

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 8 February 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 08 MARCH 2018

Application Ref: 17/0672/FUL

Proposal: Outline: Major: Extension to industrial land to accommodate up to ten industrial units with open space, access roads, landscaping, infrastructure with means of access off Churchill Way, Nelson (Reg. 4).

At: Land To The South West Of, Churchill Way, Brierfield

On behalf of: Liberata UK Limited Property Services

Date Registered: 05/12/2017

Expiry Date: 06/03/2017

Case Officer: Alex Cameron

This application has been brought before Committee as it involves a major development and is made on behalf of the Council.

Site Description and Proposal

The application site is an approximately 10.3 ha area of agricultural land to the west of Lomeshaye industrial estate Pendle Water runs to adjacent to the south east boundary, to the west is the Grade 2 listed Old Laund Hall Farm. The site was previously designated as green belt but was redesignated as employment land with the adoption of the Pendle Local Plan Part 1: Core Strategy. Public footpath Nos. 114 and 115 run along the south east boundary, footpath No. 93 runs through the centre of the site from east to west towards Old Laund Hall Farm. The northern half of the site is steeply sloping land, the southern half is a flatter area.

This is an outline application, for access only, for the erection of 10 industrial units on the land as an extension of Lomeshaye industrial estate. Although only indicative at this stage the submitted plans proposed the industrial units on the flatter southern area of the site with a landscaped area and access road linking to Churchill Way to the northern half of the site.

Relevant Planning History

13/94/0059P - Outline application for industrial estate (B1 B2 and B8) (23 hectares). Approved, 23/05/1994

13/99/0448P - Erect access bridge over Pendle Water and erect industrial unit (outline). Withdrawn

Consultee Response

LCC Highways – No objection subject to conditions relating to HGV construction traffic, signal optimisation works at Junction 12 of the M65 and a Travel Plan.

PBC Conservation - A well-detailed Heritage Impact Assessment has been submitted with the application; this identifies the heritage assets which could potentially be affected together with their settings, also looking at key views potentially affected, and assessing the effect of the proposed development on the significance of these assets. The report importantly also suggests possible mitigation measures that could be addressed at the detailed design stage to minimise any harm caused to significance, and opportunities for enhancement of the development in respect of the relationship with the surrounding landscape and key views.

The main heritage asset to be potentially affected is Old Laund Hall, listed Grade II, which lies just to the west of the development site, set amongst mature trees alongside the wooded valley of Old Laund Clough. Other heritage assets in the vicinity are Grains Barn Farm listed Grade II, some distance to the north of the site, and the Brierfield Mills CA and Lomeshaye Industrial Hamlet CA. These are all at some distance from the site and there would be negligible impact on their heritage significance.

Old Laund Hall is a stone farmhouse of high status, part of which dates back at least to the C16th, with the major part being C17th. There are some stone outbuildings to its eastern side. Though much altered and rebuilt over the years it still has significance in its imposing 3-storey main wing, the ranges of mullioned windows, and the remaining Tudor arched doorways in the older rebuilt wing. The existing trees which run across the centre of the site and around the Hall tend to define its immediate setting, together with the existing outbuildings, and these are effective in screening views between the site and the LB. The retention of these trees will be crucial in preserving the setting of the LB, and the opportunity should be taken at the detailed design stage to reinforce both this planting and that along the western boundary of the site.

A public footpath follows the line of the trees and runs close to the Hall, allowing it to be glimpsed in views between the trees. However as the Hall is viewed primarily from the south side there are unlikely to be key views of the Hall that could be affected by the new buildings, which are to be confined to the southern half of the site. The Hall sits lower down in the landscape than the site itself, which would also tend to restrict inter-visibility between them.

It is the new access road which comes through the northern half of the site that comes closest to the Hall, and which would have the most potential for causing harm to the wider green setting of the Hall, and its significance. Here there would need to be suitable mitigation in the form of enhanced landscape screening to ensure that the setting of the Hall would not be unduly harmed. If this could be achieved effectively at the detailed design stage, any adverse impact of the development on the heritage significance of the hall and its setting would be minimised.

NPPF 134 requires that any harm to significance should be weighed against the public benefits of the proposal. NPPF 131 asks local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. The heritage benefits and potential mitigation measures as set out in the Heritage Impact Assessment should be addressed at detailed design stage to facilitate this; these should include a high quality of design and attention to detail, the use of local materials and styles e.g. dry stone boundary walls, enhancing the public realm along the public footpaths, and attention to building heights and massing particularly at the edges of the site and in key views of the site from outside.

PBC Environmental Health – Please attach standard contaminated land condition.

Environment Agency - The applicant needs to undertake a Preliminary assessment to screen for impacts of the riverbank protection work in relation to the Water Framework Directive (WFD). The results of this assessment will inform the design of any bank stabilisation scheme, and any associated mitigation requirements. The proposed development will be acceptable if a planning condition is included requiring a scheme to be agreed for these bank works, and for any associated mitigation requirements on the main river Pendle Water.

Pendle Water waterbody already has a significant amount of hard engineering in place and we would seek to minimise the amount of additional modification. Any impacts caused as a direct result of the new development will require offsetting through WFD mitigation measures within the waterbody. Potential impacts include loss of the bank, bankside vegetation, connection to the floodplain and loss of the well-established vegetated island, which will occur if both banks are heavily modified.

If the Outline application is subsequently approved, any submission of Reserved Matters should include consideration of the requirement for a scheme for the provision and management of an 8 metre wide ecological buffer zone alongside the watercourse. There should be no development within the buffer zone to preserve the integrity of, and minimise impact on, the watercourse.

Any detailed plans and proposals for the bank works currently marked as “bank protection/ habitat enhancement” should ensure that this is retained as a natural bank and we would expect any scheme and plans submitted as part of a Reserved matters application to demonstrate this. Any hard engineering works that may subsequently be proposed and which are not considered or assessed as part of the Outline planning application will potentially be subject to the same WFD screening and assessment requirements outlined above.

Lead Local Flood Authority

Lancashire Fire and Rescue – Recommendations made in relation to layout and fire safety matters to be addressed under Building Regulations.

Coal Authority – No objection subject to a condition for the submission of a detailed scheme of remedial works for the shallow coal workings for approval (relevant to that phase), included within the information should be a grout grid plan showing how the remedial works proposed relate to the development layout.

National Grid – Details of a major accident hazard pipeline in the vicinity of the site (This follows the A6068 and would not be affected by the proposed development).

Natural England - Statutory nature conservation sites, no objection. The proposed development is for a site within or close to a nationally designated landscape namely Forest of Bowland AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. Refer to standing advice on protected species. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

PBC Public Rights of Way – The development impacts of public footpaths 93, 114 and 115 Old Laund Booth. Footpaths 114 and 115 form a continuous riverside footpath. The condition of the footpath is poor because of wet and marshy ground and as a result of river erosion. The proposed masterplan includes riverbank stabilisation on the route of the footpath, which is welcomed to improve the overall condition of the footpath. This is likely to require temporary closure of the footpath. In order to minimise inconvenience I would request that a condition be included, as appropriate, that the stabilisation works are completed and the footpath reopened prior to laying the foundations of any industrial premises. Please attach a note making the applicant aware that the grant of planning permission does not include the right to obstruct or interfere with the route of a public right of way.

Old Laund Booth Parish Council – The Parish Council is very concerned regarding this application as the land is in green belt and will encroach on the village in a time when there are still many vacant industrial units available on the same industrial site. Also, we are very saddened to hear that Pendle Council is using a compulsory purchase order to obtain this land as we feel this is effectively taking away a farmer's right to work his own land.

Public Response

Press and site notices have been posted and nearest neighbours notified –.Responses received objecting to the development on the following grounds:

- Loss of green belt land.
- Noise and light pollution.
- Scale and appearance of the proposed units.
- Surrounding roads are congested and at capacity.
- Air quality impact of additional traffic.
- Impact on wildlife including protected species.
- River erosion and ground instability.
- Adverse impact of listed buildings.
- Lack of need to develop given that there is not 100% occupancy of Lomeshaye and other industrial sites within Pendle and Burnley at the present time.
- The figures used to calculate the need for employment land were flawed.
- Will the need for the development be impacted by withdrawal from the European Union/
- Risk of the land flooding.
- Brownfield land should be developed first, there is plenty of previously used land available.
- Loss of a farmer's land and resulting loss of income and change to agricultural activities.
- Concerns about a future vehicular access link to the A6068 and its capacity to accommodate this.
- Concerns that this application is the first stage of a process to develop fully within the Strategic Employment Site allocation.
- Retention and maintenance of the footpaths through the site.
- Will cycle routes be made available / enhanced?
- Public open space provision to compensate for the loss of the land.
- Design of the units.
- Will the units provide high quality well paid jobs?
- Details of landscaping.
- Involvement of local people.
- Loss of value of nearby properties.
- The development will not enhance Pendle as a tourist area.
- The existing Lomeshaye industrial estate has a large degree of warehousing which takes up a vast amount of land but employs few people. This will most probably happen again.

Response received in support:

- Lomeshaye has been an outstanding success, particularly in keeping large vehicles out of the Town centre.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution.

Policy SDP2 (Spatial Development Principles) states that proposals for development will be supported of a nature and scale proportionate to the role and function of the settlement or where they have been specifically identified to help meet the strategic growth needs of the borough. The application site has been allocated as the Strategic Employment Site.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2 with most employment development being within the M65 Corridor.

Policy WRK2 (Employment Land Supply) states that the Council will ensure that 68 hectares of land is brought forward for employment uses over the plan period. Major employment proposals, particularly those requiring good transport links, should be located in the M65 Corridor.

Policy WRK3 (Strategic Employment Site: Lomeshaye) The development of a strategic employment site at Lomeshaye for B1, B2 and B8 uses will be supported subject to the following criteria being met:

- a. The site is adequately connected by a new road to the primary road and motorway network and is accessible by public transport, walking and cycling; and
- b. Early engagement between the applicant and infrastructure providers is carried out to address any capacity issues and ensure the relevant infrastructure (e.g. utilities, broadband etc) is provided (Policy SDP6).
- c. A high quality landscaping scheme is developed, incorporating and enhancing natural environmental features, as appropriate, but particularly where they relate to wider landscape character or ecological considerations.
- d. A detailed development brief (including a design code) is prepared to demonstrate that the site will be developed in an appropriate manner.
- e. The development addresses any potential environmental impacts (Policy ENV1).

Proposals for B1(a) office uses will normally be directed to town centres, transport hubs or high accessibility corridors, in line with Policies WRK2 and WRK4.

Policy SUP1 (Community Facilities) states that within settlements new facilities should be located in Town Centres or Accessibility Corridors or alongside Transport Hubs or existing community facilities.

Replacement Pendle Local Plan (RPLP)

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) states that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 16 (Landscaping in New Development) requires that all development proposals which involve new building include a landscaping scheme sympathetic to the site's character.

Policy 31 (Parking) requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

Principle of Development

Concerns have been raised stating that the application site is green belt land. Although the site was previously designated as green belt it was removed with the adoption of the LPP1 in December 2015 in which the site is allocated as the Strategic Employment Site. The Local Plan examination looked in detail at the employment land options for the Borough and the conclusion was that this site was the most suitable to develop for employment purposes. The Inspector found that allocation the land for employment was sound.

Policy WRK3 support the development of this site for B1(b & c)(research and development & light industry), B2 (general industry) and B8 (storage and distribution) uses subject to adequate transport connections, infrastructure capacity, landscaping, development brief and environmental impacts.

Concerns have also been raised in relation to need for the development and that brownfield land should be developed first. The need for the development was accepted in the adoption of the Core Strategy.

The development of this site for industrial use is acceptable in principle in accordance with policies WRK2 and WRK3.

Landscape and Visual Impact

The specific details of appearance, scale and layout of the development would be considered in a reserved matters application. Any details of these matters in this application are indicative. The consideration at this stage is the principle of whether an industrial development can be accommodated without unacceptable visual and landscape impacts.

The submitted details indicate that the proposed units would be located at the southern end of the site, where the land flattens out. The steeply sloping and therefore more prominent northern half of the site is proposed to remain undeveloped other than the access road and landscaping.

The area of the proposed units would not be excessively prominent and, where visible in the landscape, would be visually associated with the adjacent industrial estate. The landscape impact of the access road could be acceptably mitigated with appropriate landscaping. Although the development would alter the character of the land in immediate views from the public footpaths crossing the site this impact could also be mitigated with landscaping and, taking into account the economic and social benefits this proposed employment use, would be acceptable.

The proposed development is therefore acceptable in terms of landscape and visual impact in accordance with policies ENV1, ENV2 and WRK3.

Heritage Impact

The main heritage asset potentially affected is Old Laund Hall, listed Grade II, which lies just to the west of the development site, set amongst mature trees alongside the wooded valley of Old Laund Clough. Other heritage assets in the vicinity are Grains Barn Farm listed Grade II, some distance to the north of the site, and the Brierfield Mills CA and Lomeshaye Industrial Hamlet CA. These are all at some distance from the site and there would be negligible impact on their heritage significance.

The setting of Old Laund Hall is predominantly defined by existing trees which run across the centre of the site and around the Hall, together with the existing outbuildings, and these are effective in screening views between the site and the listed building. It can be ensured at the reserved matters planting on the west side of the site is retained / reinforced to preserve the setting of the listed building.

The new access road would be the closest development to the Hall, and would have the most potential for causing harm to the wider setting of the Hall. With appropriate landscaping, this would ensure that the setting of the Hall would not be unduly harmed.

Paragraph 134 of the Framework requires that any harm to significance should be weighed against the public benefits of the proposal. Paragraph 131 asks local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. It can be ensured at the reserved matters stage that the development involves a high quality of design, the use of local materials and styles e.g. dry stone boundary walls, appropriate landscaping, and appropriate building heights and massing to ensure that the development respects and does not unacceptably harm the setting of the listed building.

Taking this into account the proposed development is acceptable in principle in terms of heritage impact in accordance with policies ENV1 and ENV2.

Residential Amenity

The indicated position of the proposed units would be approximately 150m from the nearest residential property at Old Laund Hall Farm. Taking this distance into account it could be ensured at the reserved matters stage that the development does not result in any unacceptable residential amenity impacts in relation to this or any other nearby dwelling.

The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and ENV5.

Drainage and Flood Risk

The application site includes areas with flood zones 1 (low risk), 2 (medium risk) and 3 (high risk). The buildings shown in the indicative layout would predominantly fall within flood zones 1 and 2 with minor encroachment into flood zone 3. The proposed use is one that is classified as 'less vulnerable' in terms flood zone compatibility.

A Flood Risk Assessment has been submitted with the application, this advises that the flood risk to the site can be acceptably mitigated with the design of the layout, the floor levels of the buildings and signage for areas potentially vulnerable to flooding.

It also concludes that there is adequate area for flood storage to ensure that the development does not increase the risk of off-site flooding.

The proposed development is acceptable in principle in terms of on and off-site flood risk.

Stabilisation works to the riverbank and holding pond are shown on the indicative layout plans. These works are indicative at this stage and are not necessary for the development to proceed. The Environment Agency would require additional details to fully assess the acceptability of these works and therefore a condition is necessary to ensure that such details are submitted at the reserved matters stage should the works form part of the final layout.

Highways

The proposed site access is from the existing industrial estate road, Churchill Way. A transport assessment has been submitted with the application assessing the impact of the proposed development on the highway network. This concludes that the proposed development would not result in any unacceptable highway capacity or safety issues.

Improvements have recently been made to the highway network at junctions 12 and 13 of the M65, this is in part to accommodate strategic development allocated in the LPP1, including the Strategic Employment Site.

LCC Highways have noted that modelling based on projected traffic data from this and other approved developments has identified potential issues with queue lengths at the J12 roundabout with the current timing and phasing of the signals, although it must also be noted that the phasing of the lights has been altered by LCC several times recently. Optimisation of the signal timing and phasing will be required to resolve this. This can be ensured by condition.

With this optimisation of the J12 signals the existing road network is acceptable to accommodate the additional traffic that would be generated by the proposed development.

LCC Highways have recommended a condition to restrict the hours of HGV construction traffic to and from the site. A condition for this would not be enforceable as it relates to off-site traffic movements. In addition, the construction is unlikely to result in a greater level of HGV traffic than the proposed units if used for B8 storage and distribution use. Therefore, the proposed condition would not meet the six tests of a planning condition. The impacts of the construction phase could be adequately mitigated with a standard construction management condition.

Adequate parking, servicing and manoeuvring provision can be ensured at the reserved matters stage.

The proposed development is acceptable in terms of highway safety in accordance with policy ENV4

Ecology

The submitted phase 1 ecology survey, advises that assessment of the potential presence of bat roosts should be carried out before the felling of any trees, this can be controlled with a condition. The survey does not identify any other protected species habitats or requirement for additional habitat or species survey work requirements for the site. Taking this into account, the impact of the proposed development upon the ecology of the site is acceptable in accordance with policy 4D.

Trees

There are numerous trees within the application site, none of the trees are protected however a number of the trees are identified in the tree survey submitted with the application as being of high quality and as such should be retained if possible. It can be ensured at the reserved matters stage that the layout and landscaping of the development are acceptable in terms of their impact on the existing trees in accordance with policy 16.

Summary

The site is allocated as the Strategic Employment Site, the principle proposed extension of Lomeshaye Industrial Estate onto the land is therefore acceptable. Subject to appropriate conditions the proposed access to the site from the existing Industrial Estate road network is acceptable, landscape and heritage impacts can be acceptably mitigated with appropriate design, layout and landscaping and the development would not result in unacceptable ecology impacts or risk of flooding on or off site. The application is therefore recommended for approval.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping 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 appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before the 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: 00-ZZ-LL-P2-001, 00-ZZ-LL-P2-003.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) the use of the units hereby approved shall be limited to those within Use Classes B1(b & c), B2 and B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any Order revoking and re-enacting that Order with or without modification) only. There shall be no B1(a) use other than that which is ancillary to the B1(b & c), B2 or B8 use of each unit without the prior written approval of the Local Planning Authority.

Reason: To ensure that office uses are directed to sequentially preferable sustainable sites.

5. The first submission of reserved matters shall include details of any bank stabilisation works proposed and associated mitigation, compensation or enhancement measures. The proposed works should be based on the results of a hydromorphology survey carried out by a suitably experienced surveyor using recognised survey methodology.

Reason: In order the Local Planning Authority to assess the impact of any proposed bank protection and stabilisation.

6. The first submission of reserved matters shall include a detailed scheme of remedial works for the shallow coal workings for approval (relevant to that phase), included within the information should be a grout grid plan showing how the remedial works proposed relate to the development layout. Any remedial works shall be implemented in accordance with the approved details prior to the commencement of the erection of the units or an alternative timescale agreed in writing by the Local Planning Authority.

Reason: To ensure that shallow coal mine workings to not adversely impact upon the ground stability of the site.

7. No part of the development hereby approved shall be brought into use unless and until either the MOVA signalling system at Junction 12 of the M65 has become operational or a scheme and timetable for signal optimisation works at Junction 12 of the M65 has been submitted to and approved in writing by the Local Planning Authority, the approved scheme shall be implemented within the agreed timetable.

Reason: In order to ensure that Junction 12 of the M65 operates within capacity in the interest of highway safety.

8. 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.

9. The development hereby approved shall not commence unless and until a Construction Method Statement has been submitted to and agreed in writing by the Local Planning Authority. The agreed statement shall thereafter be adhered to at all times during the construction period.

The Statement/s shall provide for:

1. the parking of vehicles for site operatives and visitors
2. loading and unloading of plant and materials
3. storage of plant and materials used in constructing the development
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if appropriate)
5. wheel-washing facilities
6. measures to control the emission of dust and dirt during construction
7. a scheme for re-cycling/disposing of waste resulting from construction works.

8. A Traffic Management Plan for the construction vehicles and staff accessing the site during the construction works

Reason: In the interest of amenity and highway safety

10. The development shall not commence unless and until details of the design, implementation, maintenance and management of a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority.

Those details shall include:

- a) Demonstration the maximum surface water runoff rate for the site.
- b) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- d) Flood water exceedance routes, both on and off site;
- e) A timetable for implementation;
- f) A management and maintenance plan for the lifetime of the development which as a minimum shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company, arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as; ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: 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 appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible body/bodies for the sustainable drainage system.

11. The development shall not commence unless and until 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 the site of that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The method statement/s 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 the development, 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.

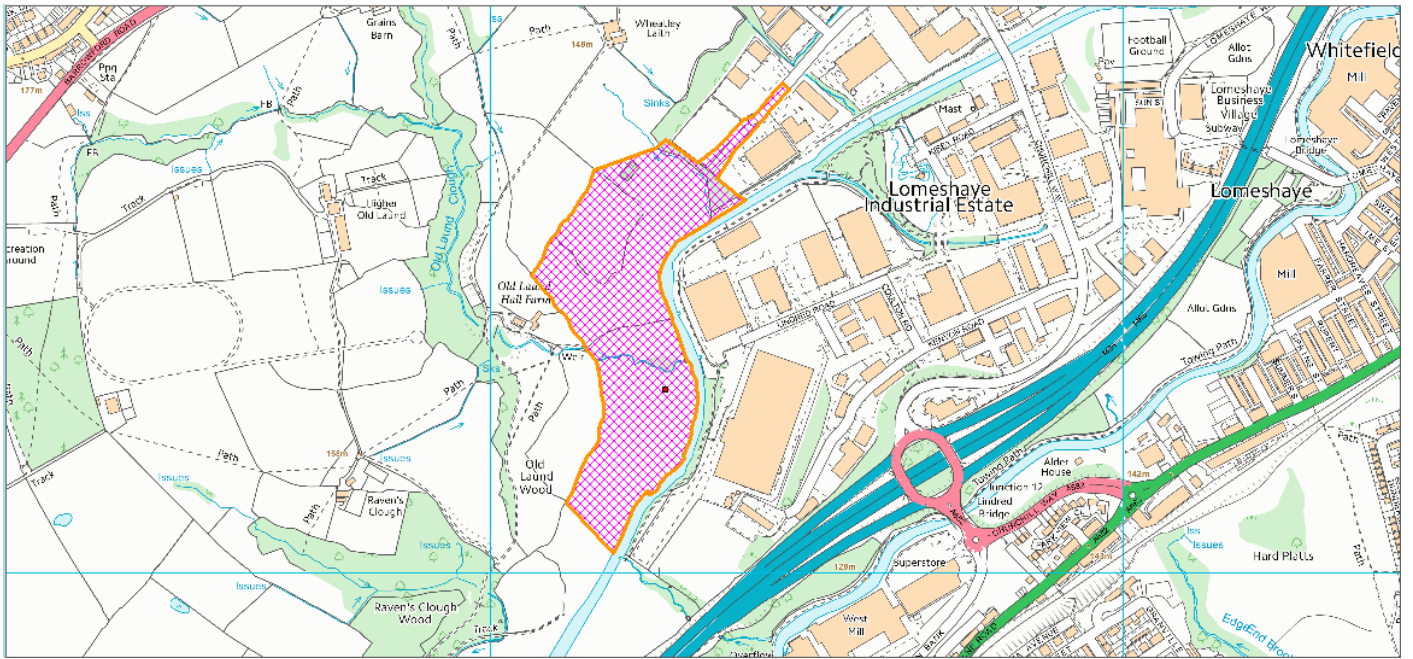
Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the users of the development.

12. The development shall be carried out in accordance with the recommendations of the Phase 1 Habitat Survey received 6th November 2017. Any additional survey/s necessary shall be submitted to and agreed in writing by the Local Planning Authority prior to the felling of any trees and any mitigation measures implemented in accordance with the approved details.

Reason: To ensure the protection of habitats.



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At: Land To The South West Of, Churchill Way, Brierfield

On behalf of: Liberata UK Limited Property Services

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 8th MARCH, 2018

Application Ref: 18/0031/VAR
Proposal: Full: Variation of Condition: Vary Condition 7 of planning permission 16/0621/FUL to increase opening hours.
At: 79-81 Gisburn Road, Barrowford
On behalf of: Mr Gareth Bradshaw
Date Registered: 26 January 2018
Expiry Date: 23 March 2018
Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a double fronted mid terrace property located within Barrowford Town Centre.

The proposal is to vary condition 7 of planning permission 16/0621/FUL to increase opening hours.

The site is within the settlement boundary and lies within a secondary shopping frontage. The site is also within Barrowford Conservation Area.

Relevant Planning History

18/0035/FUL – Retention of three outbuildings for storage use associated with the wine bar (Total floor area 30sq.m.) (Retrospective) – Pending.

17/0059/FUL - Full: Change of use of land to external seating area associated with coffee shop/wine bar (A3/A4) – Refused.

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16/0621/FUL – Full: Change of use from hairdressers (A1) to mixed use coffee shop/wine bar (A3/A4) and external alterations to the frontage including raised seating area – Approved 23rd November, 2016.

13/03/0654P – Advert Consent: Signage to front of shop – Granted 20th November, 2003.

Consultee Response

LCC Highways – No objection.

Barrowford Parish Council – **Objection:** Planning condition 7 was applied in the interests of residential amenity 14 months ago and given the number of complaints regarding breach of conditions the variation of opening hours is not justified as the original condition was applied for a valid reason.

Public Response

Site and press notices posted and nearest neighbours notified by letter.

Three responses received objecting on the following grounds:

- They contravene their current opening opens and people go out to smoke or talk which causes noise nuisance, extended hours will make this worse;
- Barrowford already has venues with longer opening hours and we don't need another one – it may be detrimental to other bars if this goes ahead;
- The residential flats across the road are occupied by older people and it will affect their quality of life/sleep;
- We have people urinating on the street and bottles being emptied late at night as well as loud drunken behaviour;
- The everyday operations of the business currently disturb neighbours. There are existing noise problems with the bar already operating most weekends at least by an hour past their proposed closing times;
- the rear area is used periodically as a smoking area for patrons;
- Barrowford is a small village not a busy town centre so is there really any need for a nightclub; and
- It seems unreasonable that the opening hours were outlined when planning permission was granted and that all the local residents should suffer loss of amenity and living standards for an inappropriate business model.

One response received neither objecting or approving the application but commenting on the Parish Council response and stating that they should be supporting local businesses and that if there is not a demand then the Lounge could return to normal hours.

Officer Comments

The main issues to consider in this application is the potential impact on amenity.

Policy

The following Local Plan Core Strategy: Part 1 policies are relevant in terms of this proposal:

Policy ENV5 seeks to ensure that new development minimises the potential for noise.

Impact on Amenity

At present the opening times are restricted by condition 7 on planning permission 16/0621/FUL to 07.30 to 23.00 Sunday to Friday and 07.30 to 24.00 on Saturdays. There were the hours proposed at the time of the application and it was therefore appropriate to restrict the hours to those proposed.

It is proposed to extend Friday to 01.00 and Saturday to 02.00.

The site is within the Barrowford Shopping Centre and there other similar premises within this area are not restricted to such an extent.

Whilst this area is mainly commercial the adjacent property (No. 83) is a residential property and there are also residential units at first floor on adjacent units and to the rear.

Taking into account the location and other town centres uses in the area the proposed extension of existing opening hours on two nights by a further two hours would not result in any greater impact on amenity than at present.

No proposal has been made to extend the use of the outside seating area to the front and therefore that will remain at 08.00 and 20.00 everyday. This element would have the potential for greater noise and disturbance from patrons.

The main thrust of the objections received is that of noise and disturbance from patrons entering and leaving the bar and smoking to the rear of the premises. There is no restriction on the use of the rear door and these elements are down to the management of the premises in some respects the same as the use of the seating area to the front of the premises.

It is appreciate that there are residential properties close by and this was a concern at the time the use was approved but the difference in timescales would have a minimal impact.

Based on the days and times proposed the impact would be limited and therefore is acceptable.

Summary

The proposed extension of the opening hours would be acceptable in terms of impact on amenity.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed times of operation are acceptable and would accord with policy ENV5 of the Pendle Local Plan Core Strategy.

RECOMMENDATION: Approve

1. The scheme for the fumes, vapours and odours (including grease and carbon filters) to be extracted and discharged from the premises has been implemented in full accordance with the approved scheme and shall thereafter be maintained in efficient working order.

Reason: In order to ensure that odours outside the premises are minimised in the interests of residential amenity.

2. The scheme for the sound installation of odour control equipment has been implemented in full accordance with the approved scheme prior and shall thereafter be maintained in efficient working order.

Reason: In the interests of residential amenity.

3. The premises shall not be open for customers or any other person not employed within the business operating from the site outside the hours of 07.30 and 23.00 hours Sunday to Thursday and 07.30 and 01.00 on Fridays only and 07.30 and 02.00 on Saturdays only.

Reason: In the interests of residential amenity.

4. The outside seating area shall not be available for customers or any other person not employed within the business operating from the site outside the hours of 08.00 and 20.00 hours on any day. The external doors leading to these areas shall be closed at 20.00 hours each day.

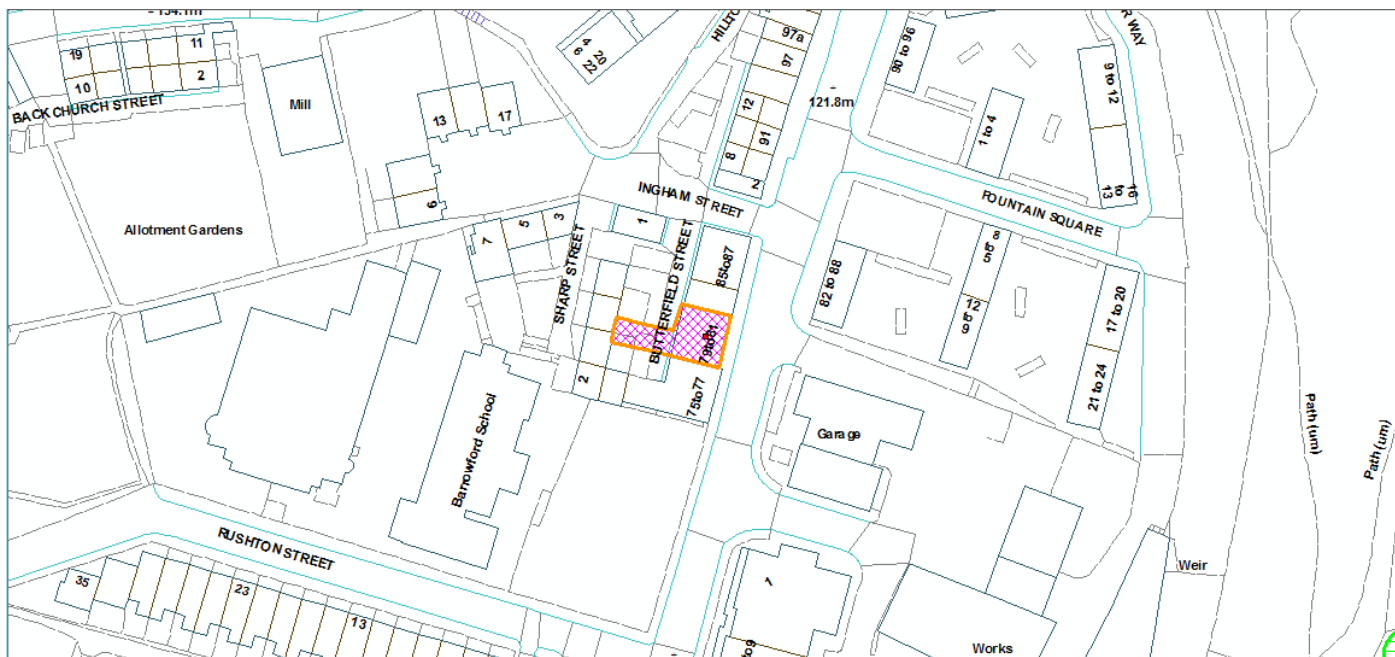
Reason: In the interests of the aural amenity of adjacent residential properties.

5. There shall be no amplified music played within the outside seating area.

Reason: In the interests of the aural amenity of adjacent residential properties.

6. The scheme for the noise insulation of the premises has been completed prior and shall thereafter be retained in accordance with the approved details.

Reason: In order to minimise the disturbance by noise of the existing adjacent residential properties.



Application Ref: 18/0031/VAR

Proposal: Full: Variation of Condition: Vary Condition 7 of planning permission 16/0621/FUL to increase opening hours.

At: 79-81 Gisburn Road, Barrowford

On behalf of: Mr Gareth Bradshaw

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 8th MARCH, 2018

Application Ref: 18/0035/FUL

Proposal: Full: Retention of three outbuildings for storage use associated with the wine bar (Total floor area 30sq.m.) (retrospective).

At: 79-81 Gisburn Road, Barrowford

On behalf of: Miss Jade Pilling

Date Registered: 26 January 2018

Expiry Date: 23 March 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a double fronted mid terrace property located within Barrowford Town Centre.

The proposal is to retain three outbuildings to the rear area of the premises.

The site is within the settlement boundary and lies within a secondary shopping frontage. The site is also within Barrowford Conservation Area.

Relevant Planning History

18/0031/VAR – Variation of Condition: Vary Condition 7 of Planning Permission 16/0621/FUL to increase opening hours - Pending.

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13/03/0654P – Advert Consent: Signage to front of shop – Granted 20th November, 2003.

Consultee Response

LCC Highways – Objects on highway safety grounds as the proposal would remove the parking space to the rear. The current structure and planters would not allow a vehicle to enter and leave in forward gear. Vehicles going to these premises may obstruct access to neighbouring properties and thereby have a negative impact on residential amenity.

Barrowford Parish Council – Objection: Planning permission was refused for previous application and this would remove the only off road parking for staff. Surely adequate storage provision for both food and drink was included in the previous application. The need for off road parking for employees is of critical importance within the Defined Shopping Area enabling on street parking to be utilised by customers and users of the

shopping area.

Public Response

Site and press notices posted and nearest neighbours notified by letter.

Three responses received objecting on the following grounds:

- These were built without permission and they did not ask my neighbours permission;
- The large timber storage shed has been erected too close to my rear wall and as such it is limiting any maintenance to rear. I already have damp where the shed sits behind;
- These buildings have been erected without thought or discussion;
- They should have adequate storage inside the premises;
- The size and number of buildings means insufficient space to manage waste storage adequately; and
- There are currently bins, empty barrels, food waste, cardboard and glass shrewn around the back street and the large bins and barrels block access to neighbouring properties.

One response received neither objecting or approving the application but commenting on the Parish Council response and stating that they places a large shipping container on the land to the side of Holmefield House without the benefit of planning permission and this matter should be enforced and the container removed.

Officer Comments

The main issues to consider in this application are principle of use, impact on conservation area, impact on amenity, design and materials and parking issues.

Policy

The following Local Plan Core Strategy: Part 1 policies are relevant in terms of this proposal:

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

The Conservation Area Design and Development Guidance SPD is also relevant here.

The following saved policies of the Replacement Pendle Local Plan are relevant:

Replacement Pendle Local Plan policy 31 sets out the maximum amount of parking for each use class.

Impact on Conservation Area

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The outbuildings are sited to the rear and would not be prominent in the streetscene.

The use of natural materials for cladding the two metal structures would be appropriate in this location.

Subject to appropriate materials to clad this is acceptable and adheres to the Conservation Area Design and Development Guidance SPD in accordance with policy ENV1 of the Pendle Local Plan: Part 1.

Impact on Amenity

The area would not be used by customers of the coffee shop/wine bar the outbuildings are sited to the side of the an existing structure which screens them from public views along

There are private views from the rear windows of neighbouring properties and the impact upon public amenity is limited.

Design and Materials

Policy ENV2 requires proposals to contribute towards the sense of place and make a positive contribution to the historic environment and local identity and character.

These are small scale outbuildings and subject to appropriate cladding materials these would be acceptable in this location and therefore the proposed would accord with policies ENV1 and ENV2 of the Pendle Local Plan: Part 1 and the Conservation Area Design and Development Guidance SPD.

Parking Issues

The site previously had one existing parking space located to the rear. This use removes this space thereby resulting in more on street parking in the area. The site is within a shopping centre location and whilst off-street parking is at a premium the loss of this one space would not warrant a refusal in my opinion.

Summary

The outbuildings are acceptable in terms of siting and scale and would have a minimal impact on the Conservation Area and amenity in terms of public views provided that appropriate materials to clad the two metal units are provided.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The outbuildings would be acceptable subject to appropriate conditions and would accord with policies ENV1 and ENV2 of the Pendle Local Plan Core Strategy and the Conservation Area Design and Development Guidance SPD.

RECOMMENDATION: Approve

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

01, 02 & 03.

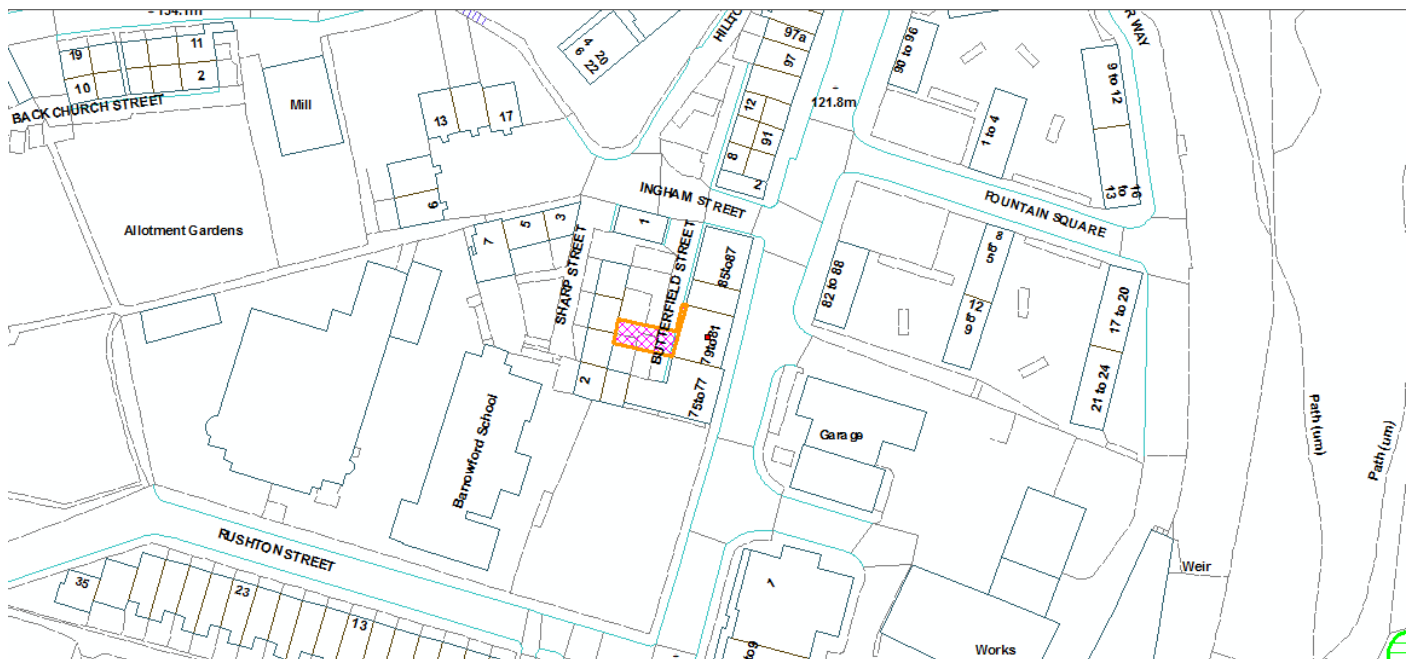
Reason: For the avoidance of doubt and in the interests of proper planning.

2. Within one month of the decision notice sample of the cladding for the two metal containers shall be submitted to and approved in writing by the Local Planning Authority. The containers shall thereafter be clad in the approved materials within a three month period and shall thereafter retained in accordance with the approved materials.

Reason: In order to ensure that the containers are clad with materials that are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

3. The outside area to the rear and associated outbuildings shall not be available for customers or any other person not employed within the business operating from the site at any time. These outbuildings shall only be used for the storage of food and drink associated with the business and not for any other use.

Reason: In the interests of the aural amenity of adjacent residential properties.



Application Ref: 18/0035/FUL

Proposal: Full: Retention of three outbuildings for storage use associated with the wine bar (Total floor area 30sq.m.) (retrospective).

At: 79-81 Gisburn Road, Barrowford

On behalf of: Miss Jade Pilling

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 27th February 2018