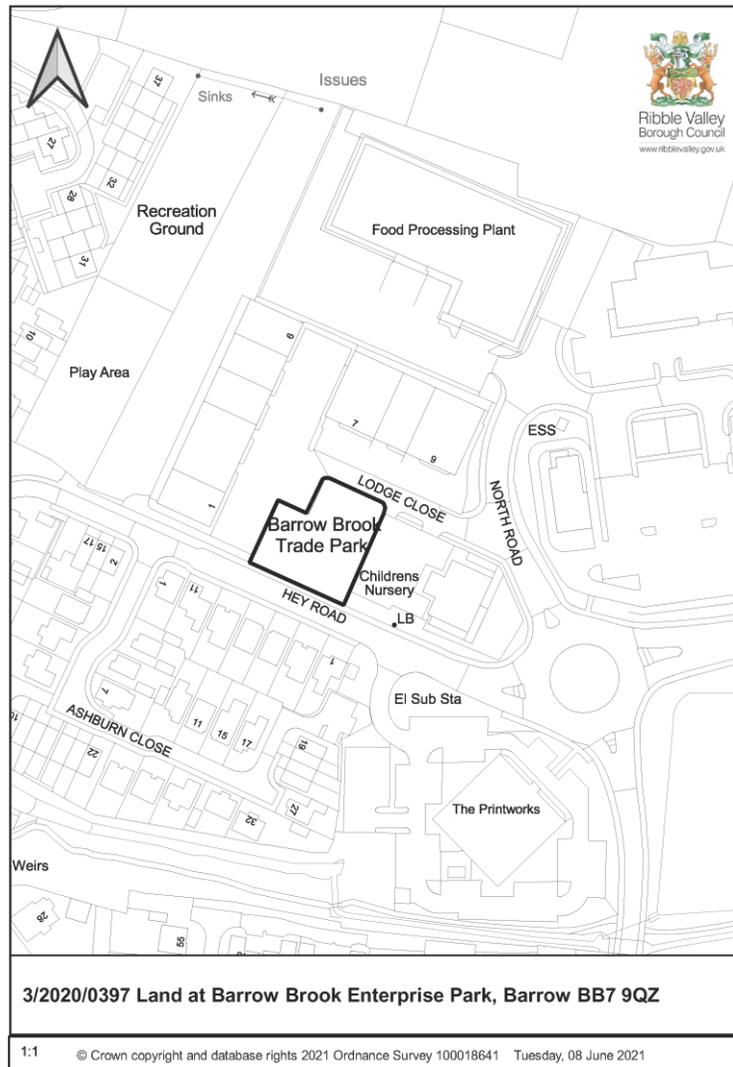


**APPLICATION REF:** 3/2021/0397

**GRID REF:** SD 374112 438276

**DEVELOPMENT DESCRIPTION:**

**PROPOSED NEW LIGHT INDUSTRIAL UNITS/RETAIL TRADE COUNTER AT LAND AT BARROW BROOK ENTERPRISE PARK, BARROW BB7 9QZ**



## **CONSULTEE RESPONSES/ REPRESENTATIONS MADE:**

### **PARISH COUNCIL:**

The Parish Council felt that the documents and details submitted for this application are not easy to read and some of the detail is incorrect or contradictory.

- Question 10 states there are no trees on land adjacent to the development. This is incorrect; two Oak trees exist on the land adjacent.
- Question 12 states no biodiversity and geological conservation This is incorrect - two Oak Trees with Tree Preservation Orders and associated biodiversity exists.
- Position of the proposed units means that it would be directly across a narrow road from a row of residential properties would be too dominant and not match the street scene.
- Errors on the plans.

In conclusion, Barrow Parish Council strongly objects to this application and feels the previous planning permission granted for this site to be developed as a small office building is far more suitable in terms of getting a balance of residential and commercial needs.

### **ENVIRONMENT DIRECTORATE (COUNTY SURVEYOR):**

No objections subject to conditions.

### **LOCAL LEAD FLOOD OFFICER (LLFA):**

No comment.

### **ADDITIONAL REPRESENTATIONS:**

A total of 9 objection letters have been received and raise the following concerns:

- Noise throughout the night from extractor fans/generators from existing units at the site. The proposed units are a lot closer – no such units should be permitted on these units;
- Fence and landscaping should be placed between residential and industrial uses;
- Employees and customers park on Hey Road;
- Lack of parking at present, Hey Road is already used as overflow
- Noise from delivery wagons;
- Opening times are unacceptable;
- Building footprint has increased compared with previously approved office building;
- Trees taken down along Hey Road despite having protection order;
- External cladding should be replaced with brickwork at ground floor on Hey Road elevation;
- Height and length of units would dominate Hey Road;
- Development would seriously impact on quality of life for Hey Road residents;
- The building would block views from Hey Road;
- Roller shutter door should be reorientated;

Clitheroe Chamber of Trade also objects to the application stating:

Barrow Brook is designated a Strategic Employment Site. However, if permission is given for a Trade Counter then it is obvious from previous examples that the bulk of the sales at each site more closely represents retail usage, not Strategic Employment. There have been previous planning permissions granted at Barrow Brook for Industrial use and during construction the developer has sought to change their classification to enable wider use, which has resulted in the loss of a key site for High Tech/High value employment. This proposal will erode the availability for Barrow Brook to be utilised as envisaged in the Core Strategy 2014 Key Statement DS1.

While, as a Chamber, we look to support all businesses, new and established, after careful consideration the impact of the proposed venture would be too great on the existing businesses within Clitheroe and the surrounding area without sufficient evidence of any benefits whatsoever. With reference to the position of Clitheroe Chamber I would also like to draw your attention to the earlier applications for the proposed site (namely planning application 3/2016/0848) at which time we observed, amongst other items regarding that particular proposal, that (point 6) 'In time if this proposal for retail planning is granted then a retail park could be proposed for the fields adjacent to Barrow Brook which would have a massive negative impact on Clitheroe and Whalley town centres.' We were, at the time, encouraged to note that in the subsequent decision document there was agreement with our assessment noting (point 22) that [with regards the A3 status] '... as any other retail uses may not be considered acceptable due to the impact upon the vitality and viability of the Clitheroe Town Centre in accordance with Key Statements DS2 and EC2 of the Ribble Valley Core Strategy...'

For the above reasons we must object to this application.

## 1. **Site Description and Surrounding Area**

- 1.1 The application relates to an undeveloped plot of Barrow Brook Enterprise Site which is located at the eastern side of the village of Barrow. Barrow Enterprise Site is identified in the Core Strategy as a main strategic location for employment development and the site is identified as a Committed Employment Site on the Proposals Map.
- 1.2 The existing complex of industrial buildings at the site includes nine light industrial buildings, some of which have been granted consent for alternative uses, and a children's nursery.
- 1.3 The undeveloped plot to which this application relates lies adjacent to Hey Road with vehicular access taken via the existing shared entrance constructed as part of previous phases of development. To the south on the south side of Hey Road are residential properties which directly face the industrial estate.

## 2. **Proposed Development for which consent is sought**

- 2.1 The application seeks permission for the erection of two new units (within use class E) with associated parking. The proposed units would each provide 210 sq.m of floor space comprising open plan space with associated kitchen, toilets and trade counter. The proposed building would measure 26.5 metres by 16.5 metres and would have a ridge height of 7.6 metres.
- 2.2 The applicant has confirmed that use of both units would be for a bulky goods retail use, specifically a pet food wholesaler that already occupies one of the existing units within

the estate. It is the intention that the internal dividing wall between the two units would not be implemented initially as the proposed occupier would use the building as a single unit. However, two shutter doors would be provided and the building could be split into two smaller units in the future if required. Sale of goods associated with the use would be solely restricted to that of bulky pet food and animal feeds with the scale of the goods sold being commonly packaged and sold as 12-20kg bags.

- 2.3 In terms of the opening hours, these are proposed to be Monday to Friday - 08:00 to 19:00 hours; Saturday - 08:00 to 16:00 hours; and 10:00 to 16:00 on Sundays and Bank Holidays.
- 2.4 Externally the buildings would be clad with red brickwork at low level with external wall cladding above. There would be a one roller shutter door on both the north and west elevations. Accommodated within the site would be 17 car parking spaces.
- 2.5 It should be noted that consent was approved by the Planning and Development Committee in May 2019 for the erection of a two-storey office building at the site. Planning permission for the approved development remains extant.

### 3. **Relevant Planning History**

3/2019/0304 - Proposed new office development. Approved with conditions.

3/2016/1168 - Proposed nursery building. Approved with conditions

3/2016/1033 - Construction of 9 light industrial units (Use Class B1) with associated parking and landscaping. Approved with conditions.

3/2007/1065 - Unit No. 1 office complex - plans and elevations as a revision to the reserved matters approval 3/2002/0878. Approved with conditions.

### 4. **Relevant Policies**

Ribble Valley Core Strategy:

Key Statement DS1 – Development Strategy

Key Statement DS2 – Sustainable Development

Key Statement EC1 – Business and Employment Development

Key Statement EC2 – Development of Retail, Shops and Community Facilities and Services

Key Statement DMI2 – Transport Considerations

Policy DMG1 – General Considerations

Policy DMG3 – Transport and Mobility

Policy DME1 – Protecting Trees and Woodlands

Policy DMB1 – Supporting Business Growth and the Local Economy

National Planning Policy Framework

### 5. **Assessment of Proposed Development**

#### 5.1 **Principle of Development:**

- 5.1.1 The Ribble Valley Core Strategy highlights the limited number of employment opportunities available in the Borough, which results in a high level of daily out commuting to access employment opportunities. Key Statement EC1 'Business and Employment Development' directs employment development towards the main settlements of Clitheroe, Whalley and Longridge as preferred locations to accommodate growth together with land at Barrow Enterprise Site, the Lancashire Enterprise Zone at Samlesbury and locations well related to the A59 corridor.
- 5.1.2 Key Statement DS1 of the Core Strategy for Ribble Valley establishes the Barrow Enterprise Site as a main strategic location for future employment development. Development Management Policy DMB1 'Supporting Business Growth and the Local Economy' supports the principle of economic development in this location. The proposal is for a bulky goods retailer to operate from the units. Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations (with preference for accessible sites which are well connected to the town centre). Main town centres uses are defined in the NPPF as:
- Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).*
- 5.1.3 The proposed use would therefore fall to be considered a 'town centre use'. The applicant has provided a sequential test demonstrating that there are no suitable, viable and available sites within the BB7 postcode area (including Clitheroe, Whalley and Barrow) that could accommodate the applicant's business and the sequential test has been satisfied.
- 5.1.4 Policy DMB1 of the Core Strategy seeks to protect existing employment sites or sites with employment generating potential and states that proposals for the development, redevelopment or change of use of sites to alternative uses will be assessed with regard to *'the economic and social impact caused by the loss of employment opportunities to the borough'* and *'any attempts that have been made to secure an alternative employment generating use for the site (must be supported by evidence (such as property agents details including periods of marketing and response) that the property/ business has been marketed for business use for a minimum period of six months or information that demonstrates to the council's satisfaction that the current use is not viable for employment purposes.)'*
- 5.1.5 The site has not been actively marketed as there are no units on site at present. Generally there would be a requirement to demonstrate that marketing of the land for traditional employment uses (office, industrial and warehouse/storage)

has been carried out. However, in this particular case the intended end-user has been identified, is presently operating from a different unit at the same site and is seeking to expand their existing business. Enabling the business to move to a larger unit would safeguard the future of the enterprise in the Ribble Valley which contributes to the local economy and job creation, and would allow the vacated unit to be occupied by another appropriate small business.

5.1.6 It is considered that the proposed use in this location would not be unduly harmful to the viability and vitality of local town centres due to the nature of the business and, whilst the proposed use is not a traditional employment use, it would nonetheless retain and generate jobs. It is therefore considered that the proposals, taking into account all material considerations, would generally accord with the relevant planning policies, supporting the economic aims of the Council towards promoting local employment opportunities.

5.1.7 Should consent be granted, the use of the unit would be restricted to the sale of 'bulky' animal feeds and bedding only consisting of animal feed and bedding that is packaged and sold in a manner that weighs no less than 12kg per singular item purchase.

## 5.2 Design and Visual Appearance:

5.2.1 The proposed building seeks to reflect the design and appearance of existing industrial buildings within the estate including with use of matching materials. It is acknowledged however that the rear (south) elevation would directly face Hey Road and would therefore be a prominent addition.

5.2.2 As submitted the proportion of cladding on external elevations exceeded that used on the existing units, which have a low plinth of red brick up to ground floor ceiling height. It is considered that this aids in breaking up the building elevations and result in a more pleasant visual appearance. Accordingly, on request the applicant has amended the proposals such that the extent of brickwork would match the existing units. Along the south of the site facing Hey Road a new hedgerow would be planted behind green palisade fencing to match existing boundary treatments.

5.2.3 It is considered that the amended proposals would ensure an acceptable visual appearance and would aid in softening of the southern elevation as seen from Hey Road.

## 5.3 Impact on the amenity of the area:

5.3.1 Policy DMG1 of the Core Strategy states that development must not adversely affect the amenities of the surrounding area. There are residential properties in close proximity to the proposed units, namely those facing the site on the south side of Hey Road.

5.3.2 The original grant of consent for the adjacent light industrial units and children's nursery were subject to a number of conditions seeking to control noise to protect the amenity of nearby residential properties.

- 5.3.3 The proposed building itself would be approximately 24 metres from the nearest residential properties. Access to the unit would be from an internal estate road. Concern has been expressed about the massing and height of the building. It should be noted that there is an extant consent for a similar office building of up 8.3 metres. Nonetheless, a separation distance of 24 metres is considered sufficient to avoid any undue loss of light and privacy to facing habitable room windows of residential property.
- 5.3.4 Many of the concerns from local residents relate to noise and disturbance issues. The issues of noise and disturbance need to be considered against the context of the adjacent uses within an established employment area. Furthermore, the proposed use of the building would be restricted to uses under Class E (a) of the Town and Country Planning (Use Classes) Order 1987 (as amended) which can be carried out in any residential area without detriment to the amenity of that area. Therefore it is not considered that the uses for which consent is sought would result in unacceptable levels of noise or disturbance at the nearest noise sensitive premises subject to the imposition of appropriate planning conditions.
- 5.3.5 Use of the units and deliveries, collections or servicing of the premises would be restricted by condition to 08:00 - 19:00 Monday to Friday, 08:00 - 16:00 Saturday and 10:00 - 16:00 on Sunday/Bank Holidays. There would be a conditional requirement to provide details of any external plant and equipment to be installed at the units and evidence provided to demonstrate that the rating levels for cumulative noise does not exceed the existing background noise level (LA90) at the external façade of any noise sensitive premises.
- 5.3.6 Therefore, subject to further planning conditions, the proposals would not harm the residential amenity of occupants.

#### 5.4 Highway Safety and Parking:

- 5.4.1 The County Highways Officer is satisfied that the proposed car parking layout provides the requisite on-site parking for the intended use and also includes sufficient areas within the site for vehicles to serve the units and turn and manoeuvre within the site.

#### 5.5 Other Considerations:

- 5.6 There are protected trees along the boundary of the site with Hey Road. The proposed building is located outside of root protection areas and the trees would be required to be protected in accordance with BS5837:2012 [Trees in Relation to Demolition, Design & Construction] throughout the construction process.
- 5.7 The Lead Local Flood Authority and United Utilities have raised no concerns in relation to the proposed drainage design.

#### 6. Conclusion:

- 6.1 In conclusion, the proposed development would result in the creation and safeguarding of employment opportunities and would support the strategic objectives of the Adopted Core Strategy.

- 6.2 The application site bounds existing employment and commercial uses as well as residential properties. Whilst it is located adjacent to residential development, the proposals would not result in any unacceptable harm to the residential amenities of the occupants of nearby dwellings.
- 6.3 The proposal would contribute to the provision of local employment opportunities for the area and would support the economic aims of the Council towards promoting local employment opportunities.

**RECOMMENDATION:** That the application be APPROVED subject to the following conditions:

## **CONDITIONS**

### *Time limit, plans and details*

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan (BS.18-040(B)/01 Rev.A (amended 22.06.2021)  
Existing Site Plan (BS.18-040(B)/02 Rev. B (amended 22.06.2021)  
Proposed Site Plan (BS.18-040(B)/03 Rev. A (amended 21.06.2021)  
Proposed Floor Plan & Elevations (BS.18-040(B)/04 Rev. B (amended 04.06.2021)  
Landscaping Plan (BS.18-040(B)/06 Rev. B (amended 21.06.2021)

REASON: For the avoidance of doubt and to clarify which plans are relevant to the consent.

3. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (as amended or re-enacted) the building to which the application relates shall only be used for the purposes of retail sales (E(a)) and for no other purpose, including any other purpose within Use Class (E(a)).

REASON: For the avoidance of doubt, to clarify the nature of the consent hereby approved and to ensure that the development remains compatible with the character of the area

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended or re-enacted) and the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016 (as amended or re-enacted), the Class (E(a)) (retail) use hereby approved

shall be for the sale of 'bulky' animal feeds and bedding and no other goods shall be sold from the premises. For the avoidance of doubt such goods shall consist of animal feed and bedding that is packaged and sold in a manner that weighs no less than 12kg per singular item purchase.

REASON: For the avoidance of doubt, to clarify the nature of the consent hereby approved and to ensure that the use hereby approved does not undermine the viability or vitality of nearby/adjacent main shopping areas or retail centres.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any subsequent enactment or re-enactment thereto, no enlargements, improvements or other alterations (including the insertion of a mezzanine floor) shall be undertaken to the buildings without express planning permission first being obtained.

REASON: To ensure a balance is maintained between floor space and car parking and that the site is capable of accommodating the proposed building.

6. The external facing materials, detailed on the approved plans, shall be used and no others substituted.

REASON: To ensure that the materials used are visually appropriate to the locality.

#### *Landscaping and trees*

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the earlier, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: In the interest of the appearance of the locality.

8. Prior to commencement of any site works including delivery of building materials and excavations for foundations or services all trees within Tree Preservation Order No.7/19/3/199 (2016) shall be protected in accordance with the BS5837:2012 [Trees in Relation to Demolition, Design & Construction].

The protection zone must cover the entire branch spread of the trees, [the area of the root soil environment from the trunk to the edge of the branch spread] and shall remain in place until all building work has been completed and all excess materials have been removed from site including soil/spoil and rubble.

During the building works no excavations or changes in ground levels shall take place and no building materials/spoil/soil/rubble shall be stored or redistributed within the protection/exclusion zone. In addition no impermeable surfacing shall be constructed within the protection zone.

REASON: In order to ensure that any trees affected by development and considered to be of visual, historic or botanical value are afforded maximum physical protection from the potential adverse effects of development.

### *Residential Amenity*

9. The development hereby permitted shall be designed so that the rating levels for cumulative noise from external plant and equipment shall not exceed the existing background noise level (LA90) at the external façade of any noise sensitive premises, as assessed in accordance with British Standard 4142(2014) or any subsequent replacement national standards.

Details of any extract vents, means of extract, air conditioning, ventilation or any other associated externally mounted/ located plant shall have been submitted to and approved in writing by the local planning authority prior to their use within the development.

REASON: To ensure that the development hereby permitted is not detrimental to the amenity of the surrounding area by reason of undue noise emission and/or unacceptable disturbance.

10. Notwithstanding the submitted details, the development hereby approved shall only operate (including use of plant/machinery) within the following hours:

Monday to Friday - 08:00 to 19:00 hours;  
Saturday - 08:00 to 16:00 hours;  
Sunday/Bank Holidays - 10:00 to 1600 hours

REASON: In the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

11. Notwithstanding the submitted details, the development hereby approved shall have no deliveries, collections or servicing undertaken outside of the following hours: Monday to Friday - 08:00 to 19:00 hours; Saturday - 08:00 to 13:00 hours; Not on Sunday/Bank Holidays.

REASON: In the interests of the general amenity of the area and to safeguard, where appropriate, neighbouring residential amenity.

12. There shall be no movements of HGV's or forklift trucks, used in connection with the use hereby approved, within the open areas of the site other than between 09:00-18:00 Monday to Friday, between 09:00-13:00 Saturday and not at all on Sundays and bank Holidays.

Reason: To protect the residential amenities of the occupiers of neighbouring/nearby properties.

13. Notwithstanding the submitted details, during the period of construction, no construction work, construction traffic or operation of any plant/machinery shall take place on the site during the course of the development hereby approved except between the hours of 08:00 and 18:00 Monday to Friday and 09:00 and 13:00 on Saturday. No construction

work, construction traffic or operation of any plant/machinery shall take place on Sundays or Public Holidays.

REASON: In order to protect the amenities of existing residents.

14. The permitted use shall not take place other than within those buildings identified for the permitted use on the approved plans.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity and in the interests of the amenities of nearby residents.

15. No goods, plant or materials shall be deposited or stored on the site other than in the buildings shown on the approved plans.

REASON: To ensure a satisfactory appearance of the site in the interests of local visual amenity and in the interests of the amenities of nearby residents.

16. No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site.

The external lighting shall be installed precisely in accordance with the approved details and thereby retained as such unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to minimise the possibility of inconvenience to nearby residents.

### *Highways*

17. The Construction Method Statement/ Traffic Management Plan that was submitted with the application shall be strictly adhered to throughout the duration of the construction period of the development.

REASON: To minimise the impact of construction on existing residents in the vicinity of the site.

18. The parking and associated manoeuvring facilities shown on the plans hereby approved shall be surfaced or paved, drained and marked out and made available in accordance with the approved plan prior to the occupation of any of the buildings; such parking facilities shall thereafter be permanently retained for that purpose (notwithstanding the Town and Country Planning (General Permitted Development) Order 2015).

REASON: In the interests of visual amenity and to facilitate adequate vehicle parking and/or turning facilities to serve the site.

19. Before the development hereby permitted is first occupied, provision for cycle parking, in accordance with details first agreed in writing with the Local Planning Authority, shall have been provided in all respects and made available for use, and shall thereafter be retained.

REASON: To ensure adequate on site provision for cycle parking.

## *Drainage*

20. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Proposed Site Drainage, Rev -, Dated - which was prepared by Partington & Associates Limited. For the avoidance of doubt, surface water must drain at the restricted rate of 5 l/s. No surface water will be permitted to drain directly or indirectly into the public sewer. The development shall be completed in accordance with the approved details.

REASON: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

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

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

## BACKGROUND PAPERS

[https://www.ribblevalley.gov.uk/site/scripts/planx\\_details.php?appNumber=3%2F2021%2F0397](https://www.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2021%2F0397)