

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

DATE: 19th MARCH, 2020

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO POLICY AND RESOURCES COMMITTEE 19th 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 referred to Policy & Resources Committee as Barrowford and Western Parishes Committee were minded to refuse it on the following ground:

- Impact on highway capacity and safety of the A6068.

There is no objection on grounds of highway safety supported by LCC Highway as Statutory Consultees and therefore this was likely to lead to an award of cost on Appeal.

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 layout plan has been submitted to illustrate what may be achieved on site. A parameters plan has also been submitted as part of the Environmental Statement.

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 required an Environmental Impact Assessment. Details of this include the EIA methodology, site and development, alternatives and design, construction, landscape and visual impact, ecology, transport and access, noise, climate change and socio-economic impacts. The application has been accompanied by a Planning Statement, Heritage Impact Assessment, Design Framework & Design Code, Arboricultural Report and a Contamination Report.

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 highways 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 these floor areas in respect of the proposed uses.

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 hectes) 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 subsequent assessment of the bus stop has been requested in conjunction with the bus 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.

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.

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.

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 – Had concerns over noise from units and build out of development. They have now withdrawn these concerns subject to appropriate an appropriate condition relating to construction method statement.

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 phase of the development. At paragraph 7.112 it states that a Construction Environmental Management Plan can be conditioned to mitigate this

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 effect 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 afford 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. Comments have been made that this is greenbelt land and objecting to the principle of development on this ground. Committee will note that the site is not in greenbelt and has been allocated for development in the adopted Core Strategy.

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. This has not been submitted as part of the application. A further application would be needed should B1(a) uses be proposed. A condition should be appended to any approval excluding B1(a) uses from the development.

Units for A1 (Shop), A3 (Café) and A5 (Hot Food Takeaway) are also proposed. Combined these 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 at reserved matters stage.

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. An assessment of the principle of the landscape change that could occur was undertaken as part of the allocation process in the Local Plan. An inspector agreed that a development would be acceptable on the site.

A Landscape Visual impact Assessment has been submitted as part of the application. A parameters plan submitted as part of the EIA forms the basis of the assessment of visual impacts.

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 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 would be more prominent to Barrowford Road could be acceptably mitigated with appropriate landscaping. The medium scale units would be across the middle of the site and the large scale units sited to the southern end of the site.

The southern end of the site is prominent in longer term views from both Nelson and Brierfield, although the urban grain of these areas means that the locations from where the site can be seen from is more restricted than would be expected. Some of this impact could be mitigated with appropriate landscaping. However it is likely that changes in levels required to facilitate development of this size and scale envisaged would not allow for any significant planting on the higher levels which would effectively screen the proposed development from longer terms 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 application together with further information submitted subsequently. The plans now indicate two Zones of planting to the southern boundary of the site. Zone 1 would be approximately 20m wide with an earth bund at the top of the bank to screen the base of the proposed units from views and help to ground the buildings into the landscape. Native tree planting of heavy standard and extra heavy standard in a random, natural layout is proposed along the southern edge with 4-5m high trees. Whilst this would not fully screen the development it will provide some green infrastructure along this prominent edge which will mature and soften the longer views into the site. Zone 2 would be approximately 10m wide sloping down the site to provide a substantial green buffer and will assist in blending in the proposed earth bund. Native woodland planting is proposed with a mix of sizes in a random natural layout. As this zone would be outside of the development area it could be planting in advance of the development and thus be established prior to construction and mature during the development stage.

The rear of the site (southern) is where the larger scale units are proposed which could result in buildings up to 18m to ridge height with tree planting proposed to screen at approximately 9m in height when fully matured. As this would take some time to develop the proposed Zone 2 planting to the outer edge of the southern boundary should be planted at an earlier stage than the

remaining landscape this would enable it to mature and provide an appropriate level of screening during the construction phase.

Additional mitigation measures proposed include restricting the ridge heights of the proposed buildings to 10m maximum building height to ridge for smaller scale, 14m for medium scale and 18m maximum height to ridge, the minimum floor levels for the larger units to the south would be +142m AOD, with ridges height +164m AOD.

The consultants have assessed the scheme in conjunction with the proposed mitigation measures proposed above and have concluded that the potential impact on landscape and views would now be acceptable. I concur with this view subject to the mitigation proposed and appropriate conditions to ensure this can be achieved.

Some of the proposed mitigation would have conflicted with the initial FRA. Updated information has been received confirming that there would not be a conflict.

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 mitigation measures detailed above to restrict heights, fix land levels and mature tree planting to achieve suitable screening. These proposed mitigation measures can be controlled by appropriate conditions.

Lomeshaye Development Brief

This Brief was adopted in July, 2018 and sets out the design parameters for the development of the site taking into account the landscape and known constraints.

The main constraint on the site is the topography with steep gradients from the relatively flat land to the north abutting Barrowford Road to the steep gradient to the southern end of the site which abuts other commercial development at Lomeshaye Industrial Estate and the planned Phase 1 extension.

The brief suggests structure planting principles and a design code which includes minimum planting strips, footpaths etc. as well as facilities for storage and refuse, ancillary buildings and main building apex height of 8m.

Whilst this proposal does not strictly accord fully with the Brief most of the following areas do conform as follows:

- The areas of proposed development;
- The principles of a network of green infrastructure including enhancing and expanding wildlife corridors/networks;
- Retained tree belt to the west creates a 20m wildlife corridor connecting to a 15m corridor; minimum of 10m wide landscape zone is indicated to all other boundaries, a minimum 3m managed landscaping to the back of primary footways with a 2m perimeter footpath to building façade, giving a 5m set back from footways; minimum 5m distance from building façade to plot side boundaries, giving approximately 5m total landscaping between plots;
- Seeks to retain the belt of trees running south west/north east and the hedgerow along Barrowford Road;
- Planting along the southern boundary if landscape visual impact is required;
- The peripheral field boundaries retained and wildlife corridors provided; and
- Proposed PROW plus an additional connection to the east.

Whilst this proposal does not strictly accord fully with the Brief the differences in terms of the Brief are as follows:

- Likely demand for trade counter type units smaller than 500sq.m.;
- Maximum height of 8m would limit the ability of the site to deliver a range of accommodation Units of 1500sq.m. plus would require more height with units of 10,000-15,000sq.m. requiring up to 18m in height;
- Roof pitches could reach 35 degrees which is similar to other developments in the area;
- Retention of all features on the site would constrain the plots;
- Smaller trade counter units are likely to have service yards/parking area which overlap;
- The number of cycle spaces will be in accordance with the submitted Travel Plan;
- For security reasons the lighting will have to meet adoptable standards, ensure safe working in service yard areas, provide adequate lighting for emergency egress and meet insurance requirements/Secure of Design. Low level/low impact lighting due to the rural setting will be limited to amenity routes.

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, WRK3 and the Lomeshaye Development Brief 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 designated heritage assets which could potentially be affected are Grains Farm Barn and Old Laund Hall Farm both to the west and 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 can 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, again this should be reinforced at the Reserved Matters stage with additional planting to provide 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 should also 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.

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.

Para 185 of the NPPF requires 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 adversely impact on the setting of the listed building.

The effects on the setting of the heritage assets would be less than substantial harm 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 much needed 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 and materials 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.

A Noise Assessment has been submitted which recommends that suitable mitigation measures are considered during the detailed design of the commercial/industrial uses to reduce any potential noise impacts beyond the boundary of the site.

This can be controlled at the Reserved Matters stage by an appropriately worded condition.

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

5. Drainage and Flood Risk

The full details of the proposed drainage scheme can be controlled by an appropriate condition requiring a scheme to be submitted prior to any commencement on site.

LLFA are satisfied with this appropriate conditions which can control this and although they have raised some concerns over the illustrative site layout this can be addressed at the Reserved Matters stage.

Part of the site lies within Flood Zones 2 and 3. A Flood Risk Assessment has been submitted which is acceptable and sets out the finished floor levels with external ground levels to be designed so that they fall away from the proposed buildings. A revised FRA has been submitted which includes the proposed mitigation measures and therefore this can be controlled by an appropriate condition.

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

6. Highway Safety

A single site access from a new roundabout on Barrowford Road (A6068) is proposed. Comments were made at Barrowford and Western Parishes Area Committee that a link between this phase and the lower phase of Lomeshaye should be put in place and considered as part of this application.

Committee are advised that alternative highway proposals are not a part of this application and should not be considered as part of it. This scheme needs to be considered based on its own individual planning merits and a decision made on it according to those merits.

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 and subject to appropriate conditions to control the type and amount of development on the site, off-site highway works, cycle and footpath improvements and other infrastructure they do not object to the development.

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 for both pedestrians and where possible cyclists.

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. LCC Highways can require the works as part of a condition for off-site highway improvements whilst PBC Footpaths have requested a contribution towards the adjacent footpath improvements to improve pedestrian access to the site.

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 the impact on bats would in principle be acceptable.

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 harm 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 the Reserved Matters application which will improve the ecological value of the site post construction. This is proposed to 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.

The site provides nesting and foraging for a range of bird species and whilst ground nesting birds can not be accommodated the provision of nest boxes for Swallows and House Sparrows will provide some mitigation.

In particular the site has potential for foraging badgers and to mitigate this protective fencing is proposed to be installed along the boundary to the site which is of particular use during the construction phase.

A Construction Environmental Management Plan (CEMP) is proposed to mitigate impacts during construction phases and this can be controlled by an appropriate condition.

The intact hedgerow along the northern boundary has potential to support nesting and breeding hedgehogs. During the construction and operational phases minimal light spill will fall onto the hedgerow with low lighting columns and directional hoods to prevent further light spill. Fencing of boundary features will include hedgehog holes to facilities free movement of commuting and foraging throughout the site.

Local Plan Policy ENV 1 includes protecting BHS sites for direct and indirect impacts. This includes the Ancient Woodland adjacent to the site which is addressed in more detail below.

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 to ensure that the proposed mitigation measures can be 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. Appropriate tree protection measures would need to be conditioned during the construction phases.

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.

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.

This assessment has been agreed and the proposed mitigation measures can 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 year for the amount of £120,000 has been agreed.

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

There is a need to assess and potentially alter the MOVA prioritisation at junction 13. As this would be offsite works that may require a financial contribution this needs to be part of a Section 106 agreement.

10. Summary

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

The impact on ancient woodland and ecology has now been assessed and can be appropriately mitigated. Subject to 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, ecology 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 the adjacent 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: Approval

Subject to the following conditions and the completion of a Section 106 Agreement for contributions to a bus service, footpaths and alteration to the signals at Junction 13.

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 plan and written-brief detailing the proposed phasing of the site has been submitted to and approved in writing by the Local Planning Authority. This shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads, building operations, foul and surface water sewers, appropriate noise mitigation measures and landscaping, each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

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

5. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987 (or any Order revoking and re-enacting that Order with or without modification) the use of the units hereby approved shall be limited to the following Use Classes:

A1 – 150 sq.m.
A3 – 150 sq.m.
A5 – 150 sq.m.
B1(b) – 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.

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

6. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-
 - a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
 - b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction;
- b) The areas and methods of loading and unloading of plant and materials;
- c) The areas for the storage of plant and materials;
- d) Location and details of site compounds;
- e) Compliance with BS5228: Part 1 1997 to minimise noise;
- f) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached;
- g) Parking area(s) for construction traffic and personnel;
- h) Details of the provision and use of wheel washing on the site; and
- i) Site security.

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

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

8. Foul and surface water shall be drained on separate systems. Where drainage infrastructure connects development from different phases it will be necessary to show how much development will be served by the connecting infrastructure.

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

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

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

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

10. No development shall commence unless and until 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.

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

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

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

The off-site highway works shall include:

- A new roundabout designed to TD16/07 at the site access on A6068.
- Provision for cycle by-pass on the north side at the new roundabout.
- A reduction in the speed limit on the A6068 from 50mph to 40mph from the existing 40mph speed limit terminal sited 450m to the east of the site access to a point west of the new roundabout.
- A new street lighting scheme from the existing 40mph speed limit terminal sited 450m to the east of the site access to a point west of the new roundabout.
- Widen the existing footway on the south side of the A6068 to create a 3m wide (where achievable) shared pedestrian/cycle route between Churchill Road and the site access.

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

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

- Upgrade of the 2 nearest bus stops on the A6068.
- Upgrade of public footpath 110 or 111 to link pedestrians and cyclists from the development site to Churchill Way on Lomeshaye Ind. Estate.
- Upgrade of public footpath 111 to link pedestrians and cyclists from the development site to Barrowford Road A6068.

Reason: To ensure that the development does not result in any adverse impact on the highway network and to improve sustainable transport modes to and within the site.

13. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each phase before any development commences on that phase. The final wearing course shall be completed to each unit within 1 year of the substantial completion of each unit, or within 1 month of the substantial completion of the phase of development or within one month of the substantial completion of the final unit on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

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

14. The use of each unit shall not be commenced unless and until a Travel Plan for the user/s of that unit has been submitted to and approved in writing by the Local Planning Authority. The plan shall include measures for the management of car use and on-site car parking and a strategy to secure and sustain decreases in car use for travel to, from and at work and increases in car sharing, public transport use, cycling and walking. The unit shall thereafter be at all times operated in accordance with the approved Travel Plan.

Reason: In order to mitigate transport impacts of development and promote sustainable transport.

15. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

16. No development shall commence until appropriate mitigation measures including restricting the heights of the ridges of the buildings, fixing AOD land levels and the provision of bunds, tree planting and buffers to the southern boundary have been submitted to and approved in writing by the Local Planning Authority. Once approved the development shall at all times thereafter fully comply with the details so approved.

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

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

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

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

- a. Procedures for site clearance and specification for ecological fencing (e.g. woodland, tree and hedgerow protection zones) and protective fencing to be installed along the boundaries to the site to prevent badgers from entering the site;
- b. Risk assessment of potentially damaging construction activities
- c. Identification of biodiversity protection zones

- d. The times during construction when specialist ecologists need to be present on site to oversee works
- e. The role of a responsible person and lines of communication;
- f. Control of construction lighting to avoid areas near potential bat roost trees and along hedgerow corridors
- g. Details of new and existing habitat areas
- h. The erection of exclusion fencing and warning signs around trees (including potential bat roost trees) and lengths of hedgerows to be retained
- i. Trees with bat roost potential will be subject to a roost survey and precautionary measures shall be employed prior to any felling/pruning works being undertaken; and
- j. Details of Pollution Prevention Guidelines to help ensure that damage and pollution does not occur to the watercourses in and adjacent to the site.

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

Site clearance will be undertaken between October to February only. Any works between March and September will only be carried out following an on-site check for nesting birds by an experienced ecologist. If nesting birds are found then work will cease on site.

- 19.** Prior to the commencement of development (including infrastructure and groundworks) an overarching General Dust Management Plan (GDMP) shall be submitted to and approved in writing by the Local Planning Authority.

The GDMP shall include the following measures:

- a. Record all dust and air quality complaints and take appropriate measures to reduce emissions;
- b. Record any exceptional incidents that cause dust off site;
- c. Ensure an adequate supply of water is available on site for effective dust suppression;
- d. Use enclosed chutes and conveyors and cover kits;
- e. Impose a site speed limit of 10mph;
- f. Ensure all vehicle engines are switched off when stationary;
- g. Plant and machinery will be located as far away from receptors as possible; h. Erect fine mesh barriers around dust activities near to the site boundary;
- i. Enclose specific operations where there is a high potential for dust production; j. Mitigate site runoff of water or mud;
- k. Keep site fencing, barriers and scaffolding clean using wet methods; and
- l. Remove material that has the potential to produce dust from the site as soon as possible.

To mitigate against the impacts of earthworks throughout the construction stage measures will be put in place, and these will include: re-vegetating earthworks and soil stockpiles to stabilise the surface; stockpiles will be covered if not vegetated; avoid double handling of material; and ceasing operations during high winds in the direction of sensitive receptors. Sand and other aggregates will be stored in bunded areas and will not be allowed to dry out. To reduce the impact from construction traffic the following methods will be implemented:

- a. Use water assisted dust sweepers on the access and local roads to remove materials;
- b. Avoid dry sweeping large areas;
- c. Ensure vehicles entering and leaving site are covered to prevent escape of materials during transportation;
- d. Wheel washing facilities; and
- e. The site access gate will be located at least 10m from receptors, where possible.

All non-road mobile machinery shall be well maintained and stopped immediately if a fault is identified. All machinery should use fuel equivalent to ultralow sulphur diesel, should comply with EU Directive Staged Emission Standards and be fitted with Diesel Particulate Filters. When in operation, the machinery should be used in accordance with fuel conservation measures.

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

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

- 20.** Prior to the commencement of development (including infrastructure and groundworks) an overarching Biodiversity Enhancement & Management Plan (BEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The BEMP shall include the following measures:

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

The BEMP shall also include details of:

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

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

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

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

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

22. No demolition shall take place until the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The recording shall thereafter be carried out in accordance with the approved scheme and timescales.

Reason: In order to provide an accurate historic record of the site by a competent person prior to demolition of the building.

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

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

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

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

25. Prior to the commencement of development within any phase of the development, with the exception of the construction of the vehicular access and service infrastructure, full details of how Public Rights of Way will be retained, and/or realigned across the entire site shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- (a) All road crossing points and their infrastructure for walkers and cyclists;
- (b) The locations and details of all interfaces between PROW, cycle routes and the adopted highway;
- (c) The proposed design standards for the Public Rights of Way and cycle routes including materials, sight lines, desire lines and road markings; and
- (d) The design and layout of the route to the southern side of the site, how it connects to any existing PROW.

Reason: To ensure the connections provided by existing Public Rights of Way are retained and improved across the site.

26. No development of a phase shall take place until an implementation programme for the landscape proposals for that phase have been submitted to and approved in writing by the Local Planning Authority. All hard and soft landscaping works shall be carried out in accordance with the approved details, approved implementation programme and British Standard BS 4428:1989 Code of Practice for General Landscape Operations. The

developer shall complete the approved landscaping works and confirm this in writing to the Local Planning Authority prior to the date agreed in the implementation programme.

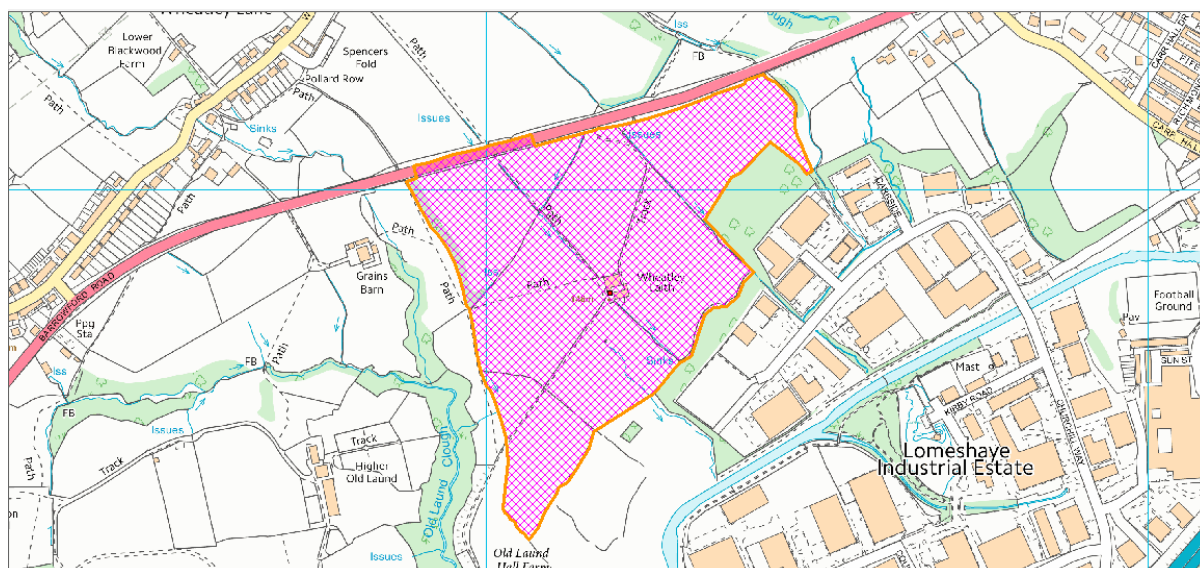
Reason: To ensure the provision and establishment of acceptable landscape.

27.A landscape management plan for all phases, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation or use of that phase. The landscape management plan shall be carried out as approved and all landscaping shall be maintained in full as set out in the approved scheme

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

Notes

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



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