

RECOMMENDATION FOR PLANNING AND DEVELOPMENT COMMITTEE

DEFERRED AND DELEGATED SUBJECT TO DEPARTURE PROCEDURES

DATE: 15 MARCH 2012

REF: SW/CMS

CHECKED BY:

APPLICATION NO: 3/2011/0649/P

(GRID REF: SD 377352 433552)

PROPOSED HYBRID APPLICATION INCORPORATING OUTLINE APPLICATION TOTALLING 14,849M² OF B1, B2 AND B8 FLOORSPACE AND DETAILED CONSENT FOR FOUR UNITS AND ONE SPECIAL PROJECT BUILDING TOTALLING 4,401M² WITH ASSOCIATED ACCESS AND HIGHWAY WORKS AT CALDER VALE PARK, SIMONSTONE LANE, SIMONSTONE

PARISH COUNCIL:

The Parish Council is in overall favour of the proposals that have been highly researched by the applicant provided that further attention is made to the following:

1. Adequacy of parking – the proposal removes extensive parking from the front of the development but no alternative has been provided which is a concern as both sides of the roadway are in constant use during the day for parking of vehicles.
2. Highway safety – there is no mention of preventing parking either side of the new entrance for visibility and ease of egress of vehicles.
3. Noise and disturbance – has been addressed for Phase 2 but the type of units for Phase 3 needs to be considered due to proximity of dwellings on Railway Terrace.
4. Overlooking and loss of privacy – has been addressed for Phase 2 but again this will be a potential issue with the Phase 3 building directly opposite number 1 and 2 Railway Terrace.
5. Would the applicant be able to consider the tree screening on the roadside adjacent to Railway Terrace as part of Phase 2 to allow it to mature before Phase 3 is commenced and so improve visual outlook.
6. Has consideration been given to potential storage of hazardous materials within the proposals?

ENVIRONMENT
DIRECTORATE
(COUNTY SURVEYOR):

Has no objection to the application in principle on highway safety grounds.

This development provides additional industrial capacity on an

existing and well-established site. The means of access to the site has been designed to comply with the appropriate specifications and secures a satisfactory access to all three Phases of the development.

There will be an additional demand placed on the local highway infrastructure as a result of the development. However, the Transport Assessment provides a comprehensive range of data to show that the traffic generation and trip distribution from the site will not place a significant additional burden on the immediate highway network. The details provided, and summarised in Table 5.5, indicate that the capacity of the main junctions serving the site at this junction remain well within acceptable boundaries and there are no other significant queues identified.

On the basis of the data provided in the Transport Assessment, there is no reason to anticipate that the proposed development, in all of its Phases, will have a detrimental impact on highway safety.

There are existing restrictions on the use of Simonstone Lane to the north of the site by vehicles in excess of 7.5T and this will continue to receive Police enforcement on occasion.

The loss of parking in the immediate vicinity of the vehicular access is addressed within the development, where sufficient additional parking for the employment and servicing requirements of the development are identified against specific Units.

In view of the parking provisions provided on site, there is no reason to anticipate that there will be any demand for on street parking in the vicinity of the new access.

Request for Highways Contribution.

Should the LPA be minded to approve this development, the County Council would seek planning obligation contributions from this development to fund measures that support sustainable transport. It is acknowledged that a number of measures provided under proposed s278 highway works support sustainable development. However, it is considered that further sustainable measures may be necessary to promote and support sustainable development, particularly in respect of public transport. Until agreement has been reached on the Transport Assessment the LHA is unable to provide full details on the request for planning obligations relating to highways and transport.

The planning obligations are expected to cover:

- contribution for sustainable transport, walking, cycling and public transport, and
- request for contribution for advice and assistance with the Travel Plan.

A revised contribution sought will be £444,675. This is based on a development of 19,250sq.m on a site with an Accessibility score of 17, as follows:- $19.25 \times £23,100 = £444,675$

Public Transport

The provision of suitable bus stop locations would be required as the available stops fall outside a 400m radius from the centre of the site.

The stops on Blackburn Road fall into this category, but those on Whalley Road are some distance further. As the Whalley Road services, 26 and 27, provide a viable link to Whalley and Clitheroe consideration should be given to re-routing these services past the site on a selective basis or to provide additional services for a five year period, to provide an opportunity for employees to utilise these facilities.

Cycle and Pedestrian measures.

A number of options have been prepared to secure improved pedestrian/cycle facilities to the development within a £60,000 budget contribution. The options are in order of priority. If LCC have managed to build Option 1 before the development funding came through they would go for Option 2 and so on.

Option 1: Build cycle path along Blackburn Road to Simonstone Lane Cost £60,000

Option 2: Toucan crossing of Padiham Bypass Cost £60,000

Option 3: Tarmac stone section of cycle path from Padiham Memorial Park to Padiham Bypass Cost £60,000

Option 4: Cycle path along old railway from Padiham Bypass to Simonstone Lane, Contribution to £330,000 cost

Option 5: Cycle path from Simonstone Lane to Great Harwood, Contribution to £1.5 million cost

Travel Plan

LCC would request that individual Travel Plans should be developed and approved by LCC Travel Plan team, timescales for which would be agreed as a condition of planning approval.

Each Full Travel Plan needs to include the following as a minimum:

- Appointment of a named Travel Plan Co-ordinator
- Travel survey
- Details of cycling, pedestrian and public transport links to the site
- Details of secure, covered cycle parking
- SMART Targets for non-car modes of travel
- Action plan of measures to be introduced
- Details of arrangements for monitoring and review of the Travel Plan for a period of at least 5 years.

For a development of this size, a contribution of £24,000 is required to enable Lancashire County Council Travel Planning team to provide a range of services as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

HYNDBURN BOROUGH
COUNCIL:

No comments received at time of report preparation.

BURNLEY BOROUGH
COUNCIL:

No comments received at time of report preparation.

HEALTH & SAFETY
EXECUTIVE:

Does not advise on safety grounds against the granting of planning permission in this case.

THE COAL AUTHORITY:

Have reviewed the proposals and confirm that the site does not fall within the defined coal mining development referral area. If this proposal is granted planning permission it will be necessary to include the Coal Authority's standing advice within the decision notice.

ENVIRONMENT AGENCY:

Have no objection in principle but recommend any subsequent planning approval is appropriately conditioned.

ADDITIONAL
REPRESENTATIONS:

One letter of objection has been received. Members are referred to the file for full details of this which raise the following objections:

1. The Planning Support Statement seems to suggest the applicant considers the proposal to be somewhat of a fait accompli following discussions with the Local Planning Authority.
2. Question the consultation process undertaken by the Local Planning Authority.

3. Consider there are significant omissions as to what precisely is going to happen at the site.
4. Concerns regarding the Transport Assessment submitted in particular reference to junctions, Simonstone Lane being used as a cut through for traffic coming from the M65 and being subject to constant speeding, pedestrian access and bus stops.
5. A full noise assessment has not been conducted due to the vagueness of the application rendering complete analysis impossible. To grant consent when the actual operations are yet to be established seems perverse.
6. The attempt to demonstrate very special circumstances in relation to the infringement of green belt suffers from a lack of clarity.
7. Concerns regarding pollution.

Proposal

This is a hybrid application for the proposed redevelopment of the former Mullards/LG Phillips site. Fort Vale Engineering have recently secured planning permission for a number of developments, including an extension to their main factory (building S), an ancillary facilities building and a new foundry and these represent Phase 1 of the development. The remainder of the former glassworks site will be developed out in two further phases. Phase 2 seeks to secure full planning permission for the development of Fort Vale Special Projects Factory Building and units 1-4 of the Calder Vale Business Park. Phase 3 would see units 5-13 of the Calder Vale Business Park built out on a bespoke basis as tenants are secured. This hybrid application therefore seeks to secure the overall principle of development capping the total floor area of development across Phases 2 and 3 at 19,250m² with outline consent sought for Phase 3 (the only detailed matter applied for at this stage being access) and full details provided for Phase 2 as follows:

Phase 2

Fort Vale Special Projects

This building is set to the western edge of the site and would be approximately 20m away from Simonstone Brook. It would have overall approximate dimensions of 40.2m x 50.7m x 9.3m in height. Construction materials are detailed as smooth facing red brick to walls with Kingspan composite wall panels above and to the roof coloured spectrum metallic silver. There would be service yard areas to its north and west with a parking area to its east.

The supporting information to the application states that this building would provide an additional manufacturing facility to Fort Vale Engineering establishing a new production facility as they seek to diversify from their core business into other sectors. It will have a gross internal area of 2,073m².

Units 1-4

These would occupy an area immediately to the north of the existing Fort Vale buildings and the 4 units would be set around a central courtyard/shared service yard (2 to each side) with parking to the rear of each. The overall approximate dimensions of each of the two blocks would be 28.4m x 41m x 9.3m in height with construction materials the same as for the Special Projects Building. These buildings will accommodate Class B2 uses with ancillary B1 and B8 elements and together provide a total gross external floor area of 2,328m².

Phase 3

Units 5-13

The remainder of the Calder Vale Business Park will be developed out as a final phase following completion of the Special Projects Building and Units 1-4. This outline part of the hybrid planning application will secure consent for the quantum of development proposed (subject to a maximum floor area of 19,250m² across phases 2 and 3) and the matter of access is subject to determination at this stage. This will allow for the loose layout of the master plan to be agreed – through the approval on the access point into the site and internal circulation roads. However, the matter of layout is not submitted for consideration and the applicants wish to retain a degree of flexibility in term of the final positions and sizes of the proposed buildings. Nonetheless, in accordance with Regulations, an indicative layout has been provided which will act as a guide for future development. Further details of the parameters within which the buildings will be constructed are provided in the Design and Access Statement (masterplan) which accompanies this application and details buildings with maximum heights ranging from 9.3m to 12m. The masterplan shows the units divided up across five separate structures – two of which would run parallel to Simonstone Lane.

Access and Parking

A separate gated access to the new business park is proposed off Simonstone Lane located approximately 90m to the north of the existing Fort Vale access. The existing Fort Vale staff car park located to the north of the existing access is to be reduced from approximately 78 spaces to provide 34 spaces with the residual parking spaces to be provided within the business park. The master plan currently shows 269 car park spaces, the majority of which would be subject of the reserved matters application for Phase 3 where further consideration will be given to disabled, motorcycle and cycle parking provisions. Phase 2 does provide parking and servicing facilities for the Special Projects Building and Units 1-4.

Site Location

The application site forms part of a much wider area in the control of Fort Wilson Properties of which Fort Vale Engineering Ltd are the principal tenants. The majority of the site occupies land that is excluded from the green belt in the Districtwide local Plan. However a section of the site that would accommodate the Special Projects Building does fall within land subject of both green belt and open countryside designations.

To the north the boundary is demarcated by the embankment of the former railway. Beyond that lies the village of Simonstone. Open countryside lies to the south along with the Altham pumping station and the River Calder. Altham Industrial Estate lies beyond this. The land to the west of the application site is agricultural. The eastern boundary is demarcated by

Simonstone Lane and beyond this is a collection of industrial buildings formerly Time Technology Park of varying quality and scale, many having been sub-divided from ageing factory buildings.

On the opposite side of Simonstone Lane to the site lies a short terrace of two-storey stone cottages – Railway Terrace. The western gable of the terrace accommodates two houses (numbers 1 and 3) which face onto Simonstone Lane. These houses are served by a back lane and front footpath which accesses front gardens (south facing). Habitable room windows to no's 1 and 3 face the application site with Simonstone Lane in between.

Relevant History

3/2012/0007/P – Proposal to create 5 mounds on land in agricultural use to a maximum height of 4m using 26,000m³ of inert construction waste generated from the development at Calder Park – Observations to another authority (LCC). Yet to be determined.

3/2011/0662/P – Erection of research and development building. Approved with conditions 13 January 2011.

3/2011/0537/P – Erection of new investment casting foundry at rear of operational site including parking and servicing areas (re-submission). Approved with conditions 11 August 2011.

3/2011/0222/P – Proposed extension of building S. Erection of stand alone ancillary facilities building. Approved with conditions 27 May 2011.

3/2010/0564/P – Erection of new investment casing foundry at rear of operational site, including parking and servicing areas. Approved with conditions 11 April 2011.

3/2007/0983/P – New warehouse units. Approved with conditions.

3/2006/0924/P – External refurbishment of the first bay of buildings S and the erection of an extension together with creation of a new car park and works of landscaping. Approved with conditions 22 December 2006.

3/2006/0340/P – Manufacturing and development with ancillary storage Use Class B2 (Town and Country Planning Uses Classes Order 1987) in accordance with outline planning permission 7/7/1528 dated 5 February 1958. Decision not yet issued.

Relevant Policies

Policy G1 - Development Control.

Policy G3 - Settlement Strategy.

Policy G5 - Settlement Strategy.

Policy ENV3 - Development in Open Countryside.

Policy ENV4 - Green Belt.

Policy EMP7 - Extensions/Expansions of Existing Firms.

Policy EMP8 - Extensions/Expansions of Existing Firms.

PPS1 - Delivering Sustainable Planning.

PPG2 - Green Belt.

PPS4 - Planning for Sustainable Economic Growth.

Environmental, AONB, Human Rights and Other Issues

Matters for consideration in relation to this application are the principle of development, in particular the impact of the development on the green belt, matters of highway safety, visual and residential amenity and also issues associated with regeneration/impact on the local economy. For ease of reference, these are discussed under the following headings.

Principle of Development/Green Belt/Local Economy Issues

The site is on land which can be considered brownfield, the majority of which is outside of the designated green belt and which can also be regarded as a former developed area. In considering the principle of this scheme, it is important to have regard to both national planning policies, in the form of PPSs and PPGs and the saved policies of the Ribble Valley Districtwide Local Plan. It is also important to give due regard to the part of the site that lies within green belt and I shall return to this specific matter after giving consideration to the wider economic aspects of the scheme.

PPS4 planning for sustainable economic growth is relevant to these proposals and in general emphasises that planning authorities should adopt a positive and constructive approach to planning applications for economic development. In particular, it states that planning authorities should, in considering applications which are not in accordance with an up to date development plan;

- Weigh market and other economic information alongside environmental and social information;
- Take full account of any longer term benefits, as well as the costs of development, such as job creation or improved productivity including any wider benefits to national, regional or local economies, and
- Consider whether those proposals help to meet the wider objectives of the development plan.

Whilst PPS4 does encourage local planning authorities to look favourably on development which encourages economic growth, it also considers that this should not be to the detriment of the open countryside – matters of visual amenity are explored under a separate heading within this report.

In terms of saved local plan policies, G1, EMP7 and EMP8 are of relevance. The latter supports the expansion of established firms outside the main settlements provided that it is essential to maintain the existing source of employment and is not contrary to other policies, and EMP7 concerns itself with expansion of firms within main settlements stating expansion will be allowed on land within or adjacent to their existing sites, provided no significant environmental problems are caused and the extension conforms to the other policies of the plan.

As stated previously, the majority of the site that would accommodate units 1 to 13 and their respective service yards and parking areas occupies land that is excluded from the green belt in the Districtwide Local Plan. Having regard to the policy guidance, I am satisfied that in principle there can be no question that this part of the scheme accords with plan policy.

However, part of the site falls within land designated green belt and thus consideration of that part also needs to have regard to PPG2 green belts, and saved policies ENV3 (open countryside) and ENV4 (green belt) of the Ribble Valley Districtwide Local Plan. In relation to

the green belt policy, ENV4 states that permission will not normally be granted except in special circumstances for the erection of new buildings other than for the purpose of agriculture, forestry, outdoor sport and recreation and for other land uses which preserve the openness of the green belt but which do not conflict with the purpose of the designation. In relation to national guidance, it confirms that the only exceptions to the policy are developments which show overwhelming reasons of local need. Such reasons will include development essential to provide or improve essential local services where these cannot be met elsewhere in a more suitable location.

The site extends to a total of 4.8 hectares of which 0.55 hectares falls within the green belt. Of the application site area within the green belt, some 0.11 hectares can be described as a proposed landscaped area or open land that would not, it is considered, constitute inappropriate development in the green belt in terms of guidance within PPG2. The remaining 0.44 hectares would accommodate the Fort Vale Special Projects Building and its two service yards – parking for that building would fall outside the green belt within the area previously described above as being on land that accords with Local Plan policy. It is evident that the building and service yards do represent a moderate incursion into the green belt and as such regard must be given to their impact and whether or not there are exceptional circumstances to justify this part of the overall scheme. In assessing whether or not the building would impinge on the openness of the green belt, it is important to have regard to the visual impact and assess not only the immediate built up area but the buildings in the local vicinity. Members may recall that consent has been granted recently for a Foundry Building to the south of the proposed Special Projects Building and that itself was proposed within the green belt and subject to departure procedures. The building proposed here would not extend as far into the green belt as that structure but one of the service yard area would.

The applicant has sought to demonstrate that very special circumstances exist which together outweigh any harm to the green belt and any other perceived harm to the visual amenities of the green belt. They consider harm to the green belt by way of loss of openness and visual amenity will be limited as the proposed building will be seen in the context of a long established industrial site which has (in the context of the Simonstone Lane area) only been cleared for a short period of time. When viewed from the west (ie green belt) the Special Projects Building would be seen against the backdrop of commercial buildings. Reference is made to proposed landscaping along the Simonstone Brook corridor and that taking all these factors into account, harm to the green belt, other than by virtue of inappropriateness is limited. In terms of very special circumstances, reference is made by the applicant's need for the current successful occupier of the Calder Vale Park site to diversify its product offer into different commercial sectors. Whilst they acknowledge that such a building could in theory be erected within the main site, ie outside of green belt, they offer a number of crucial operational reasons why this would not be feasible. The development of such a building, the applicant states, would result in the creation of skilled jobs and underpin an existing Ribble Valley business which employs over 270 people. Fort Wilson Properties as land owners have committed a further £6m in the forthcoming development of the Investment Casting Foundry and the recently approved R and D Building as well as the extension to Building S. This proposal would bring about further remediation and redevelopment of vacant urban land with the subsequent employment of around 200 additional staff. Initial figures would suggest this development would require an investment of at least £16m.

I accept that the scheme would have a greater impact on the openness of the green belt but having regard to all other material considerations, namely that the visual impact will be limited given the extent of existing buildings and the backdrop of the proposed business park as

outlined within this submission, and that the land formed part of the previously developed and operational site, I consider that this scheme would be acceptable in relation to green belt issues.

Highway Matters

It is clear from the comments of the County Surveyor that he has no objection in principle to this development on highway safety grounds. He notes that the development provides additional industrial capacity on an existing and well-established site and that the works proposed would secure a satisfactory access to all three phases of development (phase 1 already having been approved). The Parish Council have made reference to parking and the County Surveyor considers that the parking arrangements shown for employment and servicing requirements are appropriate and that in view of the provisions made on site, there is no reason to anticipate that there will be any demand for on-street parking in the vicinity of the new access.

Members will note that financial contributions are being sought and the applicant is opposing the level of contributions requested. They have made reference to the fact that the contributions are sought on the basis of Lancashire County Council's Planning Obligations in Lancashire Policy adopted 2006 and that paper does not take into account the existing lawful use of the site, transport need, site location, travel plan initiatives and economic downturn. As such they do not believe it is appropriate for the proposed development particularly given the significant investment required to further this development as already outlined. At the time of report preparation they were still in discussion with LCC as to the level of contribution which they considered to be acceptable and it is hoped that this will be resolved in the coming weeks and a verbal update be given to Members at the Committee meeting at which this application is to be heard. The latest correspondence from the agent to LCC dated 20 February details that as part of the proposals a travel plan and its associated initiatives are provided to enhance sustainable travel to the site. To further demonstrate their clients commitment to sustainable transport, even though they consider they have demonstrated that transport contributions are unnecessary, a contribution of £20,000 is proposed for any future improvements to Simonstone Lane which directly benefits the site. They would also look towards providing a further £10,000 towards improving existing bus stops on Blackburn Road which is within walking distance of the site. Should it be resolved that contributions are necessary, these will need to be secured via a Legal Agreement.

Residential Amenity

In assessing potential impacts on residential amenity, I am mindful of the properties to the east of Simonstone Lane that form Railway Terrace and also the dwellings to the north of the site to the north of the former railway. In respect of the latter, these are set approximately 27m away from the proposed service yard area in the north eastern corner of the proposed business park and approximately 52m from units 13 and 40m from unit 12 which is set to the south west of the rear elevation of the end terraced unit. The application site is set lower than those properties and thus in terms of the impact of the physical built form, I do not consider that any significant detriment would be caused. In terms of potential noise implications, I shall return to this. Having regard to Railway Terrace, this is set to the east of Simonstone Lane and runs at a right angle to the road. The end of the terrace in this instance provides the front elevation to two properties that face on to the road with both doors and windows in that gable elevation. The building line of the terrace is set back approximately 2m from the carriageway edge and approximately 20m from the eastern elevation of the proposed unit 5 on the business park. This is one of the units that forms part of the outline submission with the submitted Design and Access Statement indicating as part of the required parameters of scale details that it would be

a height ranging somewhere between 7m (minimum) to 9.3m (maximum). The landscape masterplan shows woodland belt planting along the Simonstone Lane site boundary to assist in filtering views of the business units from the residential properties on Railway Terrace. Whilst mindful of the fact that the outlook for Nos 1 and 3 Railway Terrace is at the moment across an open part of the site, and that historically the built form that did occupy the upper part of the overall site was offset from the gable of the terrace and set further back into the site, I am of the opinion that at the distance away and height stated within this submission, the impact of unit 5 would not be so significantly detrimental to the amenities of those residents as to warrant an unfavourable recommendation in terms of proximity of built form and overbearing/oppressive nature of development.

The remaining consideration in respect of residential amenity is therefore the potential noise implications of the development being put forward under this submission.

The proposed landscaping to Simonstone Lane frontage will have an acoustic screen within it in order to help mitigate the impacts of this development for residents of Railway Terrace. The proposal has been discussed with the Council's Head of Environmental Health Services in order to establish conditions necessary to limit the noise implications of the development. The applicants have suggested potential noise limits for the site and it is considered that this combined with limits on the hours for deliveries and external working to the two service yard areas adjacent to Simonstone Lane and the need for submission of details of any external plant machinery attached to the building for prior approval will provide appropriate safeguards for existing residential properties in respect of noise.

Visual Amenity

The proposed business park will, for the most part, fall within the existing hard standing area of the former Mullards/LG Philips works site with buildings ranging in maximum height from approximately 9.3m to 12m – the 12m building being in the centre of the site. In terms of materials, only those parts of the submission made in full provide details ie the Special Projects Building and units 1 to 4 which are shown to have a modern appearance to match the recently approved Foundry Building – a suitably worded condition could be imposed to ensure that appropriate materials are used. Whilst the scheme would change the nature of the area as it is seen at present, having regard to the historic development on this site, I am of the opinion that the overall impact of the built form would not be so significant as to warrant an unfavourable recommendation on visual amenity grounds.

A landscape strategy/framework has been devised for the site to provide a high quality setting and help integrate it into the mature landscape setting of the Calder Valley. A number of mature trees on the periphery of the site will be retained and this will be combined with new structure planting consisting of semi natural tree and shrub species around the perimeter of the site to help screen the views of the business park and protect the site from south westerly prevailing winds. The documentation submitted in support of the application outlines the linear woodland belt will be planted in advance of building construction to maximise opportunities for establishment before the building works commence. The applicants have also outlined that a ten year landscape management and maintenance plan will be prepared for the business park and suitably worded conditions can be imposed on any consent granted to secure this.

It is also of note to bring to Committee's attention an application made to Lancashire County Council as Waste Authority for the deposition of arisings from construction of the development hereby outlined on an area of land to the west of Simonstone Brook, which is outside of our

district (application reference 3/2012/0007/P) – it is proposed to relocate approximately 26,000m³ of excavated waste materials. The inert materials will be used to create a new landform to the west of Simonstone Brook and be deposited to an average depth of 2m rising to a maximum of 4m in places. They will be spread across 4.4 hectare of land immediately to the west and south of the Brook and be used to create 5 mounds which will be designed to reflect the local topography of the area. New woodland would be planted and new hedgerows. RVBC have been consulted on that application for our views and at the time this report was drafted, it was still being considered by officers to finalise comments to be forwarded on to LCC.

Therefore, having carefully considered all the above, I am of the opinion that the scheme would not prove significantly detrimental to visual and residential amenity nor be to the detriment of highway safety. I do not consider the overall openness of the green belt would be significantly harmed by the development of the Special Projects Building and its service yard areas. On this basis I consider the application should be sent to the relevant government office as a departure in order that issues in relation to green belt can be examined by the appropriate body.

SUMMARY OF REASONS FOR APPROVAL

The proposal has no significant impact on nearby residential amenity, nor would it have an adverse visual impact, nor have a detrimental impact on the green belt designation.

RECOMMENDATION: That the Director of Community Services be MINDED TO APPROVE the proposal subject to the satisfactory completion of departure procedures, which involves reference to the relevant Government Office in accordance with the Town and Country Planning (Green Belt) Direction 2005, and subject to the following conditions:

Conditions in respect of outline element (phase 3)

1. Application for approval of reserved matters for phase 3 (units 5 to 13) of the development as identified on drawings 40020_PL100 proposed masterplan and 40020_PL110 proposed masterplan plot plan must be made not later than the expiration of 7 years beginning with the date of this permission and the development must be begun not later than whichever is the latter of the following dates.
 - a) the expiration of 7 years from the date of this permission; or
 - b) the expiration of 2 years from the final approval of the reserved matters, or in the case of approval of different dates, the final approval of the last such matter to be approved.

REASON: In order that the Local Planning Authority shall be satisfied with the details and because phase 3 of the application was made for outline permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

2. Detailed plans indicating the design and external appearance of the building(s), facing materials, landscaping and boundary treatment, parking and manoeuvring arrangements for vehicles and siting and access (called the "reserved matters") comprising units 5 to 13 of phase 3 and use for purposes within Classes B1, B2 and B8 shall be submitted to and approved by the Local Planning Authority before development commences.

REASON: In order that the Local Planning Authority should be satisfied as to the details and because the application was made for outline planning permission and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

3. The submission of reserved matters for phase 3 of the development in respect of layout, scale, appearance, landscaping and implementation of development shall be carried out in substantial accordance with the design and access statement as amended 15 September 2011 and proposed masterplan 40020_PL100.

REASON: For the avoidance of doubt to define the scope of this part of the hybrid application.

Conditions in respect of full element (phase 2)

4. The development of phase 2 in respect of the erection of buildings comprising units 1 to 4 for purposes within Classes B1, B2 and B8 and the Special Projects Building together with access road and associated parking and servicing areas (as identified as plots 1 and 2 on drawing 40020_PL110 proposed masterplan plot plan) must be begun not later than the expiration of 3 years beginning with the date of this permission.

REASON: Required to be imposed in pursuance to Section 91 of the Town and Country Planning Act 1990.

Conditions in respect of the whole scheme

5. This permission shall be implemented in accordance with the proposal as detailed on the following drawings:

40190/PL01 units 1 to 4 site plan
40190/PL02 units 1 to 4 general arrangement plan units 1 and 2
40190/PL03 units 1 to 4 general arrangement plan units 3 and 4
40190/PL04 units 1 to 4 roof plans units 1 and 2 – 3 and 4
40190/PL05 units 1 to 4 general arrangement elevations units 1 and 2
40190/PL06 units 1 to 4 general arrangement elevations units 3 and 4
40140/PL01 special projects building site plan
40140/PL02 special projects building general arrangement plan
40140/PL03 special projects building roof plan
40140/PL04 special projects building general arrangement elevations – sheet 1
40140/PL05 special projects building general arrangement elevations sheet 2
40020/PL120 site location plan
40020_PL100 proposed masterplan
40020_PL110 proposed masterplan plot plan
629.200A landscape masterplan
629.300 section AA
629.100A site context
NW/FVL/BURNLEY.1/01 proposed site access

REASON: For the avoidance of doubt to clarify which plans are relevant.

6. Prior to commencement of the development of each phase, a scheme identifying how a minimum of 10% of the energy requirements generated by that phase of development will

be achieved by renewable energy production methods shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme for implementation and shall be provided in accordance with the approved details and thereafter retained.

REASON: In order to encourage renewable energy and comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

7. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

8. No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water regulation system has been approved by the Local Planning Authority. The scheme shall be completed in accordance with the approved plans.

REASON: To reduce the increased risk of flooding in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

9. No development approved by this planning permission shall be commenced until:
- a) A desktop study has been undertaken to identify all previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information and diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors has been produced.
 - b) A site investigation has been designed for the site using the information obtained from (a) above. This should be submitted to, and approved in writing, by the Local Planning Authority prior to that investigation being carried out on the site.
 - c) The site investigation and associated risk assessment have been undertaken in accordance with details approved in writing by the Local Planning Authority.
 - d) A Method Statement and Remediation Strategy, based on the information obtained from c) above has been submitted to and approved in writing by the Local Planning Authority.

The development shall then proceed in strict accordance with the measures approved. Work shall be carried out and completed in accordance with the approved Method Statement and Remediation Strategy referred to in d) above, and to a timescale agreed in writing by the Local Planning Authority; unless otherwise agreed in writing by the Local Planning Authority.

If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written

approval from the Local Planning Authority for, an addendum to the Method Statement. This addendum to the Method Statement must detail how this unsuspected contamination shall be dealt with.

Upon completion of the remediation detailed in the Method Statement a report shall be submitted to the Local Planning Authority that provides verification that the required works regarding contamination have been carried out in accordance with the approved Method Statement(s). Post remediation sampling and monitoring results shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals and reporting shall also be detailed in the report.

REASON: In accordance with Policy G1 of the Ribble Valley Districtwide Local Plan to ensure that:

- a) To identify all previous site uses, potential contaminants that might reasonably be expected to given those uses and the source of contamination, pathways and receptors.
- b) To enable:
 - a risk assessment to be undertaken;
 - Refinement of the conceptual model; and
 - the development of a Method Statement and Remediation Strategy.
- c) & d) To ensure that the proposed site investigation and remediation strategy will not cause pollution of ground and surface waters both on and off site.

10. Prior to the commencement of development a detailed method statement for the removal or long-term management/eradication of Japanese Knotweed (*Fallopia Japonica*) and Himalayan Balsam (*Impatiens Glandulifera*) on site shall be submitted to and approved in writing by the Local Planning Authority. This shall include a revised survey to include the whole of the development site. The method statement shall include proposed measures to prevent the spread of these species during any operation such as mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds/rot/stem of any invasive plant covered under the Wildlife and Countryside Act 1981. Development shall proceed in accordance with the approved method statement.

REASON: To prevent the spread of non-native invasive species of Japanese Knotweed and Himalayan Balsam in the interests of protecting nature conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan.

11. Prior to commencement of development a scheme for the provision and management of the buffer zone alongside Simonstone Brook shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall include
- details of the planting scheme (for example native species)

- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term
- details of any footpaths, fencing, lighting etc

REASON: To protect and enhance the aquatic habitat of Simonstone Brook in the interests of protecting nature conservation issues in accordance with Policies G1, ENV7, ENV9, ENV10 and ENV13 of the Ribble Valley Districtwide Local Plan.

12. Notwithstanding any indication given in the application and on the approved drawings, full particulars including details of the colour, finish and texture of materials to be used on all external surfaces of the proposed buildings in each phase of development shall be submitted to and approved in writing by the Local Planning Authority before their use in the proposed works.

REASON: In order that the Local Planning Authority may ensure the materials to be used are appropriate to the locality in accordance with Policies G1 and ENV3 of the Ribble Valley Districtwide Local Plan.

13. The development hereby permitted shall not be commenced until details of the landscaping of the site, including wherever possible the retention of existing trees, have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development and shall be in general accordance with the submitted Landscape Framework dated August 2011 and landscape masterplan drawing 629.200A. It shall indicate as appropriate, the types and numbers of trees and shrubs, their distribution on site, those areas to be seeded, turfed, paved or hard landscaped, including details of any changes of level or landform and the types and details of any fencing and screening as well as providing a phasing programme for planting and details of management/maintenance of the landscaped areas across the whole of the development site. The scheme shall include indications of all existing trees and hedgerows on the land, and details for their protection during the course of development.

The approved landscaping scheme in respect of the linear woodland belt to the eastern and northern site boundaries shall be implemented in the first planting season prior to commencement of the development unless otherwise agreed in writing by the Local Planning Authority, whether in whole or in part and shall be maintained thereafter for a period of not less than 10 years to the satisfaction of the Local Planning Authority. This maintenance shall include the replacement of any tree or shrub which is removed, or dies, or is seriously damaged, or becomes seriously diseased, by a species of similar size to those originally planted. In respect of the maintenance of the remainder of the landscaping scheme, this shall be carried out in accordance with details to be submitted to and agreed in writing by the Local Planning Authority as part of the phasing programme for planting across the whole of the development site.

REASON: In the interests of the amenity of the area and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

14. Prior to commencement of development precise details of the acoustic screen to be located in the woodland belt on the eastern boundary of the development site shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be fully

implemented in accordance with the approved scheme prior to commencement of development and thereafter retained.

REASON: In the interests of residential amenity in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

15. This permission in so far as it relates to matters of access to the site from Simonstone Lane, shall be implemented in accordance with the proposal as detailed on drawing NW/FVL/BURNLEY.1/01 submitted as part of the Transport Assessment.

REASON: For the avoidance of doubt and to clarify which plans are relevant in the interest of highway safety in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

16. The new estate road/access between the site and Simonstone Lane shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any development takes place within the site.

REASON: To comply with Policies G1 and T1 of the Ribble Valley Districtwide Local Plan and to ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

17. No development shall take place on any phase of development until a construction method statement has been submitted to and approved in writing by the Local Planning Authority for that phase. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction
- vii) a scheme for recycling/disposing of waste resulting from construction works

REASON: In the interests of protecting residential amenity from noise and disturbance connected to construction in accordance with Policy G1 of the Ribble Valley Districtwide Local Plan.

18. The level of noise emitted from the site shall not exceed the following limits at Railway Terrace, Bank Terrace and River Bank Terrace:

Day:	45 dB $L_{Aeq, 10hr}$	at Railway Terrace
	42 dB $L_{Aeq, 10hr}$	at the rear of Bank Terrace
	49 dB $L_{Aeq, 10hr}$	at River Bank Terrace
Night:	41 dB $L_{Aeq, 9hr 30mins}$	at Railway Terrace
(2300-0700hrs)	38 dB $L_{Aeq, 9hr 30mins}$	at the rear of Bank Terrace
	40 dB $L_{Aeq, 9hr 30mins}$	at River Bank Terrace

REASON: In the interests of safeguarding residential amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

19. Roller shutter doors on buildings shall be fitted with automatic closing devices and acoustic curtains and shall not be open between 1930hrs and 0700hrs.

REASON: In the interests of safeguarding residential amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

20. There shall be no deliveries to or collections from the two service yard areas located to the north of Units 5 and 13 as detailed on the proposed masterplan drawing 40020-PL100 nor any external working within those areas outside the hours of 0700hrs – 1800hrs unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of safeguarding residential amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

21. Prior to commencement of development of each phase, full details of security lighting or floodlighting to be installed shall be submitted to and approved in writing by the Local Planning Authority. All such installations shall be provided in accordance with the approved scheme and thereafter retained.

REASON: In the interests of safeguarding residential amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

22. Development shall not begin on any unit, including the Special Projects Building, until details of any externally mounted plant or equipment or any internal equipment which vents externally have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of safeguarding residential amenity and to comply with Policy G1 of the Ribble Valley Districtwide Local Plan.

NOTES

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Environment Directorate for further information by telephoning Area Surveyor East 01254 823831 or writing to the Area Surveyor East, Lancashire County Council, Area Office, Riddings Lane, Whalley, Clitheroe BB7 9RW quoting the planning application number.
2. The proposed development lies within a coal mining area, which may contain unrecorded mining related hazards. If any coal-mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities, which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com

3. The applicant is advised that in respect of condition 22 the Local Planning Authority would wish to see no external plant on the facades of buildings facing residential properties.

