

Barrowford & Western Parishes Committee Update Report 05th March 2020

19/0767/OUT – Wheatley Laithe Farm, Barrowford Road, Fence

The ecology issues have now been satisfactorily resolved with proposed mitigation during construction and operation of the site. Therefore additional conditions are included in the updated conditions listed below.

A revised FRA has been submitted which clarifies that the overland flow routes would not be affected by the proposed development and therefore condition 10 has been revised to reflect the mitigation in the updated FRA.

Discussions relating to timing of highway conditions, phasing of the development and contributions are in progress and therefore it is recommended that the decision be Delegated to the Planning, Economic Development and Regulatory Services Manager to confirm the precise wording of the conditions.

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the layout, appearance, landscaping and scale of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

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

2. Details of the layout, appearance, landscaping and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

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

1:2500 2071 2000 and 19046001a.

Reason: For the avoidance of doubt and in the interests of proper planning.

4. No development shall commence unless and until a planning obligation pursuant to Section 106 of the town and Country Planning Act 1990 (or any

subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for:

- (a) towards an improved and extended bus service into the site for five years;
and
- (b) towards improvements to footpaths.

Reason: To ensure that the development provides for sustainable transport modes and improvements to public footpath adjacent to the site.

5. Prior to commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and approved in writing by the Local Planning Authority. Details shall include the works involved in each phase and how each phase is to be completed in terms of estate roads, building operations, foul and surface water sewers and landscaping and each phase shall be substantially completed before the next phase is commenced. The approved scheme shall thereafter be carried out in strict accordance with the approved plan and brief unless otherwise agreed in writing.

Reason: To ensure that the development of the site is undertaken in an orderly manner.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the use of the units hereby approved shall be limited to the following Use Classes:

- A1 – 150 sq.m.
- A3 – 150 sq.m.
- A5 – 150 sq.m.
- B1(b) – 5425 sq.m.
- B1(c) – 5575 sq.m.
- B2 – 11150 sq.m.
- B8 – 33450 sq.m.

unless otherwise agreed in writing by the Local Planning Authority.

There shall be no units of a B1(a) use (5425 sq.m.) permitted on the site unless and until acceptable sequential test for impact assessment(s) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that B1(a) office uses are directed to sequentially preferable sustainable sites where applicable.

7. 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.

8. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- h) Location and details of site compounds

- i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- k) Parking area(s) for construction traffic and personnel
- L) Details of the provision and use of wheel washing on the site
- M) Site security

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

9. Foul and surface water shall be drained on separate systems. Where drainage infrastructure connects development from different phases it will be necessary to show how much development will be served by the connecting drainage infrastructure.

Each Reserved Matters application shall include an updated Foul and Surface Water Drainage Strategy for approval.

Reason: To secure an holistic approach to the detailed drainage infrastructure of the site and to manage the risk of flooding and pollution.

10. The development permitted by this planning permission shall be carried out in accordance with the following recommendations, as detailed within the submitted flood risk assessment (FRA) (project no. 19056, by Dudleys Structural & Civil Consultants, Dated October, 2019):

- (a) The finished floor levels of the buildings are to be set at least 150mm above ground levels within the site;
- (b) All external ground levels are to be designed so that they fall away from the proposed buildings; and
- (c) All existing overland flood routes within the site are will remain unaltered following re-development of the site.

These measures shall be fully implemented prior to occupation and 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 prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that there is no flood risk on or off the site resulting from the proposed development.

11. The first Reserved Matters application(s) and prior to the commencement of any development hereby permitted, shall include the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
- b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus a 30% allowance for climate change. The calculations must also demonstrate that after development, surface water runoff will not exceed the existing greenfield runoff rates and volumes for the corresponding rainfall intensity;
- c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
- d) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- e) Details of how surface water will be managed within any non-drained areas of the site, i.e. grassed areas and areas of public open space;
- f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
- g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development, that water quality is not detrimentally impacted by the development proposal and that appropriate maintenance mechanisms are put in place for the lifetime of the development.

12. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the Local Planning Authority;

Reason: to ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

13. No development shall commence until a scheme including full engineering, drainage, street lighting and constructional details and timetable of implementation for the temporary construction site access, new roundabout on A6068 and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any building.

The off-site highway works shall include:

- A new roundabout designed to TD16/07 at the site access on A6068.
- Provision for cycle by-pass on the north side at the new roundabout.
- A reduction in the speed limit on the A6068 from 50mph to 40mph from the existing 40mph speed limit terminal sited 450m to the east of the site access to a point west of the new roundabout.
- A new street lighting scheme from the existing 40mph speed limit terminal sited 450m to the east of the site access to a point west of the new roundabout.
- Widen the existing footway on the south side of the A6068 to create a 3m wide shared pedestrian/cycle route between Churchill Road and the site access.

The above to be provided prior to first occupation.

And to be provided upon completion of 9,290 sq.m. (or 100,000 sq.ft.) of floorspace on the site:

- upgrade of nearest bus stops subject to agreed service diversion.
- Upgrade of public footpath 110 or 111 to link pedestrians and cyclists from the development site to Churchill Way on Lomeshaye Ind. Estate.
- Upgrade of public footpath 111 to link pedestrians and cyclists from the development site to Barrowford Road A6068.

Reason: To ensure that the development does not result in adverse impacts on the highway network and to provide for sustainable transport modes.

14. Upon occupation of 30% and then 90% of the floor area, MOVA validation and reports shall be undertaken and submitted for approval in writing by the Local Planning Authority for the signalised junctions of J13 M65 and Barrowford Road A6068/Blackburn Road A678. Any works required as a result of the assessments to maximise the operation of the junctions, such as detection or software, shall then be implemented within an agreed timetable submitted with the reports.

Reason: In order to ensure that the adjoining highway network is not adversely affected by the proposed development once the final uses have been established.

15. No development shall commence until details of the service or diversion of an existing bus service operating for five years and connecting the site to the

main interchange in Nelson has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include the routing of the bus services and a timetable for its operation upon the completion of 9,290 sq.m. (or 100,000 sq.ft.) of floorspace on the site.

Reason: In order to provide a range of sustainable modes of transport and reduce reliance on private methods of transport.

- 16.** The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final unit on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

Reason: To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

- 17.** The use of each unit shall not be commenced unless and until a Travel Plan for the user/s of that unit has been submitted to and approved in writing by the Local Planning Authority. The plan shall include measures for the management of car use and on-site car parking and a strategy to secure and sustain decreases in car use for travel to, from and at work and increases in car sharing, public transport use, cycling and walking. The unit shall thereafter be at all times operated in accordance with the approved Travel Plan.

Reason: In order to mitigate transport impacts of development and promote sustainable transport.

- 18.** Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work, or tree and hedge removal shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

19. No development shall commence until mitigation measures including restricting the heights of the eaves and ridges of the proposed buildings, fixing land levels and the provision of bunds, tree planting and buffers to the southern boundary have been submitted to and approved in writing by the Local Planning Authority.

Reason: In order to mitigate against the potential landscape impact and ensure an acceptable scheme when viewed from public vantage points.

20. No development shall commence unless and until details of the Zone 2 planting scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be commenced in strict accordance with the approved details prior to any above ground work commencing on site and fully completed prior to the occupation of the first unit.

Reason: In order to mitigate against the potential landscape impact and ensure an acceptable scheme when viewed from public vantage points.

21. Prior to the commencement of development (Including infrastructure and groundworks) a Construction Environmental Management Plan (CEMP|: biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will take account of specific ecological mitigation measures and shall include:

- Procedures for site clearance and specification for ecological fencing;
- Risk assessment for potentially damaging construction activities;
- Identification of biodiversity protection zones;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- The role of responsible person and lines of communication;
- Control of construction lighting to avoid areas near potential bat roosts, trees and along hedgerow corridors;
- Details of new and existing habitat areas;
- The erection of exclusion fencing and warning signs around trees and lengths of hedge to be retained;
- Trees with bat roost potential will be subject to a roost survey and precautionary measures shall be employed prior to any felling/pruning works; and
- Details of Pollution Protection Guidelines to ensure that damage and pollution does not occur within the watercourses on and adjacent to the site.

Site clearance will be undertaken between October to February only. Any works between March and September will only be carried out following an on-site check for nesting birds by an experienced ecologist. If nesting birds are found will cease on site.

Reason: To ensure protection of habitats on or adjacent to the site.

22. Prior to the commencement of development (including infrastructure and groundworks) a General Dust Management Plan (GDMP) shall be submitted to and approved in writing by the Local Planning Authority. The GDMP shall include the following measures:

a. Record all dust and air quality complaints and take appropriate measures to reduce emissions; b. Record any exceptional incidents that cause dust off site; c. Ensure an adequate supply of water is available on site for effective dust suppression; d. Use enclosed chutes and conveyors and cover kits; e. Impose a site speed limit of 10mph; f. Ensure all vehicle engines are switched off when stationary; g. Plant and machinery will be located as far away from receptors as possible; h. Erect fine mesh barriers around dust activities on the site boundary; i. Enclose specific operations where there is a high potential for dust production; j. Mitigate site runoff of water or mud; k. Keep site fencing, barriers and scaffolding clean using wet methods; and l. Remove material that has the potential to produce dust from the site as soon as possible. To mitigate against the impacts of earthworks throughout the construction stage measures will be put in place, and these will include: re-vegetating earthworks and soil stockpiles to stabilise the surface; stockpiles will be covered if not vegetated; avoid double handling of material; and ceasing operations during high winds in the direction of sensitive receptors. Sand and other aggregates will be stored in bunded areas and will not be allowed to dry out. To reduce the impact from construction traffic the following methods will be implemented. It is anticipated that these will be set out within the CEMP: a. Use water assisted dust sweepers on the access and local roads to remove materials b. Avoid dry sweeping large areas c. Ensure vehicles entering and leaving site are covered to prevent escape of materials during transportation d. Wheel washing facilities e. The site access gate will be located at least 10m from receptors, where possible. All non-road mobile machinery will be well maintained and stopped immediately if a fault is identified. All machinery should use fuel equivalent to ultralow sulphur diesel, should comply with EU Directive Staged Emission Standards and be fitted with Diesel Particulate Filters. When in operation, the machinery should be used in accordance with fuel conservation measures.

Reason: To ensure protection of Ancient Woodland and habitats on or adjacent to the site.

23. Prior to the commencement of development (including infrastructure and groundworks) a Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The BEMP shall include the following measures:

- Description and evaluation of features to be managed and enhanced;
- Extent and location/area of proposed enhancement works on appropriate scale maps and plans;
- Ecological trends and constraints on site that might influence management;
- Aims and Objectives of management with appropriate actions;

- An annual work programme over a minimum five year period;
- Details of the specialist ecological management body responsible for implementation of the plan;
- Ongoing monitoring and remedial measures;
- An annual progress report of the annual work programme and actions for the next 12 months for a minimum five year period;
- The Plan shall be reviewed and updated every five years and be implemented in perpetuity.

Provision shall be made for a variety of different types of faunal boxes including bird, bat and invertebrate species in a range of locations to be approved around the site in writing by the Local Planning Authority in accordance with an approved timeframe.

Reason: To ensure protection of habitats on or adjacent to the site.

- 24.** Prior to the commencement of any development on site a lighting strategy including type, size, location, intensity and direction of the proposed external lighting shall have been submitted to and approved in writing by the Local Planning Authority. Any lighting shall at all times be so provided in strict accordance with the approved details. Any lighting should seek to minimise glare, show consideration for bats and hedgehogs and avoid unnecessary light pollution by ensuring that the level of luminance is appropriate for the location and is sustainable and efficient.

Reason: In order to prevent unacceptable levels of light pollution and unnecessary impact on species on and adjacent to the site.

- 25.** No demolition shall take place until the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The recording shall thereafter be undertaken in accordance with the approved scheme and timescales.

Reason: In order to provide an accurate historic record of the site by a competent person prior to demolition of the building.

- 26.** The submission of any Reserved Matters shall be in full accordance with the Design Framework and Design Code by KPP Architects dated September, 2019.

Reason: In order to ensure an acceptable scheme.

- 27.** Prior to the commencement of development within any phase of the development, with the exception of the construction of the vehicular access and service infrastructure, full details of how Public Rights of Way will be retained, and/or realigned across the entire site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- (a) All road crossing points and their infrastructure for walkers and cyclists
- (b) The locations and details of all interfaces between PROW, cycle routes and the adopted highway
- (c) The proposed design standards for the Public Rights of Way and cycle routes including materials, sight lines, desire lines and road markings
- (d) The design and layout of the route to the southern side of the site, how it connects to any existing PROW.

Reason: To ensure the connections provided by existing Public Rights of Way are retained and improved across the site.

28. No development of a phase shall take place until an implementation programme for the landscape proposals for that phase have been submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

Reason: To ensure the provision and establishment of acceptable landscape.

29. A landscape management plan for a phase, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation or use of that phase. The landscape management plan shall be carried out as approved.

Reason: To ensure appropriate management of the landscaping for the site in the interests of visual amenity and biodiversity.

Should there be a condition relating to noise, as this was assessed as part of the EIA?

Notes

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or email developeras@lancashire.gov.uk.

2. This development may not take place unless the affected footpaths are diverted in accordance with Section 257 of the Highways Act 1980. A separate application to the Council to make an order under these powers will be required. Apart from footpaths which are temporarily closed under a temporary traffic regulation order various offences may be committed for obstructing or disturbing the surface of a footpath. The developer needs to ensure that the any right of way which has been temporarily closed is available for public use as soon as the temporary closure period ends.