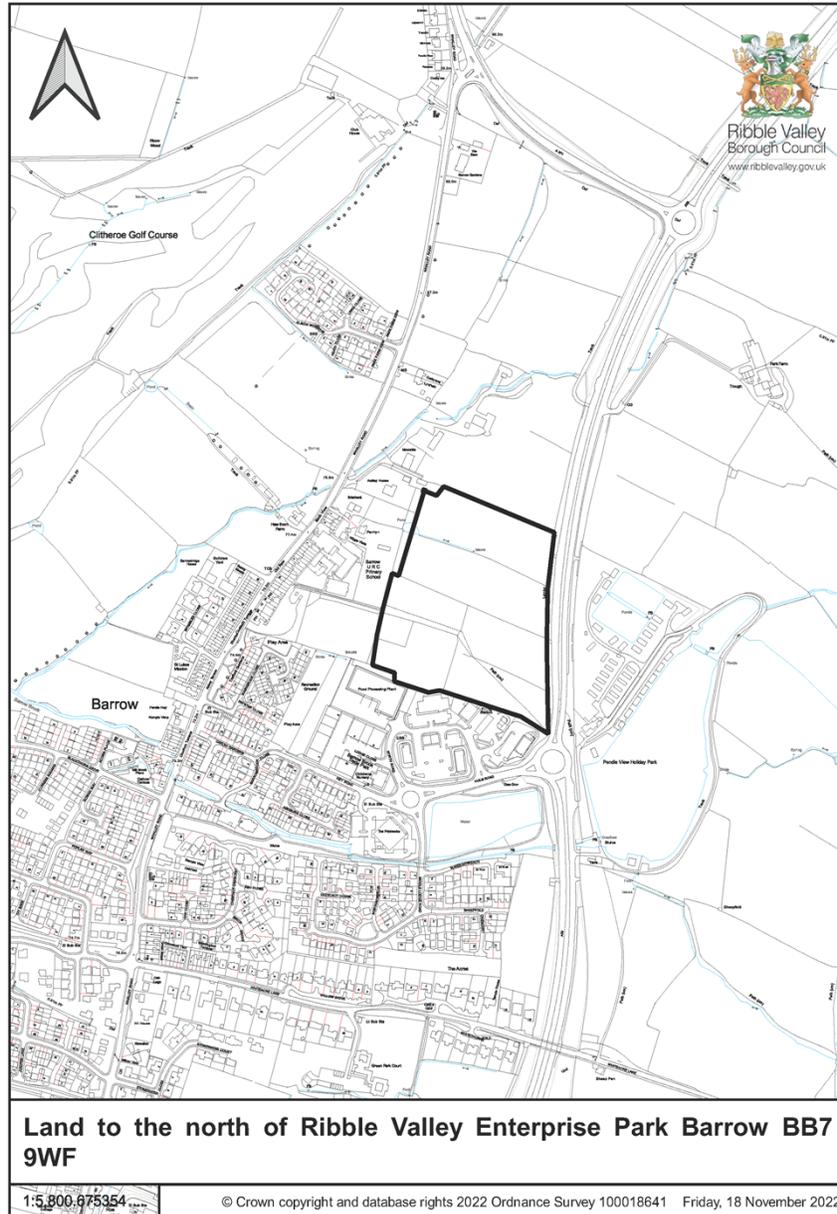


APPLICATION REF: 3/2022/0781

DEVELOPMENT DESCRIPTION:

OUTLINE APPLICATION FOR THE DEVELOPMENT OF LAND NORTH OF RIBBLE VALLEY ENTERPRISE PARK TO PROVIDE UP TO 23,959 SQ M OF NEW COMMERCIAL/EMPLOYMENT FLOORSPACE. REQUESTING CONSIDERATION OF ACCESS WITH ALL OTHER MATTERS RESERVED.



CONSULTEE RESPONSES/ REPRESENTATIONS MADE:

PARISH COUNCIL:

1. In line with the proposed local plan, the Council feel that a school drop off point should be included within the site, to enable children to be delivered from the A59.

2. This should be the final extent of the land developed at Barrow Brook and the settlement boundary clearly defined as proposed in the local plan.
3. Barrow Primary has very limited outdoor space, hence building up to the rear of the school limits any future expansion. The Council tried to contact the head before the summer break to raise this with LCC.
4. Future employees commuting to the site via public transport are likely to have to use the public footpath directly next to the school entrance, both front and rear. This needs to be considered regarding a safeguarding point of view.
5. This latest proposal covers a much larger area of land than the previous p/a did. This larger commercial development if allowed, would be good news for local people as many new jobs would be created.
6. As the land is currently classified for Agricultural use, a land classification change would be required.
7. This new proposal would incorporate a new roundabout being built on the A59 for vehicular access to the site. For obvious reasons, there should be no other vehicular access to or from the site except from the A59.
8. The Council note a planned green buffer is to be installed to the west of the site along the rear boundary of the planned, future, small housing development. This buffer should be extended along the full length of the western edge of the site boundary, to act as a landscaping feature and to help diffuse any working noise from the commercial development, for nearby residents.
9. Any trees or hedging on the site, should be retained where possible.
10. The Council note the Public Right of Way is to be moved and a Diversion order will need to be obtained from LCC. This PRW crosses the A59 to the Pendle View Holiday Park to join up with the PRW on that side of the A59. LCC has been looking for a pedestrian crossing solution for the A59 to facilitate the need of people staying on the holiday Park wanting to visit Barrow Brook. LCC should also consider Rambler's/Walkers using the PRW network across the A59. Perhaps some type of pedestrian road bridge should be considered, with monies from the Developer towards the cost.
11. The report also states a pedestrian path should be available to the site for village residents. Perhaps a section of the PRW mentioned above which runs adjacent to the side of the school and onto the site could be used for this. Also, another path from the Barrow Brook side might be an advantage for residents to access the proposed site. It could also be an advantage for people traveling to work by bus on the site. The smaller buses no's 5, 5a, 25, 64 and 15, all stop at Barrow Brook on a regular basis.
12. The Council has noted certain comments in the FRA and Drainage outline Strategy Report. The composition of the site land soils on the proposed site, are made up of different types of clay and are not free draining. This has always been obvious to residents who have lived in Barrow for some time. There are many underground springs on the site and during heavy, continuing, rain, the land area floods and sometimes causes intense surface water run-off from behind the village car park. Hopefully, the various systems which could be used and are mentioned in the report are decided on and agreed by the relevant Authority, they will be able to control & prevent this happening.
13. The Council noted in the Report that sewage and foul water from the site will go into the old village combined system. Some of these pipes are very old and some possibly Victorian. Due to this proposed site being so large, the Council have concerns as to whether the old system can take the extra capacity and any plans in this respect, should be thoroughly checked by the relevant Authority.

LCC HIGHWAYS:

No objection to the proposal subject to conditions and contributions

UNITED UTILITIES:

Have reviewed the submitted Flood Risk Assessment & Outline Drainage Strategy (ref: PGC 268, Issue 4 Final dated 9/8/2022) proposing surface water discharging into watercourse

The proposals are acceptable in principle to United Utilities. However, they do not have sufficient information on the detail of the drainage design, as such conditions are recommended in this regard.

LCC LEAD LOCAL FLOOD AUTHORITY:

No objection subject to conditions

LCC ARCHAEOLOGY:

The area has some potential for unknown archaeological features or deposits to survive, this being based on increasing experience of discoveries of archaeological evidence for human activity on areas of large scale developments across the county.

It is advised that the area should be subject to an archaeological geophysical survey to detect anomalies that may indicate the presence of archaeological features or deposits, followed by a programme of evaluation trenching to investigate any such anomalies to identify the presence, extent, nature and date of any archaeological features or deposits.

Ideally this investigation would be carried out prior to determination so that the mitigation of the impact of the development on any features found can be factored into the development process.

ADDITIONAL REPRESENTATIONS:

PWA Planning have been retained by residents of Whalley Road to make representations on the proposals. Their initial comments are as follows:

- As submitted the application is deficient as several important technical reports have not been provided as follows:
 - Air quality assessment
 - Noise survey and assessment
 - Lighting impact statement
 - Biodiversity net gain calculation
 - Landscape and visual assessment
- An appropriate parameters plan directed by the above assessments is required.
- The sensitive receptors do not appear to have been considered as part of the proposals
- We have commissioned various technical assessments to indicate the true constraints of the site.

This was followed up by more detailed comments summarised below:

- At present the residents are alarmed by the application failing to be supported by appropriate technical reports that demonstrate the proposed quantum of development is achievable.
- The indicative layout plan- development in this form would be far too intensive, given that this space also needs to provide adequate landscape buffers, mitigation against noise, SuDs drainage, open space for the general amenity of staff, and Biodiversity Net-Gain (to a minimum of 10% as per the Environment Act).
- Errors have been identified within the proposed Constraints Plan and supporting reports, which have in turn influenced the proposed Parameters Plan.

- The parameters plan provides little relevant detail against which any future reserved matters application can reasonably be determined.
- The residents have commissioned their own “Parameters Plan”, which they feel represents a much more considered review and framework for future development, which is what a meaningful parameters plan ought to provide.
- It is expected that the Council will request that the applicant undertake appropriate detailed technical assessments which demonstrate proper consideration of issues such as drainage / ecology / visual impact / noise / lighting / air quality and general amenity, amongst other issues and that the parameters plan and indicative layout are adjusted to respond to these crucial issues.
- The initial assessments undertaken on behalf of the residents highlight the following matters.
 - 1) Drainage- the submitted Site Analysis Plan (ref.R1.BBBP.SAP.O1) does not show any level information, based on the topographical survey. There is an approximate 9m fall across the site (east to west) and this has not been reflected in the design information provided, i.e., there are no retaining walls, or clear steps within the proposed units shown. As such the current proposed parameters plan has inadequate storage for surface water run-off, which could then lead to potential future flooding.

Whilst the proposed Indicative Plan does include two SUDS areas, the Drainage Supporting Note confirms that the location of these will be ineffective.

The supporting report inaccurately states that there are ‘no watercourses within the site that need maintaining’- there are in fact existing drainage ditches within the site,

The present Parameters Plan would require consent from the LLFA for the removal or diversion of these features.

The Flood Risk and Drainage Assessment provides insufficient and inaccurate information to support an application of this scale.

- 2) Loss of Amenity- The proposed development has the potential to adversely affect the amenities of the area through the generation of excess noise, air pollution, light and dust during both construction and operational use of the site
- 3) Air Quality- Despite the scale of the proposed development, no air quality assessment has been undertaken by the applicants.

The proposed impacts upon the air quality should be a key consideration given the proximity to not only the proposed and existing dwellings but also Barrow Primary School.

The proposed buffer is very limited and does not continue along the western boundary where the school and existing dwellings exist and it could be construed that the intention is to construct buildings right up to the boundary with these sensitive existing uses.

- 4) Noise- The application is also absent an acoustic assessment. The residents are therefore very concerned that the proposals have the potential to generate significant and unreasonable noise and disturbance

An Acoustics Appraisal Briefing Note has been provided which identifies how the current design would result in a direct adverse impact to neighbouring properties due to noise from car parking, deliveries, and general use. It goes on to provide guidance on how the layout and design should be improved to ensure suitable separation distances, enabling

the use and design of the buildings to act as a sound barrier to any internal or external activities on the site.

The note also identifies the lack of details relating to the proposed lighting, that would significantly impact nearby amenities. Consequently, it is considered that the LPA should also request an appraisal of lighting impacts.

- 5) Biodiversity-The Environment Act 2021 introduced a new mandatory requirement for developments that result in loss or degradation of habitat to provide at least a 10% biodiversity net gain, which should ideally be made on-site.

Residents commissioned Envirotech to prepare a Briefing Note based upon the proposed plans and submitted ecology reports. The Briefing Note confirms that having calculated the baseline BNG score, the design will fail to achieve a Biodiversity Net Gain.

Based on the above, it is strongly recommended that the indicative layout and quantum of development is significantly reviewed as this would be unachievable whilst ensuring that the biodiversity obligations are met.

- 6) Visual Impacts- nearby applications and appeals have been refused by the Local Planning Authority based on the visual impact and views from Pendle Hill.

Whilst the land is allocated for employment uses within the Development Plan, the scale of development and type of buildings is such that it is likely to impact on views into the Ribble Valley and towards Longridge Fell, from Pendle Hill, which is part of the Forest of Bowland AONB.

It is important that the planning application is also subject to a detailed Landscape and Visual Appraisal, which in turn can inform the preparation of a Landscape Masterplan to demonstrate how harms will be mitigated.

It is also highly recommended that a greater landscape buffer is included to protect residential amenities along the western boundary.

- 7) Alternative Parameters Plan- An experienced masterplan architect has also been commissioned by the residents to consider the expert technical advice and to prepare a more appropriate and considered parameters plan.

- 8) Conclusion- It is therefore requested that the local planning authority either
 - Request that the applicant provide the level of supporting technical and associated information which would be expected of a major application of this scale, related to the flagship employment site in the District and one which is in a sensitive and highly prominent location.
 - Further request that the applicant provide suitable parameters and indicative layout plans which assimilate the site constraints and technical challenges and provide a level of detail which can form part of the approval process and hence can guide and manage future reserved matters applications for the site. The information should show how the scheme can balance economic, social and environmental priorities; achieving a development that is worthy of this particular sensitive location.
 - Allow the residents and other stakeholders to review and further comment on the additional information before arriving at a decision on the application.
 - In the event that the applicant refuses to provide, or the Council does not consider it appropriate, to seek this additional information and the application is to be

determined in its present form, then the residents would urge the Council to reject the planning application given the multiple development plan policy conflicts which are generated.

Three letters of objection have been received setting out the following points:

- Concerned this will become a retail park- impact on Clitheroe and Whalley
- Another roundabout will lead to vehicles queuing which could be avoided if the existing access through Barrowbrook was used
- A new roundabout will lead to months of disruption and severely impact on the environment
- Increase in traffic
- Utilisation of the existing access would enable phased development of the land so that development would service proven need for commercial property in the area.
- Concerned about the impact of the development on the living amenities of the

Clitheroe Chamber of Trade and Commerce have made the following comments

- In the Design and Access statement the developer admits that the plan is for representation only and that when detail planning is applied for the design might change and presumably that includes changing the units to retail, as already is the case at the neighbouring Barrowbrook site, where numerous industrial units have been granted retail planning permissions.
- Clitheroe Chamber of Trade and Commerce is not against units that will provide employment, but that's what Barrowbrook was supposed to be for, and therefore, IF outline permission is given for this new site a covenant should be attached to the planning that the whole site, or any part of it, can NEVER be used for retail use. This would prevent the loss of valuable land for employment use and protect the area available for employment use.
- The roundabout placed just 200m from the existing roundabout at Barrowbrook will lead to North bound tailbacks blocking the roundabout to the South at the entrance to Barrowbrook - especially at peak times. This will lead to an increase in vehicle pollution as they queue and therefore, to an increase in airborne particulates, reducing air quality for the area.

1. **Site Description and Surrounding Area**

- 1.1 The planning application is submitted in outline and relates to a parcel of land immediately to the west of the A59 and north of Barrow Brook Business Park. The site is identified as a strategic employment site in the Ribble Valley Core Strategy as denoted on the Proposals Map and lies within the defined settlement of Barrow.
- 1.2 The site is bound to the west by Barrow Primary School, residential dwellings and land with extant planning consent for the development of 23 dwellings (3/2018/1149). A public footpath crosses the site from the south-east corner and crossing to leave the site at its western boundary.
- 1.3 The land is used presently as grazing land. The site contains a number of hedgerows and scattered trees.

2. Proposed Development for which consent is sought

- 2.1 The application is submitted in outline with all matters reserved except for access. The application proposes the erection of new employment/industrial units providing up to 23,959sqm of floor space.
- 2.2 The application proposes to provide a new roundabout junction into the site directly from the A59. An indicative layout has been provided to seeking to indicate that the maximum amount of development proposed can be accommodated. The layout shows a mix of units. A parameters plan indicates new boundary planting along the southern and western boundary and diversion of the public right of way that passes through the site.

3. Relevant Planning History

3/2021/0759- Outline application for the development of land north of Ribble Valley Enterprise Park to provide up to 9.913 sq m of new commercial/employment floorspace (Use Class E) Requesting consideration of access with all other matters reserved. Pending consideration

3/2014/0846 - Outline planning application with all matters reserved for the erection of 167 residential dwellings with access and associated landscaping following demolition of no 23 and 25 Old Row. Refused. Appeal Dismissed.

3/2012/0739 - Outline planning application with all matters reserved for up 13,000 sq.m of mixed-use Class B1m B2 and B8 employment floorspace with access and assorted landscaping. Approved with Conditions.

4. Relevant Policies

Key Statement DS1 – Development Strategy
Key Statement DS2 – Sustainable Development
Key Statement EC1 – Business and Employment Development
Key Statement DMI2 – Transport Considerations
Policy DMG1 – General Considerations
Policy DMG2 – Strategic Considerations
Policy DMG3 – Transport and Mobility
Policy DME1 – Protecting Trees and Woodland
Policy DME3 – Site and Species Protection and Conservation
Policy DME6 – Water Management
Policy DMB1 – Supporting Business Growth and the Local Economy
Policy DMB5 – Footpaths and Bridleways and Conservation
Policy DMB1 – Supporting Business Growth and the Local Economy

National Planning Policy Framework (NPPF)

5. Assessment of Proposed Development

Principle of Development:

- 5.1 The site sits within Barrow Enterprise Site which is designated for strategic employment opportunities within the adopted Core Strategy (Key Statement DS1). As such developing this site for employment uses as proposed accords with the development strategy for the Borough set out within Key Statement DS1 and Policy DMG2 of the Core Strategy.

5.2 Policy DMB1 of the Core Strategy confirms that proposals that are intended to support business growth and the local economy will be supported in principle. As such the proposed development is acceptable in principle subject to other considerations set out within the Core Strategy.

Impact upon Residential Amenity:

5.3 There are a number of existing residential neighbours along Whalley Road, along with a primary school and commercial uses, near to the application site and Members will note that a number of the residents have commissioned PWA Planning to comment on the application on their behalf.

5.4 The residential dwellings close to the application have relatively generous plots. This along with their siting mean that they are a distance away from the application site. This notwithstanding ensuring the amenities of the future residents are protected is an important consideration as part of the proposals.

5.5 It is also noted that the adjacent site (to the west of this application site) has full planning permission for the erection of 23 dwellings. Whilst this development has yet to commence the reserved matters approval (3/2018/1149) was granted on 9th March 2021 and the development can commence up until 9th March 2023. As such the impact of the development on these future residential properties is a consideration.

5.6 As set out below plots 13-17 border this application site with their rear private garden areas adjacent to the site. The approved development includes a 3m high acoustic fence along the boundary of plots 16 and 17 where the boundaries are sited close to Total Foods. A pedestrian link from the housing site to this site is detailed between plots 15 and 16.



- 5.7 The proposed layout, although indicative at this stage, details industrial units close to the approved dwellings which has the potential to adversely impact on the neighbours amenities.
- 5.8 The application seeks a mixture of uses including:
Class E(g)(iii) (Industrial Processes)
Class B2- General industrial
Class B8- Storage or distribution
- 5.9 It is important to note that since the Use Classes were updated in 2020 use Class E includes numerous different uses including retail and recreation. Former use Class B1, which includes commercial/ industrial uses which can be carried out in a residential area without detriment to its amenity, has been amalgamated into Use Class E(g). This site forms part of the allocated employment site, Barrow Enterprise Site, which allocates the land for employment uses including those within the former Use Class B1 and the retained use classes B2/ B8. Given this allocation is not for all the new uses within Class E any approval would be limited to Use Class E(g)(iii). Additionally given that such uses can be accommodated into residential area the use of the proposed units adjacent to the residential dwellings will form part of the Design Code controlled by condition.
- 5.10 Noting the comments made on behalf of the neighbours in respect noise, loss of amenity and air quality it is proposed to attach a condition requiring the submission of a Design Code in respect of this site which will establish key principles in respect of the layout to ensure that the site is suitably developed whilst protecting the neighbours' amenities. As this is an outline application any noise/ air quality assessment at this stage would be indicative given that the specific building uses, and siting of the buildings is not being applied for. Suitable conditions are suggested to address these matters.

Visual Amenity / Landscape:

- 5.11 Appearance, landscaping, scale and layout is reserved however the application is supported by an indicative layout plan which details 23,959m² of commercial / employment floor space, with associated parking.
- 5.12 The indicative layout plan details structural landscaping buffers to screen the development and protect the neighbouring future residential dwellings amenity spaces.
- 5.13 The submitted planning statement confirms that the scale of the proposed buildings will be in keeping with the settlement and the precedent set by the existing Ribble Valley Enterprise Park which adjoins the site to the south. The buildings will appear commercial in nature and will also take the lead from the existing business park buildings.
- 5.14 This is a very prominent site located along the A59 and it is essential that a high-quality development is secured. The site is also viewed within the wider landscape of the area including Pendle Hill. As such the design and layout of this development is a key consideration. Suitable design principles for this site will be required as part of the Design Code
- 5.15 Biodiversity Net Gain will need to be demonstrated on this site and included within the application for reserved matters in respect of landscaping.

Highway Safety and Accessibility:

- 5.16 The only matter for consideration as part of this outline application is access. From an access perspective the proposed development includes:
- A fixed access into the site directly from A59 in the form of a roundabout;
 - An area for lorry parking to replace existing lay-by on A59 (A one-way loop lorry lay-by parking system has also been incorporated within the scheme to replace the A59 lay-by).
 - The exiting Public Right of Way which bisects the site will be diverted along the southern and western perimeter, supplemented by planted landscaping;
 - A pedestrian link through to approved residential development to the west;
- 5.17 Public Rights of way 3-47-FP1 runs through the proposed development site.
- 5.18 Lancashire County Council have raised no objection to the proposed development and have commented as below.

Traffic Impact Traffic counts, growth and assessment years

- 5.19 The trip rates are considered to be robust for the proposed mixed use Class E(g)iii, B2 and B8 uses and reflect those collected for a mixed-use Industrial estate in East Lancashire on a strategic route.

Junction analysis

- 5.20 It must be noted that the Pendle Fisheries off-site highway works for a new signalised pedestrian crossing on the A59 will reduce the capacity on the A59 at the Barrowbrook roundabout northbound exit by the reduction of two lanes to a single lane over a short distance.
- 5.21 The modelling demonstrates constraints on the A59 corridor with all junctions likely to experience congestion during the peak periods in future years. Mitigation measures to support sustainable travel modes must be provided to ensure alternative robust, high quality sustainable travel modes are available to staff at this site. Measures will include:
- Travel Plan
 - secure cycle parking and electric vehicle charging points,
 - new infrastructure to include a new section of cycle link on Whalley Road and quality bus stop upgrades on Whalley Road and Holm Road
 - A contribution to increase the frequency of the LCC subsidised bus services on Holm Road.

Construction and phasing

- 5.22 A new temporary priority give way access on the A59 for construction traffic would be acceptable to allow works on site to commence.
- 5.23 The visibility splays, geometry and surface will be matters to agree and it will be necessary to limit HGV movements to the off-peak movements 9.30am – 2.30pm with wheel washing and hard standing for operative parking and HGV turning to allow all vehicles to exit the site onto A6068 in forward gear.

Site access

- 5.24 LCC would reserve the right to design and construct the roundabout on the A59, this is a consistent approach taken for the new roundabout at Pendle Road for the Taylor Wimpey development site and the new pedestrian crossing for the Pendle Fisheries Leisure Park development site.

PROW

- 5.25 The public footpath reference 3-47-FP1 which passes through the site is proposed to be permanently diverted along the southern boundary. The width of the footpath should be a minimum of 2m wide with a 1m wide verge to both sides. The route must link to the proposed new signalised pedestrian crossing facility on the A59 which proposes a new section of footway around the western side of the existing Barrowbrook Estate roundabout.
- 5.26 A contribution of £30,000 was requested for application 21/0759 to improve FP3-47-FP1 which links to Whalley Road. Walking and cycling 3-47-FP1 crosses the site and provides pedestrians with access from the site to Whalley Road which lies to the west.
- 5.27 A new section of shared cycle/footway on Whalley Road between Elbow Wood Drive and Barrow Primary School is considered necessary to support sustainable travel modes and to reduce the impact of the traffic on the A59 and the roundabouts which are approaching and, in some cases, exceeding capacity in the future years.

Bus stops and services

- 5.28 There are bus stops and services within close walking distance which are subsidised by Lancashire County Council.
- 5.29 The bus stop on Holm Road needs to be upgraded to quality bus stop standard and to include a bus shelter and the northbound bus stop on Whalley Road needs upgrading to provide a DDA compliant raised bus border kerb arrangement.
- 5.30 A contribution towards the running of the LCC subsidised bus services is sought to ensure that the services are secured for the future use by staff to travel to work sustainably. A contribution of £120,000 a year for 5 years will be required under a 106 agreement to facilitate this and to increase the frequency of the LCC subsidised service to support the site and the employees travel shift patterns.

Travel Plan

- 5.31 A framework Travel Plan should be provided for the whole site and subsequently once the end users are known, they should provide plans bespoke to their staff travel demands.

Internal layout

- 5.32 The internal layout is a reserved matter and therefore indicative only at this stage, there is a layby for 7 wagons to lay over. This mitigates the loss of the layby on the A59 and will require a scheme of signage to ensure that drivers are aware of the facility.
- 5.33 Robust measures to prevent pedestrians from accessing the site via the A59 site access must be well designed. The estate road will be built to adoptable standards but not

adopted by the Highway Authority due to its commercial use. The future maintenance must be included in a maintenance agreement under a private management company and details should be submitted by condition.

Use classes - parking

- 5.34 The application seeks a hybrid class E(g)iii Industrial process, B2 general industrial and B8 storage and distribution. The parking standards should be applied for a low accessibility location.
- 5.35 Secure, covered cycle parking, disabled car parking and electric vehicle charging points will be required for staff and customers to support sustainable travel at a rate of 1 per 10 spaces.

S278

- 5.36 The grant of planning permission will require the applicant to enter into a S278 Agreement for
- A new 50m ICD roundabout designed to current DMRB standards (currently CD116) at the site access on A59.
 - A reduction in the speed limit on the A59 from national speed limit to 40mph to tie into the speed limit changes and off-site highway works at Pendle Fisheries.
 - Widen the existing footway on Whalley Road C549 to create a 3m wide shared pedestrian/cycle route between Elbow Wood Drive and Barrow Primary School.
 - Upgrade of nearest bus stops on Holm Road and Whalley Road to quality bus stop standard with bus shelters.
 - Diversion of and upgrade of public footpath 3-47-FP1 to link pedestrians and cyclists from the development site to Whalley Road and Holm Road via A59.

Ecology / Trees:

- 5.37 Key Statement EN4 sets out that the Council will seek wherever possible to conserve and enhance the area's biodiversity and geodiversity and that negative impacts on biodiversity should be avoided.
- 5.38 The application is supported by an Extended Phase 1 Habitat Survey which sets out the following recommendations:
- Nesting Bird - It is recommended any vegetation clearance works are carried out outside the nesting bird season (generally March – August). If the works needs to be carried out within the bird nesting season, then a nesting bird survey will be required immediately prior to work commencing.
- 5.39 This recommendation can be secured by a condition on a positive recommendation.

Habitat Enhancement

- Soft landscaping should include the provision of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.
- Bird and bat boxes should be erected on the newly constructed buildings or retained trees where possible.
- Trees planting of native species where practically possible.
- 'Hedgehog holes' to be incorporated into the fencing of the site.

- 5.40 Members will note that the residents have commissioned envirotech to consider Biodiversity New Gain (BNG) matters and they have commented as follows:
- Based on enhancement to neutral grassland/ wildflower meadow and a 10% BNG. 0.85Ha would need to be retained and enhanced as grassland.
 - 155m of new open ditch would need to be created with 10m undeveloped buffer to its sides to offset the loss of ditch across the site and achieve a 10% BNG. This could be a ditch connecting swales.
 - Enhancement of grassland to the South of the site, which is already more species rich, would require less land take. A wedge of green space 20m wide along the entire West boundary should be close to achieving the same 10% BNG in grassland and allow ditch and swale creation.
- 5.41 Full details of how BNG will be secured on this site will be required as part of the application for reserved matters in respect of landscaping.
- 5.42 The application is supported by an Arboricultural Statement. Three individual trees, six tree groups and four hedges were surveyed including trees within the site and off-site trees that are likely to be impacted by the proposed access onto the A59.
- 5.43 Several moderate (Category B) and low (Category C) trees will have to be removed to facilitate the new access. It is likely that several more B and C category trees will need to be removed to facilitate the new buildings and this will be confirmed when the layout is fixed. The loss of trees will be more than mitigated through the provision of new trees and a comprehensive landscaping scheme (to be agreed at reserved matters stage).

Drainage

- 5.44 A drainage strategy, which includes an attenuation basin to the south of the site, has been submitted in support of the application.
- 5.45 The Lead Local Flood Authority has reviewed the proposed development and they have no objection subject to conditions. United Utilities also raise no objection.
- 5.46 Following receipt of the drainage information submitted on behalf of the residents this has been discussed with the Lead Local Flood Authority who still raise no objection to the proposals. As an undeveloped field there will be drainage ditches across the site however the two discharge points will be designed to deal with surface water on the site. When the drainage scheme is fully designed this will dictate a suitable location for the SUDs features and there is a lot of capacity for underground storage on the site. The design of the final drainage scheme can deal with the need for any retaining structures as queried.

6. Observations/Consideration of Matters Raised/Conclusion

- 6.1 Taking into account the above considerations it is recommended that the application is approved.

RECOMMENDATION: That the application be DEFERRED and DELEGATED to the Director of Economic Development and Planning for approval following the satisfactory completion of a Legal Agreement, within 6 months from the date of this Committee meeting or delegated to the Director of Economic Development and Planning in conjunction with the Chairperson and Vice Chairperson of Planning and Development Committee should exceptional circumstances exist beyond the period of 6 months and subject to the following conditions:

1. Prior to the commencement of development, or the submission of any reserved matters, a plan indicating the phasing of the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved phasing plan.

(a) Before development is commenced on any one phase of the development details of all 'Reserved Matters' pertaining to that phase namely appearance, layout, scale and landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.

(b) An application for approval of all 'Reserved Matters' must be made not later than the expiration three years beginning with the date of this permission.

(c) The development to which this permission relates must be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

REASON: This condition is required to be imposed by the provisions of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Unless explicitly required by condition within this consent, the development hereby permitted shall be for up to 23,959m² of commercial employment floorspace and shall be carried out in complete accordance with the proposals as detailed on drawings:

Location Plan	RVI.BBBP.LP.01	dated 04.08.2022
Proposed Site Access Plan	3465-F02 Rev A	dated APR 22

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

3. Prior to the submission of any reserved matters applications on the site pursuant to Condition 1 a Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Design Code shall include the design principles for the whole of the site and will incorporate, amongst other elements:
 - The Masterplan for the site
 - Building Design principles
 - Layout considerations including landscaping principles (evidenced by a Landscape and Visual Impact Assessment) and treatment of the western edge of the site particularly in respect of the suitable use classes for the buildings along this boundary
 - Parking areas
 - Appropriate building and hardsurfacing materials
 - Details of appropriate boundary treatments
 - Lighting
 - Bin storage and rubbish collection
 - Ecology, nature conservation and Biodiversity Net Gain
 - Existing and proposed levels
 - Tree works and tree protection measures

Each reserved matters application thereafter shall be submitted in accordance with the Approved Design Code.

REASON: To ensure a comprehensive approach to the development of this site is achieved and in the interests of the proper planning of the site.

4. As part of the first reserved matters application, pursuant to Condition 1, for the layout of each phase the following details shall be submitted:
 - Noise assessment
 - Air Quality Assessment

The development thereafter shall be carried out in accordance with the approved details including any necessary mitigation identified.

REASON: In the interests of the proper and comprehensive planning of the site to create a high quality sustainable development.

5. 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 (9th August 2022 / PGC 268 Version 4 / PG Consulting)

The measures shall be fully implemented prior to first occupation of any of the units hereby approved and in accordance with the timing / phasing arrangements embodied within the scheme.

REASON: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 166 and 168 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

6. As part of the first reserved matters application a detailed, final surface water sustainable drainage strategy for the site shall be submitted.

The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative 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 and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly.

Those details 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 + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and 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 existing and 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 of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.
 - d) Evidence of an assessment of the existing on-site watercourses to be used, to confirm that these systems are in sufficient condition and have sufficient capacity to accept surface water runoff generated from the development.
 - e) 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.
 - f) Evidence of an agreement in principle with the third party landowners 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 in accordance with the Paragraphs 167 and 169 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

- 7. As part of the first reserved matters application a Construction Surface Water Management Plan shall be submitted detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations.

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 in accordance with Paragraph 167 of the National Planning Policy Framework.

8. The commencement of use of the development shall not be permitted until a site specific Operation and 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 pursuant to the requirements of Paragraph 169 of the National Planning Policy Framework.

9. The commencement of use of the development shall not be permitted 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, and to ensure that the development as constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

10. Prior to the commencement of the development or as part of the first reserved matters application for each phase details of the colour, form and texture of all hard ground-surfacing materials (notwithstanding any such detail shown on previously submitted plans and specification) shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in conformity with the approved details.

REASON: To ensure a satisfactory form of development in the interest of the visual amenity of the area

8. The application for approval of reserved matters for each phase shall be accompanied by full details of existing and proposed ground levels and proposed building finished floor levels (all relative to ground levels adjoining the site), notwithstanding any such detail shown on previously submitted plan(s). The development shall only be carried out in conformity with the approved details.

REASON: To protect the appearance of the locality and in the interests of the amenities of local residents.

11. As part of the first reserved matters application for landscaping and/ or layout a landscape and biodiversity plan shall be submitted. The scheme should include a landscaping/habitat creation and management plan which should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the natural area. The landscaping shall include:

- Full details of Biodiversity Net Gain on the site
- Soft landscaping should include the provision of native and non-native flowering perennial species, to provide a pollen and nectar source for invertebrates.
- Trees planting of native species where practically possible.
- 'Hedgehog holes' to be incorporated into the fencing of the site.
- all existing trees and hedgerows on the land; detail any to be retained, together with measures for their protection in the course of development;
- indicate the types and numbers of trees and shrubs to be planted, their distribution on site, those areas to be seeded,
- paved or hard landscaped; and
- detail any changes of ground level or landform, proposed finished levels, means of enclosure, minor artefacts and structures.

All hard and soft landscape works shall be carried out in accordance with the approved details within the first planting and seeding seasons following the occupation of any buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 10 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: To ensure that a satisfactory landscaping scheme for the development is carried out to mitigate the impact of the development and secure a high quality design.

12. No development shall take place until details of the provisions to be made for building dependent species of conservation concern, artificial bird nesting boxes and artificial bat roosting sites for that phase have been submitted to and approved in writing by the Local Planning Authority.

The details shall be submitted on a building dependent bird/bat species development site plan and include details of plot numbers and the numbers of artificial bird nesting boxes and artificial bat roosting site per individual building and type. The details shall also identify the actual wall and roof elevations into which the above provisions shall be incorporated.

The artificial bird/bat boxes shall be incorporated into those individual buildings during the actual construction of those individual buildings identified on the submitted plan before each such building is first brought into use.

REASON: In the interests of biodiversity and to enhance nesting/roosting opportunities for species of conservation concern and reduce the impact of development

13. During the construction period, all trees to be retained shall be protected in accordance with British Standard BS 5837:2012 or any subsequent amendment to the British Standard

REASON: To safeguard the trees to be retained

14. Demolition or construction works shall not take place outside 8am to 6pm Mondays to Fridays and 8am hours to 1pm on Saturdays nor at any time on Sundays or Bank Holidays.

REASON: To protect the amenities of the nearby residents.

15. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud, stones and debris being carried onto the highway. Provision to sweep the surrounding highway network by mechanical means will be available and the roads adjacent to the site shall be mechanically swept as required during the full construction period.

REASON: To prevent stones, mud and debris being carried onto the public highway to the detriment of road safety.

16. All of the buildings hereby approved shall be used only for industrial/ employment purposes (Use Classes B2/B8/ E(g)(iii) and for no other purpose whatsoever, (including any other purpose in Class E of the schedule to the Town and Country Planning (Use Classes) Order 1987 or any subsequent re-enactment).

REASON: to define the permission acknowledging the allocated land designation in respect of this site.

17. No development shall take place, including any works of demolition or site clearance, until a Construction Management Plan (CMP) or Construction Method Statement (CMS) has been submitted to, and approved in writing by the Local Planning Authority. The approved plan / statement shall provide:

- 24 Hour emergency contact number;
- Details of the parking of vehicles of site operatives and visitors;
- Details of loading and unloading of plant and materials;
- Arrangements for turning of vehicles within the site;
- Swept path analysis showing access for the largest vehicles regularly accessing the site and measures to ensure adequate space is available and maintained, including any necessary temporary traffic management measures;
- Measures to protect vulnerable road users (pedestrians and cyclists);
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- Measures to deal with dirt, debris, mud or loose material deposited on the highway as a result of construction;
- Measures to control the emission of dust and dirt during construction;
- Details of a scheme for recycling/disposing of waste resulting from demolition and construction works;
- Construction vehicle routing;
- Delivery hours.

The approved Construction Management Plan or Construction Method Statement shall be adhered to throughout the construction period for the development.

REASON: In the interests of the safe operation of the adopted highway during the demolition and construction phases.

18. No development shall commence until a scheme including full engineering, drainage, street lighting and constructional details and timetable of implementation for the temporary construction site access, new roundabout on A59 and off-site highway works shall be submitted to and approved in writing by the Local Planning Authority.

The works shall include the following and be implemented prior to the first occupation of any building. The off-site highway works shall include:

- A new 50m ICD roundabout designed to current DMRB standards (currently CD116) at the site access on A59.
- A reduction in the speed limit on the A59 from national speed limit to 40mph to tie into the speed limit changes and off-site highway works at Pendle Fisheries.
- Widen the existing footway on Whalley Road C549 to create a 3m wide shared pedestrian/cycle route between Elbow Wood Drive and Barrow Primary School.
- Upgrade of nearest bus stops on Holm Road and Whalley Road to quality bus stop standard with bus shelters.
- Diversion of and upgrade of public footpath 3-47-FP1 to link pedestrians and cyclists from the development site to Whalley Road and Holm Road via A59.

REASON: to ensure the continued safe operation of the highways

19. No part of the development shall commence until a Framework Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall be implemented in accordance with the agreed timetable within the approved Plan.

REASON: In the interest of promoting sustainable transport

20. No development shall take place until a road phasing and completion plan has been submitted to and approved in writing by the Local Planning Authority.

The road phasing and completion plan shall set out the development phases and completion sequence that roads serving each phase of the development will be completed. The development shall then be carried out in accordance with the approved road phasing and completion plan.

REASON: To ensure the phasing and completion of roads serving the development are completed

21. Within 3 months of commencement of the development details of the proposed arrangements for future management and maintenance of the roads within the development shall be submitted to and approved in writing by the Local Planning Authority.

The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time a private management and maintenance company has been established.

Reason: To ensure the internal roads are appropriately managed and maintained

22. Within 3 months of commencement of the development full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal roads shall have been submitted to and approved in writing by the Local Planning Authority.

The development shall, thereafter, be constructed in accordance with the approved details with the roads completed prior to the occupation of the buildings which they serve.

REASON: To ensure the roads serving the development are constructed and completed to an appropriate standard.

23. No part of the development in each phase shall be occupied until the internal access roads within that phase have been constructed to at least base course level.

REASON: To enable suitable access to the parts of the site under construction.

24. No part of the development shall be occupied until the pedestrian links and public footpath crossing the site have been upgraded to adoptable standards.

REASON: to ensure that staff accessing the site have access options which support sustainability

25. As part of the first reserved matters application relating to layout details of a scheme to accommodate a minimum of 7 HGV lay over bays within the site for public use with associated signs and markings shall be submitted to and approved in writing the Local Planning Authority.

These shall be constructed in accordance with the approved details and made available for use prior to the first occupation of any of the buildings hereby approved.

REASON: to mitigate for the loss of the existing HGV parking on the A59

26. As part of the first reserved matters application for each phase of the development full details of the car, secure covered cycle, motorcycle and electric vehicle charging point parking spaces shall be submitted to the Local Planning Authority.

The parking shall be implemented prior to the first occupation of any building to which it is associated and maintained thereafter for as long as the development is occupied.

REASON: to ensure that sufficient parking is provided for each building constructed.

27. No development shall take place until the applicant, or their agent or successors in title, has secured the implementation of a programme of archaeological investigation. This must be carried out in accordance with a written scheme of investigation, which shall first have been submitted to and agreed in writing by the Local Planning Authority. The programme of works should comprise a phased programme beginning with a geophysical survey with further phases of evaluation and mitigation works as indicated by the results of the previous phase. This work should be undertaken by an appropriately qualified and experienced professional contractor to the standards and guidance of the Chartered Institute for Archaeologists (www.archaeologists.net). A digital copy of the report and the photographs shall be placed in the Lancashire Historic Environment Record prior to the dwelling consented being first occupied.

REASON: To ensure and safeguard the recording and inspection of matters of archaeological/historical importance associated with the buildings/site.

28. No removal of vegetation including trees or hedges shall be undertaken within the nesting bird season (1st March - 31st August inclusive) unless a pre-clearance check on the day of removal, by a licenced ecologist, confirms the absence of nesting birds. A letter from the ecologist confirming the absence of nesting birds shall be submitted to the Council within one month of the pre-clearance check being undertaken.

Any removal of vegetation outside the nesting bird season shall be preceded by a pre-clearance check by a licensed ecologist on the day of removal to ensure that removal does not result in unacceptable impacts upon nesting birds or other species of conservation concern.

REASON: To ensure that there are no adverse effects on the favourable conservation status of birds, to protect the bird population and species of importance or conservation concern from the potential impacts of the development.

INFORMATIVES:

Note: Construction Management Plan.

- There must be no reversing into or from the live highway at any time – all vehicles entering the site must do so in a forward gear and turn around in the site before exiting in a forward gear onto the operational public highway.
- There must be no storage of materials in the public highway at any time.
- There must be no standing or waiting of machinery or vehicles in the public highway at any time.
- Vehicles must only access the site using a designated vehicular access point.
- There must be no machinery operating over the highway at any time, this includes reference to loading/unloading operations – all of which must be managed within the confines of the site.
- A licence to erect hoardings adjacent to the highway (should they be proposed) may be required. If necessary, this can be obtained via the County Council (as the Highway Authority) by contacting the Council by telephoning 01772 533433 or e-mailing lhsstreetworks@lancashire.gov.uk
- All references to public highway include footway, carriageway and verge

Note

The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement, with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the contact the Environment Directorate for further information by telephoning the Developer Support Section (Area East) on 0300 123 6780, or email developeras@lancashire.gov.uk. The granting of planning permission does not entitle the closure of or obstruction to a public right of way.

Ordinary Watercourse (Land Drainage) Consent

Under the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010), you need consent from the Lead Local Flood Authority if you want to carry out works within the banks of any ordinary watercourse which may alter or impede the flow of water, regardless of whether the watercourse is culverted or not.

- Consent must be obtained before starting any works on site. It cannot be issued retrospectively.
- Sites may be inspected prior to the issuing of consent.
- Unconsented works within the Highway or Sustainable Drainage System may prevent adoption.
- Applications to culvert an existing open ordinary watercourse will generally be refused.
- Enforcement action may be taken against unconsented work.

For the avoidance of doubt, once planning permission has been obtained it does not mean that Ordinary Watercourse Consent will be given. It is strongly advised that you obtain any required consent before or concurrently as you apply for planning permission to avoid delays.

You should contact the Flood Risk Management Team at Lancashire County Council to obtain Ordinary Watercourse Consent. Information on the application process and relevant forms can be found here: <https://www.lancashire.gov.uk/flooding/drains-and-sewers/alterations-to-a-watercourse/>

Informative 02 Appropriate Legal Agreement

The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principle agreement(s) should be submitted to the Local Planning Authority.

BACKGROUND PAPERS

https://webportal.ribblevalley.gov.uk/site/scripts/planx_details.php?appNumber=3%2F2022%2F0781