

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

TO: BARROWFORD AND WESTERN PARISHES COMMITTEE

DATE: 3RD AUGUST 2022

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 BARROWFORD AND WESTERN PARISHES COMMITTEE ON 3RD AUGUST 2022

Application Ref: 21/0885/FUL

Proposal: Full: Major: Erection of 3 No. Industrial Buildings forming 8 units (3,577sq.m.) (Mixed Use Classes E/B2/B8).

At: Land North East Of Vantage Court, Riverside Way, Barrowford

On behalf of: Barnfield Contractors UK Ltd.

Date Registered: 01/02/2022

Expiry Date: 13/06/2022

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major development, the application was deferred from July's meeting.

Site Description and Proposal

The application site is open land to the north east of Vantage Court, the land is within the settlement boundary of Barrowford and designated as protected Employment Land (B1 only). To the north west is the Trough Laithe housing development, Pendle water and Nelson and Colne College to the north east and Barrowford Road and dwellings beyond to the south east. Footpath No.28 runs through the site from the south to link up with Footpath 2 following Pendle Water.

The proposed development is the erection of three industrial builings, divided into eight units with a total floorspace of 3,577m² for business, industrial or storage and distribution uses.

Relevant Planning History

13/92/0216P - Business Park (Outline) - Approved on Appeal (Non-determination) January, 1993.

13/95/0637P - Business Park (Reserved Matters) - Consent Granted - September, 1996.

13/98/0213P - Modify landscape Conditions 1 and 2 13/95/0637 - Approved 1998.

13/03/0680P - Business Park (3.5 hect.) Housing (2.1 hect.) Outline - Withdrawn.

13/05/0944P - 9 two B1 units (Detailed); 17 B1 units (outline) - Revised Scheme - Appeal Against non-determination - Withdrawn, August, 2006.

13/06/0442P- Erect 9 two storey buildings (3,710 m²) for B1 use (Phase 1) and Outline application for erection of B1 office buildings (8 hectares) (Phase 2) - Approved September, 2006.

13/08/0218P - Outline;Major; erect B1 office accommodation including access and layout Approved July 2008.

13/09/0552P -Outline; Major; Develop land as a Business Park (8.86 hect) to provide a maximum of 21,727 sq.m. B1 floorspace (access and layout details only) on land North of Barrowford Road, Barrowford - Approved 8th March, 2010.

13/10/0369P - Outline: Major: Erect 55 bedroomed hotel, Pub/Restaurant (768 sq m), Creche (500 sq m) and two office buildings (890 sq m each) (Access and Layout Only) Approved 14/9/2010.

13/13/0462P - Extension of Time: Extend time limit of Planning Permission 13/10/0369P for Major Outline development for a hotel/pub/restaurant, crèche and two office buildings - Approved 11th November, 2013.

13/15/0111P - Extension of Time: Major: Extend time limit of Planning Permission 13/09/0552P for Outline: Major: Develop land as a Business Park (8.86 hectares) to provide a maximum of 21,727 m² B1 floor space (Access and Layout details only). Approved.

Consultee Response

United Utilities – Request drainage conditions.

Lead Local Flood Authority – No objection subject to conditions for accordance with the Flood Risk Assessment, sustainable drainage strategy, construction surface water management plan, drainage operation and maintenance manual and verification report.

Environment Agency – No objection subject to a note relating to Environmental Permits.

LCC Highways – Requests additional assessment of nearby junctions to determine the highway capacity considering the committed development which has been approved in recent years, including Trough Laithe, Pendle Park and the Police Hub.

PBC Countryside Access - The proposed development is in close proximity to public footpath 13-2-FP 28. The layout has clearly taken account of the position of the footpath but could I please ask that an advisory note is included if planning permission is granted.

Lancashire Fire and Rescue – Comments related to Building Regulations.

Barrowford Parish Council - No Objection in Principle but objections to designs materials impact on visual amenity and level of parking provision. Riverside Business Park since its inception was restricted to B1 with buildings of higher quality with traditional roof and wall construction. The Parish Council is aware that business planning classes have been changed with many being combined but the Parish Council would still like to see the ethos of traditional designs and materials adhered to. The inclusion of steel framed construction with box profile steel sheets of indeterminate colours would materially affect the setting and visual amenity of the Trough Laithe Strategic Housing Site currently under construction and the wider area. The lack of adequate off-road parking for seven of the proposed units will lead to on road parking problems, these possibly affecting access to the strategic housing site with potential obstruction to the proposed heavy goods vehicle turning areas within the offroad area. If future development of this business park is allowed to become more akin to Lomeshaye Industrial Estate in regards of building materials and mismatched finishes it could have a serious effect on the viability of the strategic housing site and the setting of the Carr Hall Road and Wheatley Lane Conservation Area. The Council has concerns that a PROW is not marked on the plans and would like the Footpath Officer to check if any PROW run through this site.

Public Response

Site and press notices posted and nearest neighbours notified – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

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

Policy SDP2 (Spatial Development Principles) States that proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) states that support will be given to new employment development that helps to reinforce Barnoldswick's position as the focus for employment provision in the north of the borough and enhance the functionality of the area's existing specialism in advanced manufacturing.

National Planning Policy Framework

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.

Principle of the Development

This application proposes a mixed use of Class E, B2 and B8. The land is designated as a Protected Employment Area (B1 only) saved policy 22 of the RPLP states that within the Protected Employment Area (B1 only) planning permission will be granted for B1 development only, for other protected employment areas it states that permission will be granted for B1 use provided that it is not more than 25% of the total floorspace of the Protected Employment Area and B8 provided that it is not more than 10%.

Those restrictions are not included in policy WRK2, which simply states that within Protected Employment Areas Use Classes B1, B2 and B8 will be permitted.

Use Class B1 has since been replaced by Class E(g) in September 2021 and at the time of the adoption of the Replacement Pendle Local Plan there was a greater need for B1 office space in

the Borough than there is now, with the changes in the demand for commercial office space since then there is no longer the necessity for this Protected Employment Area to be restricted to B1 only. In terms of the proportions of the uses within the protected employment area, the land has remained undeveloped despite application being granted in the past for its development, taking this into account and the economic benefits of the development a mixed use of Class E(g), B2 and B8 is acceptable.

Class E includes retail and other uses that should be accommodated within a town centre as a first order of priority. Therefore, in order to protect the viability and vitality of town centres, it is necessary to restrict the Class E use to E(g) only.

Therefore this is an acceptable location for the proposed development in accordance with Policies SDP2, SDP4 and WRK2.

Visual Amenity

The proposed design of the buildings are typical of such commercial buildings seen elsewhere. The site is on low lying land sloping down to Pendle Water, it would be largely screened from view from the south and east by existing belts of trees, it would not be prominent in the landscape and where seen with be in the context of the existing commercial development to the south west. Although it would be opposite to the Trough Laithe housing development it would be on lower land and distinctly separate from it. The land is designated for employment use and is of no special landscape or heritage value, taking this into account the proposed development is acceptable in terms of design and visual amenity impacts.

The proposed development is therefore acceptable in terms of visual amenity in accordance with Policies ENV1 and ENV2.

Residential Amenity

The end users and uses of the units are unknown at this stage, following discussions with Environmental Health it has been agreed that before the commencement of the use of each unit that an assessment of the noise impacts of the proposed use are undertaken, and any necessary mitigations put in place before that use commences. This would adequately protect the residents of the existing and approved dwellings nearby from noise impacts.

The scale and proximity of the proposed units to dwellings would not result in any unacceptable overshadowing or overbearing impacts or loss of privacy.

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

Highway Issues

A total of 55 car parking spaces are proposed for the development. The maximum parking requirement for the floorspace proposed is 79 spaces for industrial uses or 18 spaces for storage and distribution use.

The units could be used for either industrial or storage and distribution use, although there would be a shortfall in the level of car parking should all of the units be used for industrial use, it is likely that there will be a mix of uses and taking that into account the proposed level of parking is acceptable.

LCC Highways have requested additional traffic modelling of the Barrowford Road / Riverside Way roundabout taking into account committed developments. This has been submitted and

demonstrates that the development would have a negligible impact on the local highway network. The Framework states that development should only be refused on grounds of residual cumulative impacts on the road network where those impacts are severe, there would not be a severe impact on the local highway network.

A response with final comments and recommended conditions is expected from LCC Highways prior to the Committee meeting.

Concerns have been raised by the Parish Council in relation to impacts of public rights of way, a public right of way does run through the site but would not be obstructed.

Drainage and Flood Risk

A Flood Risk Assessment has been submitted with the application, the Lead Local Flood Authority initially objected as there was inadequate detail in relation to the drainage strategy, those details have now been provided and the Lead Local Flood Authority has withdrawn its objection. The submitted details satisfactorily demonstrate that the development can be acceptably drained and would not result in an unacceptable risk of on or off-site flooding.

Ecology

An ecology survey has been carried out and found that the site has limited ecological value, the development provides an opportunity in its landscaping to create species-rich habitats which will support a greater range of flora and fauna. The report recommends enhancement measures including bat and bird boxes landscaping wood piles and a wildlife pond. With a condition to control those measures the proposed development is acceptable in terms of its impact on ecology.

Conclusion

It is recommended that the approval of the application and any conditions necessary is delegated to the Planning, Economic Development and Regulatory Services Manager subject receipt of recommended conditions from LCC Highways.

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 is acceptable in all relevant regards. 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: Delegate Grant Consent

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2020/31/LP Rev. A, 2020/31/01 Rev. K, 2020/31/02 Rev. B, 2020/31/03

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the external materials of the walls and roof the development, including their colour and finish shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity.

4. There shall be no external storage within the application site unless otherwise approved in writing by the Local Planning Authority. Any external storage thereafter shall at all times be carried out only in strict accordance with the approved details.

Reason: In the interests of visual amenity.

5. The development shall be carried out and operated in strict accordance with the recommendations of the Extended Phase 1 Report dated 16/12/2021. Prior to the commencement of the use of the development a scheme of ecological mitigation and enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance prior to the commencement of the use of the development or an alternative timescale approved as part of the scheme.

Reason: To ensure the protection and enhancement of ecology and protected species habitats.

6. Prior to the commencement of the use of the buildings hereby approved details of any external lighting of the building and site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity, direction and timing of illumination of the lighting and shall include lighting of the diverted public right of way. Any external lighting shall at all times be in strict accordance with the approved details and the diverted public right of way shall be illuminated at all times outside of daylight hours.

Reason: In the interest of residential amenity and to preserve the habitat of protected species.

7. No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:
 - Hours of operation
 - Hours of deliveries
 - Construction site noise and vibration
 - Control of Dust
 - Control of burning on-site

Reason: In the interest of residential amenity.

8. No development shall commence unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of

any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. 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.

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

- 9.** The development hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a.** the exact location and species of all existing trees and other planting to be retained;
 - b.** all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c.** an outline specification for ground preparation;
 - d.** all proposed boundary treatments with supporting elevations and construction details;

e. all proposed hard landscape elements and pavings, including layout, materials and colours;

f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

10. The use of the buildings and land hereby permitted shall be confined to that of Class E(g), B2 and B8 and uses ancillary to those uses only and for no other purpose, including any other use within Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended).

Reason: In order to protect the vitality and viability of town centres.

11. Prior to the commencement of the use of each unit an assessment of indoor and outdoor activity noise and fixed mechanical plant noise following BS 4142:2014 shall have been submitted to and approved in writing by the Local Planning Authority. Any noise attenuation shall be fully installed in accordance with the recommendations of the approved assessment for that unit prior to the commencement of the use of that unit and the unit shall be operated in accordance with the approved assessment at all times thereafter unless an alternative assessment is submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of residential amenity.

12. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment 19th August 2021 / 75182R1 / GeoSmart Information.

The measures shall be fully implemented prior to the first use of the development 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 in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

13. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

The details of the drainage strategy to be submitted for approval shall include, as a minimum;

a) Sustainable drainage calculations for peak flow control and volume control for the:

- i.** 100% (1 in 1-year) annual exceedance probability event;
- ii.** 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep;
- iii.** 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all proposed surface water drainage systems.

b) Final sustainable drainage plans appropriately labelled to include, as a minimum:

- i.** Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
- ii.** Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all proposed surface water drainage systems up to and including the final outfall;
- iii.** Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv.** Drainage plan showing flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v.** Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building and connecting cover levels to confirm minimum 150 mm+ difference for FFL;
- vi.** Details of proposals to collect and mitigate surface water runoff from the development boundary;
- vii.** Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence of a surcharged outfall applied to the sustainable drainage calculations will be required.

d) Evidence of an agreement in principle with the third party landowners and asset owner to connect to the off site surface water body.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

- 14.** No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority.

The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue surface water flood risk on-site or elsewhere during any construction phase.

- 15.** The use the development shall not commence unless and until a Maintenance Manual for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

a) A timetable for its implementation;

b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;

c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;

d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;

e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;

f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and

g) Means of access for maintenance and easements.

Thereafter the drainage system shall be retained, managed, and maintained in accordance with the approved details.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems, and to ensure that the sustainable drainage system is subsequently maintained.

- 16.** The use the development shall not commence unless and until a site-specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references)

of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

Reason: To ensure that surface water flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property, and ecological systems.

17. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

(i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;

(ii) A restricted rate of discharge of surface water agreed with the Local Planning Authority (if it is agreed that infiltration is discounted by the investigations);

(iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;

(iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and

(v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

Notes: The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of the development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Pendle Water is a designated Main River. The proposed drainage strategy drawing referenced Preliminary 21110-PWA-00-XX-DR-C-1001 P01 indicated a new outfall to the river. The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence

- involving quarrying or excavation within 16 metres of any main river, flood defence including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a Permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

Application Ref: 21/0885/FUL

Proposal: Full: Major: Erection of 3 No. Industrial Buildings forming 8 units (3,577sq.m.) (Mixed Use Classes E/B2/B8).

At: Land North East Of Vantage Court, Riverside Way, Barrowford

On behalf of: Barnfield Contractors UK Ltd.

REPORT TO BARROWFORD AND WESTERN PARISHES COMMITTEE ON 3RD AUGUST 2022

Application Ref: 22/0208/FUL

Proposal: Full: Change of use of the ground floor of Unit C from storage to a fitness studio and installation of a glazed screen.

At: Merc Engineering Ltd Unit C, Lower Clough Mill, Pendle Street, Barrowford

On behalf of: Empower HQ Limited

Date Registered: 6th June 2022

Expiry Date: 9th August 2022

Case Officer: Yvonne Smallwood

This application has been brought before Committee due to 3+ objections having been received.

Site Description and Proposal

The site is located within the settlement boundary of Barrowford in a mixed commercial and residential area. The site is within a Flood Zone 3 area.

The proposal seeks to change the use of the ground floor of Unit C from storage (B8) to a fitness studio (E). A retrospective acoustic glazed screen door is proposed to the north-eastern elevation measuring 3.85m in width and 2.3m in height, along with a roller shutter door of similar dimensions.

Relevant Planning History

13/14/0089P - Unit F2 Lower Clough Mill, Full: Change of use from offices (B1A) to dance and fitness studio (D2) – Approved with Conditions, 5th March 2014

13/04/1018P - Change of use to showroom with external alterations. Approved, 09/02/2005.

Consultee Response

Highways LCC

I have viewed the plans and the highway related documents submitted; I have the following comments to make:

Under Pendle Borough Council's adopted car parking and access standards the D2 development should provide 7 parking spaces (based on a ratio of 1 per 22m² for the 134.75 m² site). There is an existing shared car parking facility directly associated with the building which is accessed via the rear of the site.

With reference to the application form submitted:

The first floor of Unit C (fitness studio) is covered by planning permission 13/14/0089P. The proposal is for the same use for the ground floor of Unit C.

Parking: Car parking is a shared facility between all units with circa 75 spaces in total and 30 to 40 spaces generally available during normal day time operation hours.... And 50 to 60 spaces during evening hours. 2

Due to the high demand for car parking on the surrounding highways, more information is needed to show there is enough capacity on the shared facility car park.

Parking: In order to evidence this please provide a car park occupancy survey – this must be undertaken when the demand for the fitness studio is at its greatest ie peak time. The survey must

show the allocated number of spaces for the users of the fitness studio (7 spaces required) and the number of cycle spaces being allocated.

The survey can be map based or photographic and show there is capacity for this proposal.

Usage: Further information is required on the proposed classes – timing and class sizes. There is an objection to the proposal based upon an intensification of use unless the above information provided is satisfactory. The additional off street car parking is required as the nearby residents currently have a high on-street car parking demand. We do not support any displacement of car parking onto the surrounding streets.

(Highways confirmed on 14.07.22 that having monitored the vehicle, cycle and pedestrian movements of the location, they could confirm that the car park had capacity at the times of their visits and therefore they raise no objection to the proposal).

Architectural Liaison

None.

Environment Agency

The proposed development is located within Flood Zone 3 on the Environment Agency's Flood Map for Planning, and as such should be accompanied by a Flood Risk Assessment. The proposed development falls within Flood Zone 3, which is land defined in the planning practice guidance as being at risk of flooding. The change from storage to a gym does not represent an increase in the vulnerability classification.

PBC Engineering

None.

National Grid

None.

Environment Protection Officer -

Their Consultant will agree a set level for the noise/volume at the Fitness Studio.

Barrowford Parish Council –

No Objection in Principle but concerns regarding both Parking and the Proposed Glass Entrance. This application is for a change of use to extend the first floor Fitness Studio into the ground floor effectively doubling the capacity. The Council is not concerned regarding the change of use but would like to see the proposed window and glass door in obscured glass. The Parish Council has grave concerns regarding the fact that no additional off-road parking is included. The application form gives the total off road parking spaces as 75 but is this the total off road parking for the complete Lowerclough Mill, or for sole use of this unit? If the 75 off road spaces is for the whole complex, then the 75 spaces currently in use do not provide adequate provision for Lowerclough Mill with many employee's/users using on street parking particularly along Lowerclough Street which is both narrow and the main arterial route for HGV's accessing the mill. The applicant needs to clarify the parking provision and the spare capacity for additional users of the Fitness Studio before the application is considered for approved.

Public Response

Nearest neighbours notified by letter with 16 responses, summarised below:

Objections -

- Parking issues – parking on double yellow lines, cars parking on the road, parallel parking. Stress and anxiety related to parking.
- Traffic concerns related to safety, HGV manoeuvring space, vehicles speeding, narrow roads.
- Poor visibility due to 90 degree blind bend from Pendle Street and Lower Clough Street.

- Noise concerns – loud music/electronic sounds. Doors and windows are left open without the volume being adjusted accordingly. Garage door placed to comply with acoustic report.
- Resident can hear noise from 6.30am and at 7.30pm and classes throughout the day.
- Car sharing/cycling/walking is an option, but not done in winter months.
- Some vehicles are parked on the street that are neither residents or attending Empower HQ.

Supporting comments –

- Good business concept, health and wellbeing, a sense of community in Lower Clough.
- Easy access to personal and rehabilitation training.
- Good use of space/improvement to appearance of the studio.
- A professionally run business, discussing issues with local residents.

Non-material considerations -

- Noise can be heard from the outdoor football area at college/pitches across the river.
- Some vehicles are parked on the street that are neither residents or attending Empower HQ.
- There are abandoned vehicles on the car park that have not been moved for some time.

Officer Comments

Policy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy WRK1 (Strengthening the Local Economy) sets out that new opportunities for economic development should help to strengthen the local economy. Proposals which facilitate expansion, or support investment will be supported.

Policy WRK6 (Designing Better Places to Work) states that proposals should take account of the general design principles set out in Policy ENV2, it encourages the incorporation of active frontages to promote vitality.

Policy SUP2 (Health and Wellbeing) seeks to support provision for new or improved facilities for health, leisure and social care.

Policy SUP4 (Designing Better Public Places) encourages high quality design in publicly accessible buildings, particularly design elements which make a positive contribution to the local character of the area.

Design and Materials

A retrospective acoustic glazed screen door is proposed to the north-eastern elevation measuring 3.85m in width and 2.3m in height, along with a metal roller shutter door of similar dimensions.

The design and materials are similar to existing. They would not have any adverse impact on the streetscene or the locality and therefore accord with ENV2 and Design Principles SPD.

Amenity

There is an existing fitness studio operating from this location, for which planning permission was granted in 1992. This application seeks to increase the capacity of it by 134.75sqm, which would double the capacity. The additional capacity of the fitness studio would expand a leisure facility that promotes health and wellbeing, therefore this development would accord with Policy SUP2 and Policy WRK1, as it would facilitate expansion and the strengthening of the local economy.

The expansion of the fitness studio would result in an increase in the number of staff and customers, requiring an increased number of car parking spaces required. Policy 31 of the Replacement Pendle Local Plan sets out the parking requirements. Highways LCC have requested additional information. A car parking statement has been provided by the applicant. The findings of the statement show that the car park, even at peak times, has remaining capacity and more so EmpowerHQ does not contribute to any additional on-street car parking. It is noted that the whole of Unit C i.e. the ground floor has been in use, along with the first floor for over 12 months as a dance and fitness studio. Car parking usage is not expected to increase for EmpowerHQ. The peak times for Empower HQ are 6.30am to 7.15am and 5.15pm to 7pm Monday to Friday. There are approximately 45 available car park spaces on Pendle Street Car Park within these times. The off peak classes between 9.30am and 4.30pm are generally quieter with a maximum of 6 car users at any point. As noted previously this would bring the peak time available spaces from 15 down to 9 available spaces even when including the 6 EmpowerHQ car users.

Residential Amenity

The application site, Unit C adjoins to Peter Reeves Ltd., a used car dealer; Merc Aerospace and Simplex Lighting Specialists are within the same block.

The retrospective glazing and doors are to the north-eastern elevation. There are no neighbouring properties that could be directly overlooked and neighbouring amenity would be preserved.

Noise levels within the fitness studio must not result in any unacceptable impact upon neighbouring amenity, particularly at unsociable hours. For this reason an Acoustic Report has been undertaken along with this application to assess the noise. The noise level can be minimised by the proposed acoustic screen. Additionally noise levels can be controlled by condition.

Other issues

Glazing

Barrowford Parish Council suggested that the proposed window and door should be obscure glazed. Having assessed the impact of this application on local amenity, it would not be reasonable to request that the proposed window and door should be glazed with obscure glass, as clear glazing would not result in any unacceptable impact to neighbours. There are businesses opposite the proposed window and door and no residential properties are in alignment with that elevation.

Acoustic Assessment

The acoustic assessment of noise that was undertaken found that the noise impact of the ground floor would be significantly less than the operation of the first-floor of the premises, which is used for similar activities, but has a greater area of windows and a significantly smaller separation distance to the nearest dwellings.

It was considered that the noise impact of 'gym activities' on the ground floor of the unit, should not bar the grant of planning consent for the proposals. The Environment Protection Consultant will agree an appropriate set level for the noise/volume at the Fitness Studio.

Highways

A car parking statement has been submitted relating to the parking and traffic issues. It is the case that the busy times for the fitness studio are mainly earlier or later than the peak times of parking demand for Pendle Street Car Park. There is sufficient capacity to accommodate the number of parking places required for the fitness studio and Highways LCC raise no objection. Therefore the development would accord with Saved Policy 31 Parking Standards.

Public Comments

Objections have been raised relating to parking, traffic issues and road visibility. A car parking statement was undertaken and Highways LCC have assessed the relevant aspects and have raised no objection to the proposal.

Further objections were raised relating to noise. An Acoustic Assessment has been undertaken, finding that the noise impact of the proposed scheme, to use the ground floor as part of the fitness studio, would not result in any greater unacceptable impact than existing and would therefore be acceptable.

Summary

The proposed extension to the existing fitness studio is located within the settlement boundary of Barrowford. It would add to an existing facility, supporting the local economy, health and wellbeing and creating additional provision for people in the area. There is an existing Fitness Studio operating from this premises which was granted permission in 1992. This retrospective application would increase the capacity by using the ground floor as well as the first storey as a Fitness Studio.

The increase in capacity would create a greater parking demand. A car park occupancy survey has been submitted to support this application. Highways LCC raise no objection to the scheme. The extension of the fitness studio would result in a noise increase. An Acoustic Assessment has been submitted by the applicant. An Environmental Health Consultant will agree an appropriate noise level with the Fitness Studio.

Flood Risk Assessment

The application site is within Flood Zone 3 of the Environment Agency Flood Map: land having a 1 in 100 or greater annual probability of flooding.

The development consists of a change of use from storage to fitness studio along with the insertion of glazing and doors to the north-east elevation. The change of use does not increase the risk of flood. Other than the glazing, there is no increased run-off or additional impact on the existing drainage system.

The ground slopes away from the property towards the road. The floor would therefore be 150mm above ground level.

No further flood mitigation measures are deemed necessary, therefore nothing further has been incorporated into the design of the ground floor to Unit C within Clough Mill.

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 housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a

positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

002, 003, Received 26.07.2022

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

2. The premises shall be used as a dance and fitness studio only and for no other purpose including any other purpose in Class E of the Schedule to the Town & Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: As required for the particular case.

Application Ref: 22/0208/FUL

Proposal: Full: Change of use of the ground floor of Unit C from storage to a fitness studio and installation of a glazed screen.

At: Merc Engineering Ltd Unit C, Lower Clough Mill, Pendle Street, Barrowford

On behalf of: Empower HQ Limited