

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER**

TO: BARROWFORD & WESTERN PARISHES COMMITTEE

DATE: 05th March 2020

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE 05 MARCH 2020

Application Ref: 19/0755/OUT

Proposal: Full: Conversion of barn to a single dwelling, formation of domestic curtilage and access track (Resubmission).

At: Manknows Ing, Barley Lane, Barley

On Behalf of: Mr & Mrs Southworth

Date Registered: 13 November, 2019

Expiry Date: 16 March, 2020

Case Officer: Christian Barton

This application has been brought before committee as it has received 3 objections.

Site Description and Proposal

The application site is a vacant cottage with attached barn and shippon located within designated Open Countryside and the Forest of Bowland AONB. It is positioned to the west of Barley village and is surrounded by fields to all sides with a cluster of farm buildings and dwellings further afield to the north. The building is in a rundown condition and has natural stone elevations, a stone slate roof and timber door and window frames.

The application seeks to convert the entire building into a single dwelling with three bedrooms. In support of the conversion improvements to its fabric are required which are proposed from natural stone masonry and stone slates. New timber doors and windows would be installed within the existing openings with additional window openings proposed to three elevations. The dwelling would be afforded a small garden and parking area with a new access track also proposed.

Relevant Planning History

No relevant planning permission.

Consultee Response

PBC Environment – I have reviewed the information supplied with the application. I am satisfied with the ecology report and the outlined mitigation strategies. As discussed, I think the Barn Owl nest/roosting space should be on the east side of the building. This would prevent overheating and extremes in temperature inside. I also feel that proposed location would be too low and interfere with the bedroom. I feel that on the east side of the building in the roof space above the coach door would be a more appropriate location. It would limit disturbance to the owls and the residents.

PBC Environmental Health – The development may be served by a private (i.e. non-mains) water supply. The applicant is advised to ascertain the quality and sufficiency of the water supply.

LCC Highways – The Highway Development Support Section raises no objection to the proposed development at the above location. If the local planning authority is minded to approve this application conditions should be applied to any formal approved to ensure appropriate parking, covered cycle storage and electric vehicle charge points are provided.

Barley with Wheatley Booth Parish Council – We object to the planning application. The existing property is described in the application as a traditional cottage / barn structure located on the north side of Barley Green Hill. It is derelict and in a poor state of repair but the structural survey included in the application confirms the structure to be relatively stable.

The structure is located outside of the Barley settlement boundary and in open countryside. The Parish Council seeks to maintain the open countryside and so would normally object to any development in the open countryside. However, in this case the consideration is of the development of an existing derelict but substantial building in to a residential property without any increase in the footprint size. In relation to the location of the development and sustainability the Council raises no adverse comments.

There is a general lack of detail in relation propose construction materials and the size of the plot, garden area and parking spaces etc. Whilst these can be possibly scaled from original drawings the Parish Council consider they should be sufficiently detailed on the drawings. The Council supports the Forest of Bowland AONB Obtrusive Lighting Position Statement in relation to the Barley with Wheatley Booth Parish in order to protect dark skies and our dark valleys. Any external lighting sources should be agreed through condition.

Public Response

The nearest neighbours have been notified by letter and a site notice was posted. Public comments have been received objecting on the following grounds;

- Minimal details have been provided regarding the proposed construction materials;
- The proposed development is outside of the settlement boundary;
- The plans do not demonstrate sufficient detail.

Officer Comments

The main considerations for this application are the principle of the development and the how the design will integrate with this highly sensitive location.

The Pendle Local Plan Part 1: Core Strategy (2011 – 2030) is the starting point for considering planning applications. Policies that conform to the NPPF and are up to date must be given full weight when planning applications are considered. Other relevant material considerations are then set against the Policies of the Local Plan and contribute to the decision making process.

1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy SDP2 (Spatial Development Principles) states that proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the Development Plan for Pendle;
- CS Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to ensure a 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;

- CS 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 the wider locality;
- CS Policy ENV5 (Pollution and Unstable Land) aims to ensure that air, water, noise, odour and light pollution is minimised, both during and after construction;
- CS Policy LIV1 (Housing Provision and Delivery) sets out the Councils requirement to deliver new housing at a rate of 298 dwellings per annum. Support is given to bring empty properties back into use in addition to the provision of new housing;
- CS Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Other policies and guidance's are also relevant:

- Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards for new housing developments;
- The Development in the Open Countryside Supplementary Planning Guidance (SPG) provides guidance on the appropriate materials which would be acceptable for conversions in rural locations.

National Planning Policy Framework (The Framework)

- Paragraph 11 of the Framework states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (including where a local planning authority cannot demonstrate a five year supply of deliverable housing sites), granting permission unless:

- I. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (including policies relating to designated heritage assets); or
- II. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

There is a presumption in favour of sustainable development as set out in Paragraph 11. Applications that conform to the development plan should be approved. Where policies are out-of-date development should be approved unless the policies in the Framework provide a clear reason for refusing (the policies which apply are set out in footnote 6) or any adverse impacts of approving would significantly and demonstrably outweigh the benefits. This is commonly referred to as 'the tilted balance'.

In broad terms a five year supply of housing is calculated by assessing how many units are required per annum, adding or subtracting houses delivered or under delivery, adding in the

appropriate buffer for under delivery and then assessing how many houses can be brought forward within 5 years on sites. Pendle currently has a 4.6 years supply of housing land and the tilted balance is therefore applicable to housing schemes.

- Paragraph 79 states that planning decisions should avoid the development of isolated homes in the countryside unless the development is covered by a specific circumstance which includes the re-use of redundant or disused buildings whilst also enhancing their immediate setting.

2. Principle of Housing

Concerns have been raised regarding the sites rural location. The application site is located outside of the settlement boundary and is isolated for the purposes of Paragraph 79. However, part of the building has a historic C3 use and although the cottage has been vacant for some time there have been no permissions issued which have resulted in that use being lost. A Structural Survey has been submitted which confirms the entire building is capable of domestic conversion. The proposed development involves expanding the dwelling into the adjoining barn and subject to the use of sensitive landscaping together with sympathetic conversion methods it would enhance the immediate setting of the redundant building in compliance with Policies SPD2, LIV1 and Paragraph 79 of the Framework.

3. Landscape Impacts and Design

The site occupies a highly prominent position in the surrounding landscape and the existing building is clearly visible from a far reaching views across the valley from the north and east. Its setting is derived from open fields and wooded areas together with farm buildings and dwellings arranged in a scattered and organic manner. Significant weight is attached to the potential landscape impacts of the development given the sites location within the AONB.

Concerns have been raised regarding how effectively the proposed development would integrate with the surrounding landscape and the potential for light pollution. The proposal does not involve increasing the massing of the building. It would be afforded a modest curtilage which would prevent an excessive amount of domestic paraphernalia being used and stored within the gardens. Vehicle parking is proposed to the rear in the least conspicuous position. The access track would have a visually discrete grasscrete construction (or similar) and would follow field the boundary. Conditions are recommended to ensure the track is constructed as the first stage of development and to control the logistics of construction in order to minimise landscape impacts during that phase. Subject to the imposition of further conditions to finalise landscaping and the tracks construction alongside restricting the area of the curtilage and controlling external light sources the proposal would have no adverse impacts in relation to light pollution, the quality of the surrounding landscape or AONB.

Regarding the alterations to the building, five additional windows are proposed and their shape and position would ensure its rural character is maintained. To prevent the front elevation appearing overly domesticated the glazing arrangement within the cart door has been amended ensure it forms an attractive focal point in the façade. Concerns have been raised regarding the proposed construction materials. Although derelict the vast majority of the buildings masonry and roofing slates remain in place and a condition is recommended to ensure any new materials required are an exact match. The condition will also control the quality and finish of the timber door and windows frames and subject to the imposition of those conditions the proposed development would be acceptable in visual design terms in accordance with Policies ENV1, ENV2 and ENV5 and the guidance of the Open Countryside SPG.

4. Residential Amenity

Given the separation distances involved the proposed development would have no impacts on the amenities of the closest residential neighbours in accordance with Policy ENV2.

5. Highways and Parking

The dwelling would be afforded two off-street parking spaces which is acceptable and in accordance with the Parking Standards of Saved Policy 31. Those spaces could be comfortably accommodated within the proposed curtilage but a condition is recommended to ensure they are provided prior to occupation in order to optimise highway safety. There is no requirement to condition cycle storage and an electric vehicle charge point given the minor nature of the proposal.

The dwelling would utilise an existing vehicle access which is acceptable to accommodate the levels of traffic movements a single additional dwelling would generate. LCC Highways have raised no objections and I concur with their findings. The proposed development would have no unacceptable impacts on highway safety in accordance with Policy ENV4.

6. Ecological Considerations

A Preliminary Ecological Appraisal and Emergence Survey has been submitted with the application. The latter identifies that the building is being used by Barn Owls, Little Owls and Pipistrelle Bats and a number of mitigation measures are provided to minimise the impacts of development on those species. A pole mounted Barn Owl box is recommended though given the constrained area of the application site this would not be appropriate given the potential for adverse disruption from passing traffic.

Amended plans have been received showing a Barn Owl box incorporated within the roof slope which is acceptable to address those concerns. Subject to the imposition of condition to ensure that feature is installed and all measures of mitigation contained within the submitted reports are adhered to, the proposed development would have no unacceptable impacts on local ecology in accordance with Policy ENV1.

7. Drainage

Foul and surface water drainage details can be adequately controlled through the imposition of an appropriate condition.

8. Wider Considerations

Concerns have been raised regarding a lack of detail shown on the plans and submitted information. The plans submitted are sufficiently detailed to assess the application with an overview of the proposed materials submitted with the application form. Those comments have no impact on the decision making process.

9. Five Year Housing Land Supply

Pendle currently does not have a five year supply of housing land. As such consideration needs to be given to Paragraph 11 of the Framework and this is commonly referred to as the tilted balance. As with all applications the development needs to be assessed against the Development Plan and then the tilted balance needs to be taken into consideration. The tilted balance indicates that where policies most relevant for the determination of the application are out of date it should be approved unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

For this application the development would conform to the development plan and the recommendation is to approve it. The tilted balance would add weight to this as the benefits of housing provision, to the local economy and enabling reuse of a vacant building would outweigh any disbenefits together with the concerns outlined above.

10. Summary

The proposal seeks to convert a barn to a single dwelling together with associated works. Subject to appropriate conditions, the development would be acceptable in terms of the principle, design, the AONB, residential amenity, highways, ecology and drainage in compliance with Policies SDP2, ENV1, ENV2, ENV4, ENV5, LIV1, and LIV5, Saved Policy 31 and the guidance of the Open Countryside SPG.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. Subject to appropriate conditions, the proposal would be acceptable in terms of principle, design, the AONB, residential amenity, highways, ecology and drainage. 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. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in strict accordance with the following approved plans: 000 (Submitted 20th January 2020), 001D, 002 and 003E.

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

3. No above ground works shall commence on site unless and until, representative samples of all the external materials to be used in the repairing of the roof and walls and to surface the parking area, together with samples showing the colour and finish of the windows and doors, have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development in the interests of the visual amenity of the area and to maintain the rural character of the building.

4. All windows and doors which form part of this permission shall be of timber construction only and shall be painted not stained in a colour to be first agreed in writing by the Local Planning Authority. Any replacement windows and doors shall be of a timber construction which accord with the agreed details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory form of development in the interests of the visual amenity of the area and to maintain the rural character of the building.

5. Construction of the access track shall be the first form of development on site and prior to its installation, detailed plans including cross sections overviewing its construction, together with a sample of the base material, shall have first been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter proceed in strict accordance with the agreed details.

Reason: To minimise the visual impacts of construction traffic and the access track in relation to the surrounding landscape and AONB.

6. The dwelling hereby approved shall not be occupied unless and until, the parking area as shown on approved plan '001D' has been laid out and made available for use thereafter for the parking of vehicles associated with the occupants of the dwelling.

Reason: To provide adequate parking provision to service the development in the interest of highway safety.

7. No development shall commence on site unless and 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:

- a) A programme of works including phasing and commencement dates;
- b) The parking of vehicles of site operatives and visitors;
- c) The storage of plant and materials used in constructing the development.

Reason: To minimise landscape impacts during the construction phase.

8. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the Second Schedule of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A (Extensions and other alterations), B (Additions to the roof), C (Alterations to the roof), E (Curtilage buildings and Class G (Chimneys, flues etc.) of Part 1 of Schedule 2 and of that Order, shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character of the building and surrounding landscape.

9. No development shall commence on site unless and until, a scheme for the disposal of foul and surface waters has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide separate systems for foul and surface waters, be constructed and completed in accordance with the approved details before the dwelling is occupied and thereafter be retained.

Reason: To control foul and surface water flow disposal and prevent flooding.

10. No development shall commence on site unless and until, a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a) All proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- b) All proposed boundary treatments with supporting elevations and construction details;

- c) An outline specification for ground preparation;
- d) All proposed hard landscape elements and pavings, including layout, materials and colours;
- e) The proposed arrangements and specifications for initial establishment;
- f) Maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings.

11. The domestic curtilage of the dwelling hereby approved shall be limited to that which is shown on the approved '000 (Submitted 20th January 2020)' and that area shall not be increased at any point.

Reason: To prevent domestic sprawl and minimise the visual impacts of the development in relation to the surrounding landscape and AONB.

12. Details of any external lighting shall have first been submitted to and approved in writing by the Local Planning Authority prior to its installation. Such details shall include the positioning, direction and luminance of all external lighting and all lighting of the development hereby approved shall be installed in strict accordance with the approved details and shall thereafter be maintained as such in perpetuity.

Reason: In order to protect the AONB from adverse light pollution.

13. The dwelling hereby approved shall not be occupied unless and until, the Barn Owl nest box as shown on the approved plan '003E' has been installed in accordance with that plan and shall thereafter be maintained as such in perpetuity.

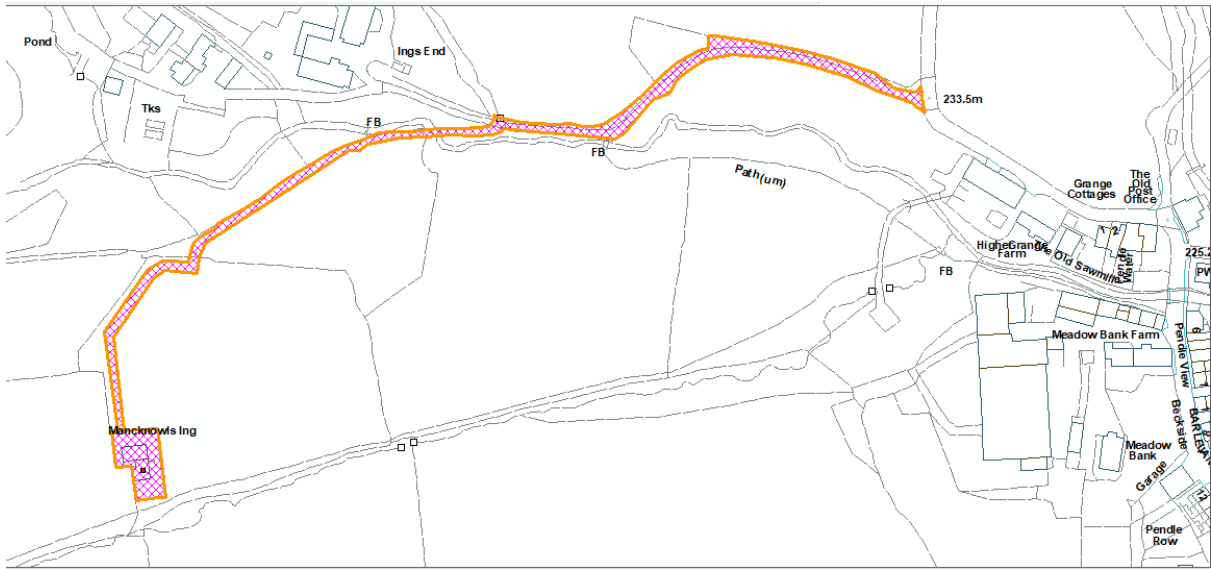
Reason: In order to minimise the impacts of development on Barn Owl populations.

14. The development hereby approved shall proceed in strict accordance with all of the recommendations contained within the Preliminary Ecological Appraisal carried out by Ian Ryding of Pennine Ecological and dated August 2019 and Dusk Survey Results carried out by Joshua Styles and Mark Pritchard of Tyrer Ecological Consultants Ltd and dated 12th September 2019 (Revised 07th January 2020).

Reason: In order to minimise the impacts of development on local wildlife populations.

Informative

1. The development may be served by a private (i.e. non-mains) water supply. The applicant is advised to ascertain the quality and sufficiency of the water supply. If the water is used in a commercial or public activity, or if it is rented to tenants, it must be tested every year by the Council. If there is no commercial or public activity but more than one property uses the same water source, it must be tested by the Council every five years. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.



Application Ref: 19/0755/OUT

Proposal: Full: Conversion of barn to a single dwelling, formation of domestic curtilage and access track (Resubmission).

At: Manknows Ing, Barley Lane, Barley

On Behalf of: Mr & Mrs Southworth

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 5th MARCH, 2020

Application Ref: 19/0767/OUT

Proposal: Outline: Major: Demolition of existing farm buildings and erection of up to 55,750 sq.m. of commercial development, comprising B1a/b, B1c, B2, B8 and A1 (Food)/A3/A5 uses (Access only off Barrowford Road with all other matters reserved).

At: Wheatley Laithe Farm, Barrowford Road, Fence.

On behalf of: Pendle Business Park Ltd.

Date Registered: 10 October 2019

Expiry Date: 30 January 2020

Case Officer: Kathryn Hughes

This application has been brought before Committee as it is a Major application.

Site Description and Proposal

Outline planning permission is sought (access only) for up to 55,570 sq.m. of commercial development. The site has been designated as employment land as part of the adoption of the Pendle Local Plan Part 1: Core Strategy in Policy WRK2.

The proposal includes the creation of a roundabout access off Barrowford Road. A plan indicating this has been submitted and details such as layout appearance, landscaping and scale are reserved at this stage and will be subject to a future application should outline permission be granted.

An indicative plan has been submitted which shows buildings of various sizes located around the site with car parking, indicative footpaths and internal roads and indicative areas of planting and landscaping.

The proposed 55,750 sq.m. of industrial use is proposed to comprise of the following uses:

B1a – Offices not A2 (town centre) 5,425 sq.m.

B1b – Research & Development 5,425 sq.m.

B1c – Light Industrial 5,575 sq.m.

B2 – General Industrial 11,150 sq.m.

B8 – Storage or Distribution 33,450 sq.m.

A1 – Shop 150 sq.m.

A3 – Café/restaurant 150 sq.m.

A5 – Hot Food Takeaway 150 sq.m.

Public footpaths No.'s 13-15-FP 97, 13-15-FP 108 and 13-15-FP 110 run across the site and 13-15-FP 95 and 13-15-FP 103 adjacent to the boundary of the site.

The site falls away steeply to the south of the site where the possibility of attenuation ponds and/or a woodland planting scheme have been indicated.

The application requires an Environmental Impact Assessment which includes an Environmental Statement setting out the EIA methodology, site and development, alternatives and design,

construction, landscape and visual impact, ecology, transport and access, noise, climate change and socio-economics. All of these will be assessed as part of the application process. The application has been accompanied by a Planning Statement, Heritage Impact Assessment, Design Framework & Design Code, Arboricultural Report and a Contamination Report.

The Lomeshaye Development Brief was completed for this site in July, 2018.

Relevant Planning History

None for this site.

Adjacent Lomeshaye Ext Phase 1

17/0672/FUL – Outline: Major: Extension to industrial land to accommodate up to ten industrial units with open space, access roads, landscaping, infrastructure with means of access of Churchill Way, Nelson – Approved with conditions 13th March, 2018.

19/0504/REM – Reserved Matters: Major: Formation of access road (Appearance, landscaping, layout of scale) of Outline Planning Permission 17/0672/FUL for the extension to industrial land to accommodate up to ten industrial units with open space, access roads, landscaping and infrastructure with means of access off Churchill Way (Reg.4) – Approved 15th October, 2019.

19/0850/CND – Approval of Details Reserved by Condition: Discharge of Condition 12 (Ecology Survey) of the Planning Permission 17/0627/FUL – Discharged 14th January, 2020.

Consultee Response

LCC Highways – A new three-arm roundabout of 40m inscribed circle diameter is considered to provide the safest junction configuration due to the high existing 85th percentile speeds along Barrowford Road and to provide sufficient safe turning space, particularly for large vehicles, to access the proposed development.

The detailed design will be assessed at condition discharge stage and in accordance with TD 16/07.

In addition to the new roundabout at the site access, a number of additional off-site highway works are considered necessary to make this development acceptable.

Measures including widening of footway to a shared foot/cycle way, street lighting provision and a reduction in speed limit on A6068 Barrowford Road. Ped/cycle links to Lomeshaye Industrial Estate. Mitigation of the traffic impact on the wider highway network should include MOVA validation at M65 J13 and Barrowford Road/Blackburn Road A678 junction including submission of MOVA validation reports with a timetable for the implementation of any works required at 30% and 90% occupation.

The site is not considered to be well served by local bus services therefore a contribution is sought to increase the frequency of services at peak times to accommodate staff movements.

A number of conditions are recommended and subject to these being accepted then there is no objection to the proposal.

The following data is extracted from the Transport assessment includes data on traffic impact, floor areas, distribution, modelling, traffic growth, committed development, construction & phasing, site access & off-site highway works and sustainable travel. A summary of these is provided below.

The trip rates reflect those agreed under application 17/0672 for Lomeshaye Industrial Estate extension and are considered acceptable.

The floor area splits are proposed as per the description and a condition is requested that there shall be no development exceeding the following floor areas in respect of the following uses, unless agreed in writing.

An assessment of the potential traffic distribution was undertaken using the Category WU03EW Location of usual residence and place of work by method of travel to work (MSOA level) from the 2011 Census. This is acceptable.

The results show that the addition of development traffic does not create a material or significant difference to the without development scenario. It is concluded that the development related traffic from our client's site would not have a severe impact at this junction.

In response to the modelling assessment, we conclude that mitigation is required at J13 and Barrowford Road/ A678 Blackburn Road signal-controlled crossroads. We would dispute that a simple timing change would suffice to mitigate the impact at J13 and we would request that MOVA validation and reports are carried out at 30% and 90% occupation at both junctions and that any works highlighted as required by the reports are implemented within an agreed timetable. We would seek to secure these measures within the S278 agreement with Lancashire County Council together with the site access and off-site highway works.

Due to the size of the Site and the likely length of time required to build out and occupy the site an assessment year of 2029 has been selected.

We do not condone the adjustment of the growth factors because we cannot be sure that the development has been included in the figures. However in this case we are satisfied that the adjustment does not make a significant difference or change the position of the Highway Authority in terms of the mitigation which we consider is necessary.

The following committed development has been included in the analysis.

- Land at Trough Laithe. Barrowford Road Barrowford 13/15/0327P Outline: Residential development of up to 500 no. dwelling houses with associated infrastructure, open space and landscaping (access only off Barrowford Road); and,
- Land North of Barrowford Road, Barrowford. Land North East of Vantage Court Riverside Way 13/09/0552P Outline; Develop land as a Business Park (8.86 hec) to provide a maximum of 21,727 m² B1 floorspace (access and layout details only).

A new temporary priority give way access on A6068 for construction traffic would be acceptable to allow works on site to commence. The detailed design of the temporary access must be agreed at condition discharge stage and be implemented under an agreement with Lancashire County Council. The visibility splays, geometry and surface will be matters to agree and it will be necessary to limit HGV movements to the off-peak movements 9.30am – 2.30pm with wheel washing and hard standing for operative parking and HGV turning to allow all vehicles to exit the site onto A6068 in forward gear.

The site access and off site highway works are listed below:

1. A new roundabout designed to TD16/07 at the site access on A6068.
2. Provision for cycle by-pass on the north side at the new roundabout.

3. A reduction in the speed limit on the A6068 from 50mph to 40mph from the existing 40mph speed limit terminal sited 450m to the east of the site access to a point west of the new roundabout.
4. A new street lighting scheme from the existing 40mph speed limit terminal sited 450m to the east of the site access to a point west of the new roundabout.
5. Widen the existing footway on the south side of the A6068 to create a 3m wide shared pedestrian/cycle route between Churchill Road and the site access.
6. Upgrade of nearest bus stops subject to agreed service diversion.
7. Upgrade of public footpath 110 or 111 to link pedestrians and cyclists from the development site to Churchill Way on Lomeshaye Ind. Estate.
8. Upgrade of public footpath 111 to link pedestrians and cyclists from the development site to Barrowford Road A6068.

Sustainable Travel

The nearest bus stop is located on Carr Hall Road approx. 800m from the centre of the site (Clitheroe bound) and 1.1km (Nelson bound). There is an area of flagged hardstanding isolated on a grass verge with a bus stop flag post (Clitheroe bound) and a flag post on the footway (Nelson bound). There is a single bus service 66 which runs 2 hourly between Nelson and Clitheroe. This service is unlikely to offer a choice for staff to travel sustainably.

A contribution is sought to allow Lancashire County Council to increase the frequency of the service to allow staff and customers to travel sustainably.

An upgrade and assessment of the bus stop provision is requested in conjunction with the service improvements.

A new bus stop should be provided within the site with infrastructure to allow a bus to enter, turn and exit onto Barrowford Road in forward gear (to be agreed at reserved matters stage).

There are mitigation measures requested to make this development suitable for cyclists and pedestrians to access the site from the surrounding towns.

A cycle bypass at the new roundabout on the north side and links from Lomeshaye Industrial Estate and Barrowford Road via a separate cycle pedestrian route.

The widening of the footway on the south side of Barrowford Road between Churchill Road and the site access and a link to Lomeshaye Industrial Estate, Churchill Way.

Indicative internal layout

The internal layout, parking and servicing are reserved matters however certain principle issues are covered below. The internal layout should provide provision for a bus stop and for a bus to turn in forward gear either in a bus turning circle or along a loop in the site access roads.

Parking and servicing

The Pendle Borough Council maximum parking standards are listed below for the proposed uses.

B2 - 1 space per 45 m² GFA

B8 - 1 space per 200 m² GFA

B1a/b - 1 space per 30m² GFA

B1c - 1 space per 35m² GFA

A1 (Food) - 1 space per 14m² GFA

A3/A5 - 1 space per 8m² GFA

Disabled parking and secure covered cycle parking to be provided at 1 space per 10 car spaces.

A number of Electric vehicle charging points should be provided.

Contributions

Service 65 (between Burnley and Nelson) and 66 (between Clitheroe and Nelson) are the nearest services to the site. The diversion of a local bus service is necessary to ensure that staff have the opportunity to travel sustainably. A new quality bus stop should be provided to accommodate the passengers. A contribution of £120,000 a year for 5 years will be required under a 106 agreement to facilitate this diversion of the LCC subsidised service. The contribution should be made once a large portion of the site is occupied to ensure that there is adequate usage to support the service into the future.

Conclusion

To conclude there is no objection to the proposed development subject to the site access, off-site highway works and conditions relating to construction method statement, engineering, drainage, street light and constructional details and timetable for off site highway works, bus service operation, MOVA signalised junctions assessment, internal access roads, Travel plan, control of uses of floor areas and details to be included in Reserved Matters.

Cadent Gas – Apparatus in the vicinity which may be affected by the activities specified.

Health & Safety Executive – No safety grounds to refuse the granting of planning permission.

Environment Agency – No objection but have raised comments on biodiversity with the request that a condition requiring a Biodiversity Enhancement Plan to be submitted as part of any Reserved Matters application.

Lead Local Flood Authority – No objections subject to appropriate conditions. Depending on how the scheme is proposed to be built out the drainage scheme might need to be conditioned as part of any Reserved Matters application.

Site layout

The illustrative site layout shown on drawing no. 2071 2002 appears to show some buildings and roads being positioned over or within close proximity to a number of existing watercourses that currently traverse the site. Building over or within close proximity to an existing watercourse is not advised as it can restrict access for future maintenance of the watercourse and it can also have the potential to pose an undue risk of flooding should the watercourse become blocked or should its capacity become exceeded in the future. To avoid this, the applicant is advised to consider reconfiguring their site layout to avoid placing any structures (i.e. buildings, roads, walls, fences etc) within 8 metres of an existing watercourse. Where that is not possible, then a suitable diversion scheme should be put forward for each affected watercourse.

All watercourses should be retained in open channel where possible, with any culverting being limited to the minimum extents necessary. Any excessive culverting is unlikely to receive land drainage consent from the LLFA.

Surface water drainage scheme

Although the LLFA is satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed

development can go ahead without posing an unacceptable risk of flooding on or off site.

The applicant will be expected to provide a final detailed surface water drainage strategy for the site once all detailed design and investigation work has been completed. The final strategy will need to be submitted to and approved by the LPA prior to the commencement of any development, and must comply with the requirements of the National Planning Policy Framework and the non-statutory technical standards for sustainable drainage systems; March 2015. The strategy must also be accompanied by an appropriate management and maintenance plan that details how the surface water drainage network will be managed and maintained over the lifetime of the development. The LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning condition.

For the avoidance of any doubt, the LLFA is not able to assess or comment on the suitability of the proposed surface water runoff rates and volumes at this time. That is because the final surface water runoff rates and volumes are directly influenced by the amount of impermeable area within the proposed development site. Any agreement can therefore only be made once the final layout of the site has been agreed with the LPA.

Should the applicant intend to use a staggered discharge rate for the site, then they will need to demonstrate that the runoff volume for the 1 in 100 year, 6 hour rainfall event does not exceed the existing greenfield runoff volume for the same event. Our preferred approach would however be for runoff to be restricted to Q_{bar} as that would remove the need for complex flow control systems and volume control in accordance with S6 of Non-statutory technical standards for sustainable drainage systems.

Sustainable Drainage Systems

The LLFA encourages the applicant to maximise the use of sustainable drainage systems (SuDS) when designing the surface water drainage scheme for the development site. This is because sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk. Sustainable drainage systems can attenuate the rate and quantity of surface water run-off from a site, and they can also absorb diffuse pollutants and promote groundwater recharge. Ponds, reed beds and seasonally flooded grasslands are also particularly attractive features within public open space. The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Some SuDS features, for example rainwater harvesting and permeable paving used on roads and driveways, must not be included as part of the hydrological calculations for the site. This is because occupants may change or remove these features in the future and this could have the potential to increase surface water runoff from the site. Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations, the local planning authority would be advised to consider the removal of permitted development rights.

Construction Phase including enabling works

It is critical that flood risk is appropriately managed during the construction phase(s) of the development. Compaction of the soil is likely to speed up the run-off rate whilst the site is cleared and the permanent drainage systems and/or attenuation systems are constructed and brought into use.

The developer should identify the flood risk associated with this phase of the development and provide details of how surface water will be managed during construction, including any mitigation.

The LLFA is satisfied that these details can be secured through the inclusion of an appropriately worded planning condition.

Natural England – No objection.

Historic England – No objection.

Architectural Liaison Unit – Appropriate security measures and Secured by Design principles have been considered during the design phase, and have been included within the Design & Access Statement. In addition we would also advocate appropriate perimeter boundary treatments of a sufficient height and design to deter intruders; restricted access to any low or flat roofs; formal surveillance for parking facilities, delivery/service yards, building entrances and exits, internal public circulation areas and high risk storage areas; effective and tamper resistant access control systems should be installed on staff door sets to restrict unauthorised access; landscaping should not hinder sightlines and natural surveillance should be promoted to deter crime and promote safety. Landscaping should be designed in conjunction with the lighting and the CCTV scheme; security bollards to high risk areas and plant machinery to be immobilised when not in use.

PBC Environmental Health – Concern over noise from units and build out of development.

PBC Environment Officer – There are several areas within the Environmental Statement that need clarification which the agent has been made aware of. In addition to this the following need to be addressed:

Ancient Woodland

Although there is no ancient woodland within the site. The site boundary comes within 20m of Old Laund Clough which is both a Biological Heritage Site and ancient woodland. Natural England and the Forestry Commission produce standing advice in relation to development proposals affecting ancient woodland and veteran trees (<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>). This advice should be taken in to account when making decisions on planning applications. Paragraph 175C of the NPPF applies here.

The guidance states that there should be a 15 metre buffer zone to avoid root damage. The closest the woodland comes to within the site is 20m. However, other impacts on the woodland must be taken into account. These include:

- Changes to the water table
- Pollution of the ground
- Increase in pollution, including dust
- Disturbance
- Increase in activities such as fly-tipping

Looking at the information submitted this has not been taken in to account.

Hedgerows

The scheme will result in a significant amount of hedgerow being lost which we should be replaced.

This should be incorporated in to the landscape plan and landscape management plan.

Birds

The impacts on the breeding bird assemblage is considered in the submitted documents. However, no mitigation is offered to alleviate those impacts.

Breeding bird checks will also need to be conditioned on any grant of approval.

Environmental Management

The EIA highlights that there are significant moderate adverse effects identified for the construction case. At paragraph 7.112 it states that a Construction Environmental Management Plan will be conditioned.

PBC Conservation Officer – The proposed development has potential to affect the settings of two listed buildings, Grains Farm Barn which lies just to the west of the site, and Old Laund Farm which lies further to the south. Both are listed at Grade 2 and were originally isolated farm settlements set within an agricultural landscape. They both still retain some sense of this rural isolation, surrounded by open fields and the wooded valleys that follow the nearby watercourses. As such, this area comprises a locally distinctive and traditional landscape which is appreciated by the many users of the nearby roads and footpaths, as well as being seen in more distant views from across the valley.

Grains Barn Farm is separated from the site by the wooded valley of Old Laund Clough. It comprises a late C17th farmhouse with a range of attached farm buildings, including a large aisled barn, all of local sandstone beneath a common stone slate roof. The farmhouse has a gabled frontage facing south, looking over pasture land which slopes down towards the wooded valley bottom. The main barn frontage faces west, away from the development site, and there are significant views of this attractive side of the building from the approach track off Barrowford Road and the public footpaths to the west and south-west. The massive stone slate roof sits low in the landscape and is seen across fields against a backdrop of mature trees beyond. These trees do provide substantial visual screening of the development site, although care will be needed at the detailed stage to ensure that this landscaping is reinforced, and a sufficient buffer zone provided in order to preserve the current sense of separation and rural isolation of the farm buildings when seen in these significant views. It is possible that rooflines, lighting etc. may be glimpsed beyond the tree belt if these are not carefully designed with the setting of the LB in mind. 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 could be minimised.

Old Laund Hall lies beyond the southern tip of the development site, set amongst mature trees alongside the steep valley of Old Laund Clough. It is located further away from the main body of the Phase 2 development site, being well separated from it by the sloping valley side. It is a stone farmhouse of high status, part of which dates back at least to the C16th. The existing trees 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. However the opportunity should be taken at the detailed design stage to reinforce existing planting and the green buffer zone as shown on the indicative site layout.

Other designated heritage assets in the vicinity include the Carr Hall Road Conservation Area and the Carr Hall/Wheatley Lane Rd Conservation Area. Their boundaries lie close to the eastern end of the site. However both the CA's are well separated from the site by open land and mature trees and I consider there would be little direct impact on their heritage significance and setting.

The boundaries of the CA's do however tend to mark the edge of the built up area when travelling west along Barrowford Road. Trees, grass banks and hedgerows line the road here for some distance, creating an attractive rural setting. The site layout plan shows industrial units and parking areas located very close to the road edge here, which if they were to be clearly visible, would inevitably harm the attractive rural character of this main approach to Nelson and Barrowford. This edge to the site will therefore need particular attention at the detailed stage in order to reduce the visibility of the development from Barrowford Road.

Wheatley Laithe Farm lies at the heart of the site itself, it is a typical vernacular farmhouse which dates from the early to mid C18th, with an attached barn of C19th date. Due to the relatively early date the original farm buildings would therefore merit some consideration as non-designated heritage assets, and it would be advisable to require an archaeological record of the buildings prior to demolition.

NPPF 131 asks local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. At the detailed stage, in addition to landscaping and visual screening mitigation measures as outlined above, there should be consideration of high quality building designs in more recessive darker colours, the use of local materials and styles, e.g. Incorporation of 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 Footpaths Officer – The proposed development would have an impact on public footpaths 95, 97,103,108 and 110 Old Laund Booth. The application illustrates how these public rights of way could be accommodated within the proposed layout of the business park or diverted as required. In general terms the proposed diversion of these footpaths appears to have been well thought out to replace the existing layout of paths.

Temporary diversion of public rights of way

The plans envision a construction period lasting approximately 10 years in four main phases. Careful thought therefore needs to be given to ensuring that the public continue to be able to enjoy a convenient and safe right of access during the development. This is recognised within the application (Volume 1 Ch. 5 Construction Methodology & Phasing Para 5.5). As far as I am aware there is no primary legislation which provides for the temporary diversion of a public right of way except in the case of applications for mineral workings. An applicant could apply to the highway authority for a temporary traffic regulation order for an order to close temporarily rights of way, made under the Road Traffic Regulation Act 1984 (Section 14). And the highway authority would be required to have regard to the existence of alternative routes. But only routes which are existing public rights of way would be considered for this purpose. Therefore, I am requesting that a condition be included in any planning permission that the developer be required to submit a plan for the approval of the Council to provide and maintain in a safe condition an appropriate network of temporary footpaths throughout the site for as long as any temporary traffic regulation order is in force. It would be possible for the plan to be amended (provided any such amendments were approved) as becomes necessary by ongoing construction work. The reason being to ensure that the public continue to be able to enjoy a convenient and safe right of access during construction.

Impact of proposed roundabout on footpath 103

In terms of the operation of the site I have significant reservations about the impact on footpath 13-15-FP103 (this is referred to in paragraph 8.80 of Chapter 8: Transport & Access). It appears that the proposed roundabout would be sited across the line of the footpath. It is very uncommon for roundabouts to be used as a “splitter island” for pedestrians crossing, and in my view this could be dangerous because at an approach to a roundabout drivers are more inclined to focus on giving

way to traffic from the right and not to pedestrians attempting to cross. At busy times there is a continuous flow of traffic on a roundabout and it is not easy for drivers to stop or slow for pedestrians, thereby making it very difficult to cross. By contrast, at the approach to a roundabout at busy times the traffic will slow down, or even stop, It would seem to be a safer approach to incorporate a splitter island to the west of the proposed roundabout to provide a safe pedestrian crossing point. This would require the diversion of this part of footpath 13-15-FP103.

Proposed improved pedestrian and cyclist access to the site

The information submitted with the planning application indicates that non-motorised forms of transport to the site will be encouraged. At present the public rights of way through the site are not well used, but with suitable improvements this network of footpaths could provide safe and convenient walking routes into and through the site. In particular, footpath 13-15-FP110 could be improved to create a suitable pedestrian linkage with the existing industrial estate, and the diversion of footpaths necessary for this development could perhaps be amended to optimise the convenience of walking routes. For cyclists the widening and improvement of the footway from Barrowford should be considered, together with an access point cyclists into the site at its eastern end.

Proposed Section 106

For any footpaths which are diverted the diversion order process can be used to ensure that the diverted rights of way are constructed to a standard which reflects the high design standards which will be incorporated into the development. The adjoining sections of footpath which are not due to be diverted should also be constructed to an equivalent standard to enable workers to gain access to the site and to enjoy opportunities for informal recreation during rest periods. Some sections of these footpaths lie outside the site boundary and therefore, the developer should be required to enter into a Section 106 Agreement so that the Council can fund the necessary improvements to public footpaths 110, 108, 100, 98 and 99. Without such an agreement I object to this application. A baseline estimate, subject to detailed estimates being prepared, is £24,000 for a suite of potential improvements.

Old Laund Booth Parish Council – strongly object to this application as it is greenbelt land and is overdevelopment. Access is onto a very busy road and the affect of a roadside development will have an adverse effect on the climate and greenhouse omissions and effect the community at large. If permission is granted, we would ask for renewable energy sources to be used and electric car charging points installed.

Higham with West Close Booth Parish Council – has a substantial interest and concern in relation to this proposal and that such development be serviced via the A6068 single-carriageway main road. On its south-westerly route to the M65 at Junction 8, the A6068 passes through a substantial part of Higham Parish – including a downhill stretch by-passing and immediately bordering Higham village, there are closely adjacent houses, three footpath crossings (including the Pendle Way) and two traffic junction points which has been subject of serious traffic collisions and safety risks (including at least one fatality). The A6068 is already subject to heavy and dangerous traffic usage.

In 2018, at the preceding stage of consultation on the Lomeshaye Development Brief, the Parish Council made representations voicing their objections to the proposal for the use of the A6068 as the sole means of transport access. These objections are referred to below and were also the subject of detailed submissions by Old Laund Booth and Roughlee Parish Councils.

Higham Parish Council takes exception to the fact that they were not treated as a relevant Consultee and given notice and therefore have not been afforded proper time to consider and make full representations.

At this stage the Parish Council makes the following representations:

1. No further consideration, and in particular no Traffic Assessment, has been made in relation to the alternative of a link road from the Phase 2 site to the existing Lomeshaye Industrial Estate and/or the approved Phase I extension – and via that to the immediate M65 Junction 12.
2. While the Parish Council does not have the resources to make theoretical traffic assessments they have first hand experience and common sense knowledge of local traffic issues, particularly in relation to the A6068 and the M65 and local road geography.
3. It is also submitted that, in relation to the whole Estate development, an assessment should be made as to whether an internal link road would be beneficial.
4. The Parish Council, therefore objects to the present planning application and submits that no, or very limited, access should be allowed on to the A6068 and/or and that a link road through the Estate to Junction 12 of the M65 is appropriate and should be properly evaluated.

Public Response

Site and press notices posted and nearest neighbours notified by letter. A total of 3 emails/webcomments have been received two objecting on the following grounds:

- I'm writing in a personal capacity to object to this planning application as I understand Barrowford Parish Council was not contacted about it as a consultee, even though (i) the Parish Council commented "with extreme concern" both in writing and verbally about the access aspects of the Lomeshaye Development Brief last year (November 2018) (ii) residences on the edge of the Parish closest to the relevant site have been contacted (iii) to quote again from the Parish's response: "Clearly Barrowford has an interest in access and environmental aspects of the Phase 2 extension, as Carr Hall Ward of the Parish is almost adjacent to the site, and traffic along the A6068 comes through that ward and continues into the village.
- When the Development Brief was considered at the November 2018 Policy and Resources Committee, a key aspect of discussions was the proposal from Barrowford and other Parishes that proper consideration had not been given to linking the new extension to the existing Lomeshaye site, so that heavy traffic could access the proposed site from the recently enhanced Junction 12 of the M65, as seems to be implied in Pendle's Core Strategy Policy WRK 3. Furthermore, there was mention in the Preliminary Masterplan of a "realignment of road to illustrate how it could potentially link to Phase 1 Lomeshaye Industrial Estate extension".

It is extremely disappointing therefore that the only mention of the objectors' proposed alternative access to be found in the current Traffic Impact Assessment comes in the Assessment Report Introduction as follows: "There are significant topographical constraints which prevent the establishment of a vehicular route between the two phases."

The statement above comes, as far as I can tell, completely unsupported. This is a serious omission.

As a result of the November Policy and Resources committee, the decision to adopt the revised Lomeshaye Development Brief was “called in”, i.e. referred back to the three group leaders for further discussion and reconsideration at the next Policy and Resources Committee.

Following discussion it was agreed that the suggested alternative course of action be considered at the next Policy and Resources Committee and that the Chief Executive be asked to provide further information on the condition of the land and the LEP grant funding conditions.”

I can find no further discussion of this issue in the succeeding Policy and Resources meeting minutes. If this undertaking was not carried out, can I ask why not, and, if it was, propose that it be made public as a matter of urgency?

Until this is done my view remains that the likely increase in heavy traffic along the A6068:

(i) for a site extension providing up to 1000 jobs
(ii) along a fast key road to and through Barrowford
(iii) passing a strategic housing site for 500 houses, with further business units and a hotel development already given planning permission remains unacceptable so long as there are alternatives.

- There is far too much development of Greenbelt land in Pendle when we all know there are opportunities for this sort of industrial activity in the borough already;
- The By-pass is single lane and already too fast a road at the exit point proposed;
- The footpath is regularly used by walkers, runners and pupils of the local school and college;
- What is the point of promoting tourism in Pendle if this sort of development is allowed.

One response supporting the scheme and stating:

- I feel that it is about time Pendle expanded the number of businesses in this borough;
- Over 250 homes are to be built locally and we need this development to go through as it will create jobs and help sustain the Borough’s economy. Some areas of Pendle have been deprived very badly as the council officers and council leaders have made bad decisions previously;
- Lomeshaye is at maximum capacity with old outdated buildings, this will not attract big names which will create the jobs needed in this area;
- A new business park is definitely the way forward and after this site has been filled plans should be made to expand into the farms next door as I don’t believe a few sheep in a field are doing Pendle any favours. Pendle has lovely views but sometimes sacrificing green fields for opportunity is worth all the weight in gold;
- We need to think about the next 100 years and not the next 3 years. Other towns and cities have expanded and it has worked for them in helping other Councils; and
- Our Council will always be cash poor and this will allow the money generated in rates to help the communities within Pendle on needed services.

Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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. The Policy 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. 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 ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

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. Any planning application for such uses will, therefore be subject to a sequential test and should be accompanied by an impact assessment.

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.

Saved Replacement Pendle Local Plan policies

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 31 Parking sets out the requirements for on-site parking for housing developments.

National Planning Policy Framework

In national terms the National Planning Policy Framework ("the Framework") provides guidance on sustainable transport, natural environment and historic environment.

Of particular relevance to this proposal is paragraph 108 which states that planning decisions should take account of appropriate sustainable transport modes, safe and suitable access can be achieved for all users and any significant impacts can be mitigated to an acceptable degree.

Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe paragraph 109.

Paragraph 110 goes on to state that development should:

- a) Give priority first to pedestrian and cycle movements within the scheme and neighbouring area and second – so far as possible – facilitate access to high quality public transport;
- b) Address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) Create places that are safe, secure and attractive – which minimise conflict;
- d) Allow for the efficient delivery of goods and access by service and emergency vehicles; and
- e) Be designed to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Section 12 seeks to achieve well designed places with paragraph 130 stating permission should be refused for design that fails to take the opportunities for improving character and quality of an area and the way it functions.

Section 15 deals with conserving and enhancing the natural environment in particular paragraph 175 regarding harm to biodiversity and paragraph 175 (c) relating to irreplaceable habitats such as ancient woodland and ancient and veteran trees is relevant here.

Section 16 addresses conserving and enhancing the historic environment with paragraphs 189 - 197 setting out the assessment of harm a development can have on a heritage asset as well as opportunities to enhance or better reveal their significance paragraph 200.

Officer Comments

The primary issues for consideration in this proposal are highway safety, landscape impact, trees/ancient woodland, ecology/biodiversity, footpaths, principles of drainage and contributions. Matters of layout, appearance, landscaping and scale are reserved at this stage.

1. Principle of Use

The site is located outside of the settlement boundary but is the strategic employment site for Pendle as set out in policy WRK3 of the Plan.

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 supports 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.

The need for the development was accepted in the adoption of the Core Strategy, therefore the development of this site for industrial use is acceptable in principle in accordance with policies WRK2 and WRK3.

B1(a) uses on this site are subject to a sequential test and should be accompanied by an impact assessment. Whilst these have not been submitted at this stage as the end users have yet to be decided therefore this element of the scheme (5,425 sq.m.) would require a sequential test with an impact assessment to be submitted at the Reserved Matters stage in order to consider the potential impact before it can be permitted on this site.

Additional units for A1 (Shop), A3 (Café) and A5 (Hot Food Takeaway) are also proposed all of these units would be for limited floorspace of 150sq.m. and therefore can be considered to serve in an ancillary function for the industrial units subject to limits on the floorspace and careful consideration of their location within the site.

In light of these factors, the location of the site is sustainable in principle and the provision of new employment on this site accords with the requirements of Policy WRK3 subject to appropriately worded conditions.

2. Landscape and Visual Impact

The specific details of appearance, scale, layout and landscaping of the development would be

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

A Landscape Visual impact Assessment has been submitted as part of the application.

The indicative details show that the proposed units would be located at the northern end of the site, where the land flattens out. The steeply sloping and therefore more prominent southern edge of the site is proposed to remain undeveloped other than for woodland planting and possible attenuation ponds.

The area of the proposed units, particularly at the southern end of the site where it slopes steeply, would be excessively prominent especially as the land would need to be raised in order to accommodate the development, thus resulting in the site being more visible in the landscape and cause this part of the site to rise above that of the adjacent existing industrial estate. The landscape impact of the access road off Barrowford Road and smaller scale buildings could be acceptably mitigated with appropriate landscaping.

This development would clearly alter the character of the land in immediate views from the public footpaths crossing and abutting the site as well as public views from Nelson and Brierfield to the south. Some of this impact could be mitigated with appropriate landscaping, however, the changes in levels required to facilitate a development of this size and scale would not allow significant planting such as that already in place which would effectively screen Phase 2 of the proposed development from longer term views without creating raised plateaux which would themselves be incongruous in the landscape.

To assist with this assessment PBC instructed Landscape Consultants to review the submitted application and together with further information submitted and additional mitigation measures proposed such as restricting the heights of the eaves and ridges of the proposed buildings, fixing land levels and the provision of bunds, tree planting and buffers to the southern boundary they have concluded that the potential impact on landscape and views would now be acceptable. I concur with this view.

Taking into account the economic and social benefits this proposed employment use would provide the scale of the proposed development here would be acceptable in terms of visual impact subject to the revised parameters plans and appropriate conditions to restrict heights, fix land levels and appropriate screening. These proposed mitigation measures can be controlled by appropriate conditions.

Some of the proposed mitigation would seem to conflict with the submitted Flood risk Assessment and therefore the agent has been requested to consider this and an update on this will be provided to the meeting.

Therefore, overall the proposed development would be acceptable with regards to amount of built form proposed to be accommodated on the site in terms of landscape and visual impact subject to appropriate conditions to control mitigation measures the scheme would accord with policies ENV1, ENV2 and WRK3 in this respect.

3. Heritage Impact

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 heritage assets potentially affected are Grains Farm Barn (to the west) and Old Laund Hall Farm both Grade II listed as well as Carr Road Conservation Area and the Carr Hall/Wheatley Lane Rd Conservation Area. Their boundaries lie close to the eastern end of the site.

The Farm and Hall still retain some sense of rural isolation which provides this area with a local distinctiveness and traditional landscape setting which is appreciated by the many users of the nearby roads and footpaths, as well as being seen in more distant views from across the valley.

The existing trees around the Farm provide substantial visual screening and provided that this landscaping can be reinforced and a suitable buffer provided to preserve the rural isolation and separation. This needs to be submitted at Reserved Matters stage in order to minimise any adverse impact on this listed building and its setting.

With regards to the Hall the existing trees help to define its immediate setting and screen views of the site, this should be reinforced at the Reserved Matters stage with additional planting and an appropriate buffer.

The Conservation Areas are well separated from the site by open land and mature trees and there would be negligible impact on their heritage significance and settings.

Consideration needs to be given to the northern edge of the site along Barrowford Road where existing trees, grass banks and hedgerows line the road and create an attractive rural setting. This edge to the site will require particular attention at the Reserved Matters stage in order to reduce the visibility of the development from Barrowford Road.

Wheatley Laithe Farm lies within the site itself, it is a typical vernacular farmhouse which dates from the early to mid C18th, with an attached barn of C19th date. Due to the relatively early date the original farm buildings it would be advisable to require an archaeological record of the buildings prior to demolition.

Paragraph 196 of the NPPF requires that any harm requires that any harm to significance should be weighed against the public benefits of the proposal. Whilst para 185 asks local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. Details such as high quality design, materials and styles and landscaping can be controlled at Reserved Matters stage to ensure that the development respects and does not unacceptably harm the setting of the listed building.

The effects on the setting of the heritage assets would lead to some harm to their significance. This would be less than substantial harm and would be at the lower end of the less than substantial scale. The National Planning Policy Framework, para 196, advises that any less than substantial harm to significance should be weighed against the public benefits of the proposal.

The public benefits that would arise from this proposal include:

- Contribute towards the Council's industrial land supply and assist in the longer term delivery of industrial units;
- Income from Business Rates;
- Improved bus service provision;
- Employment for building trade and local tradesmen/businesses and the supply train; and
- Provision of Sustainable Urban Drainage Scheme.

The proposed scheme would provide for new industrial units and would have the generally acknowledged public benefits associated with that. This would be balanced against the limited and less than substantial harm to the heritage assets. On balance the public benefits would outweigh the less than significant harm to the heritage assets.

Taking this into account the proposed development is acceptable in principle in terms of heritage impact in accordance with policies ENV1 and ENV2 subject to appropriate submission of details at the Reserved Matters stage.

4. Residential Amenity

The indicated position of the proposed units would be approximately 85m from the nearest residential property at Grains Farm Barn. 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.

5. Drainage and Flood Risk

The illustrative site layout shown on drawing no. 2071 2002 appears to show some buildings and roads being positioned over or within close proximity to a number of existing watercourses that currently traverse the site. Building over or within close proximity to an existing watercourse is not advised as it can restrict access for future maintenance of the watercourse and it can also have the potential to pose an undue risk of flooding should the watercourse become blocked or should its capacity become exceeded in the future. To avoid this, the applicant is advised to consider reconfiguring their site layout to avoid placing any structures (i.e. buildings, roads, walls, fences etc) within 8 metres of an existing watercourse. Where that is not possible, then a suitable diversion scheme should be put forward for each affected watercourse.

All watercourses should be retained in open channel where possible, with any culverting being limited to the minimum extents necessary. Any excessive culverting is unlikely to receive land drainage consent.

The applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable risk of flooding on or off site.

The applicant will be expected to provide a final detailed surface water drainage strategy for the site once all detailed design and investigation work has been completed. The final strategy will need to be submitted to and approved by the LPA prior to the commencement of any development, and must comply with the requirements of the National Planning Policy Framework and the non-statutory technical standards for sustainable drainage systems; March 2015. The strategy must also be accompanied by an appropriate management and maintenance plan that details how the surface water drainage network will be managed and maintained over the lifetime of the development.

The applicant is encouraged to maximise the use of sustainable drainage systems (SuDS) when designing the surface water drainage scheme for the development site. Sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk and can attenuate the rate and quantity of surface water run-off from a site, they can also absorb diffuse pollutants and promote groundwater recharge.

The developer should identify the flood risk associated with this phase of the development and provide details of how surface water will be managed during construction, including any mitigation. These details can be secured through the inclusion of an appropriately worded planning condition.

Details have been submitted and assessed by LLFA who have raised no objections to the proposal subject to an appropriate drainage conditions requiring further details to be submitted.

LLFA 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.

The details submitted are sufficient to satisfy the requirements above as well as those of Policy ENV7.

6. Highway Safety

A single site access from a new roundabout on Barrowford Road (A6068) is proposed. Comments on the scheme have suggested that an access road should be provided from the existing Lomeshaye Industrial Estate to link through with this. This is not possible due to the topography of the site and would likely be cost prohibitive and result in the loss of much of the useable land. In highway terms the access proposed is acceptable and therefore the applicants are not required to consider another access to the site.

The test for whether as development is or is not acceptable in highway terms is whether the development would lead to a cumulative severe highway impact.

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.

LCC Highways concur with this assessment subject to appropriate conditions to control the type and amount of development on the site, off-site highway works, cycle and footpath improvements,

The scheme would result in cycle and footpaths improvements as well as a reduction in the speed limit from 50 to 40mph until after the new roundabout together with street lighting; improved and extended bus service for five years with upgraded bus stops and upgraded public footpaths.

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

LCC Highways have noted that modelling based on projected traffic data from this and other approved developments has identified requirements for mitigation at J13 and Barrowford road/A678 Blackburn Road signal control crossroads. Optimisation of the signal timing and phasing will be required to resolve this once the amount of and type of development is established. This can be controlled by an appropriate condition requiring MOVA validation and reports to be carried out at 30% and 90% occupancy at both junctions with any required adjustments then to be carried out within an agreed timescale.

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

During construction a temporary give way access would allow works to commence on site with detailed design including visibility splays, geometry and surfacing to be agreed and HGV movements to be limited to between 9.30am and 2.30pm with appropriate wheel washing and hard standing for operatives. All vehicles to leave the site in forward gear. This would reduce the traffic impact during the construction stage to an acceptable degree.

Acceptable levels of servicing and manoeuvring provision can be ensured at the reserved matters stage.

The site is not considered to be well served by local bus services therefore a contribution is sought to increase the frequency of services at peak times to accommodate staff movements.

An upgrade and assessment of the bus stop provision is requested in conjunction with the service improvements.

A new bus stop should be provided within the site with infrastructure to allow a bus to enter, turn and exit onto Barrowford Road in forward gear this can be agreed at the Reserved Matters stage.

There are mitigation measures requested to make this development suitable for cyclists and pedestrians to access the site from the surrounding towns.

On-site parking should be provided in line with the requirements of policy 31 and secured bicycle storage should be provided as well as electric vehicle charging points. This can be achieved by appropriate conditions at the Reserved Matters stage.

LCC have asked for a condition to require details of construction times and how the phasing of the development would be carried out. These are appropriate conditions to attach to this permission.

Overall the development would have an acceptable impact on the highway network subject to appropriate conditions. The impact on the highway network would not be severe and as such the development complies with the requirements of the National Planning Policy Framework.

The proposed development is acceptable in terms of highway safety in accordance with policy ENV 4.

7. Ecology/Biodiversity

An ecological assessment has been submitted as part of the application.

The assessment advises that further surveys for bat roosts have been carried out and the ecology significance is low.

Buildings and trees within the site offer low potential for bat use and there is no evidence to support such use and therefore this element is acceptable.

It is important that connections between core biodiversity sites and habitats allow species to move freely in order to feed, disperse, migrate or reproduce. This is key in providing future resilience to potential impacts of climate change. Development proposals of all types should prevent have and have regard to the potential to add value to, and enhance the existing ecological networks.

There may be instances where the social and economic benefits of a development make the loss of a site acceptable on balance. In such cases adequate mitigation measures will need to be put in place before any development work can commence, This can off-set the loss of habitat. Mitigation measures can include ponds, bat and bird boxes, planting of native trees, shrubs and other flora.

A Biodiversity Enhancement and Management Plan (BEMP) is proposed to be submitted as part of any Reserved Matters applications prior to construction to improve the ecological value of the site

post construction. This will include details of the native floral species to be planted, an evaluation of the areas to undergo habitat creation or enhancement and an annual work programme.

Local Plan Policy ENV 1 includes protecting BHS sites for direct and indirect impacts.

Whilst new tree and hedgerow planting is proposed around the site no details of this have been provided at this stage.

A full landscaping would be submitted as part of the Reserved Matters application.

The development would therefore accord with Policy ENV1 subject to appropriate conditions and mitigation measures being achieved.

8. Trees/Ancient Woodland

There are numerous trees within the application site, none of the trees are covered by a protection order, however, there are a number of the trees are identified in the tree survey submitted with the application as being of high quality and as such these should be retained. 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.

Adjacent to the site along the south west boundary lies Old Laund Clough BHS which is identified as Ancient Woodland.

National Planning Policy is contained within paragraph 175 (c) of the Framework which states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless these are wholly exceptional reasons and a suitable compensation strategy exists.

The exceptional reasons in footnote 58 include for example, infrastructure projects (including nationally significant infrastructure projects, order under the Transport and Works Act and hybrid bills), there the public benefits would clearly outweigh the loss or deterioration of habitat.

The agent has prepared an assessment of these impact based on the guidance found within National Planning Policy Guidance and The Woodland Trust assessment. The assessment carried out by the agent confirms that there would be direct impact from changes in the water table as well as some indirect impacts from air pollution, dust and light pollution from the proposed development which are proposed to be mitigated as follows:

- Changes to water table –Surface water drainage will be managed by initial stage treatment via gullies and silt trap manholes in advance of attenuation structures and bypass petrol interceptors will be incorporated to suit relevant catchment areas prior to final discharge to the water course/ditch within the site. During construction mitigation measures to protect the watercourse and ancient woodland including boundary bunding and a silt fence;
- Increasing pollution/dust –Measures to reduce or eliminate the potential increase in pollutant levels will be included in the Construction Environmental Management Plan (CEMP) and a General Dust Management Plan (GDMP);
- Increasing light/air pollution – A light design strategy is proposed to produce as part of the reserved matters once the details of the development are known. This will include elements such as directional lighting, low light columns, the avoidance of excessive lighting and mercury or metal halide lamps. The CEMP will include measures to reduce any impacts of air quality along with planting London Plane trees within the BEMP which can assist with reducing impacts of air pollution.

Subject to this assessment being agreed then these mitigation measures will need to be controlled by appropriate conditions attached to any grant of permission.

9. Contributions

Request for contributions towards an improved and extended bus service into the site for five years for the amount of £120,000 has been agreed.

A contribution towards improvements to footpaths for the amount of £24,000 has also been agreed.

10. Summary

The proposed outline scheme for up to 55,750 sq.m. of commercial floorspace is acceptable in terms of use of the site, highway safety and drainage.

However, impact on ancient woodland and ecology need to be fully assessed. Subject to these being acceptable and appropriate conditions being attached then these impacts can be effectively mitigated.

The site is allocated as the Strategic Employment Site, the principle of industrial use on this site is therefore acceptable.

Subject to appropriate conditions the proposed access to the site from the A6068 Barrowford Road is acceptable, landscape and heritage impacts can be acceptably mitigated with appropriate design, layout and landscaping at the Reserved Matters stage the development would not result in unacceptable impacts on ecology or ancient woodland or lead to risk of flooding on or off site subject to appropriate conditions.

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

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

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

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

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

1:2500 2071 2000 and 19046001a.

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

4. No development shall commence unless and until a planning obligation pursuant to Section 106 of the town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for:

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

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

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

A1 – 150 sq.m.

A3 – 150 sq.m.

A5 – 150 sq.m.

B1(b) – 5425 sq.m.

B1(c) – 5575 sq.m.

B2 – 11150 sq.m.

B8 – 33450 sq.m.

unless otherwise agreed in writing by the Local Planning Authority.

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

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

5. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

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

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- h) Location and details of site compounds
- i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- k) Parking area(s) for construction traffic and personnel
- L) Details of the provision and use of wheel washing on the site
- M) Site security

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

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

7. Foul and surface water shall be drained on separate systems.

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

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

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

These measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that there is no flood risk on or off the site resulting from the proposed development.

9. No development shall commence unless and 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 a 30% allowance for climate change. The calculations must also demonstrate that after development, surface water runoff will not exceed the existing greenfield runoff rates and volumes for the corresponding rainfall intensity;
- c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
- d) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- e) Details of how surface water will be managed within any non-drained areas of the site, i.e. grassed areas and areas of public open space;
- f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
- g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

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

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

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

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

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

The off-site highway works shall include:

- A new roundabout designed to TD16/07 at the site access on A6068.
- Provision for cycle by-pass on the north side at the new roundabout.
- A reduction in the speed limit on the A6068 from 50mph to 40mph from the existing 40mph speed limit terminal sited 450m to the east of the site access to a point west of the new roundabout.
- A new street lighting scheme from the existing 40mph speed limit terminal sited 450m to the east of the site access to a point west of the new roundabout.
- Widen the existing footway on the south side of the A6068 to create a 3m wide shared pedestrian/cycle route between Churchill Road and the site access.
- Upgrade of nearest bus stops subject to agreed service diversion.
- Upgrade of public footpath 110 or 111 to link pedestrians and cyclists from the development site to Churchill Way on Lomeshaye Ind. Estate.
- Upgrade of public footpath 111 to link pedestrians and cyclists from the development site to Barrowford Road A6068.

Reason: To ensure that the internal roads are adequately maintained and managed.

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

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

- 13.** No development shall commence until details of the service or diversion of an existing bus service operating for five years and connecting the site to the main interchange in Nelson has been submitted to and approved in writing by the Local Planning Authority. The details submitted should include the routing of the bus services and a timetable for its operation.

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

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

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

- 15.** 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.

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

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

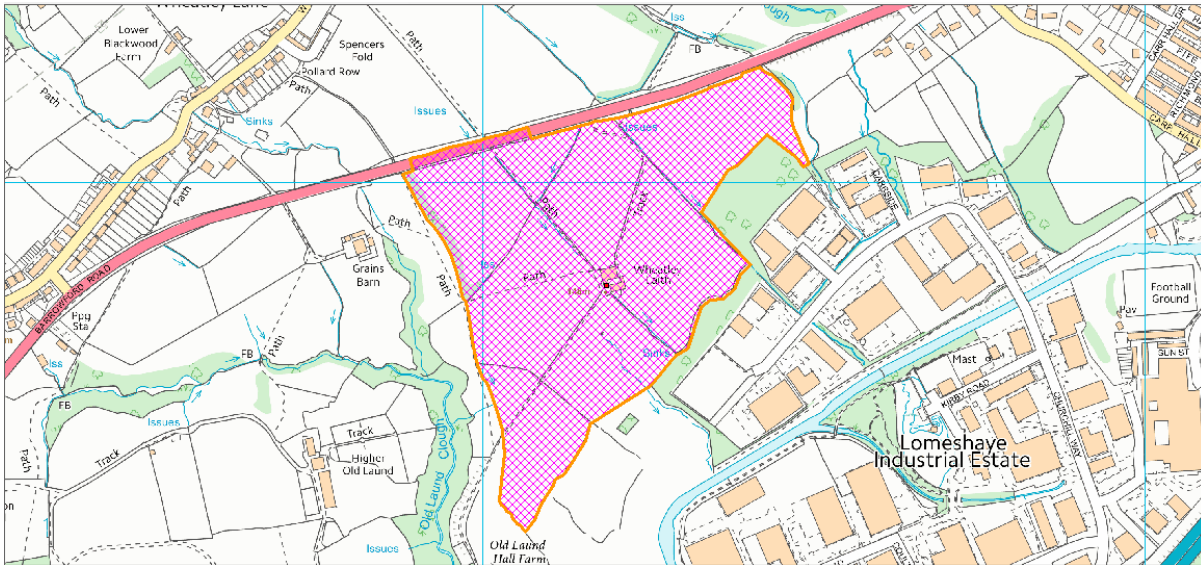
- 17.** Any Reserved Matters application shall be in full accordance with the Design Framework and Design Code dated September, 2019.

Reason: In order to ensure an acceptable scheme.

Notes

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or email developeras@lancashire.gov.uk .
2. This development may not take place unless the affected footpaths are diverted in accordance with Section 257 of the Highways Act 1980. A separate application to the Council to make an order under these powers will be required. Apart from footpaths which are temporarily closed under a temporary

traffic regulation order various offences may be committed for obstructing or disturbing the surface of a footpath. The developer needs to ensure that the any right of way which has been temporarily closed is available for public use as soon as the temporary closure period ends.



Application Ref: 19/0767/OUT

Proposal: Outline: Major: Demolition of existing farm buildings and erection of up to 55,750 sq.m. of commercial development, comprising B1a/b, B1c, B2, B8 and A1 (Food)/A3/A5 uses (Access only off Barrowford Road with all other matters reserved).

At: Wheatley Laithe Farm, Barrowford Road, Fence.

On behalf of: Pendle Business Park Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/MP

Date: 25th February 2020