

RIBBLE VALLEY BOROUGH COUNCIL

Development Department

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Town and Country Planning Act 1990

OUTLINE PLANNING PERMISSION

APPLICATION NO: 3/2020/0507

DECISION DATE: DecisionDate

DATE RECEIVED: 17/08/2020

APPLICANT:

J and J J Harrison
c/o Agent

AGENT:

David Wrigley Planning
Fairfield Business Park
Longsight Road
Clayton le Dale
Blackburn
BB2 7JA

PARTICULARS OF DEVELOPMENT:

Outline Planning application for business units use classes B1(b)(c) and B2 and storage use class B8 and associated improvements to existing access with all matters reserved except for access.

AT: Land South of Blackburn Road Hothersall PR3 2YY

Ribble Valley Borough Council hereby give notice in pursuance of provisions of the Town and Country Planning Act 1990 that **outline planning permission has been granted** for the carrying out of the development referred to above in accordance with the application and plans submitted subject to the following conditions:

1 Application(s) for approval of all of the outstanding reserved matters related to the consent hereby approved must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates.

(a) The expiration of three years from the date of this permission; or

(b) The expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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- 2 Detailed plans indicating the layout, scale and appearance of the buildings, facing materials, landscaping and boundary treatment and parking and manoeuvring arrangements for vehicles (called the "reserved matters") 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.

- 3 The details in respect of the submission of any reserved matters shall be in strict accordance with the design principles set out in the Design and Access Statement by David Wrigley Planning.

Reason: To ensure the development accords with the agreed general principles in relation to design and green infrastructure.

- 4 The vehicle site access shall be constructed in accordance with the details shown on drawing P19091-111E (received 18 Nov 2020)

Reason: In the interests of highway safety.

- 5 The outline planning permission hereby approved relates to the erection of up to 3,888 square metres of B1(c), B2 and B8 floor space. The applications for reserved matters shall not exceed 3,888 square metres of B1(c), B2 and B8 floor space.

Reason: In the interests of the appropriate development of the site, to prevent intensification in the development of the site and in the interests of the visual amenities of the area.

- 6 The use of the units hereby permitted shall be used only for uses falling within Use Class B1 (b) (c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision, including permitted changes, equivalent to that Class in any statutory instrument revoking and re-enacting that Order) as specified as part of any reserved matters application.

Reason: To enable the Local Planning Authority to exercise control over development and to ensure that the development remains in use for the purposes of employment which is considered essential to the local economy.

- 7 Notwithstanding the details shown on the approved plans, buildings on the site shall not exceed two storeys in height.

Reason: To ensure a satisfactory appearance of the site in the interests of local visual amenity.

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- 8 Prior to the commencement of the development or as part of the first reserved matters application samples of all external facing materials to the proposed buildings (notwithstanding any details shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out using the approved external facing materials.

Reason: To ensure that the materials used are visually appropriate to the locality.

- 9 Prior to the commencement of the development or as part of the first reserved matters application details of the colour, form and texture of all hard ground- surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the visual amenity of the area.

- 10 Applications for the approval of reserved matters shall be accompanied by details of the construction and design of external refuse recycling/bin stores. The duly approved facilities shall be made available for use before the development hereby approved is first occupied and retained thereafter.

Reason: To ensure the provision of satisfactory facilities for the storage of refuse and recycling and in the interest of visual amenity.

- 11 Applications for the approval of reserved matters shall be accompanied by a noise assessment to ensure that the rating level of noise emitted from the site shall not exceed 10 decibels (measured in dB(A)) of the background noise level at the nearest noise sensitive premises to the proposed development. The assessment shall have been made in accordance with the current version of British Standard 4142 and the Planning Practice Guidance and confirmation of the findings of the assessment shall have been submitted to, and agreed in writing by, the Local Planning Authority and shall be adhered to thereafter.

If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the units.

The noise mitigation measures shall be designed so that nuisance will not be caused to the occupiers of neighbouring noise sensitive premises by noise from the development.

Reason: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

12 No externally sited fixed plant, machinery or equipment (including ventilation and extraction equipment); or internally sited fixed plant, machinery and equipment (including ventilation and extraction equipment) which communicates directly to the exterior of a building used in connection with the development shall be fitted without first obtaining planning permission from the Local Planning Authority.

Reason: In the interests of the amenity of the surrounding area due to noise from such equipment.

13 The working hours within the premises shall be restricted to the period between 07:00-19:00 Monday to Saturday inclusive and not at all on Sunday and bank Holidays.

Reason: In the interests of the amenities of nearby residents.

14 There shall be no deliveries or collections to/from the new units hereby approved other than between 07:00-19:00 Monday to Friday, between 08:00-13:00 Saturday and not at all on Sunday and bank Holidays.

Reason: In order to protect the amenity of the surrounding area.

15 There shall be no movements of HGV's or forklift trucks, used in connection with the new units hereby approved, within the open areas of the site other than between 07:00-19:00 Monday to Friday, between 08:00-13:00 Saturday and not at all on Sunday and bank Holidays.

Reason: In order to prevent nuisance arising.

16 No goods, plant or materials shall be deposited or stored on the site other than in the buildings/compounds approved as part of any reserved matters application and no goods or materials stacked, stored or deposited shall exceed a height above ground level of 3 metres.

Reason: To ensure a satisfactory appearance of the site in the interests of local visual amenity.

17 No development shall take place until a Construction Risk Assessment Method Statement (RAMS) for construction of the proposed development, is submitted to and approved by the Local Planning Authority. The statement shall outline the potential impacts from all construction activities on infrastructure that crosses the site and identify mitigation measures to protect and prevent any damage to this infrastructure. The development shall be undertaken in accordance with the approved RAMS.

Reason: To ensure a satisfactory form of development and to afford appropriate protection of infrastructure that crosses the site.

- 18 The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Report for Drainage and FRA, Dated: 06.08.2020. No surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

- 19 Foul and surface water shall be drained on separate systems.

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

- 20 The development permitted by this planning permission shall be carried out in accordance with the following recommendations, as detailed within the approved flood risk assessment (FRA) (dated 6 August 2020):

- a) Finished floor levels of the units to be set above external ground levels;
- b) Percolation tests to be carried out as part of the ground investigation to identify the grounds infiltration potential;
- c) The final allowable discharge rate to be based solely on the proposed impermeable area and not the entire site. This is because other areas of internal landscaping and porous pavement within the development will still contribute to the total greenfield surface water runoff.

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.

Reasons: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site; to reduce the risk of flooding to the proposed development, elsewhere and to future users and; to ensure that water quality is not detrimentally impacted by the development proposal.

21 No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme 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 an appropriate allowance for climate change. The calculations must demonstrate that the post development surface water run-off rate will exceed not the existing pre-development surface water runoff rate 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) Confirmation of how surface water is to be managed within the non-drained areas of the site, i.e. gardens and public open space;
- e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- 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 how the surface water drainage network will be managed and maintained 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 dwellings, 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.

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

22 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.

Reasons: 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.

- 23 Applications for the approval of reserved matters shall be accompanied by plans and particulars showing the provision to be made for the parking, turning, loading and unloading of vehicles and cycling and motorbike parking facilities. Such details as may be agreed shall be laid out and made ready in all respects prior to the building to which they relate first coming into use and thereafter shall be retained for this purpose.

Reason: In order that the Council may be satisfied with the details of the proposal to accommodate motor vehicles.

- 24 No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reasons: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development.

- 25 The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the turning head, the turning head shall include a constructed footway around the turning head.

Reasons: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

- 26 No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement (including provision of a new footway along the south side of Blackburn Road extending from the site access to the Corporation Arms bus stop) has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority. These works shall be completed prior to the trading or occupation of any element of the development.

Reasons: In order to satisfy the Local Planning and Highway Authorities that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

27 No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) Measures to control the emission of dust and dirt during construction
- iv) Details of working hours
- v) Routing of delivery vehicles to/from site

Reason: In the interests of protecting residential amenity from noise and disturbance and to ensure the safe operation of the Highway during the construction phase of the development.

28 For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

29 Each individual premises shall be provided with an electric vehicle charging point which shall be installed in a suitable location to enable electric vehicles to be charged. The charging points be installed and made operational prior to the first occupation of each relevant unit.

Reason: To promote sustainable modes of transport.

30 Prior to the commencement of the development or as part of the first reserved matters application, details of all artificial lighting to be installed on the new buildings, or elsewhere on the site, shall have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the details shall include the location, intensity of lighting, type of application and direction.

The details shall include the light mitigation measures designed to reduce the impact of artificial lighting on protected species and species of conservation concern.

The external lighting shall be installed precisely in accordance with the approved details and thereby retained as such unless otherwise agreed in writing with the Local Planning Authority.

Reason: In order to reduce the harmful impact of artificial lighting on the natural foraging/roosting/nesting behaviour of a protected species and species of conservation concern and to minimise the possibility of inconvenience to nearby residents.

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- 31 As part of any reserved matters application and prior to the commencement of any site works including delivery of building materials and excavations for foundations or services, a detailed arboricultural assessment/tree constraints plan shall indicate how the existing trees have informed the detailed layout that has been submitted for reserved matters approval.

Reason: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse effects of development.

- 32 Applications for the approval of reserved matters shall be accompanied by full details of the landscaping of the site, including wherever possible the retention of existing trees and the recommendations of the Preliminary Ecological Appraisal. The scheme shall reflect the landscape character of the area and therefore indicate on a detailed planting schedule appropriate species, types and density as well as their distribution on site.

The approved landscaping scheme shall be implemented in the first planting season following occupation or use of the development, whether in whole or 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.

Reason: To ensure the proposal is satisfactorily landscaped and appropriate to the locality.

- 33 The biodiversity mitigation measures as detailed in section 7 of the Preliminary Ecological Appraisal (ref 5996b) dated the 10th June 2020 shall be implemented in accordance with the recommendations and any specified time table. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: To protect the protected species/ species of conservation concern from damaging activities and reduce or remove the impact of development and to ensure that there are no adverse effects on the favourable status of a bat population before and during the proposed development.

- 34 Any removal of vegetation including trees and hedges shall be undertaken outside the nesting bird season [March - August inclusive] unless preceded by a pre-clearance check by a licensed ecologist on the day of removal.

Reason: To ensure that there are no adverse effects on the favourable conservation status of birds.

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

The submitted details shall accord with the recommendations of the Preliminary Ecological Appraisal and shall be submitted on a building dependent bird/bat species site plan and include details of the numbers [there shall be at least 1 nest brick/bat tile per unit] across the development as a whole and shall identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The development shall be carried out in strict accordance with the approved details. The artificial bird/bat boxes shall be incorporated into those individual units during the construction of those individual units identified on the submitted plan and be made available for use before each such building is occupied and thereafter retained. Any tree mounted artificial bird/bat boxes shall be installed prior to first occupation of the development.

Reason: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and protected species.

Note(s)

- 1 For rights of appeal in respect of any condition(s)/or reason(s) attached to the consent see the attached notes.
- 2 The applicant is advised that should there be any deviation from the approved plan the Local Planning Authority must be informed. It is therefore vital that any future Building Regulation application must comply with the approved planning application.
- 3 The Local Planning Authority operates a pre-planning application advice service which applicants are encouraged to use. Whether or not this was used, the Local Planning Authority has endeavoured to work proactively and positively to resolve issues and considered the imposition of appropriate conditions and amendments to the application to deliver a sustainable form of development.

The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. 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 is advised to contact the Community Services before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".

The developer should be aware that the any works on, or immediately adjacent to the adopted highway network, would require the appropriate permits from Lancashire County Council's Highways Regulation Team, who would need a minimum of 12 weeks' notice to arrange the necessary permits. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

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 grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Further details can be found by contacting PROWplanning@lancashire.gov.uk.

The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.