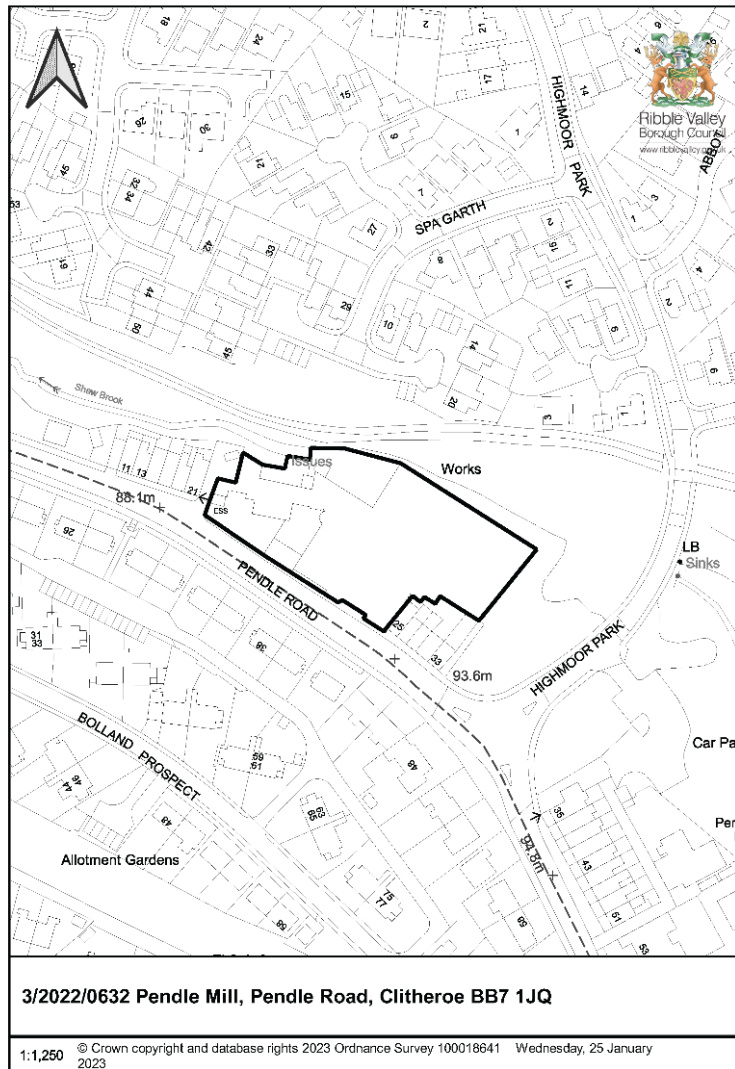


APPLICATION REF: 3/2022/0632

GRID REF: SD 374909 441549

DEVELOPMENT DESCRIPTION:

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A CARE HOME (USE CLASS C2) OF UP 70 BEDS. ALL MATTERS RESERVED APART FROM ACCESS AT PENDLE MILL, PENDLE ROAD, CLITHEROE



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

CLITHEROE TOWN COUNCIL:

No objections.

LOCAL HIGHWAY AUTHORITY (LHA) - LANCASHIRE COUNTY COUNCIL HIGHWAYS:

Further information was requested and subsequently provided, and the scheme has been assessed on this basis.

The site currently has two accesses from Pendle Road which is a C classified road subject to a 30mph speed limit. These accesses are proposed to be stopped up and replaced with a new access to serve the site.

The LHA are aware of the level difference between the site and the highway with the proposed access. The access would be no greater than 1 in 20 in accordance with LHA guidance, however, a retaining wall will need to be altered which abuts the footway fronting Pendle Road. Therefore, a technical drawing is required in order to ensure that the stability of the adopted highway is not unduly affected.

Details of the access arrangements and visibility splays including a swept path analysis have been submitted and are acceptable.

No objection subject to conditions relating to construction management plan, site access and off-site works, structural report, reinstatement of footway, access arrangements, visibility splays and surface water run-off.

UNITED UTILITIES:

No objection subject to the imposition of conditions.

ENVIRONMENT AGENCY:

The previous discrepancy has now been rectified and therefore the objection has been removed subject to the proposed development proceeding in strict accordance with the submitted Flood Risk Assessment (FRA) and the mitigation measures identified.

The previous use of the site as a mill presents a high risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the site is adjacent to a surface watercourse and is isolated on a primary aquifer. Therefore a condition is recommended requiring a remediation strategy to be submitted and approved.

LEAD LOCAL FLOOD AUTHORITY:

No objection subject to appropriate conditions.

LANCASHIRE COUNTY COUNCIL ARCHAEOLOGY:

The original building was built as a brewery in c 1788 and was converted into a printworks in 1809 and then became a sizing works after 1826. In 1834 the site was sold and a seven storey spinning mill and weaving shed known as Brewery Mill. The Mill is shown on the 1844 Ordnance Survey fronting Pendle Road with the weaving shed to the rear and lave mill pond to the south east. The spinning block was destroyed by fire in 1896 although the weaving shed was saved. Textile manufacture ended at the site in 1966.

The premises currently occupying the site appear to incorporate some significant elements of the different phases of the mill which are recorded in historical documents and the successive editions of the Ordnance Survey maps. There is a possibility that remains of the early use as a brewery and textile works will have required significant water supplies and facilities for handling chemicals and dyestuffs.

Therefore prior to their demolition, request that the buildings on the site should be the subject of detailed archaeological survey and analysis together with an assessment of the potential for the survival of below ground remains with proposals for a further phase of archaeological excavation and recording if this is deemed necessary. This can be controlled by an appropriate condition.

CADENT GAS:

No objections subject to an informative relating to damage to assets or inference with rights of access.

EAST LANCASHIRE HOSPITALS NHS TRUST:

Request a contribution of £51,937 towards the NHS Trust.

LANCASHIRE FIRE AND RESCUE SERVICE:

Comments relating to access and Building Regulations.

ADDITIONAL REPRESENTATIONS:

Six letters of representation have been received objecting to the application on the following grounds:

- Concerns about the land level differences;
- New entrance is inappropriate especially with football match parking;
- Flooding and ground water is an issue;
- The project is too large for the site with limited parking to accommodate visitors and staff;
- Surely the building in places is a listed building? Where the old bath house was;
- The road has heavy traffic;
- Where will people park when visiting Clitheroe?;
- Is the height and steep roof pitch necessary?
- The plans fail to show the rear dormer roof extensions on the existing properties;
- The proposed development could have a significant impact on Pendle Road with increased construction traffic and noise;
- The number of parking spaces proposed are a concern;
- The existing soil pipe access should be maintained;
- The proposed height of the building would affect sunlight to the rear of properties on Pendle Road; and
- There is a likelihood of bats roosting in the building.

1. **Site Description and Surrounding Area**

- 1.1 The application site consists of an existing single/two storey structures constructed in pebble-dash render located within the settlement of Clitheroe and is split into different units. Three of the units are currently occupied.
- 1.2 The building has been in use as a commercial building with unrestricted operating times for some years and currently accommodates a retail showroom as well on-line distribution.
- 1.3 The site is served by two established accesses off Pendle Road.

2. **Proposed Development for which consent is sought**

- 2.1 The application seeks outline consent for the demolition of existing buildings and erection of a 70 bed care home. All matters are reserved except for access, with a new vehicular access proposed to be formed from the western side of the site frontage.
- 2.2 The site is within the settlement with other commercial premises and housing within close proximity. The indicative plan submitted suggests the proposed development would front onto Pendle Road with parking to the western side close to the new access.

3. **Relevant Planning History**

None.

4. **Relevant Policies**

Ribble Valley Core Strategy

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement DMI2 – Transport Considerations
Key Statement EN3 – Sustainable Development
Key Statement EC1 – Business and Employment Development

Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport & Mobility
Policy DME4 – Protecting Heritage Assets
Policy DMB1 – Supporting Business Growth and the Local Economy
Policy DMI1 – Planning Obligations

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

5. **Assessment of Proposed Development**

5.1 **Principle of Development:**

- 5.1.1 The application site lies within the defined settlement limits of Clitheroe (Tier 1 Settlement) where Key Statement DS1 directs the majority of new development (alongside Longridge and Whalley). The development of the site for a care home does not raise any strategic conflicts with the development strategy for the borough

subject to other policy requirements being met. The site has an existing unrestricted commercial use, although is not a designated employment site.

- 5.1.2 Policy DMB1 of the Ribble Valley Core Strategy requires proposals involving the redevelopment of sites with employment generating potential for alternative uses to be assessed against a number of criteria. The proposed C2 care home use does not fit the term 'employment use' and so the policy is still relevant to apply albeit the applicant claims 70 full time equivalent (FTE) jobs will be created, which does carry some weight. Criteria 1 and 2 requires the proposal to be compatible with other relevant local plan policies including policy DMG1 in terms of design, access, amenity and environment. This will be considered in subsequent sections of this report. Criteria 3 requires environmental benefits to be gained by the community. This is considered satisfied as the proposal will require large-scale demolition of existing dilapidated buildings and will be a more compatible use with surrounding residential properties. Criteria 4 requires the economic and social impact caused by the loss of employment opportunities to the borough to be considered. The existing site does not operate at full capacity and the existing premises are said to currently provide 10 FTE jobs, The applicant claims the existing businesses within the mill site are proposed to be relocated within the Borough although there is no evidence to support this and therefore there could be some impact. Criteria 5 requires evidence submitted demonstrating attempts made to secure alternative employment generating uses. No such evidence has been submitted.
- 5.1.3 Whilst the proposal cannot be said to be fully compliant with policy DMB1 because of the potential loss of existing business on the site and the lack of efforts to secure an alternative employment use, when weighed against the benefits to development including the environmental benefits of removing dilapidated buildings, the social benefits of providing older persons accommodation in a sustainable location, and the economic benefits of creating up to 70 FTE jobs, this policy conflict is not in itself a reason to refuse the application.

5.2 Impact upon Residential Amenity:

- 5.2.1 Whilst an outline proposal, indicative plans have been submitted illustrating how a 70-bed care home could be accommodated on the site. These carry some weight at this stage in terms of assessing the impact on residential amenity, as it is likely that a reserved matters proposal would follow a similar scale and form in order to accommodate 70 bedrooms, should this outline application be approved.
- 5.2.2 The proposal has a direct interface and relationship with a number of nearby residential dwellings, as such consideration must be given in respect of the potential for the proposal to result in undue impacts upon existing or future residential amenities.
- 5.2.3 No 21 Pendle Road is located to the west of the proposed development closest to the existing and proposed access points. The amount of built form here is proposed to be less than existing due to having to accommodate the new access and car park. Whilst the resulting vehicles entering and leaving the site is likely to be more than at present, the site is not operating at full occupancy with limited opening times and online sales facilities. The use of the site as a care home would change the nature of comings and goings in terms of staff and visitors numbers

although this is unlikely to be more than if the existing use was occupied at full capacity. Therefore the proposal would not result in an unacceptable amenity impact upon nearby residents from use of the proposed access.

- 5.2.4 Nos 30 - 46 Pendle Road are detached and semi-detached residential properties located opposite the site frontage with a minimum separation distance of 21m.
- 5.2.5 Nos 25 - 33 Pendle Road are located immediately adjacent the site on its south east side and will be the nearest residential properties to the proposed built development as shown on the indicative plan. These properties are orientated in a manner whereby their rear elevations and rear garden areas are likely to face onto a front elevation of a rear wing of the proposed development. Whilst siting is not applied for at this stage, the illustrative section indicates a distance of 19m between the new development and the rear elevations of the existing dwellings at their closest point, and a distance of approximately 10.3m between the new development and the northern boundary of the existing garden areas.
- 5.2.6 This is further than at present, however the existing building is lower to the rear of these properties with the existing ridge height approximately 1m below that of the existing rear boundary wall to no. 25 Pendle Road. In comparison the illustrative plan suggests the eaves height of the new building would be approximately 2.6m above the existing building parapet and the ridge height would be 8.7m above the existing ridge/parapet height.
- 5.2.7 Whilst appearance is not applied for at this stage, it is reasonable to assume that this new elevation would benefit from windows at ground and elevated floor level. Taking into account the interface distances, the rear garden areas associated with Nos 25 - 33 Pendle Road would experience significant direct overlooking from facing windows in elevated positions, which would significantly compromise and undermine the sense of privacy afforded to their private garden areas.
- 5.2.8 Furthermore new elevated level windows in this facing elevation could also result in direct overlooking into habitable rooms of these existing dwellings (Nos 25 – 33) which have rear dormer windows, which would also result in a significantly compromised sense of privacy for existing residents but also future residents of the care home.
- 5.2.9 Additionally, whilst scale is not applied for at this stage, the indicative plans show a three storey building, which due to its proximity is likely to result in some overbearing impact on the aforementioned existing dwellings, despite the ground floor being set at a lower land level.
- 5.2.10 Taking the potential impact of the indicative proposal on these residential properties into account, there is concern about the height and siting of the proposal as suggested in its current form. Therefore to ensure an appropriate development comes forward at reserved matters stage, a condition is necessary on any outline planning permission granted to limit the building height and proximity to Nos 25 – 33 Pendle Road. It is considered that a suitably worded condition is possible which would still enable a 70 bed care home to be designed at reserved matters stage with an acceptable relationship with these properties. Subject to this condition no conflict with Policy DMG1 of the Ribble Valley Core Strategy is identified.

5.3 Visual Amenity/External Appearance

- 5.3.1 The illustrative details indicate the erection of a three-storey detached, 70 bed care homes on an existing commercial site. The amount of built form would be significantly more than at present with an increase in footprint and height required in order to accommodate the amount of development.
- 5.3.2 The indicative plans show that the proposed building would front onto Pendle Road with a 'T-shaped' footprint designed to follow the parameters of the site. Should outline planning permission be granted then the elevational details including window formations and materials proposed would be considered as part of the reserved matters application for appearance.
- 5.3.3 The indicative plans show that the proposed development when viewed from Pendle Road would be read as a two storey building, due the ground floor level and part of the first floor level being situated below the road level.
- 5.3.4 As such, the general scale and form of development indicated is considered to be in accordance with Policy DMG1 of the Ribble Valley Core Strategy insofar that the proposed development as shown in outline form would be visually appropriate in this location. Details of the design and materials can be considered as part of a future Reserved Matters application to ensure this is sympathetic to the characteristics of the streetscene.

5.4 Drainage, Noise and Contamination

- 5.4.1 A drainage strategy has been submitted together with a Flood Risk Assessment (FRA) which sets out the surface and foul drainage provision for the site. The drainage scheme and FRA have been assessed by the appropriate bodies and are considered acceptable subject to appropriate conditions.
- 5.4.2 A Construction Method Statement will be required which can control aspects of working hours and noise restrictions taking account of the nearby receptors. This can be achieved by an appropriate condition.
- 5.4.3 A Phase 1 assessment submitted with the applications states that the former activities at the site could result in contamination of the ground. Further investigations will be required to identify the potential risks including a pre-demolition asbestos survey. This can be controlled by an appropriate condition.

5.5 Landscape and Ecology:

- 5.5.1 The application has been accompanied by an Arboricultural Impact Assessment which identifies a total of 19 individual trees and one group of trees on and adjacent to the site. These consist of one graded Category A tree of high value and six Category B trees of moderate value. The rest are low value Category C trees. Two trees are unsuitable for retention, however, there is no requirement for any trees to be removed in order to facilitate the development.

- 5.5.2 The trees within and adjacent to the site will need to be retained and protected during demolition and construction works. This can be achieved by an appropriately worded condition.
- 5.5.3 Should outline permission be granted, details of proposed landscaping will be considered as part of the reserved matters at a later stage. This would need to satisfy the requirements of Key Statement EN4 which requires a net enhancement in biodiversity. A Biodiversity Net Gain (BNG) Statement has been submitted which uses the BNG Metric 3.0 tool to calculate baseline habitats. However until details of the proposed landscaping are submitted at the Reserved Matters stage the exact details of BNG are unknown. Therefore this is appropriate to deal with by way of conditions.
- 5.5.4 An ecology survey has been submitted which has identified bat roosts within the site. The report sets out the requirement for a Natural England (NE) Licence to be obtained to deal with their removal as well as proposed mitigation in the form of a bat roost within the building and the addition of two bat boxes close by in order to compensate for the loss of the building as a bat roost.
- 5.5.5 In order for the NE license to be granted, NE requires 3 tests for the development to be met: (a) Preserving public health or public safety or other imperative reasons of overriding public interest; (b) there is no satisfactory alternative; and (c) the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range. As competent authority the Habitats Directive places a duty on local planning authorities to consider whether there is a reasonable prospect of a license being granted and apply the three tests.
- 5.5.6 In terms of the first test, there would be some economic and social benefit in the provision of a care home development as well as an environment benefit in demolition of existing buildings which could be considered of overriding public interest. In terms of the second test, retention of the existing buildings would not be practical nor feasible and there are few if any alternative sites available within proximity to Clitheroe town centre, therefore there is no satisfactory alternative. The final test is an ecological one, which the submitted ecology survey says will be met as appropriate compensation / mitigation is possible. Therefore all three tests are considered to be met and there is a reasonable prospect that NE would grant a license for this development.

5.6 Highway Safety and Accessibility:

- 5.6.1 The site is currently accessed from Pendle Road with two separate accesses. The scheme proposes to close these and create a new access still from Pendle Road.
- 5.6.2 The internal layout and parking details will be submitted as part of the Reserved Matters application
- 5.6.3 The Local Highways Authority has no concerns in respect of the proposed development insofar that the access arrangements are acceptable and that sufficient parking could be accommodated together with the safe manoeuvring of

vehicles within the site subject to further details being submitted as part of the Reserved Matters application.

- 5.6.4 This outline proposal satisfies Policy DMG3 of the Ribble Valley Core Strategy as a suitable and safe access into the site will be provided subject to appropriate conditions.

5.7 Heritage

- 5.7.1 LCC Archaeology have identified potential non designated archaeology on the site by way of underground mill remains which can be suitably dealt with by way of a condition requiring further analysis and recording if necessary. This is in accordance with policy DME4 of the Ribble Valley Core Strategy.

5.8 Contributions:

- 5.8.1 The East Lancashire NHS Trust has requested contributions towards additional facilities and services. However Ribble Valley Core Strategy Policy DMI1 does not specifically identify health care contributions to be sought and the Trust has no adopted policy document in place that evidences a direct need arising from developments, as such their request is not considered to be compliant with the Community Infrastructure Levy (CIL) Regulations. Therefore this request by the NHS is not upheld as part of this application.

6. **Observations/Consideration of Matters Raised/Conclusion**

- 6.1 For the reasons outlined above the proposed outline development is considered to be in general accordance with the Ribble Valley Core Strategy. Whilst a conflict with Policy DMB1 is identified, the economic, social and environmental benefits to development outweigh the harm resulting in the loss of the existing employment uses / businesses on the site. A subsequent Reserved Matters application would ensure matters such as design, appearance and landscaping are appropriately considered. A number of conditions are considered necessary to attach to any outline permission as outlined below.

RECOMMENDATION: That the application be APPROVED subject to the following conditions:

Time Scale for Implementation of Consent

1. An application(s) for approval of all outstanding reserved matters (namely appearance, layout, scale and landscaping) must be made to the Local Planning Authority not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates:
 - a) The expiration of three years from the date of this permission; or
 - b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

REASON: Required to be imposed in accordance with the provisions of Section 51 of the Planning and Compulsory Act, 2004.

Approved Plans and Documents

2. The development hereby permitted shall be carried out in full conformity with the following submitted plans and details received by the Local Planning Authority:

Plans:

1:1250 Location Plan H.21.78 (9-) 1 A
Proposed Demolition Plan H.21.78 (9-) 5 B
Proposed Site Plan H21.78 (9-) 3 B (in respect of site access only)
Proposed Site Plan with Topographical Survey H.21.78 (9-) 2 F (in respect of site access only)

Reports:

Bat Survey dated October 2022 – bEk Enviro Ltd
Baseline Biodiversity Net Gain Assessment Report dated May 2022 – bEk Enviro Ltd
Preliminary Ecology Appraisal & Potential Bat Roost Survey dated May 2022 – bEk Enviro Ltd
Planning Statement dated June 2022 – Walsingham Planning
Design & Access Statement dated June 2022 – ADG Architects
Flood Risk Assessment & Drainage Strategy dated May 2022 – bEk Enviro Ltd
Geo-environmental Phase 1 Preliminary Risk Assessment dated May 2022– bEk Enviro Ltd
Transport Assessment and Appendices dated May 2022 – Sanderson Associates Ltd
Technical Note response to LCC Highways dated August 2022 – Sanderson Associates Ltd
Travel Plan dated May 2022 – Sanderson Associates Ltd
Arboricultural Impact Assessment dated May 2022 – e3p Report Ref: 80-759-R1-2

Use / Limits

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (as amended or re-enacted) the development hereby approved shall only be used for the purposes of a Residential Care Home (C2) and for no other purpose, including any other purpose within Use Class C2.

REASON: To define the scope of the permission hereby approved and to ensure that the development remains compatible with the character of the area.

4. Any Reserved Matters application submitted relating to scale and/or layout shall be limited to 70 bedrooms (maximum); shall propose an overall building height which does not exceed the existing ridge height of neighbouring property 25 Pendle Road; and shall demonstrate an interface distance of not less than 21m between facing windows with Nos 25 – 33 Pendle Road.

REASON: To define the scope of the permission hereby approved and to ensure that the development has an acceptable impact on residential amenity.

Drainage

5. The development permitted by this planning permission shall be carried out in accordance with the mitigation measures set out within Section 8 of the site-specific flood risk assessment (May 2022 / BEK-22035-3 / bEk Enviro Ltd).

The approved measures shall be fully implemented prior to occupation of the development and/or in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

6. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site specific flood risk assessment (May 2022 / BEK-22035-3 / bEk Enviro Ltd) and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

- a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + [40%](#) climate change allowance, with an allowance for urban creep;
 - iii. 1% (1 in 100-year) annual exceedance probability event + [50%](#) climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all existing and proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;

- iv. Drainage plan showing flood water exceedance routes in accordance with
 - v. Defra Technical Standards for Sustainable Drainage Systems;
 - vi. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vii. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - viii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
 - d) Evidence of an assessment of the existing on-site culverted watercourse to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
 - e) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.
 - f) Evidence of an agreement in principle with the third-party asset owner to connect to the on-site surface water body.

The sustainable drainage strategy shall be implemented in accordance with the approved details prior to occupation of the development hereby approved and shall be retained thereafter for the lifetime of the development.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

- 7. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

- a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

REASON: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

8. The occupation of the development shall not be permitted until a site-specific Operation and Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- h) Means of access for maintenance and easements.

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

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

9. The occupation of the development shall not be permitted until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

REASON: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

Contamination

10. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how: -
- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
 - b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

REASON: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

Highways

11. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum, details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

12. No part of the development hereby approved shall commence until a scheme for the construction of the approved site access (Sanderson drawing number 300828-001 Rev B) and the off-site works of highway mitigation, namely:-
- *Tactile paving provided on the footways adjacent to the proposed access and the footway opposite number 21 Pendle Road;*
 - *Stopping up all redundant accesses including the access serving the furniture company and the access serving JPA Sports and RE Dawson adjacent to number 21 Pendle Road and erecting full height kerbs in these locations;*
 - *Erecting full height kerbs at the dropped kerb located opposite the existing furniture showroom;*
 - *Bus stop improvements to the bus stops located adjacent to the site on both sides of Pendle Road*

has been submitted to, and approved by, the Local Planning Authority. The approved access and off-site highway works shall be carried out and completed prior to first occupation of the development hereby approved, unless an alternative programme of implementation is first submitted to and approved in writing by the Local Planning Authority.

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 and the works are completed in a timely manner in the interests of general highway safety.

13. No part of the development shall commence until a structural survey of the retaining structure (as shown on the Proposed Demolition Plan H.21.78 (9-) 5 B) demonstrating any excavation, construction or strengthening works necessary to secure its longevity has been submitted to and approved in writing by the Local Planning Authority, and the works shall be carried out in accordance with the approved details.

REASON: In order to satisfy the Local Planning Authority that this particular structure that abuts the existing highway network is not undermined and that the structure is maintained accordingly.

14. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.9 metres above the level of the adjacent footway/verge/highway.

REASON: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

15. The surface water from the approved car park should be collected within the site and drained to a suitable internal outfall. Prior to commencement of the development details of the car park drainage strategy shall be submitted to and approved in writing by the Local

Planning Authority. The scheme shall be implemented in accordance with the approved details.

REASON: In the interest of highway safety to prevent water from discharging onto the public highway.

Levels

16. Details of the existing and proposed site levels and finished floor levels, and existing and proposed building heights including cross-section details shall be included as part of the first Reserved Matters application to be submitted relating to scale and/or layout.

REASON: In order to enable full assessment of the proposal in terms of visual and residential amenity.

Ecology/Biodiversity Net Gain

17. No part of the development, including demolition of buildings, shall take place unless and until an updated survey for the presence of bats has been carried out, the details of which shall be submitted to and improved in writing by the local planning authority. The survey shall include details of the survey assessment findings, mitigation measures and a method of monitoring i.e compliance checks, period of time and personnel carrying out the monitoring including the licensing authority. The approved mitigation shall then be implemented in full during the demolition / construction phase and prior to first occupation of the development hereby approved.

Should the updated survey confirm that a Protected Species Mitigation License (PSML) is required from Natural England, or in the event that bats are disturbed during the works triggering the need for a PSML, then confirmation from Natural England that such a licence has been obtained shall be provided to the Local Planning Authority prior to the development works commencing or continuing.

REASON: The possibility that bats use the buildings for hibernation during winter months cannot be discounted. To ensure that there are no adverse effects on the favourable conservation status of a bat population and in order to protect the bat population from any damaging activities and reduce or remove the impact of development

18. Notwithstanding the submitted details, no development, including any site preparation, demolition, scrub/hedgerow clearance or tree works/removal shall commence or be undertaken on site until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites, to be informed by the updated survey for the presence of bats being carried out, have been submitted to, and approved in writing by the Local Planning Authority.

For the avoidance of doubt the details shall be submitted on a building dependent bird/bat species development site plan and include details of the actual wall and roof elevations into which the above provisions shall be incorporated [north/north east elevations for birds & elevations with a minimum of 5 hours morning sun for bats]; and Include details of any individual trees which would be suitable for the attachment of bat and bird boxes.

The approved artificial bird/bat boxes shall be attached before the building is demolished and an appropriate bat roost incorporated into the development before it is first brought into use.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and to minimise/mitigate the potential impacts upon protected species resultant from the development

19. Details of the Biodiversity Net Gain shall be included as part of the first Reserved Matters application to be submitted relating to landscaping. The submitted details shall include the existing baseline and proposed improvements to the site.

REASON: In the interests of biodiversity and to enhance opportunities for species of conservation concern and to mitigate the potential impacts resultant from the proposed development.

20. Prior to their installation details of a scheme for any external building or ground mounted lighting/illumination, shall have been submitted to and approved in writing by the Local Planning Authority.

For the avoidance of doubt the submitted details shall include luminance levels and demonstrate how any proposed external lighting has been designed and located to avoid excessive light spill/pollution and shall include details to demonstrate how artificial illumination of important wildlife habitats is minimised/mitigated.

The approved lighting schemes(s) be implemented in accordance with the approved details prior to the occupation of the development hereby approved and retained as approved.

REASON: To enable the Local Planning Authority to exercise control over development which could prove materially harmful the character and visual amenities of the immediate area and to minimise/mitigate the potential impacts upon protected species resultant from the development.

Archaeology

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

REASON: In ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings.

Tree Protection

22. All tree works/tree protection shall be carried out in strict accordance with the recommendations set out in the submitted Arboricultural Impact Assessment and Method Statement dated 13th May 2022.

The specified tree protection measures shall remain in place throughout the demolition and construction phases of the development and the methodology hereby approved shall be adhered to during all site preparation/construction works.

REASON: To protect trees/hedging of landscape and visual amenity value on and adjacent to the site or those likely to be affected by the proposed development hereby approved.

Electric Vehicle Charging Points

23. Prior to any approved car parking scheme being brought into use, details of electric vehicle charging points, their location and appearance shall be submitted to and approved in writing by the Local Planning Authority. The development shall there after carried in accordance with the approved details and retained thereafter.

REASON: In the interest of sustainable travel measures and reduce the impact of carbon footprint.

INFORMATIVES:

1. The grant of planning permission will require the developer to obtain the appropriate permits to work on, or immediately adjacent to, the adopted highway network. The applicant should be advised to contact Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.
2. The programme of archaeological recording should comprise the analysis and recording of the buildings on the site to Level 3 as set out in Understanding Historic Buildings (Historic England 2016). An assessment of the potential for below ground remains to survive should be made and a further written scheme of investigation for work considered necessary to record these areas which might be damaged or destroyed by the proposed development should be drawn up and carried out after approval by the LPA. This work should be carried out by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists in accordance with NPPF (2021).
3. Cadent Gas Ltd own and operate the gas infrastructure within the area of the development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent Assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and/or restrictive covenants that exist. If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. Prior to carrying out works please submit details of the planned works for review.
4. The applicant will require an environmental permit from the Environment Agency to discharge to the main river. Information on environmental permits is available at: <https://www.gov.uk/topic/environmental-management/environmental-permits>
5. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. The applicant should be advised to contact the county

council for further information by telephoning the Development Support Section on 0300 123 6780 or email developeras@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the location, district and relevant planning application reference number.

6. Please be aware that the demand to enter into section 278 agreements with Lancashire County Council as the highway authority is extremely high. Enquiries are being dealt with on a first come first served basis. As such all developers are advised to seek to enter into Section 278 agreements at a very early stage.
7. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0632