



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE AND DISTRICT COMMITTEE

DATE: 5th October, 2017

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

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE COMMITTEE ON 05 OCTOBER 2017

Application Ref: 17/0402/CND

Proposal: Approval of details reserved by condition: Discharge of conditions 11 (retaining structures) and 13 (landscaping) of planning permission 13/15/0178P.

At: Land To The West Of, Knotts Drive, Colne

On behalf of: Miss Abigail Kos - Persimmon Homes

Date Registered: 27/07/2017

Expiry Date: 20/10/2017

Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is the site of a planning permission for a residential development of 182 dwellings.

This application is for approved of details required to be submitted and approved in writing by conditions 11 (retaining structures) and 13 (landscaping):

Condition 11 - Prior to commencement of development full details of the retaining structures to be provided on the site shall be submitted to and agreed in writing by the local planning authority. Development shall be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance and finish to the development.

Condition 13 - Prior to commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be at a scale of 1:200 and shall include:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas outside of the ecological areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed boundary treatments with supporting elevations and construction details;
- v) All proposed hard landscaping elements and paving, including layout, materials and colours;
- vi) The proposed arrangements and specifications for initial establishment maintenance and long term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which

it is associated. 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, unless the local planning authority gives written approval to any variation.

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

The overall details of these conditions have previously been approved under discharge of conditions application 13/15/0178C1, this application relates only to alterations to the proposed retaining structure at the south west corner of the site which will require the removal of one protected oak tree (TPO No.3 2017) to the rear of plot 66.

The previously approved retaining wall would have encroached upon the roots of the tree and a significant alteration to its position would be required for the tree to be retained. It is instead proposed to remove the tree and for a 70 degree retaining 'green slope' to be formed to the rear of plots 67-63.

Four oak trees would be planted to the south of the proposed green slope in replacement for the removed tree.

Relevant Planning History

13/15/0178P - Full: Major: Erection of 182 dwellings with associated highway, landscaping and drainage works. Approved, 17/07/2015.

13/15/0178C1 - Approval of Details Reserved by Condition: Discharge Conditions 3 (Open space/ecological areas), 4 (Drainage), 5 (Highways), 8 (Contamination), 9 (Land stability), 10 (Phasing), 11 (Retaining structures), 12 (Ground levels), 13 (Landscaping), 14 (Materials), 15 (Construction method statement) and 19 (Sound insulation) of Planning Permission 13/15/0178P.

Consultee Response

PBC Landscape Officer – No objection.

Public Response

N/A

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

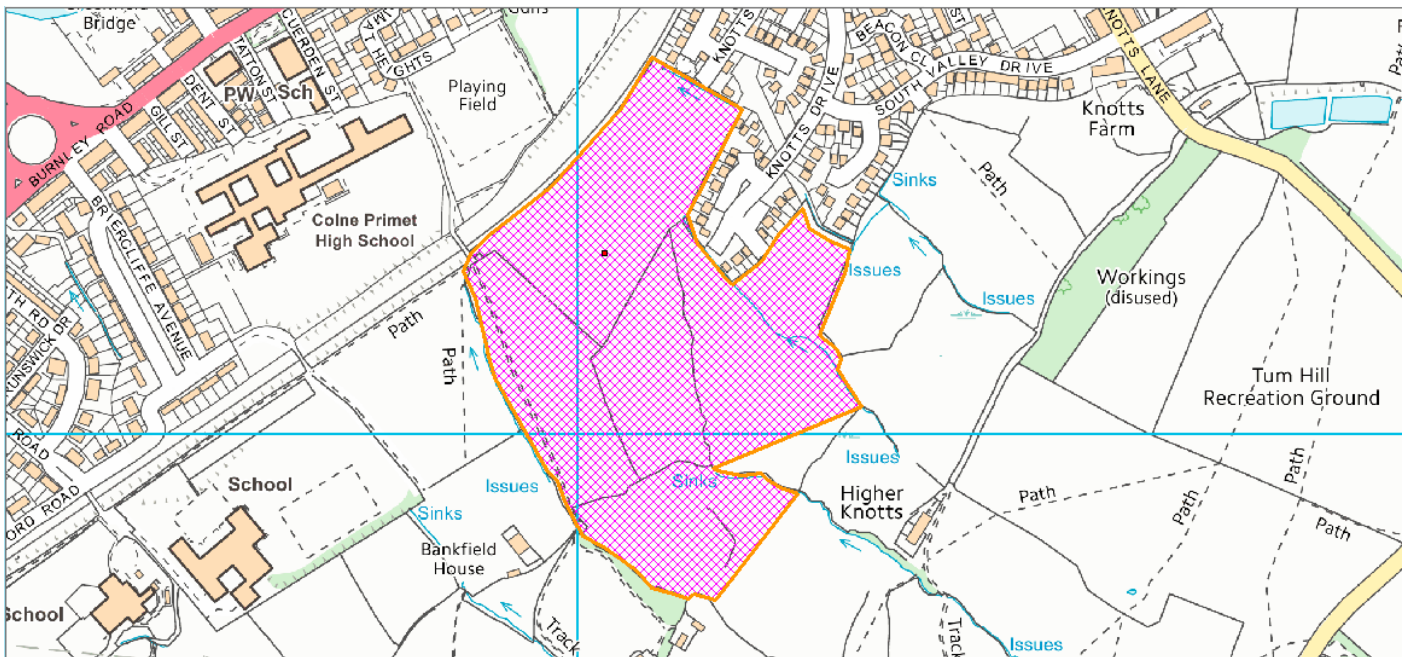
Visual Amenity and Landscape Impact

The proposed alteration from a retaining wall to a retaining 70 degree 'green slope' to the rear of plots 67-63 would not result in an unacceptable visual or landscape impact and is therefore acceptable.

Trees

The proposed removal of the oak tree would be acceptably compensated for with the planting of four replacement trees. Taking this into account together with the technical implications of retaining the tree for the development, the proposal to remove the tree is acceptable.

RECOMMENDATION: Approve



Application Ref: 17/0402/CND

Proposal: Approval of details reserved by condition: Discharge of conditions 11 (retaining structures) and 13 (landscaping) of planning permission 13/15/0178P.

At: Land To The West Of, Knotts Drive, Colne

On behalf of: Miss Abigail Kos - Persimmon Homes

REPORT TO COLNE & DISTRICT COMMITTEE 5th OCTOBER 2017

Application Ref: 17/0416/VAR
Proposal: Full: Major: Variation of condition 2 (plans) of Planning Permission 16/0672/FUL revised plans.
At: Allotment Land to the North of Argyle Street, Colne
On behalf of: Ainsworth Projects Ltd
Date Registered: 2 August 2017
Expiry Date: 1 November 2017
Case Officer: Kathryn Hughes

This application is brought before Committee as it seeks to vary a condition on a major application.

Site Description and Proposal

The application site is a vacant plot of land located between Argyle Street and the commercial properties on North Valley Road. It is within the settlement boundary and of no special designation in the Local Plan.

Planning permission was granted for the erection of eleven 1 bed apartments for supported living and associated staff facilities on the 23rd March, 2016.

This application seeks to modify condition number 2 of planning permission 16/0672/FUL which is listed below:

The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan, 02 B, 03 B, 04 B, 05 B,

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

The proposal is to substitute revised plans which include:

- Minor amendments to front and rear elevations including relocating entrance doors and additional and larger windows in the north elevation;
- Raised floor levels in accordance with Flood Risk Assessment;
- Minor change to internal layout including moving and changing communal area to a community room;
- Ramp moved from Argyle St to car park side of development; and
- Footpath provision to front and side (Argyle Street and back Newmarket Street).

Relevant Planning History

16/0672/FUL – Full: Major: Erection of 11 no. 1 bed apartments for supported living – approved 23rd March, 2017.

17/0220/VAR – Full: Major: Variation of condition 2 (plans) of planning permission 16/0672/FUL revised plans – Withdrawn.

Consultee Response

LCC Highways – Following yesterday's meeting I can confirm that we would not require new street lighting in the new footway.

Regarding the current application (17/0416) and the discussion we had about the footway along Argyle Street and now along the rear of New Market Street. These would need to be carried out under a Section 278 agreement. Please would you add a condition relating to the footways and informative note to the planning approval.

Amended drawing have been submitted which are acceptable.

LLFA – No objection.

Architectural Liaison Unit

Environment Agency – No comments.

Natural England – No comments.

United Utilities

Colne Town Council – No comment.

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

The main issue is whether the proposed variance of condition 2 on Planning Permission 16/0672FUL and the proposed revised plans are acceptable.

Principle of the development

The principle of housing on this site has already been established under the previous permission.

It is proposed to vary condition 2 which relates to approved plans.

The proposal is to substitute revised plans which include amendments to front and rear elevations including relocating entrance doors at upper ground and first floors resulting from some changes to the internal layout including moving and changing the communal area on the ground floor to a community room.

Additional and larger windows would be installed in the north (front) elevation. These are acceptable as they face the highway and the current vacant land across. A window on the west (side) elevation would be changed to patio doors as this is on the ground floor this would be acceptable in terms of impact.

The floor levels would be raised in accordance with the Flood Risk Assessment and the ramp would be moved from Argyle Street to the car park side of development. There is also the provision to provide footpaths to the front and side elevations which face Argyle Street and back Newmarket Street.

The changes proposed are acceptable and would not result in any undue impact or loss of amenity and therefore this condition can be varied to reflect this.

Further changes to conditions will reflect the four conditions for which details have been submitted and agreed and relate to contamination (condition 4), drainage scheme (condition 6), management and maintenance of drainage scheme (condition 7) and construction code of practice (condition 10).

Summary

Variation of condition 2 to the revised plans submitted is acceptable and the wording can be amended to reflect this.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The development is compliant with the aims of the Local Plan Part 1 and saved Policies of the Replacement Pendle Local Plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 location plan, 02 H, 03 I, 04 F and 05 F.

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

- 3 Samples of external materials of the development, including boundary walls and railings, shall be submitted to the Local Planning Authority for written approval within two weeks of the commencement of the development. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

- 4 The development shall be carried out in full accordance with the approved Phase 2 Geo-Environmental Investigation and Risk Assessment ref: LKC 160 1052 dated 5th April, 2017.

All agreed remediation measures shall be carried out in accordance with the above approved document and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

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

monitoring and including future monitoring proposals for the site.

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

- 5 A car parking and manoeuvring areas as shown on approved drawing 02 B shall be laid out and made available prior to the occupation of the first unit on site. The spaces and area shall thereafter be maintained free from obstruction and available for parking and turning purposes.

Reason: To allow for the effective use of the parking areas.

- 6 The development shall be carried out in full accordance with the approved drainage scheme submitted to the Local Planning Authority on the 26th May, 2017.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reasons: To ensure that the proposed development can be adequately drained and to avoid flood risk.

- 7 The development shall be carried out in full accordance with the approved sustainable drainage management and maintenance plan submitted to the Local Authority on the 26th May, 2017.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

- 8 Within two weeks of the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its approved form within the first planting season following the substantial completion of the development. Any tree or other planting

that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

- 9 Prior to the first occupation of any unit hereby approved, the external bin storage area as shown on approved drawing 02 B shall be made available for use and retained thereafter.

Reason: To ensure adequate waste storage facilities within the site.

- 10 The development shall be carried out in full accordance with the approved Construction Method Statement submitted to the Local Planning Authority on the 10th May, 2017.

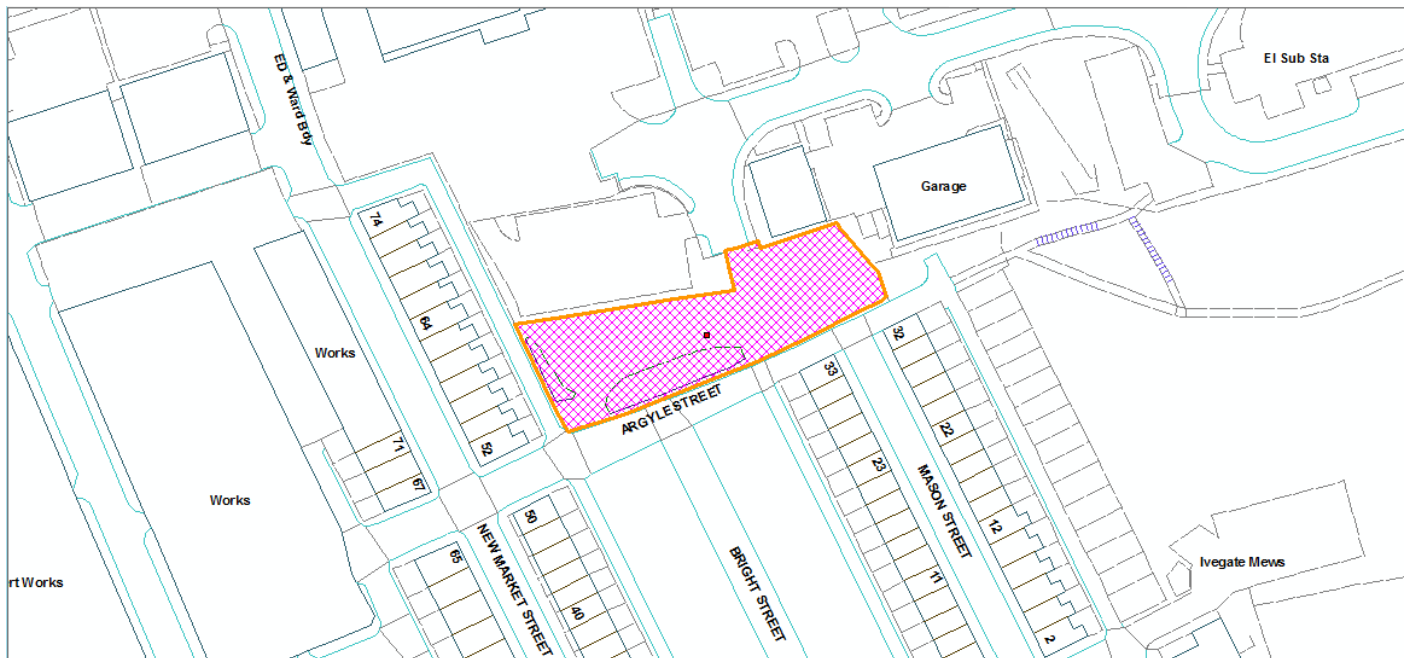
Reason: In the interests of amenity and highway safety.

11. The proposed new footways along Argyle Street and the rear of New Market Street, including a dropped pedestrian crossing, shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before first occupation.

Note

1. The grant of planning permission will require the applicant to enter into an appropriate Section 278 Legal Agreement, with Lancashire County Council as Highway Authority prior to the start of construction of the new footways. For the avoidance of doubt the works shall include, but not be exclusive to, the provision of full height kerbing along Argyle Street/rear New Market Street and the provision of a dropped pedestrian crossing, including tactile paving. 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 county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , quoting the relevant planning application reference number.



Application Ref: 17/0416/VAR

Proposal: Full: Major: Variation of condition 2 (plans) of Planning Permission 16/0672/FUL revised plans.

At: Allotment Land to the North of Argyle Street, Colne

On behalf of: Ainsworth Projects Ltd

REPORT TO COLNE COMMITTEE ON 05 OCTOBER 2017

Application Ref: 17/0444/FUL

Proposal: Full: Change of use from agricultural land to camping use, siting of four portable camping pods and conversion of an existing outbuilding to a shower/toilet block (Re-Submission).

At: Parson Lee Farm, Keighley Road, Trawden

On behalf of: Mr A. Cross

Date Registered: 04/09/2017

Expiry Date: 30/10/2017

Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is an agricultural field adjacent to the farmhouse of Parson Lee Farm located within the open countryside and Trawden Forest Conservation Area. The site sits on the side of a valley with Smithy Clough running to the north, it is accessed by a single track gravel road via Wycoller, the road is an adopted highway with a traffic regulation order restricting traffic beyond the Wycoller Country Park car park to access and disabled badge holders only.

The proposed development is the change of use of the land to camping use and the siting of four portable camping pods and conversion of an existing building to a facilities block.

This application is a resubmission of an application refused in July on highway safety grounds. The application has been varied from the initial one by the submission of new plans, a highway report. The plans been drawn up by a different agent but are essentially the same as the previous application. No alterations to the highway access are proposed and this application therefore raises identical highway safety impacts to the previous application.

Relevant Planning History

17/0114/FUL - Full: Change of use from agricultural to camping use, siting of four portable camping pods and erection of a shower/toilet block. Refused.

Consultee Response

LCC Highways – Response to previous identical application: objection on highway safety grounds.

Keighley Road, the access road from Wycoller village to Parson Lee Farm, is approximately 1km in length which is significant considering that it is single track, unmade and unlit. The road runs through a ford and alongside Wycoller Beck for a significant length and there are a number of unprotected drops into the river, which are a concern for drivers who are unfamiliar with the route, especially during the hours of darkness.

The road is undulating and, as previously stated, there is limited forward visibility and a very limited number of places to pass.

Keighley Road is recorded as adopted highway as it was an historic route shown on the 1845 map. However it is not designed nor maintained to current adoptable standards as it is not a through vehicular route for the public and currently serves three farms.

The applicant has indicated they propose to offer a collection/drop off service to mitigate the impact of the development however it could not be guaranteed that customers would use this service and inevitably customers would want to travel independently in their own vehicles to access tourist and eating establishments in nearby towns. There are no evening eating establishments in Wycoller and therefore, should customers wish to dine out, they would need to travel in a private car further afield as there are no public transport services within walking distance.

The proposed development would increase vehicle movements on a route that is not considered safe or suitable for this type of development traffic, whereby drivers are unfamiliar to the area and route.

Trawden Forest Parish Council - The Councillors are currently working on a Neighbourhood plan which has a policy that supports tourism, and Wycoller in particular. This application is encouraging tourism to the area.

The original application was refused on access considerations. Parson Lee was previously a 3 bedroomed B&B and had the same level of minimal traffic impact. It was also a working farm and had more dangerous traffic which included tractors and farm machinery.

Parson Lee is half way between Todmorden and Gisburn on the Bridleway and would be an ideal place for people to stay whilst travelling the route. Other local establishments currently do not have the capacity or facilities to accommodate horses

Public Response

Site notice posted and nearest neighbours notified, the notification period expires 12th October. One response received supporting the development on the following grounds:

The small amount of traffic arising from the glamping site will be similar to that which arose from Parson Lee operating as a B&B until last year. But more significantly, the overall level of traffic is appreciably less than when the farm was in agricultural use.

The Trawden Forest Neighbourhood Plan, which we hope will be approved at a referendum next year, has as one of its objectives the aim of supporting and encouraging tourism within the Parish. In particular there will be a Policy to support Wycoller Country Park as a prime tourist destination, and to encourage businesses and organisations to enhance it and its surroundings with appropriate developments and activities. I believe that a small glamping site is just such an appropriate development.

Officer Comments

Policy

Policy ENV1 states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced. This is supported by the Conservation Area Design and Development Guidance SPD. Proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability.

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

Policy WRK5 (Tourism, Leisure and Culture) states that Proposals associated with the provision of new or improved facilities for tourism, leisure and cultural activities, including accommodation for visitors, will be supported where they:

1. Promote sustainable tourism associated with walking, cycling, waterways and the appreciation of the area's natural and historic environment.
2. Help to improve the quality and diversity of the existing tourism offer, and extend the tourist season.
3. Do not result in a significant increase in car usage and are readily accessible by public transport, and sustainable modes of transport (e.g. walking and cycling).
4. Support conservation, regeneration and/or economic development objectives, including the promotion of cross-border initiatives.
5. Are of an appropriate scale and will not have a significant detrimental effect on the natural or historic environment, local amenity or character of the area.
6. Achieve high environmental standards in terms of design and accessibility.

National Planning Policy Framework

Paragraph 32 states that decision should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Visual Amenity and Heritage Impact

Although visible from the top of the valley opposite the proposed pods would be small scale and not visually intrusive. The proposed facilities building and parking would be located adjacent to existing buildings and taking this into account would also not be visually intrusive in this setting. Taking into account the public benefits of providing tourist accommodation the proposed development would not result in unacceptable harm to the Conservation Area and is acceptable in terms of visual amenity.

Residential Amenity

The proposed development would raise no unacceptable residential amenity issues.

Highway safety

The site would be accessed via an unmade, unlit single track road for 1.1km from Wycoller village. The road crosses a ford at Wycoller village has few passing places and follows a stream with no physical separation for much of the route. The road also forms part of the Pennine Bridleway National Trail. The proposed use would result in an increase in vehicular traffic along this road, this access is unsuitable to accommodate this increase in traffic and an increase in the likelihood of vehicles meeting on the road and having to reverse back long distances to a passing place, along a well-used public right of way. The proposed use would also be likely to generate at night with guests traveling for evening meals etc. which would exacerbate the potential highway safety issues. As a result the proposed use would have a severe adverse highway safety impact.

The highway report submitted with this application state that the proposed use would generate a low number of vehicle trips, significantly lower than the use of the farm as a large sheep farm with bed and breakfast business

There is no record of any planning permission for a bed and breakfast use, and that use ceased around five years ago. It appears that the bed and breakfast use may have been at a level that would not have resulted in a material change of use from a dwelling, such a use could be recommenced at any time, in addition to the proposed camping use. The lawful status of that use has to been established.

The camping use proposed would create traffic in addition to any lawful use that could occur for the bed and breakfast and should not be considered as an alternative amount of traffic in lieu of what could be lawfully generated through a bed and breakfast use. In the alternative were the bed and breakfast use to have been unlawful then the traffic associated with that would have been generated by an unlawful use and the traffic associated with the proposed use cannot be discounted against that

The proposed camping pods and facilities building take up a relatively small area and therefore would not be likely to preclude farming activities continuing alongside the proposed use.

Therefore, the impact of the camping pod use is in addition to potential agricultural and bed and breakfast uses of the site rather than replacing them.

Taking the above into account, the proposed development would result in a severe adverse impact upon highway safety impact contrary to Policy ENV4 and paragraph 32 of the Framework.

RECOMMENDATION: Delegate Refusal

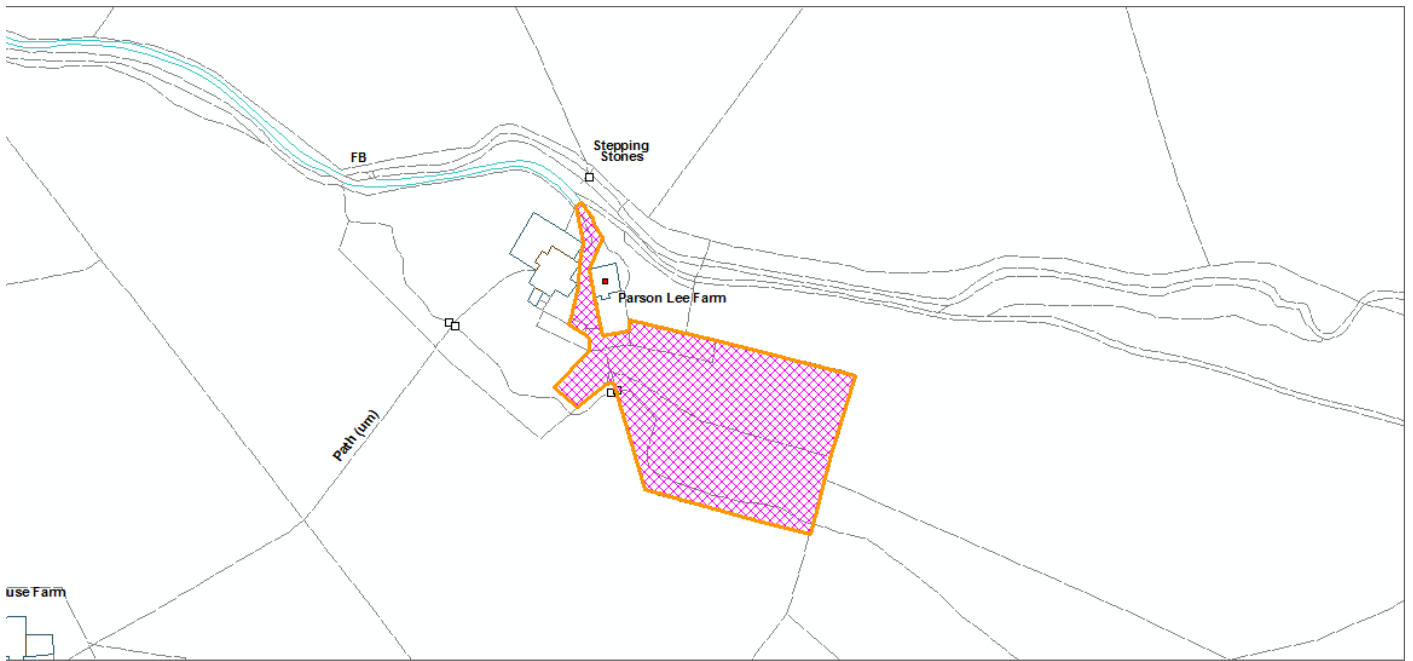
For the following reasons:

1. The proposed access route is unsuitable to accommodate the additional traffic the proposed use would generate and this would result in a severe and adverse impact on highway safety, to the detriment of existing users of the highway network and pedestrians. The application thereby fails to accord with Policy ENV4 of the Local Plan Part 1 and paragraph 32 of the National Planning Policy Framework.

Enforcement

There are currently yurts located on the site which appear to be in use for camping. Although permitted development rights can allow the temporary use of land for camping for up to 28 days per year the yurts are sited on decked timber bases approximately 1m high, these bases are permanent structures which are operational development that require planning permission and are unauthorised. If the bases were allowed to remain this could establish a permanent camping use on the site which, for the reasons given in the report above, would be unacceptable in terms of highway safety.

It is therefore recommended that the landowner be required to remove the unauthorised timber bases. If the bases are not removed voluntarily within 28 days it is recommended that an Enforcement Notice is served requiring the removal of the bases.



Application Ref: 17/0444/FUL

Proposal: Full: Change of use from agricultural land to camping use, siting of four portable camping pods and conversion of an existing outbuilding to a shower/toilet block (Re-Submission).

At: Parson Lee Farm, Keighley Road, Trawden

On behalf of: Mr A. Cross

REPORT TO COLNE & DISTRICT AREA COMMITTEE 5th OCTOBER, 2017

Application Ref: 17/0468/FUL

Proposal: Full: Modifications to existing parish hall to form a day nursery with modified and new windows, ramp to side elevation.

At: Church Hall, Church Street, Trawden

On behalf of: Mrs P Hargreaves

Date Registered: 25 August 2017

Expiry Date: 20 October 2017

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a Church Parish Hall located within Trawden Forest Conservation Area and the settlement of Trawden.

The proposal is alter the building to form a day nursery with a ramp to the side and changes to windows.

No change of use is required as a Church Hall and children's day nursery both fall within the same use class of D1.

There are mature trees to the rear of the buildings which are not protected by Tree Preservation Order but they are within the Conservation Area and therefore protected by this.

Relevant Planning History

17/0287/FUL – Full: Alterations to parish hall to form a day nursery with extension to rear, ramp to the side and formation of a play area – Refused.

Consultee Response

LCC Highways – The previous application 17/0287 proposed an extension to the rear of the building of 56m² and subsequently the Highway Authority raised an objection based upon the impact of the development traffic on the highway network.

This application proposes modifications to the windows, a new side ramp and play area. There is also 81m² additional floor area within the roof space of the building being created, which in itself does not require planning permission and is not being considered as part of this application. This is because in planning terms the building itself is already permitted to be used as a day nursery and works to create a first floor are classed as permitted development.

The Highway Authority has previously expressed concerns about the opening of a day nursery at this site and the concerns remain. However the Highway Authority has no grounds to object to the proposal that is currently being considered in terms of traffic impact including parking and turning.

Ramp

The proposed ramp will be on the adopted highway and therefore a license will be required under the Highways Act 1980 (adoption record attached).

The area where the ramp will be constructed currently houses wheelie bins and therefore a suitable location will be required for the displaced bins which is off the adopted highway (photo attached).

Architectural Liaison Unit – The Crime Impact Statement is formed based on local crime figures and trends, incidents reported and community knowledge gathered from local policing teams. It is with this policing knowledge that recommendations are made which are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.

Crime Risks

Educational establishments including nursery buildings can be attractive to criminals to target for crime as they often store equipment, such as computers, laptops, projectors, cameras, etc. and petty cash. Buildings can be targeted for criminal damage due to the fact that they are generally unoccupied at regular times of the day, weekends and holidays.

Security recommendations

In order to reduce the risk of crime and anti-social behaviour at the nursery the modifications to the existing building should be undertaken in accordance with the principles of the security scheme supported by the Police 'Secured by Design'. The following physical security measures should be incorporated into the development;

A fencing arrangement should secure the perimeter of the scheme such as a 1.8m high anti-climb weldmesh fence. Gates should be lockable and the same design as the fencing. The outdoor play area should be secured around the perimeter with a railing arrangement and be positioned to allow natural surveillance from the building.

All replacement door sets should be PAS24/2012 (16) certificated (or an alternative accepted standard such as LPS 1175). The glazing should be laminated and securely fixed in accordance with the manufacturer's instructions and certified to BS EN 356 2000 rating P1A. An access control system such as keypads should be fitted to all internal doorsets to slow down the movements of an offender should they gain entry into the building.

The replacement windows should meet the requirements of PAS 24:2012 (16), incorporate laminated glazing and key operated opening window restrictors that reduce the risk of opportunist offences.

The modifications include the incorporation of a series of roof lights. These should be tested and certificated to LPS 1175 burglary resistance and should be linked to the intruder attack alarm system.

A monitored Intruder Alarm system should be installed by an alarm installation company that is certified by the National Security Inspectorate (NSI) or Security Systems Alarm Inspection Board (SSAIB), as both organisations promote high standards of service within the security community. The alarm system should incorporate a combination of passive infrared detectors internally and door and window contacts so that the alarm will activate if there are any attempts at forced entry.

The nursery building should be covered by a recorded digital colour CCTV system. The CCTV cameras should capture clear full body images of those entering or exiting the building. Cameras must not be located where they can be easily disabled or tampered with. If they can be reached, they must be housed in a casing to protect them from damage. Recorded data should be stored for a 30 day period before being destroyed.

□ The building should be illuminated with vandal resistant 'dusk to dawn' lights. The lighting design should be co-ordinated with the CCTV installation to ensure that the lighting is sufficient to support a CCTV system.

□ All valuable equipment, such as laptops, computer tablets etc., should be clearly property marked and the details stored securely. This equipment should be securely locked away when the building is closed and not visible from windows. The safe should be bolted to the floor or wall in the office. The office door must be lockable particularly if CCTV recording equipment in it.

Rationale: To reduce crime, the fear of crime and create safer communities and environments in accordance with;

□ **Section 17 Crime and Disorder Act 1998**

(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Trawden Forest Parish Council - The Parish Councillors are still gravely concerned about the location of the proposed nursery; being on a very busy junction with still no parking provision or safe drop off points. The application stated category D2, they queried whether this was the correct classification for a nursery?

There are also concerns still that the bus stop is outside the garage adjacent to the front of the building, which would be a hazard for people waiting in the bus stop at the busiest time of the morning to get to work and to school.

Inconsiderately parked cars will also create issues for parents trying to cross the road to access Colne Road to take their children to Trawden school.

If any alterations are passed for this application, they must be in-keeping with the local area as we are in a conservation area, and any restrictions on where parking and waiting can be allowed should also be considered.

There should also be consideration given as to whether Ofsted would give approval for such a nursery in such a location

Public Response

Nearest neighbours notified by letter. Seven comments received objecting the scheme on the following grounds:

- The location at the intersection of 4 busy, narrow roads is totally unsuitable for vehicular access or stopping especially for young children;
- There is not parking on or off street adjacent to the entrance to the Hall and virtually no pavements with a bus top immediately outside the entrance;
- The proximity of the beck and road flooding needs to be taken into account;
- The issues with parking, intensification of vehicle movements and dangers of the road still exists;
- This is an area where drivers speed and don't slow down at junctions;
- Residents parking is at a premium;
- Could yellow lines be added in front of 2-8 Church Street and the hall up to the entrance of the garage?

- The building needs underpinning and this would require similar considerations to the previously proposed demolition and a construction traffic management plan presented;
- I have concerns over the practical use of the ramp;
- Separate storage and collection of recyclable waste is proposed but I can not see where;
- The proposal in its current format would have a detrimental impact on the amenity of the area;
- The proposal would cause a number of road safety issues and the impact on the surrounding highway network is likely to be severe;
- By use of the word extension and not the changes in size of extension it seems to be an attempt to make the numbers for parking/drop off area appear to be sufficient;
- This building has never been used for purposes such as this i.e. a paid business with so many comings and goings, which is why traffic/parking has never been such an issue;
- There will be 13 FTE staff who will need parking plus deliveries, waste collection and then the dropping off/collection of the children. It will be chaotic. The number of children is expected to be 78;
- Nothing has changed there is still nowhere to park;
- Pedestrians would find it difficult to cross such a busy road; and
- The original plan was refused for excellent reasons and I must point out that all of these still exist.

One letter has been received in support stating that the hall is slowly decaying and is becoming an eyesore. A village nursery is needs and common sense will overcome any parking problems.

Officer Comments

The main issues are impact on amenity, impact on the Conservation Area, materials, trees and highway issues.

Many objections are based upon the use of the premises as a children's nursery, however, as mentioned previously there is no requirement for a material change of use of the premises as both a church hall and children's day nursery fall within Use Class D1 Non-residential institutions of the Town and Country Planning (Use Classes) Order 1987. No external extension to the premises is proposed and therefore parking requirements cannot be taken into account for this proposal.

1. Policy

The relevant policies are:

ENV1 covers protection and enhancement of the natural and historic environment including biodiversity, ecology, trees, landscapes, open space and green infrastructure and historic environment.

ENV2 sets out general design principles, historic environment and climate change.

Policy WRK6 encourages the provision of well designed work places. Innovative projects that re-use and/or adapt existing workplaces for new employment uses will normally be supported.

Policy SUP1 resists the loss of community facilities that require a change of use application. This is not the case here.

The following saved Pendle Replacement Pendle Local Plan policies apply:

Policy 14 seeks to protect trees, woodland and hedgerows.

2. Impact on Amenity

The proposal would have a limited impact on the amenity of the area as it is an existing building located within a settlement boundary. The proposed external alterations would not have a detrimental impact on the amenity of the area.

Subject to appropriate conditions there is unlikely to be any undue loss of amenity for neighbouring properties and the use would accord with policy ENV2 and the Conservation Design Guidance SPD.

3. Impact on Conservation Area

Local Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the appearance and character of Conservation Areas.

The site is set at a higher level than the general streetscene and therefore is prominent in views especially as it is sited on the corner of the junction with the highways. There are traditional terraced houses located near to the site.

The Conservation Area Design and Development Guidance SPD states that new development should use good quality and predominately natural building materials, be well detailed and respect local architectural details and styles.

The existing window on the south elevation is proposed to be extended to form a door opening. A new window at first floor above this door would also be created. Aluminium is an appropriate materials here.

The ramp and handrail would be concrete and steel with timber panel fencing and railings to the boundaries.

These are acceptable subject to appropriate conditions and accord with policy ENV1 and the Conservation Area Design and Development Guidance.

4. Design and Materials

The large window/door opening in the south gable elevation is proposed to be aluminium which is appropriate here.

The ramp and handrail to the north gable is extensive, however, it would be sited between two existing buildings and would not be readily visible in the streetscene. This is proposed to be concrete and steel. The handrail should simple in design and a dark grey in colour.

Timber panel fencing and railings are proposed to the boundaries. Again the railings should simple in design and a dark grey in colour.

A decked area is also proposed to the rear and no details of materials have been provided for this.

The external changes proposed are small scale and would not adversely affect the design of the existing building subject to appropriate conditions to ensure that the materials and colours are acceptable in this location.

These can be controlled by appropriate conditions and therefore this proposal is acceptable in terms of design and materials and accords with policy ENV2 and the Conservation Area Design and Development Guidance.

5. Trees

There are five mature trees along the boundary of the building to the rear of the site and it is proposed to remove two Ash trees in order to facilitate the extension, play areas and boundary treatments. Three other mature trees are shown to be retained.

A tree survey has been submitted with this application which indicates that the trees will need to be removed due to their condition. The Environment Officer agrees with this assessment.

There are existing hardsurfacing and boundary treatments to the western boundary and therefore it is unlikely that these proposals would adversely affect the trees any more than the existing building.

This is acceptable and accords with policy 14.

6. Highway Issues

The proposed use does not require planning permission and external extensions are proposed to create floorspace.

The proposed ramp will be on the adopted highway and therefore a license will be required under the Highways Act 1980.

The area where the ramp will be constructed currently houses wheelie bins and therefore a suitable location will be required for the displaced bins which is off the adopted highway.

Summary

The external alterations are acceptable in terms of policy, impact on amenity, design and materials and would not adversely impact on highway safety subject to appropriate conditions.

Subject to appropriate conditions then these external alterations would be acceptable.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed external alterations are acceptable subject to appropriate conditions. The development complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

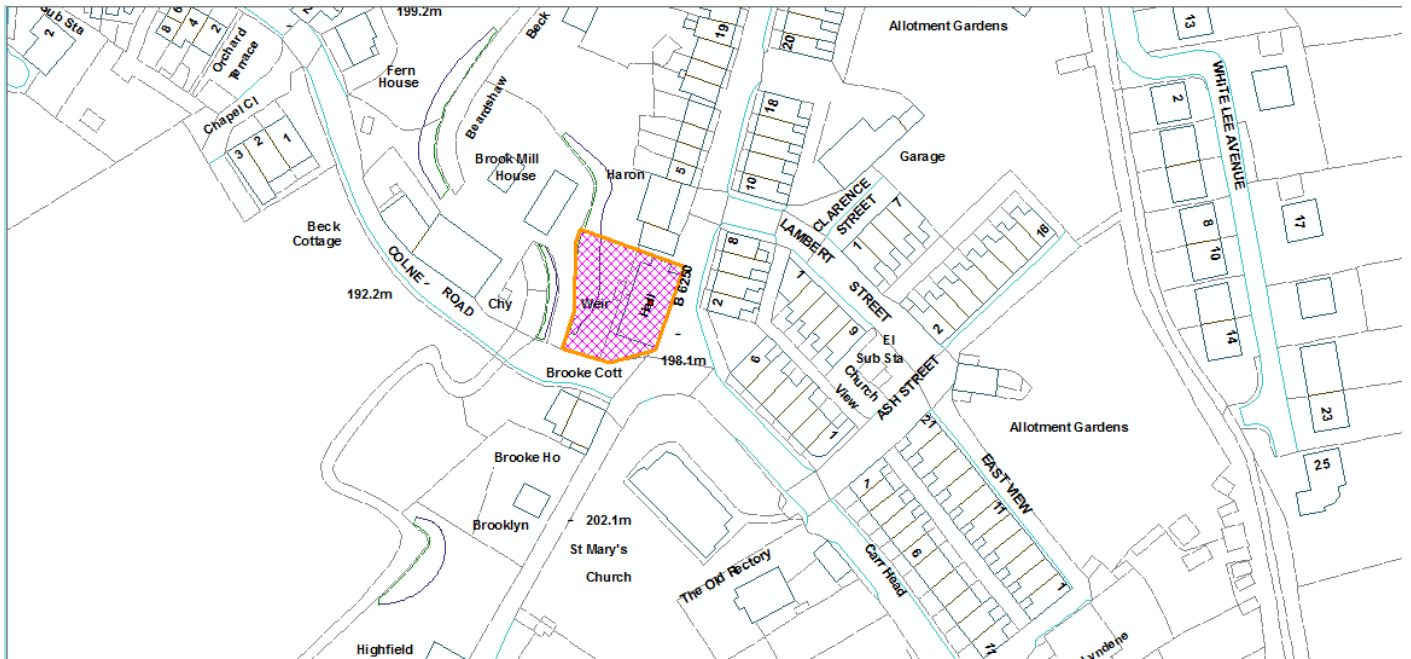
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

2017/12/1, 2017/12/2D & 2017/12/3B.

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

3. Notwithstanding the submitted plan samples of all the external materials to be used on the elevations of the proposed development including the ramp, handrail, and boundary treatment shall be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site. The development shall thereafter be carried out in accordance with the approved details.

Reason: In order to ensure that the materials are appropriate to the locality and to control the external appearance of the development.



Application Ref: 17/0468/FUL

Proposal: Full: Modifications to existing parish hall to form a day nursery with modified and new windows, ramp to side elevation.

At: Church Hall, Church Street, Trawden

On behalf of: Mrs P Hargreaves

REPORT TO COLNE AND DISTRICT COMMITTEE 5TH OCTOBER, 2017

Application Ref: 17/0505/FUL

Proposal: Full: Formation of wheel/skate park, formation of linear park to railway line, extension to Boundary Mill car park (145 spaces) and formation of access ramp, extension to BMW car park (146 spaces), extension and realignment of Leisure Trust car park (122 spaces) and new footpath.

At: All Weather Games Court, Crown Way, Colne

On behalf of: Pendle Borough Council

Date Registered: 06.09.2017

Expiry Date: 01.11.2017

Case Officer: Charlotte Pinch

Site Description and Proposal

The application site currently comprises of a car park for Pendle Leisure Centre, a disused all weather sports pitch with high ropes course, separate multi-use games area and grassed area with footpaths. The site is bordered to the north by Vivary Way, Crown Way to the east and the termination of the railway line to the south.

The proposed development is to redevelop the Urban Altitude facility and multi-use games area, to be replaced with extended parking on the east and west to serve BMW and Boundary Mill Stores. Running from south to north will be a linear park area, allowing for the possible future re-instatement of the Colne to Skipton railway line. Furthermore, reconfiguration of the existing parking for Pendle Leisure Centre is proposed, as well as a skate park of specialist design on the east of the site.

Relevant Planning History

13/13/0009P

Full: Erection of high rope activity course.
Approved with Conditions. 2013.

13/08/0604P

Full: Erect multi-games play area.
Approved with Conditions. 2008.

13/02/0273P

Extension of existing car park.
Approved with Conditions. 2002.

Consultee Response

Countryside Access Officer

Comments received on 14th September 2017 are summarised as follows:

An objection is raised on the grounds that the proposed 1:12 ramp would cross the public footpath at a right angle to the direction of travel for pedestrians. This would be uncomfortable to use, particularly for the disabled or elderly. The access ramp also introduces a new road crossing for pedestrians to negotiate with the inherent risk of collisions.

It was advised the objection could be overcome if the developer were required to reduce the cross fall where the path crosses the ramp to 1:30 and a condition imposed to ensure an additional footpath is provided to access the A6068 through the protected line of the railway.

Furthermore, if planning permission is granted a note should be included in the decision notice to advise that the permission does not give rights to permanently or temporarily obstruct or interfere with the right of way. If any closure or diversion is required then a formal order made by the Council will first need to come into operation in accordance with the appropriate legislation.

LCC Highways

No comments received at the time of writing this report.

Tree and Landscape Officer

No comments received at the time of writing this report.

Network Rail

No comments received at the time of writing this report.

Colne Town Council – No comment.

Public Response

The nearest neighbours were notified by letter. One response was received objecting to the scheme on the following grounds:

- Noise nuisance from proposed skate park.
- Attraction of young people congregating around the site.

Officer Comments

The main issues to consider in assessing this application are impact on amenity, design, materials and parking provision.

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy ENV1 of the Pendle Local Plan Part 1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum. It also states that open space will be protected from development.

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV 4 of the Pendle Local Plan Part 1 refers to strategic transport schemes, in particular the reinstatement of the Colne to Skipton railway line, protecting the route for future use.

Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan sets out guidance for parking provision in new developments.

Visual Amenity

The site is currently designated as existing Open Space in the Local Plan. Paragraph 74 of the NPPF states that existing open space should not be built on unless an assessment shows the space is surplus to requirements, the loss would be replaced with equivalent provision in a suitable location or the development is for an alternative recreational provision which would outweigh the loss.

Policy ENV1 of the Local Plan Part 1 reiterates these points by aiming to protect open spaces from development, supporting improvements to these spaces and route ways between them.

This proposal shows the removal of the existing MUGA, high ropes course and all weather pitch. This will be partially replaced with alternative recreational provision in the form of a linear activity park which runs down the centre of the site and a 1,209sq. metre skate park on the east of the site. Furthermore, at the time of writing this report a statement of relocation of the MUGA had not yet been received from the agent, which would assist in meeting the requirements of Para. 74 of the NPPF.

The original all weather sports pitch suffered a continual decline in use, up until 2013 when it was deemed unviable and an alternative use for the area was sought. As a result, following large re-investment a high ropes course was installed marketed as Urban Altitude. However, by 2016 this facility was closed due to a lack of income. The Open Space Audit for Pendle shows that in the Vivary Bridge area there is already a surplus of facilities for outdoor sports and parks, although the loss of the MUGA is being offset by the installation of a new skate park. Therefore, in accordance with Policy ENV1, there would not be a detrimental loss of open space as a result of this development.

Residential Amenity

The nearest residential property to the south would be approximately 40 metres from the closest point of the proposed development, which offers sufficient separation distance taking into account the majority of the development would be at ground level. To the north, the nearest residential properties would be on the opposite side of Vivary Way, approximately 50 metres from the northern edge of the site.

Although the proposed skate park and linear activity park area will have unrestricted use, whilst it is likely that some noise will occur from these activities it is unlikely to be greater than the noise generated by the existing multi-use games area. Taking into account the sites location, adjacent to a dual carriageway and with non-sensitive commercial uses immediately adjacent to the site, the development would not unduly impact on residential amenity.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with Policy ENV2.

Transport and Parking

Policy ENV 4 supports strategic transport schemes, in particular the reinstatement of the Colne to Skipton railway line. As a result, the policy states protection must be given to the route of the former Colne-Skipton railway for future transport use.

The Colne railway currently terminates to the south of the site, if it were to be extended it would cut through the centre of this area north towards Vivary Way. The proposal shows a designated linear activity park located between the car park extensions, to provide an appropriate easement for the possible future railway extension.

The proposed development would provide an additional 291 parking spaces, 145 on the west for Boundary Mill and 146 spaces on the east for use by BMW. Currently parking in this area is limited and is often at capacity causing overspill parking onto the neighbouring highways. Therefore, additional parking in this location would be necessary.

In accordance with Policy 31 each space is of appropriate size and existing accesses for the car park to the south of the site and the BMW car park are being retained.

An additional transport statement has been requested from the agent, which will help inform LCC Highways comments.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, A1712-LIB-BB-AA 00-ZZ-LL-P2-000.

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

3. The proposed development shall not be brought into use unless and until the car parking has been constructed, surfaced, drained and marked out in accordance with details to be submitted to and agreed in writing with the Local Planning Authority. The parking spaces and turning areas shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: In order to ensure that the site is provided with adequate levels of internal car parking in the interests of highway safety.

- The development hereby permitted shall not be commenced unless and until full details of the hard and soft landscaping, including planting for the Linear Activity Park in the centre of the site have been submitted to and approved in writing by the Local Planning Authority, and all landscaping shall be carried out in full accordance with those details.

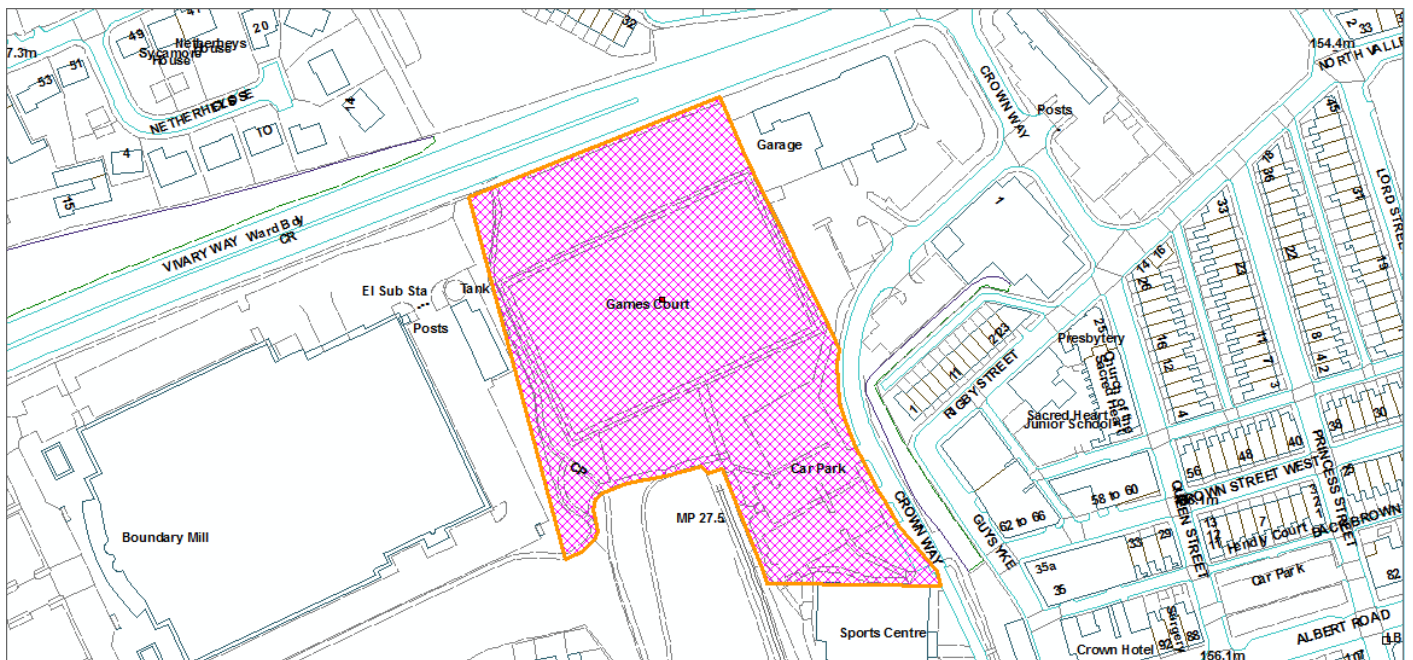
Reason: To ensure the appropriate landscape design and in the interests of the visual amenity of the area.

- The development hereby permitted shall not be commenced unless and until full details of the design, size and materials of the proposed skate park have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory amenity and appearance to the development.

NOTES

- The grant of planning permission does not include the right to either permanently or temporarily obstruct or interfere with the right of way. If part or all of the public right of way needs to be permanently closed or diverted to allow the development to be carried out, then a formal order made by the Council will first need to come into operation in accordance with the appropriate legislation. Details of how to apply for a diversion are available from Pendle Borough Council. If it is proposed temporarily to close the right of way, then an application should be made to the public rights of way section Lancashire County Council.



Application Ref: 17/0505/FUL

Proposal: Full: Formation of wheel/skate park, formation of linear park to railway line, extension to Boundary Mill car park (145 spaces) and formation of access ramp, extension to BMW car park (146 spaces), extension and realignment of Leisure Trust car park (122 spaces) and new footpath.

At: All Weather Games Court, Crown Way, Colne

On behalf of: Pendle Borough Council

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/KH

Date: 22nd October 2017