

P&R Update

19/0767/OUT – Lomeshaye Phase 2

Councillor Turner:

Whilst I applaud all potential regeneration expansion and are aware of potential loss of £4.3m from LEP I am, and others above, seriously concerned on transport arrangements for this proposed development. The plans currently indicate entrance/exit from A6068 and this, when one considers proposed residential development Trough Laithe, clearly indicates a major expansion of vehicular movement in this area. The road, whilst report suggests it is dual carriageway, is in fact a twin track road and already subject to high usage with extended waiting times at many times of the day. It is also a popular walking route for residents from adjacent villages so possible pedestrian danger. I can understand concept proposed but do feel, without associated major road improvement it is a disaster waiting to happen.

I further appreciate fact that present site and Churchill Way being heavily congested does present immense difficulty, however suggestion that access from Jct 12 and use of said road must be strong consideration, again with review of potential improvement. Expanding and successful businesses on Phase 1 must not be disillusioned sufficiently to consider relocation as this would be damaging to the borough. Suggestion that access to Phase 2 is unavailable from Churchill Way, in today's engineering world, I find completely unacceptable.

If the project is to be agreed please can you insist on;

- Connectivity between both sites.
- No right turn out of or into site from A6068
- Weight Limit on vehicles to and from A6068.

Officer Comments

After further discussions with the applicant minor alterations have been made to the conditions. These reflect that the site would be developed in phases and allows information to be submitted according to the needs of each phase.

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. Except for the construction of the access and roundabout no other development shall commence unless and until a plan and written-brief detailing the proposed phasing of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads, building operations, foul and surface water sewers, appropriate noise mitigation measures and landscaping, each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

Reason: To secure the proper development of the site in an orderly manner.

5. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987 (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 and c) – 11,000 sq.m.

B2 – 11150 sq.m.

B8 – 33450 sq.m.

unless otherwise agreed in writing by the Local Planning Authority.

Reason: To control the amount of each proposed use on the site in the interests of highway safety and to exclude B1(a) development that should be the subject of a planning application and sequential test.

6. 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 ensure the site is not contaminated to protect public health.

7. 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;
- d) Location and details of site compounds;
- e) Compliance with BS5228: Part 1 1997 to minimise noise;
- f) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached;
- g) Parking area(s) for construction traffic and personnel;
- h) Details of the provision and use of wheel washing on the site; and
- i) 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).

8. 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 infrastructure.

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

9. The development permitted by this planning permission shall be carried out in strict accordance with the recommendations detailed within the revised Flood Risk Assessment (FRA) (project no. 19056) by Dudleys Structural & Civil Consultants, updated March, 2020.

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.

10. No development shall commence unless and until details of the design and implementation of an appropriate surface water drainage scheme, including any proposals to develop in phases, have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

- 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, including phasing, 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.

11. No development shall commence unless and 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.

12. No development shall commence unless and 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 has been submitted to and approved in writing by the Local Planning Authority. The works shall include the following and shall be fully implemented in accordance with the approved scheme prior to the first occupation of any building on site.

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 (where achievable) shared pedestrian/cycle route between Churchill Road and the site access.

The above works shall be provided and completed in their entirety prior to the first occupation of any unit on site.

The following works shall be provided in their entirety prior to more than 9,290m². of floorspace being completed on the site:

- Upgrade of the 2 nearest bus stops on the A6068.
- 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 any adverse impact on the highway network and to improve sustainable transport modes to and within the site.

13. 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 phase before any development commences on that phase. The final wearing course shall be completed to each unit within 1 year of the substantial completion of each unit, or within 1 month of the substantial

completion of the phase of development or within one month 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.

14. 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.

15. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work 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.

16. Prior to the commencement of development a plan detailing the extent of the southern phase shall be submitted to and agreed in writing by the Local Planning Authority. No development shall commence in the southern phase unless and until appropriate mitigation measures, including restricting the heights of the ridges of the buildings, fixing AOD 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. Once

approved the development shall at all times thereafter fully comply with the details so approved.

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

17. Except for the construction of the access and roundabout no other development shall commence unless and until details of the Zone 2 planting scheme to the southern boundary, including timing, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then be undertaken in strict accordance with the approved details and timings.

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

18. Prior to the commencement of development (including infrastructure and groundworks) an overarching Construction Environmental Management Plan (CEMP: biodiversity) shall be submitted to and approved in writing by the Local Planning Authority. The overarching plan can contain proposals for each of the phases agreed under condition 4. The CEMP will take account of specific ecological mitigation measures. It shall include the following measures:

- a. Procedures for site clearance and specification for ecological fencing (e.g. woodland, tree and hedgerow protection zones) and protective fencing to be installed along the boundaries to the site to prevent badgers from entering the site;
- b. Risk assessment of potentially damaging construction activities
- c. Identification of biodiversity protection zones
- d. The times during construction when specialist ecologists need to be present on site to oversee works
- e. The role of a responsible person and lines of communication;
- f. Control of construction lighting to avoid areas near potential bat roost trees and along hedgerow corridors
- g. Details of new and existing habitat areas
- h. The erection of exclusion fencing and warning signs around trees (including potential bat roost trees) and lengths of hedgerows to be retained
- i. Trees with bat roost potential will be subject to a roost survey and precautionary measures shall be employed prior to any felling/pruning works being undertaken; and
- j. Details of Pollution Prevention Guidelines to help ensure that damage and pollution does not occur to the watercourses in and adjacent to the site.

Each phase of the development shall thereafter be carried out in full accordance with the approved strategy.

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 then work will cease on site.

Reason: In order to ensure the site is developed in a way that minimises pollution impacts and impacts on neighbours and the highway network.

- 19.** Prior to the commencement of development (including infrastructure and groundworks) an overarching General Dust Management Plan (GDMP), which can include proposals for each phase of development, 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 near to 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:

- 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; and
- e. The site access gate will be located at least 10m from receptors, where possible.

All non-road mobile machinery shall 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.

Each phase of the development shall thereafter be carried out in full accordance with the approved strategy.

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

- 20.** Prior to the commencement of development (including infrastructure and groundworks) an overarching Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority. The overarching plan can propose measures to deal with each phase of development.

The BEMP shall include the following measures:

- a) Description and evaluation of features to be managed and enhanced.
- b) Extent and location/area of proposed enhancement works on appropriate scale maps and plans
- c) Ecological trends and constraints on site that might influence management
- d) Aims and Objectives of management
- e) Appropriate management Actions for achieving Aims and Objectives
- f) An annual work programme (to cover an initial 5-year period)
- g) Details of the specialist ecological management body or organisation responsible for implementation of the Plan
- h) Ongoing monitoring programme and remedial measures
- i) For each of the first 5 years of the Plan, a progress report sent to the LPA reporting on progress of the annual work programme and confirmation of required Actions for the next 12-month period
- j) The Plan will be reviewed and updated every 5 years and implemented for perpetuity

The BEMP shall also include details of:

- the native floral species to be planted, an evaluation of the areas to undergo habitat creation or enhancement and an annual work programme;
- retention of the intact hedgerow along the northern boundary to support nesting and breeding hedgehogs.
- ensure minimal light spill onto retained hedgerow during the construction and operational phases.
- fencing of boundary features will include hedgehog holes to facilitate the movement of commuting and foraging throughout the site; and
- provision for the type and location of a range of faunal boxes, including those for bird, bat and invertebrate species.

Each phase of the development shall thereafter be carried out in full accordance with the approved strategy.

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

21. Prior to the commencement of any development a lighting strategy including type, size, location, intensity and direction of the proposed external lighting for the development shall have been submitted to and approved in writing by the Local Planning Authority. The lighting strategy can propose a method to deal with individual phases of the development. Any lighting provided shall at all times be in strict accordance with the approved details. Any lighting should seek to minimise glare, consider species on or adjacent to the site and avoid unnecessary light pollution by ensuring that the level of luminance is appropriate for the site.

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

22. 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 carried out 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.

23. The submission of any Reserved Matters shall be in full accordance with the Design Framework & Design Code, Pendle Business Park by KPP Architects dated September, 2019.

Reason: In order to ensure an acceptable form of development.

24. The submission of any Reserved Matters for Use Class B2 Industrial uses shall identify any potential noise issues and proposed mitigation measures to be implemented to prevent any of the identified potential noise nuisance from occurring.

Reason: In order to ensure an acceptable form of development and reduce the potential for noise impacts within and adjacent to the site.

25. 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; and
- (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.

- 26.** 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.

- 27.** A landscape management plan for all phases, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas 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 and all landscaping shall be maintained in full as set out in the approved scheme

Reason: To ensure successful aftercare of landscaping is provided in the interests of visual amenity and biodiversity.

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.