

REPORT TO BARROWFORD & WESTERN PARISHES COMMITTEE 3RD SEPTEMBER, 2020

Application Ref: 20/0457/REM

Proposal: Reserved Matters: Major: Erection of a single industrial building with access from approved spine road (access, appearance, landscaping, layout and 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 including details to discharge conditions 5, 6, 8, 9, 10, 11 and 12 pursuant to application 17/062/FUL.

At: Lomeshaye Industrial Estate Extension - Phase 1

On behalf of: PEARL & ELE Advanced Technologies

Date Registered: 21/7/2020

Expiry Date: 20/10/2020

Case Officer: Neil Watson

Site Description and Proposal

The reserved matters submission seeks permission for the reserved matters for the erection of a single industrial building with 11,250m² of gross floor space. The building would be accessed via the already approved access from Churchill Way. It is proposed to have two storey office and staff facilities at the front of the building with the remaining being for production. Staff and visitor parking is proposed to the front with deliveries at the rear.

The application seeks approval of reserved matters. It also seeks approval of conditions 5 – Bank stabilisation, 6 – remedial work for shallow coal working, 8 – Travel Plan, 9 – construction method statement, 10 surface water drainage, 11 – Contamination and 12 – ecology.

Relevant Planning History

17/0672/FUL: Outline – Industrial development. Approved 13/3/18

Consultee Response

LCC Highways –

The speed limit on the access road will be 30mph and the visibility splay at the junction of the access road and the new car park should be shown the layout at X2.4m and Y43m. The land required for the visibility splays should be kept free of any physical obstruction above 1m high. A planning condition is requested to control this.

There should be a dropped kerb crossing point with tactile paving on both sides of the access road where pedestrians and cyclists need to cross from the car park to the building. Also at the footway termination points within the car park to ensure that wheelchair users can gain access from the disabled parking spaces to the footway. Please amend the drawing to show this.

A swept path analysis is submitted for the internal access road and service yard for the longest road going vehicle, 16.5m articulated vehicle. This is acceptable and the area shown by the swept path shall be required to be kept clear at all times. A planning condition is requested to control this.

Parking

Based upon the floor area the following breakdown shows the maximum car parking provision for the various uses which are permitted.

If the end users are known then the number of employees can be used to plan for car parking provision. If the end users are unknown then the car parking provision needs to be carefully considered and planned for the worst case scenario in terms of traffic generation. In any case further information should be submitted to show how the level of parking has been determined.

The car parking must be contained within the site, any overspill onto the access road is likely to be detrimental to HGV movements and cyclists sharing the road space.

The Interim Travel Plan submitted is acceptable and the timetable contained within should be adhered to throughout the period.

The details contained within the plan are acceptable which include all vehicle access from Churchill Way and deliveries made during off-peak periods.

Barrowford Parish Council -

PBC Countryside Officer: The construction phase is likely to have a significant impact on the footpaths through the site. A condition showing the temporary arrangements for the footpaths should be placed on the consent and no work should start until that happens. Other footpaths should be kept free from obstruction at all times.

PBC Environment Officer: The proposed landscaping is acceptable. It could be slightly improved by adding some light standard trees to the woodland mix.

Coal Authority: No objection. The Coal Authority's planning team consider that as ground stabilisation works are being undertaken illustrated on Drawing No. No. 950 P1 / supervised by a suitably qualified and experience engineer, we would have no objections to the LPA discharging Condition 6 of issued consent: 17/062/FUL if they are minded to do so.

Environment Agency – Comments delayed

Lancashire Fire & Rescue – Comments that the development should meet the building regulations, that there should be a water supply to the development and that the turning areas should be able to accommodate fire engines.

Natural England – Have no comments to make.

Environmental Health –

United Utilities –

Lead Local Flood Authority -

Public Response

Two comments have been received as follows:

Access is from Churchill Way. On the 6th August 2020 Mac-cows on the opposite side of the river to the new build started with the Massive machine Power-Driving (making a lot of noise) the machine is trying to rectify the subsidence and land corrosion that the river has caused. The river has washed away at least 1/2 an acre of land away over the last 15 years from both sides of the river. I was told by a 90 year old neighbour 37 yrs ago when we first came to live here that there had been mining on the land where the new buildings are going to be built.

The new access road is being built a long way from the river due to the fact that on the Nelson side of the new buildings even more of the land on both sides of the river has been washed away.

It is sad that the council have not learnt any lessons from when the first part of the industrial site was built. The river has caused land- slips at a few of the buildings on the river side. Every year they try to shore the Banks up with boulders etc. The water will always win, especially when men removed the beautiful weir and then tried to change the water course. The river has affected the bank all the way from Carr Road, Nelson to Quaker Bridge.

The green fields and wild life will be gone and a lot of money will be washed away.

Would like to see the building coloured green.

A private right of way exists to the former Corn Mill. Thus needs to be retained.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

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

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

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

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

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

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

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

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

- a. The site is adequately connected by a new road to the primary road and motorway network and is accessible by public transport, walking and cycling; and
 - b. Early engagement between the applicant and infrastructure providers is carried out to address any capacity issues and ensure the relevant infrastructure (e.g. utilities, broadband etc) is provided (Policy SDP6).
 - c. A high quality landscaping scheme is developed, incorporating and enhancing natural environmental features, as appropriate, but particularly where they relate to wider landscape character or ecological considerations.
 - d. A detailed development brief (including a design code) is prepared to demonstrate that the site will be developed in an appropriate manner.
 - e. The development addresses any potential environmental impacts (Policy ENV1).
- Proposals for B1(a) office uses will normally be directed to town centres, transport hubs or high accessibility corridors, in line with Policies WRK2 and WRK4. Policy SUP1 (Community Facilities) states that within settlements new facilities should be located in Town Centres or Accessibility Corridors or alongside Transport Hubs or existing community facilities.

Replacement Pendle Local Plan (RPLP)

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

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

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

Officer Comments

The application site is part of a wider allocation of 32ha of land for industrial development as set out in the adopted Pendle Core strategy. Outline planning permission has already been granted for the site with the route of the access being approved at that stage. This application seeks approval of one unit under reserved matters.

There were a number of conditions attached to the outline consent. Approval of the details required under conditions can be undertaken either by applying for conditions discharge separately or they can be applied to be discharged under a reserved matters application. The application seeks to discharge conditions 5, 6, 8, 9, 10, 11 and 12 under this submission. Each of these conditions is considered separately towards the end of the officer comments section.

Principle of Development

The application is to erect a building to be used for the processing of parts for the aviation industry. The principle of development has already been established in the outline consent. This submission is to consider the details of the development as the principle has already been accepted.

Design and Internal Layout

The proposal is to construct an industrial building with a gross floor area of 11,250m². The building would be a portal frame construction clad in profile sheeting with elements of glazing to the front which faces a 158 space car park. Disabled persons car parking will be provided within those numbers and there will be space for cycles to be stored.

The building design is appropriate for an industrial site.

The proposal is also to have a dedicated bridleway running along the riverside. A pond would be installed between the car park and the bridleway.

The site lies in the bottom of the valley. To the east there are industrial buildings as there are also to the north. The land rises sharply to the west. A listed building and other structures are found to the north west on elevated land around 100m from the nearest part of the site. The impact on the listed building is considered in more detail below.

The site is not one that is visually prominent except from the west where it can be seen from the motorway. The landscaping from this direction is important to get right. A belt of trees are proposed to be planted here which will take some time to mature but will provide a suitable landscaping solution to the building. The existing tree an

vegetation over and topography of the land will ensure there are no unacceptable landscape impacts to the north. The industrial context to the east and south mean there will no unacceptable detrimental impact from those directions.

Planting will also take place along the periphery of the site and around the car park. These will provide a suitable landscape solution for the internal elements of the site.

Public Rights of Way

Footpath 114 runs parallel to the river to the south of the proposed access road. This then splits into FP 93 which heads in a northerly direction across the estate road. Beyond this it remains unaffected by the development.

The other split forms FP 115 which proceeds to run generally along the bank of the river. Here works are proposed for the stabilisation of the bank, landscaping and the formation of a bridleway. The route of the FP and the proposed new bridleway do not precisely coincide, although they are almost identical. There would be a need to temporarily close the route whilst the work to the embankment was undertaken and the new surface created.

Listed Buildings

The listed house Old Laund Farm is the only heritage asset that could potentially be affected by the development. This is found to the north west of the site.

The house is linked to the site via a public footpath but that is across the proposed estate road and not via the main part of the site. These immediate trees will be retained as part of the development as will those along the site boundary.

Apart from the access road which will not affect the listed building or its setting the nearest part of the development to the

The listed structure's main setting is the land immediately in front of it which consists of an open field leading to a group of trees below. It is separated from the site by some 100m at its nearest point. It is elevated from the land and is visually separated from it by mature trees. The new factory itself will be further away from the listed structure than the car park.

The combination of the topography of the land, the distance involved and the presence of trees which will be retained will result in there being no adverse impact on the listed building or its setting.

Landscaping

The application site has three distinct areas of trees which may be affected by the scheme. There are two belts of trees that cross the access route into the site, there are trees on the northern boundary and a small group of trees along the river. The majority of the trees will be retained and protected as part of the development with the loss arising along the estate road.

The development would have a car park at the entrance into the site. A wildlife pond will be put in situ between the car park and river. Planting is proposed around the

pond and the car park. The building to be erected lies beyond the car park. Planting is also proposed on each side of the building although it would be minimal by the side of the river as there is a relatively narrow gap there.

The planting scheme has been assessed by the Council's environment officer who is content that it is appropriate for the site and its setting.

Flood Risk

The site lies in flood zone 2 with parts in flood zone 3 and is therefore at risk of flooding. Flood risk assessments were undertaken at the Local Plan stage prior to the land being designated for employment use and one was also undertaken at the outline planning stage. A FRA has also accompanied this planning application.

The mitigation proposed comprises mainly of:

- There will be discharge of surface water into Pendle Water at a restricted greenfield run off rate with climate change added in.
- As part of the building is in flood zone 3 flood compensation measures will be put in place.
- There will be a net gain in flood storage capacity
- A flood management plan will need to be prepared.

The comments of the Lead Local Flood Authority and environment Agency have not been received at the time of writing this report. It is recommended therefore that the matter is delegated for approval in order to incorporate any comments from those bodies.

Transport

The outline planning consent confirmed that a development of this nature can be accommodated on the exiting estate road and highway network. Any highway improvements to the network necessary to facilitate the development were agreed at that outline stage.

The proposal is to construct a link road which would lead to a car park in front of the unit with servicing and deliveries at the rear.

Land Stability

The estate road has been designed to cope with the conditions of the land in the area which it is acknowledged has slipped. The grouting of the land under the proposed building will ensure that it is stable and secure.

Discharge of Conditions

Condition 5 – Bank Stabilisation

Condition 6 – Remedial Work for Shallow Coal Working.

A remediation strategy has been submitted as part of the application. This is a system where pressure grouting will take place in a systematic pattern. A plan of the

grouting has been submitted. The Coal Authority are satisfied with the proposals. The condition can be discharged.

Condition 8 – Travel Plan

The Travel Plan sets out the context of the site and how accessible it is. It proposes that the developer appoints a Travel Plan coordinator and sets out a range of targets for the Plan to achieve. For example it proposes targets to reduce sole car journeys and to increase sustainable travel modes. The comments of the highways authority have not yet been received but subject to their comments the proposal are acceptable.

Condition 9 – Construction Method Statement: A full statement has been submitted. Some of the main points are:

A site compound will be created for contractors, temporary buildings etc.

Deliveries will be outside of the hours 8-9am and 5-6pm.

Storage areas for material will be provided.

Wheel washing facilities will be provided and a road sweeper will be deployed.

Monday – Thursday: 7.30 – 4.30

Friday: 7.30 – 3.30

Weekend work is not expected.

The measures set out are acceptable to the location of the development. The condition can be discharged.

Condition 10 – Surface Water Drainage

The comments of the Lead Local Flood Authority and Environment Agency are awaited before full comments can be made on the acceptability of the proposed surface water attenuation system.

Condition 12 – Ecology

An ecology survey has accompanied the application. This was carried out by Lancashire Wildlife Trust. The site is of low ecological value and no further surveys were identified as being necessary. The condition can be discharged.

Summary

The design, landscape, land stability, layout and highway impacts of the scheme are all acceptable. Comments are still awaited on the hydrological impacts of the development and on the bank stability work. On the proviso that these are acceptable or can be controlled under conditions it is recommended that the application is delegated to the Planning, Economic Development and Regulatory Services Manager for Approval.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed use would be acceptable subject to appropriate conditions. The development 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: That the application be delegated to the Planning, Economic Development & Regulatory Services Manager for approval.

A number of matters still need to be resolved before a full list of conditions can be provided. An update will be given to Committee.

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Date: 21st August 2020