

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

**TO:** COLNE & DISTRICT COMMITTEE

**DATE:** 09<sup>th</sup> May 2019

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 9<sup>th</sup> MAY 2019

**Application Ref:** 18/0768/FUL

**Proposal:** Full: Major: Conversion of upper floors and part-ground floor of Mill building to form 8 dwellinghouses; Demolition of Weaving Shed and erection of 6 dwellinghouses and associated external works (Re-submission).

**At:** Black Carr Mill, Skipton Road, Trawden

**On behalf of:** CRS Plant Ltd.

**Date Registered:** 8<sup>th</sup> November, 2018

**Expiry Date:** 13<sup>th</sup> May 2019

**Case Officer:** Kathryn Hughes

This application has been brought before Committee as it is a major application.

### **Site Description and Proposal**

The application site is an existing mill site, with associated buildings, directly adjacent to Trawden Brook. The site is within Flood Zone 3 and Trawden Forest Conservation Area. The site is allocated for housing under the Trawden Forest Neighbourhood Plan.

The proposal is for the conversion of the upper floors and part of the ground floor of the existing mill building to 8.no dwelling houses. In addition, the existing weaving shed is to be demolished to allow for the erection of 6.no dwellings and associated external works.

A similar application was submitted in 2017 and subsequently withdrawn.

Amended plans have been received which amend the layout of the development reduce the number of dwellings by 1 and change the design of plot 6.

### **Relevant Planning History**

13/93/0081P - Use part of premises for rock climbing practice -Approved with Conditions. 1993.

13/15/0312P - Full: Insertion of 3 windows in western elevation and construct a mezzanine level internally - Approved with Conditions. 2015.

17/0648/FUL - Full: Major: Conversion of three storey mill building into offices (B1) at ground floor and create eight residential units (C3) at first and second floor. Demolition of the Northlight shed and erection of seven dwelling houses with associated access and parking - Application Withdrawn. 2017.

### **Consultee Response**

#### **LCC Highways**

The Highway Development Support Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted, and conditions and note being applied to any formal planning permission granted.

## **Visibility splays**

The proposed development site would be accessed from Skipton Road (B6250), which is classified as an urban, single two way, secondary distributor road, subject to a maximum speed limit of 30mph. For a road with a speed limit of 30mph a Stopping Sight Distance (SSD) of 43m should be provided.

The developer's Highway Statement dated 1 November 2018, including Proposed Access Arrangements plan (Drawing No 18003.GA.01 Rev A), provide details of the site's proposed visibility splays, although we note that the results of the speed survey were not included. The visibility splays proposed are within the tolerance level we would accept for the type and maximum speed limit set for Skipton Road.

## **Site access**

The formation of the new vehicle access from Skipton Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, radius kerbs, tactile paved dropped pedestrian crossings on the frontage of Skipton Road (exact location(s) to be agreed), construction of footways minimum 1.8m wide either side of entrance, the re-location of any highway gullies and a street lighting review. The following off-site highway improvement works would also be required.

We note the proposed construction of uncontrolled pedestrian crossing points on both sides of Skipton Road. We recommend the installation of formal parking restrictions across the site frontage, together with parking restrictions on the western side of Skipton Road, to protect the uncontrolled pedestrian crossings in the interest of highway safety. These would be subject to a separate process, which would have its own statutory consultation.

Whilst the internal car park would not be considered for adoption, the proposed footways along the front of the site should be constructed to adoptable standards. These would then be considered for dedication as part of the adopted highway network under a Section 38 agreement with Lancashire County Council as the highway authority.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

## **Parking provision**

The Highway Development Support Section is of the opinion that the site has a low to medium accessibility score. To support sustainable transport we recommend the installation of vehicle charging points, at a level to be agreed with the local planning authority, in accordance with paragraph 110 e) of NPPF (2018).

The developer is proposing the provision of 22 parking spaces. We recommend that parking spaces are allocated to ensure the effective use of the off-road parking areas for the development.

Furthermore, we recommend that the proposed cycle storage is allocated to the apartments, given that these will be above ground floor level and accessible only by stairs. The houses should also have secure cycle storage within their curtilage.

## **General**

Due to the site's location close to residential properties, on a bus route, and close to Trawden Forest Primary School on Dean Street, we recommend that a condition is applied restricting the times of large construction vehicles servicing the site, both during the demolition and construction phases, to ensure that there is no conflict with traffic, both vehicular and pedestrian, at peak times.

The developer should also provide a construction method statement due to the potential impact of the development on the surrounding highway network and users.

The agent has subsequently submitted comments to address these points, along with an amended plan showing visibility splays at the site access.

### LCC Education

The latest information available at this time was based upon the 2019 School Census and resulting projections.

Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 1 secondary school place. LCC will not be seeking a contribution for primary school places.

Calculated at the current rates, this would result in a contribution of £24,185.16.

### Environment Agency

#### **Flood Risk**

We have reviewed the amended FRA as submitted and we withdraw our objection to the proposed development.

We have no objection to the proposed development subject to the inclusion of conditions which meet the following requirements. We also request that the planning authority lists the Flood Risk Assessment as an approved document to which the development must adhere.

#### **Flood warning and emergency response - advice to LPA**

We do not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The planning practice guidance to the National Planning Policy Framework states that, in determining whether a development is safe, the ability of residents and users to safely access and exit a building during a design flood and to evacuate before an extreme flood needs to be considered. One of the key considerations to ensure that any new development is safe is whether adequate flood warnings would be available to people using the development.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions. As such, we recommend you consult with your emergency planners and the emergency services to determine whether the proposals are safe in accordance with the guiding principles of the Planning Practice Guidance (PPG).

We have considered the findings of the flood risk assessment in relation to the likely duration, depths, velocities and flood hazard rating against the design flood for the proposal. This indicates that there will be a danger for all people (e.g. there will be danger of loss of life for the general public and the emergency services). We do not consider that the access is safe, or the proposals acceptable in this regard. We remind you to consult with your emergency planners and the emergency services to confirm the adequacy of the evacuation proposals.

#### **Advice to LPA / applicant**

This development has been proposed within an area identified as being at risk of flooding, and includes the provision of car parking within the floodplain. The applicant should be aware that

vehicles can start to float in flood depths of less than 60cm – less if it is fast-flowing. The applicant must satisfy themselves that any relevant building will be constructed in such a way that vehicles floating or displaced as a result of flooding, would not jeopardise its structural stability.

## **Contaminated Land**

We have reviewed the following report in relation to the risk to controlled waters:

- Desk Study Report for Black Carr Mill Trawden, Dated October 2018, Report Ref 18FGT004/DS, produced by Betts Geo for CRS Plant

The previous use of the proposed development site as a mill and associated works and outbuildings potentially presents a medium risk of contamination from residual contaminants that could be mobilised during construction to pollute controlled waters.

We recommend the proposed ground investigation scope should include 3 rounds of surface water sampling under varying conditions at different points along Trawden Brook, and a minimum of 4 groundwater samples to determine groundwater flow and establish any potential contaminant pathways. The sampling program should also include sampling for VOCs and SVOCs which maybe present or have migrated on to the site from nearby industries which were in the area. The CL:aire website lists Department of Environment Industry Profiles which provide information on the processes, materials and waste associated with individual industries with regard to land contamination. The industry profile for textile works and dye works indicate a number of potential contaminants that might be present.

Given the previous use of the site, the potential for potential contamination, the underlying secondary aquifer and the nearby Trawden Brook we recommend appropriate conditions are attached to any grant of permission. Without conditions we would object to the proposal in line with paragraph 109 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution.

## United Utilities

### **Drainage Conditions**

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

### **Management and Maintenance of Sustainable Drainage Systems**

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people.

We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition.

## **Water Comments**

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

## **LCC Lead Local Flood Authority**

The LLFA wishes to withdraw its objection to the proposed development, subject to appropriate conditions being attached to any grant of permission.

As noted in our letter dated 30 November 2018, the LLFA originally objected to the proposed development on the grounds of an inadequate flood risk assessment (FRA). The applicant has since responded to this objection with a revised FRA and outline surface water drainage strategy. After discussing this with the Local Planning Authority and the applicant, the LLFA is now satisfied that the development could be allowed in principle, subject to appropriate conditions.

## **Cadent Gas**

Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

## **Historic England**

Black Carr Mill dates from the late 19C during the expansion of the cotton industry. With small cotton mills already to the north and south of the village, Trawden was essentially a small rural community on the fringes of Colne that was gradually developing a more industrial character. The building of Skipton Road in 1870 led to the linear expansion of industry and housing along the new road, with the new mill dating from the early 1880s. This was built on a "room and power" basis and continued in use until the second half of the 20C. However, only the warehouse and a weaving shed survive from the original mill complex following demolitions and the buildings are in need of re-development to sustain their future.

The site lies within the Trawden Forrest Conservation Area, and textile mills are identified as making a positive contribution to the character and appearance of the area in the Conservation Area Appraisal (2005). Black Carr Mill site is specifically named within the document. The warehouse is a prominent and distinctive building and, from the east, the weaving sheds distinctive saw-tooth profile can be seen.

The current proposal seeks permission to convert the three-storey mill building into mixed office/residential use and demolish the weaving sheds to facilitate new residential units on site.

While the large western wall to the weaving shed wall would be demolished, the eastern wall, with its saw-tooth profile of north-lights, would be retained, albeit in modified form. The new housing would be set behind parking with rear gardens. The architectural design of the houses reflects an industrial aesthetic that seeks to echo the outline of the weaving sheds that would be removed. We were consulted on similar proposals in late 2017, when we sought further information which has now been provided in this revised submission. The impact of the proposed demolitions would result in some harm to the significance, character and appearance of the conservation area in terms of the loss of historic buildings. Weaving sheds are becoming increasingly rare when once they were commonplace. The loss of its west wall would weaken the spatial enclosure of the street, with proposed parking and refuse stores becoming prominent within the conservation area. This harm would be mitigated by the re-use of the mill, the retention of the north-light wall and the design of the development, which has sought to retain the spirit of the place in its industrial architectural approach.

Local planning authorities have special duties with regard to conservation areas under s72 of the 1990 Act. Developments should respond to local character and history, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation (NPPF 127 & 192). Local planning authorities should look for opportunities to sustain, enhance or better reveal the significance of heritage assets (NPPF 192 & 200). Great weight should be given to the conservation of heritage assets, such as Black Carr Mill, and any harm requires clear and convincing justification. In this case the resulting harm would need to be weighed against the public benefits of the scheme (NPPF 196).

We consider there is potential for this development to comply with the above policy context in repairing and bringing some of the existing heritage assets back into use while introducing new development which is generally responsive to its context in architectural terms. However, some minor alterations should be considered to better reflect the character of the conservation area and improve the design quality. While the distinctive saw-tooth design of the housing is highly evocative, the scheme would benefit from a little more variety between each house elevation. Given the amount of stone within the existing wall onto Skipton Road it would be preferable if this could be used for the houses instead of cast stone. Darker colours for windows and doors would better complement the industrial character.

Finally, the parking and bins for the houses might be better incorporated within each individual property curtilage, to break up the size of the car park and reduce the size of the refuse store. Raising the height of the wall fronting Skipton Road at little would help to screen cars and bins and retain more of the existing solid spatial character.

Historic England has no objection to the application on heritage grounds subject to the above.

#### PBC Environmental Health

After considering the above-mentioned application Environmental Health Services has identified significant potential for adverse impact(s) and the need for suitable controls to be included in any permission granted.

A contaminated land condition should be attached to any grant of permission.

#### Natural England

Natural England have no comments to make on this application.

#### PBC Conservation Officer

Black Carr Mill occupies a valley bottom site within the Trawden Forest CA and is tightly contained by Skipton Rd to the west and Trawden Brook to the east. The site comprises a 14-bay weaving shed of 1885 and attached 3-storey warehouse block added around 1900. Both buildings make a positive contribution to the character and appearance of the CA. The twin gabled form of the warehouse, in particular, creates a strong townscape feature which adds to the variety of built form along Skipton Road. The typical blank stone parapet wall of the attached weaving shed tightly encloses the road, and is a reminder of the textile weaving origins of the village. To the east side of the shed there is no flat parapet wall, and the distinctive north light 'saw tooth' roof is clearly visible alongside the brook. As remaining parts of a late 19th century steam powered weaving mill, the buildings can be seen as non-designated heritage assets.

### **3-storey mill**

An earlier part of the same mill, which lay to the south of this site, is now demolished except for the 3-storey warehouse block which has already been converted to flats. This is similar to the one now proposed for conversion, and the proposed use would allow this prominent building to be retained and preserved for the future. The building is of coursed rubblestone with quoined corners, and tooled stone lintels and sills. A conversion would allow the demolition of the existing loading bay and other modern additions which detract from its appearance (though these are not included within the red edge?), and also a reinstatement of blocked windows and doors. Such work would enhance and better reveal the heritage significance of the building, also the wider character and appearance of the CA (NPPF 200). The proposed window framing pattern is relatively simple and will be appropriate, however the 3 white upvc ground floor windows to the important front elevation should also be replaced to a darker coloured metal frame, in line with the remainder of the mill.

### **Weaving shed**

The weaving shed has been subject to alteration over the years and has lost its internal cast iron columns, although does retain its distinctive north light roof profile, which although cannot be seen from the road is clearly visible from across the Brook. Several mills in Trawden, particularly the weaving sheds, have been demolished over the last 20 years or so, and the Black Carr weaving shed is now the largest remaining in Trawden. Only two other smaller sections of north lights now remain in the village, at Brook Shed and Scar Top Mill. Core Strategy Policy ENV1 includes reference to weaving sheds as elements that make a particular contribution to the local character and distinctiveness of Pendle. Given this, there needs to be a robust justification for the loss of the building, in terms of potential benefits from conversion and reuse of the warehouse, coupled with a new high quality housing development.

Together with the warehouse, the weaving shed does make a positive contribution to the heritage significance of the CA, and its loss would cause some harm to this significance, though this harm would clearly be less than substantial. NPPF 196 requires that such harm to the significance of the CA should be weighed against the public benefits of the proposal. NPPF 197 similarly requires that a balanced judgement will be required for applications affecting non-designated assets, having regard to the scale of harm and the significance of the asset.

There would be clear benefits to the CA in respect of the repair and reuse of the 3-storey mill building. The loss of the weaving shed could also be mitigated by the development of new homes in a high quality contemporary but contextual design, which is sympathetic to local character and history and maintains the strong sense of place created by local building types and materials (NPPF 127).

### **Site layout**

The layout would retain the distinctive north-light stone gable wall along the brook, which would make a significant contribution to retaining the traditional industrial context and sense of place. However I feel that the size and shape of the proposed openings in the wall should be reviewed in order to appear more in scale and to ensure the wall retains sufficient structural integrity. It is also important that as much as possible of the weaving shed wall is retained to the Skipton Rd front in order to reflect the previous frontage and industrial use, maybe by retention of taller sections of



wall at each end of the site, stepping down to a lower level wall to allow sight lines. A higher wall would more effectively screen parking and bin storage areas. It is important that the existing stone and copings are reused in this rebuilt front wall. Paving, steps etc. within the site should include some natural materials such as stone setts and flags to assist the scheme to bed into its context. A deep band of stone setts at the road entrance would add to the quality of the layout.

### **New housing**

It is pleasing to see a contemporary design which seeks to reinterpret the industrial aesthetic and north light configuration. However, the submitted elevational drawings are not especially detailed, and I would like to see more information particularly showing the modelling of the facades and the materials, sections, and also a perspective or view of the front elevation within the surrounding streetscape. There is scope to amend the timber effect cladding panel to enable a more satisfactory relationship with the windows and stone of the front elevations, maybe using the zinc cladding to create more of a frame for the windows, and to simplify the materials palette. The houses within the group of four are narrower and lower than those in the group of three, which leads to a more cramped relationship between rooflines and upper floor windows. Natural stone would be preferable to cast stone, and it could also be possible to reuse some stone salvaged from the weaving shed wall in order to relate the new housing better to the adjacent warehouse.

### **Update on Amended Plans**

The front boundary wall is proposed to be rebuilt/realigned at 3m which will better reflect the original weaving shed wall. The existing stone and copings should be reused.

The smaller square openings in the rear garden wall are more in scale and will help ensure that wall retains structural integrity. Copings and vents should be retained.

The front elevation has a simpler palette of materials with the timber effect cladding replaced with zinc and the shape of the panel improved. The roof is also improved with vertical emphasis to façade.

Plot 6 needs to reflect the saw-tooth roofline as previous.

### **Trawden Forest Parish Council**

The Parish Councillors think that this is a good use of the site and space and they have no objections to the proposal.

### **Public Response**

One letter was received of neutral comments. It highlighted that the application site was part of identified site No.15 in the Trawden Forest Neighbourhood Plan, which has been allocated for housing. However, the remainder of the site, which is within a different ownership, has not been considered as part of this development. Development of one part of the site, may prejudice other parts of the allocated site in the future.

### **Officer Comments**

#### **Policy**

Section 38A of the Planning and Compulsory Purchase Act 2004 requires that when determining planning applications regard has to be had to the development plan the application must be determined in accordance with the Plan unless material considerations indicate otherwise.

### **Local Plan Part 1: Core Strategy**

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets. The proposals compliance with this policy is addressed in the design and amenity sections.

ENV7 (Water Management) does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere. The proposals compliance with this policy is addressed in the flooding and drainage section.

SDP2 (Spatial Development Principles) sets out the housing distribution for Pendle. As Trawden is a Rural Service Centre, this is classed as a settlement to provide the focus for growth in rural Pendle.

LIV1 (Housing Provision and Delivery) sets out the housing requirements for 2011 to 2030 and how this will be delivered. It allows for sustainable development outside of settlements to come forward until the part 2 plan has been approved.

LIV3 (Housing Needs) provided guidance on the housing needs in order to provide a range of residential accommodation.

LIV4 (Affordable Housing) sets out the targets and thresholds required to contribute towards the provision of affordable housing.

LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock as well providing on-site open space/green corridors

### Replacement Pendle Local Plan

Policy 16 'Landscaping in New Development' requires that developments provide a scheme of planting which is sympathetic to the area.

Policy 31 'Parking' which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

### National Planning Policy Framework (NPPF)

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 59 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy.

Section 12 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 130 of the Framework states that "permission should be

refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people. To accomplish this development is to establish a strong sense of place, using streetscapes and buildings as well as appropriate and effective landscaping to create attractive and comfortable places to live and responding to local character and history (Para. 127). It is also proper to seek to promote or reinforce local distinctiveness.

Para 130 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused.

There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 11 is to allow sustainable development to come forward.

#### Trawden Forest Neighbourhood Plan (2018-2030) (TFNP)

Policy 1 (Location of Development) Development proposals within settlement boundaries will be supported, provided they are appropriate for the site and comply with relevant policies in the NP and Pendle Local Plan.

Policy 2 (Housing Site Allocations) Black Carr Mill is allocated for housing, to assist in meeting the housing requirement for Trawden Forest. In particular this site must include a detailed site specific flood risk assessment (FRA).

During the making of the Trawden Forest Neighbourhood Plan the issue of flood risk was considered for the housing sites proposed for allocation, including this one. Whilst the Environment Agency were satisfied that the Flood Risk Assessment's provided sufficient information to inform the allocation of the sites, significant concerns were raised regarding the development of the sites for more vulnerable uses, highlighting that rigorous management of the flood risk would be required due to the 'Significant Hazard' of flooding on the site.

The Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) 2008 is also relevant.

### **1. Principle of the Development**

The application site is located within the settlement boundary of Trawden. Policy SDP2 states that proposals for new development should be located within a settlement boundary. Trawden is classed as a Rural Service Centre, for which should provide the focus for growth in rural Pendle. In accordance with the NPPF, sites such as this should be considered in the context of presumption in favour of sustainable development, to deliver a wide range of high quality homes. Therefore, the principle of housing on this site is acceptable.

Moreover, in accordance with Policy 2 of the TFNP this site, as part of a larger site, has been allocated for housing development. Provision should be made within the plan period for this site to

be developed, in order to meet the housing requirement for Trawden Forest as set out in the Pendle Local Plan.

Some concerns have been raised that this proposal does not cover the whole No.015 allocated site, which if granted could preclude development on the rest of the allocated site in the future. However, it is not a requirement of the TFNP for each allocated site to be developed as one scheme or at the same time. All applications received for all or part of an allocated site will be assessed on their own merits by the LPA, in accordance with adopted policies. This would not necessarily preclude development on adjacent landowners sites, for which if a proposal were submitted, would be assessed on its own merits.

## **2. Design and Landscaping**

Policy ENV2 seeks to deliver the highest possible standards of design, in form and sustainability, whilst enhancing and conserving the heritage assets.

Paragraph 130 of the NPPF states that permission will be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area.

The proposed scheme does raise some concerns over its design which seeks to replicate the north light roof element, whilst this in itself would be an acceptable design element it would need to be reflective of the streetscene and accord with the requirements of its status within the Conservation Area. This means that the materials and details of the design needs to be of a high standard and accord with local and national policy requirements.

Both Historic England and the PBC Conservation Officer have raised some concerns over the proposed design. Amended plans have been submitted for plot 6 which now replicates the design of the other plots which is acceptable in design terms although this does not provide any reduction of built form on the site by removing one dwelling from this row and therefore it is not visually beneficial to the streetscene in terms of reducing bulk and providing a less intrusive hard edge to the development. The amended layout does not propose to provide any improvement in terms of open space and green corridors as required by policy LIV5. Therefore the potential for planting on this site is extremely limited and the agent has been advised to address this.

The front boundary wall is proposed to be re-built/aligned at a height of 3m which reflects the original weaving shed wall. Existing stone and copings should be reused for this and can be controlled by an appropriate condition.

The design of the dwellings has been improved to achieve a better layout and relationship with the roof with a vertical emphasis to the façade.

The dwellings are proposed to be constructed externally with coursed stone; however natural stone and salvaged stone from the demolished weaving shed should be utilised where possible. This can be controlled by an appropriate condition.

The retention of the rear wall adjacent to Trawden Brook is a positive feature; however, the openings created are regular and a more random in order to avoid regimented openings which could have a detrimental effect on the appearance of the wall. Existing copings and vents should also be retained.

The layout plan indicates some green areas within the site around the parking bays; however, no details of any proposed planting has been submitted. Concerns have been expressed as to how this can be achieved on the site given the amount of built form, car parking etc. as well as bin stores positioned along the frontage and the need for steps and a ramp to provide access. Moreover, the Environment Agency have requested a 8m easement to the rear of the site to

provide right of entry to Trawden Brook this will require permits for any activities within the area and would therefore restrict the use of these rear gardens for future residents.

The proposed layout has limited scope for any effective landscaping resulting in a harsh form to the development. This needs to be softened in order to provide soft landscaping/screening between the wall fronting onto the highway and the houses positioned towards the rear of the site. The 3m high wall will effectively screen the car parking area and to some degree the access steps/ramp to the houses. Limited details of the access ramp have been provided in terms of gradient and boundary treatments. The agent has been requested to address this issue.

In terms of materials the palette has been simplified and improved and therefore subject to appropriate samples being submitted and approved this is acceptable.

There are still concerns with the proposed scheme as detailed above and these have been raised with the Agent.

As submitted the proposed scheme fails to achieve an appropriate layout which includes the provision of open space/green corridors within the site. The amount of built form and potential for landscaping opportunities would result in a harsh, hard built development with the remainder of the mill, six new build dwellings, car parking spaces and bin stores and the 3m high wall to Skipton Road contributing to this contrary to policy ENV2, LIV5 and paragraph 127 of the National Planning Policy Framework.

### **3. Impact on the Conservation Area**

The application site is located within the Trawden Forest Conservation Area, occupying a valley bottom location. The site comprises a 14-bay weaving shed from 1885 and attached three-storey warehouse block, added around 1900. Both buildings make a positive contribution to the character and appearance of the Conservation Area. A strong justification, combined with a proposal for replacement high quality housing development, would be required for the demolition of the weaving shed. As remaining parts of the late 19<sup>th</sup> Century steam powered weaving mill, the buildings can be seen as non-designated heritage assets.

Local planning authorities have special duties with regard to conservation areas under s72 of the 1990 Act. Developments should respond to local character and history, reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation (NPPF 127 & 192). Local planning authorities should look for opportunities to sustain, enhance or better reveal the significance of heritage assets (NPPF 192 & 200). Great weight should be given to the conservation of heritage assets, such as Black Carr Mill, and any harm requires clear and convincing justification. In this case the resulting harm would need to be weighed against the public benefits of the scheme (NPPF 196).

Paragraph 196 and 197 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the harm should be weighed against the public benefits of the proposal, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account when determining an application.

The harm to the conservation area would be the loss of the north light weaving shed. This would be less than substantial harm.

Several weaving sheds have been demolished over the last 20 years or so and the Black Carr weaving shed is now the largest remaining in Trawden. Only two other smaller sections of north lights now remain in the village, at Brook Shed and Scar Top Mill. Core Strategy Policy ENV1

includes reference to weaving sheds as elements that make a particular contribution to the local character and distinctiveness of Pendle.

The warehouse is a prominent and distinctive building and, from the east, the weaving sheds distinctive saw-tooth profile can be seen.

The current proposal seeks permission to convert the three-storey mill building into mixed office/residential use and demolish the weaving sheds to facilitate new residential units on site. While the large western wall to the weaving shed wall would be demolished, the eastern wall, with its saw-tooth profile of north-lights, would be retained, albeit in modified form. The impact of the proposed demolitions would result in some harm to the significance, character and appearance of the conservation area in terms of the loss of historic buildings. Weaving sheds are becoming increasingly rare and their importance should not be understated. This harm would be mitigated by the re-use of the mill, the retention of the north-light wall and the design of the development.

Some minor alterations would assist in reflecting the character of the conservation area and improve the design quality.

In terms of justification part of the mill would be retained and converted into 8 residential units which would allow this prominent building to be retained and preserved for the future together with new high quality housing development.

There would be clear benefits to the conservation area in terms of the repair and reuse of the 3-storey mill building. The loss of the weaving shed would also be mitigated by the development of new homes in a high quality contemporary but contextual design sympathetic to local character and history and which helps to maintain the strong sense of place created by local building types and materials.

The layout would retain the distinctive north-light stone gable wall along the brook, which would make a significant contribution to retaining the traditional industrial context and sense of place.

It is important that the existing stone and copings are reused in this rebuilt front wall. Paving, steps etc. within the site should include some natural materials such as stone setts and flags to assist the scheme to bed into its context. A deep band of stone setts at the road entrance would add to the quality of the layout.

The contemporary design seeks to reinterpret the industrial aesthetic and north light configuration. However, further details of materials, sections and use of natural stone with stone salvaged from the demolished weaving shed reused wherever possible in order to tie the new build houses to the adjacent warehouse conversion.

In terms of national policy the requirements of para 196 need to be met and therefore the less than substantial harm needs to be weighed against the public benefits.

The public benefits include:

- New housing, which contributes towards the five year housing land supply in accordance with Pendle Borough Council Local Plan and Trawden Forest Neighbourhood Plan;
- Retain and re-use of part of the existing mill building;
- Payment of Council tax and potentially new homes bonus;
- Employment of local tradesmen and businesses during the construction and management phase;

- Education contribution towards one secondary school place in the vicinity; and
- Two affordable units within the site as required by policy LIV4.

Whilst the loss of part of the weaving shed would result in less than substantial harm to Trawden Forest Conservation Area, the public benefits listed above would not outweigh the harm to the heritage asset as there are still outstanding concerns over the lack of soft landscaping and green spaces within the site resulting in a harsh form of development in this prominent and sensitive location.

The proposal therefore fails to accord with policies ENV1, ENV2, LIV5 and paragraphs 127 and 196 of the National Planning Policy Framework in respect of impact on the conservation area and well-designed places.

#### **4. Residential Amenity**

The proposed scheme comprises of six terraced three storey properties, in addition to the conversion of the existing mill building into 8 apartments. The new build dwellings would be sited to the south east of the mill building, facing south west onto Skipton Road.

The proposed dwellings would be sited 4 metres from the side elevation of the mill building and would have no side facing windows, therefore ensuring no loss of privacy to occupants of the proposed apartments and therefore a suitable relationship between the two buildings. Each dwelling would benefit from adequate private outdoor amenity space, to the rear of the properties, adjacent to Trawden Brook, however, as the Environment Agency require an 8m easement along the Beck there would be limited scheme for planting and soft landscaping on this elevation.

Views from the development will be predominantly to the north east, overlooking Trawden Brook and open fields. Furthermore, the new dwellings would be located approximately 28 metres from the fields and motor vehicle repair garage on the south west of B6250 Skipton Road, which is an acceptable separation distance for this development.

Therefore, the proposed development is acceptable in terms of potential impact on residential amenity in accordance with Policies ENV2 and LIV5.

#### **5. Flooding and Drainage**

Policy ENV7 addresses water management, which includes flood risk and surface water run-off. It does not allow for new development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

The application site is located directly adjacent to Trawden Brook and is within Flood Zone 3. As a result, a Flood Risk Assessment (FRA) has been submitted as part of the application.

An amended flood risk assessment was submitted on 13<sup>th</sup> February 2019, this now addresses all the previous concerns raised and as a result both the Lead Local Flood Authority and Environment Agency have withdrawn their previous objections subject to the Flood Risk Assessment being implemented and appropriate conditions being attached to any grant of approval.

However, there is concern over the emergency evacuation plan for the site with EA commenting that this could have implications for danger to both the public and emergency services in particular with regard to vehicles floating or being displaced as a result of flooding.

As it stands there is not sufficient evidence to show that residents and visitors to the apartments and houses can safely exit the building and that evacuation can take place without resulting in potential hazards to the public and emergency services. The agent has been requested to address this as a matter of urgency in terms of the guidance set out in the Planning Practice Guidance and to meet the requirements of policy ENV7 of the Pendle Local Plan Part 1: Core Strategy.

As it stands this proposal would not accord with policy ENV7 of the Pendle Local Plan.

## **6. Highways and Access**

No objections have been raised with regards to the capacity of the existing road to accommodate additional traffic as a result of this development.

The proposed access point is acceptable and the visibility splay requirement is achievable, given there is a speed limit of 30mph along Skipton Road. A number of off-site highway improvement works would be required as a result of providing the proposed access as well as the introduction of parking restrictions along the frontage and on the western side of Skipton Road. The highway improvements can be controlled by appropriate conditions on any grant of approval.

The development will comprise of 6 no. 3 bedroom dwellings and 8 no. apartments. Therefore a total of 20 on plot parking spaces are required. The proposal includes 20 parking spaces within a communal parking area to the front of the dwellinghouses. These are sufficient provision for the development, although they should be clearly allocated to each dwelling.

As a result, no objections are raised on highway grounds subject to appropriate conditions and the site accords with policy 31 in terms of parking requirements.

## **7. Affordable Housing**

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing. The application site is located within the settlement boundary of Trawden.

As a result, the development would be associated with Trawden, as within Rural Pendle, therefore as 13 dwellings are proposed on the site, a 20% affordable housing contribution would be required, in accordance with Policy LIV4. This would result in an allocation of 2 dwellings on the site, which can be secured by an appropriate condition on any grant of approval. The agent has been advised of this requirement.

## **8. Education Provision**

An assessment of the proposal by Lancashire County Council Education Authority, taking into account all approved applications within the local area, concluded that a contribution would be sought for 1 secondary school place. No contribution is required for primary school places.

As a result, this would require a payment of £24,185.163 to LCC as part of this development scheme.

The agent has been advised of this request.

## **9. Summary**

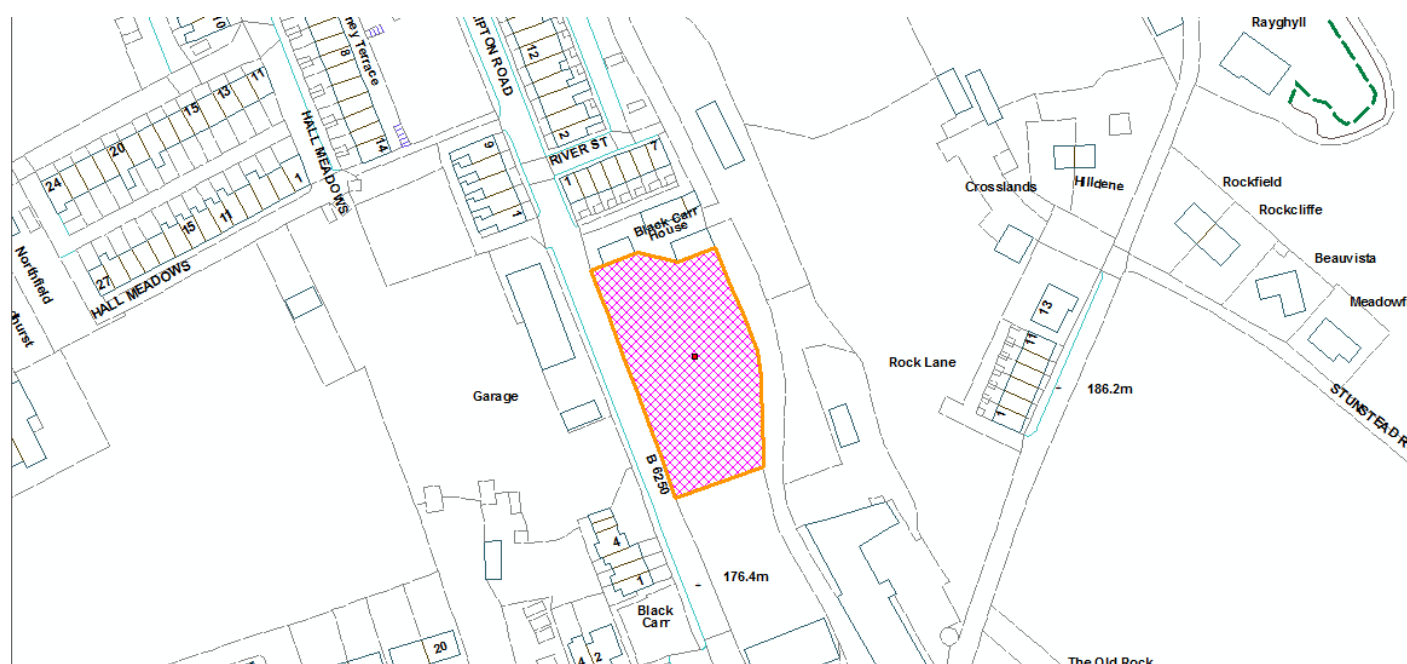
Whilst the proposed scheme is acceptable in terms on impact on residential amenity, design and materials and highway issues there is still some concerns over the lack of potential for soft landscaping within the site and the ability to safely evacuate the site in the event of an extreme



flood occurring and the site flooding as it is intended to do. This results in an unacceptable form of development on this prominent site within the conservation area without the provision of appropriate and effective landscaping and an acceptable flood evacuation plan.

### **RECOMMENDATION: Refuse**

1. The proposed development would result in a harsh, hard layout due to the limited potential for effective screening/soft landscaping within the site and the car parking, bin stores, cycle parking and hard landscaping to the front which includes steps and a ramp along with raised terraces which would result in a poor design to the detriment of the site which lies within Trawden Forest Conservation Area. The application therefore would not be in accordance with policies ENV1, ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy 2011 -2030 and paragraphs 127 and 196 of the National Planning Policy Framework.
2. The development does not adequately provide for a safe flood evacuation plan and emergency response in terms of managing flood risk and the ability of residents and users to safely access and exit the building during a design flood and evacuate before an extreme flood event. This does not accord with the guidance set out in the Planning Practice Guidance (PPG) and therefore is not in accordance with policy ENV7 of the Pendle Local Plan Part 1: Core Strategy 2011-2030.



**Application Ref: 18/0768/FUL**

**Proposal:** Full: Major: Conversion of upper floors and part-ground floor of Mill building to form 8 dwellinghouses; Demolition of Weaving Shed and erection of 6 dwellinghouses and associated external works (Re-submission).

**At:** Black Carr Mill, Skipton Road, Trawden

**On behalf of:** CRS Plant Ltd.

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 9<sup>TH</sup> MAY 2019

**Application Ref:** 19/0111/FUL

**Proposal:** Full: Convert barn to dwelling house and erect extension to front elevation.

**At:** Causeway Top Farm, Moss Houses Road, Foulridge

**On behalf of:** Mr Lee Baldwin

**Date Registered:** 11.02.2019

**Expiry Date:** 13.05.2019

**Case Officer:** Charlotte Pinch

### **Site Description and Proposal**

This application is brought to Committee as it has received more than 3 objections.

The application site comprises of a stone built barn, adjacent to existing dwellings and barn conversions. The site is located outside of a defined settlement boundary and within the Green Belt. There is open land directly to the north and beyond the existing cluster of buildings.

The proposed development is the conversion of the barn to a dwellinghouse, with the addition of a small single storey extension to the front and some alterations to the existing openings. The proposal would use the existing access track and curtilage.

### **Relevant Planning History**

13/15/0470N

Prior Approval Notification (Agricultural building to dwelling Class Qa only): Change of use of agricultural building to dwelling (Re-Submission).

Prior Approval Not Required. 2015.

16/0482/AGD

Prior Approval Notification (Agricultural building to dwelling class Qa and Qb): Change of use of agricultural building to dwelling and external alterations.

Prior Approval Not Required. 2016.

### **Consultee Response**

#### **PBC Countryside Officer**

A public footpath passes through the site of the proposed development. The application does not show the proposed layout of any features external to the building and therefore it is not possible to comment on what impact any external works would have on the footpath. An informative should be included on any permission granted highlighting that the PROW should not be obstructed or interfered with as part of this development.

#### **LCC Highways**

The submitted drawing no. 3423/201a which shows parking for two vehicles and the line of the public footpath is acceptable. An informative should be included, relating to the PROW, as part of any planning approval granted.

## **Public Response**

Three letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- Loss of privacy to neighbouring dwellings, as a result of south west side facing windows.
- Loss of privacy to the adjacent listed building, as a result of two small windows and a ground floor doorway, on the rear elevation.
- Must ensure suitable parking provision is provided, which does not block any existing access routes.
- Parking to the side of the barn would result in noise and visual disturbance to neighbouring occupiers, as well as loss of light.
- Loss of common yard space, would have a detrimental impact on the setting of the listed building.
- Concerns over the risks associated with the safe removal of the existing asbestos roof.

## **Officer Comments**

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy**

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.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

#### **Replacement Pendle Local Plan**

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

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

#### **National Planning Policy Framework**

Paragraph 79 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.

Paragraphs 143 to 146 of the Framework deals with proposals affecting the Green Belt, for which inappropriate development is harmful and should not be approved except in very special circumstances.

## **Principle of Development**

The building is a traditional stone barn and, although not designated, it is therefore of some heritage value. The proposed conversion of the building would secure its future and this would represent special circumstances for the conversion to a dwelling in an isolated location in accordance with Paragraph 79 of the Framework.

## **Green Belt**

Paragraph 146 of the National Planning Policy Framework sets out the types of development that are not inappropriate within the Green Belt. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and the re-use of buildings provided that the buildings are of permanent and substantial construction;

A structural report was submitted as part of the application which concluded that, the barn is of substantial natural stone construction, with walls in good condition and some minor leaking drains which will be repaired as part of the conversion works. Moreover, the roof materials are proposed to be replaced as part of the development. No concerns have been raised in relation to the barn being suitable for conversion.

The proposed development includes a small single storey front extension, comprising of a utility room and W/C. This extension would be small in scale and modest in relation to the existing barn. Therefore, it would not form a disproportionate addition and be acceptable in accordance with Para. 145 of the NPPF.

The proposed development would therefore not be inappropriate development and would not result in an unacceptable impact on the openness of the Green Belt.

## **Design**

The appearance and scale of the existing barn is being largely retained as a result of this development. A small lean to single storey front extension is proposed, which reflects the existing front extension on the north east side, therefore not appearing out of keeping in relation to the character of the barn. Moreover, the main front entrance is being largely preserved, with a slight alteration to the roof position and doorway, although the high doorway will be retained internally.

The majority of the existing openings are being retained, a small number of modest window openings are being added, in addition to 3 roof lights, which would respect and maintain the character of the building.

The design of the proposed conversion would be sympathetic to the character of the building and constructed of in keeping materials. It is therefore acceptable in accordance with Policies ENV1 and ENV2.

## **Amenity**

Some concerns have been raised in relation to overlooking as a result of proposed window openings and conversion of the barn into habitable accommodation. Two new small first floor windows are proposed on the south east rear elevation of the barn, however these are proposed to be obscure glazed and non-opening, which can be secured by condition.

Furthermore, an additional first floor window in the south west side elevation is proposed, to serve bedrooms 2 and 3. This window would be located 14 metres from the front elevation of Moss House Barn, which is not situated within direct line of sight of the window. As a result, this would not result in significant detrimental overlooking to neighbouring occupiers.

The proposed conversion would not result in a reduction of separation distances between the existing barn and neighbouring properties. The site is surrounded by a number of existing residential properties and barn conversions, therefore a residential use would be suitable within this setting.

As a result, this conversion would raise no significantly detrimental residential amenity impacts in accordance with policies ENV2 and LIV5.

## **Highways**

The proposed development includes two parking spaces to the north east side elevation of the existing barn. These would provide sufficient on plot parking for the proposed three bedroom dwelling.

A public right of way runs to the rear of the barn, from the south west to the north east of the site. It is important to ensure that this is not obstructed during the development and the access route is maintained, no objections are raised.

Therefore, the proposed development is acceptable in terms of highway safety.

## **Protected Species**

A Preliminary Roost Assessment Bat Survey has been submitted, which concluded that there was no evidence of bats located internally or externally during the survey, in addition the building has a low likelihood of supporting roosting bats. Therefore, subject to suitable conditions being applied to ensure that works are undertaken in the presence of a suitably qualified ecologist, the proposed development would be acceptable in terms of its potential impact on protected species.

## **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 barn conversion 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: 3423/202a, 3423/201a

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

3. The materials to be used on the external walls and roof of the development hereby approved must comprise of natural sandstone and natural stone slate roof tiles. The development shall be carried out only using the approved materials.

**Reason:** In order to protect and preserve the character and visual appearance of the building.

4. Prior to their installation, details of the design, materials and finishes of the window frames and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

**Reason:** To ensure satisfactory details that are appropriate for the building and area.

5. The development shall be carried out in strict accordance with the recommendations set out in the Preliminary Roost Assessment Bat Survey V2 18.03.2019.

**Reason:** To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

6. Prior to the commencement of any external works details of the provisions, including location, to be made for a bat box must be submitted to and approved in writing by the Local Planning Authority. The box shall thereafter be installed prior to the occupation of development and retained thereafter.

**Reason:** In order to not disturb the nesting of bats which are protected under the Wildlife and Countryside Act, 1981.

7. Prior to the commencement of development a scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the dwelling is occupied.

**Reason:** To control foul and surface water flow disposal and prevent flooding.

8. All new rainwater goods or soil pipes shall be in cast iron or aluminium and painted in a colour to be agreed in writing by the Local Planning Authority and thereafter carried out in strict accordance with the approved plans.

**Reason:** To ensure the use of appropriate material in order to protect the character and appearance of the building and the area.

9. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order

2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E and G of Part 1 and Classes A, B & C of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to safeguard the character of the area.

10. The permission hereby granted is for the conversion of the existing barn only and does not imply or grant permission for demolition or re-building of the external walls.

**Reason:** The substantial rebuilding of this building in Open Countryside would be contrary to the development plan and Paragraph 79 of the National Planning Policy Framework.

11. The dwelling hereby approved shall not be occupied unless and until the car parking area on the approved plan 3423/201a has been laid out, surfaced in a bound material and made available for use. The car parking area shall thereafter be maintained free from obstruction and available for parking of two cars.

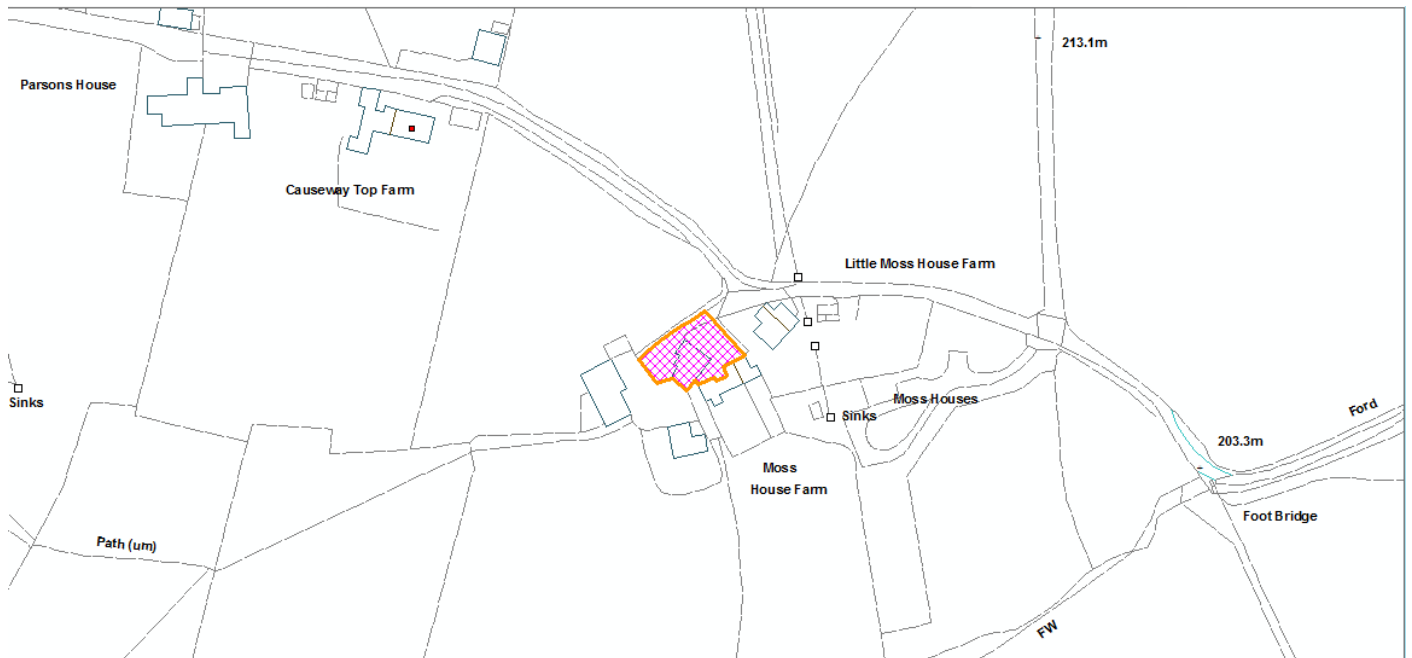
**Reason:** In the interests of highway safety and allow for effective use of the parking areas.

12. The windows in the south east rear elevation of the development hereby permitted shall at all times be glazed only with obscure glass, of obscurity Level 4 or above, and be retained as such. Any replacement glazing shall be of an equal degree of obscurity. The window shall also be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

**Reason:** In order to protect and preserve the privacy and amenity of the occupiers of the adjoining dwelling.

## **INFORMATIVE**

The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act. Public Footpath FP 38 (Foulridge) may be affected by this development. The applicant should contact the Public Rights of Way Section for any advice regarding the above by e-mail on [PROW@lancashire.gov.uk](mailto:PROW@lancashire.gov.uk)



**Application Ref:** 19/0111/FUL

**Proposal:** Full: Convert barn to dwelling house and erect extension to front elevation.

**At:** Causeway Top Farm, Moss Houses Road, Foulridge

**On behalf of:** Mr Lee Baldwin



## REPORT TO COLNE AND DISTRICT COMMITTEE 09 MAY 2019

**Application Ref:** 19/0113/FUL

**Proposal:** Full: Major: Change of use of factory (Use Class B2) to Roller Skate Arena, soft air shooting arena, crazy golf, snooker hall (Sui Generis) and bar restaurant (Use Class A3/A4).

**At:** Old Empress Mills, King Street, Colne

**On behalf of:** Mr Paul Earnshaw

**Date Registered:** 04/03/2019

**Expiry Date:** 03/06/2019

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The property is the former Kippax biscuit factory located on King Street immediately to the south of the boundary of Colne town centre. There are commercial / industrial premises to the east and west, open storage to the north and a short stay car park and Colne library to the south.

The proposed development is the change use of the building to a roller skate arena, soft air shooting arena, crazy golf, snooker hall with an associated bar and restaurant. No external alterations are proposed to the building.

### **Relevant Planning History**

Outline: Major: Demolition of existing buildings and erect health centre (4,500 sq.m). Approved.

### **Consultee Response**

LCC Highways - The existing car park access should be widened to allow 2 vehicles to pass side by side prior to the first trading of the premises.

Cadent Gas Ltd – Please attach a not relating to operational gas apparatus within the application site boundary.

Colne Town Council – Strongly supports this application. This development will be a central element of the re-development of Colne and a boost to the local economy. The premises is a building on The Colne List and noted in the emerging Colne Neighbourhood Plan. We would encourage that this application is prioritised and passed as quickly as possible.

The car parking layout needs amending to show car parking bays 4.8m x 2.4m with 6m aisles, currently the spaces are too short. A disabled parking bay provision and a secure, covered cycle store should be provided within the car park at a rate of 10% of the overall provision and motorcycle parking at 25% of the overall provision.

The site appears to propose approx. 3000 sqm of floor space which would require approx. 90 car parking spaces when applying the parking standards for a D2 use with a ratio of 1:33sqm which includes a reduction for a highly sustainable site such as this.

## **Public Response**

Nearest neighbours notified – No response

## **Officer Comments**

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy (LPP1)**

Policy WRK4 (Retailing and Town Centres) states that main town centre uses should follow a sequential approach with town and local shopping centres being the first order of priority.

Policy WRK5 (Tourism, Leisure and Culture) - New development aimed at attracting people into our towns will be expected to comply with a sequential approach, which prioritises sites and premises that are located alongside an existing, or complementary, use.

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.

#### **Replacement Pendle Local Plan (RPLP)**

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

### **Principle of the development**

The proposed development is a leisure use and includes an element of restaurant and drinking establishment use. These are uses that should be accommodated within town centres as the highest order of priority.

However, it is clear in this case that the primary uses require a level of floorspace that would not be available within the town centre. The restaurant and drinking establishment uses would be ancillary to the primary leisure use and with a condition to ensure that those elements cannot be operated independently of the primary uses, the proposed development would not result in an unacceptable impact upon the vitality and viability of Colne town centre.

The proposed use is therefore acceptable in accordance with policies WRK4 and WRK5.

### **Amenity**

Adjacent properties are all commercial, it is possible that the row of shops adjacent on Dockray Street have, or could in the future have, flats above them. Taking into account that those properties are in a commercial setting within the town centre the proposed use would not raise any unacceptable residential amenity impacts in relation to them. The proposed development is therefore acceptable in terms of residential amenity.

### **Highways**

Concerns have been raised by LCC Highways in relation to the proposed car parking layout and width of the access.

It has also been raised that, based on floorspace, the parking requirement for a D2 (assembly and leisure use) would be 90 car parking spaces, whilst up to 60 spaces could be accommodated within the car park.

However, the application has been made on the basis that this is a sui generis use, not an unrestricted D2 use. The proposed uses are activities that would require a larger level of floorspace per customer than many other D2 uses and therefore would generate a lower demand for car parking. Taking this into account, together with the high accessibility of this location adjacent to the town centre, the level of car parking proposed is sufficient.

The widening of the access and an acceptable car parking layout can be ensured by condition. The proposed development is therefore acceptable in terms of highway safety in accordance with Policies 31 and ENV4.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed use is acceptable in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. 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, KB-1904-01, KB-1904-02, KB-1904-03, KB-1904-04, KB-1904-01, KB-1904-06, KB-1904-08, KB-1904-09, KB-1904-10, KB-1904-11, KB-1904-12.

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

3. No use hereby approved shall commence unless and until the car park has been surfaced, drained and marked out in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The parking shall include provision for a disable parking bay, motorcycle parking. The parking spaces and manoeuvring areas shall thereafter at all times be maintained free from obstruction and available for parking purposes.

**Reason:** To ensure that an adequate level of parking is provided and maintained.

4. No use hereby approved shall commence unless and until secure, covered cycle storage has been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall thereafter at all times be maintained and available for cycle storage purposes in accordance with the approved details.

**Reason:** To ensure that an adequate level of parking is provided and maintained.

5. No use hereby approved shall commence unless and until the vehicular access to the car park has been increased in width sufficient to allow two vehicles to pass side by side in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to those works being carried out.

**Reason:** To ensure adequate vehicular access in the interest of highway safety.

6. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 (as amended), or any statutory instrument revoking and re-enacting that Order with or without modification, the premises shall be used as a roller skate arena, soft air shooting arena, crazy golf, snooker hall, bar restaurant and for no other purpose including any other purpose within Use Class D2 of that Order. The bar restaurant use shall at all times remain ancillary to the roller skate arena, soft air shooting arena, crazy golf and snooker hall uses, bar restaurant use shall not at any times be operated independently of those uses.

**Reason:** To protect the vitality and viability of Colne town centre and to prevent uses which would result in an unacceptable increase in on-street car parking in the vicinity.

Note: Cadent have identified operational gas apparatus within the application site boundary. This may include a legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent assets in private land. The Applicant must ensure that proposed works do not infringe on Cadent's legal rights and any details of such restrictions should be obtained from the landowner in the first instance.

If buildings or structures are proposed directly above the gas apparatus then development should only take place following a diversion of this apparatus. The Applicant should contact

Cadent's Plant Protection Team at the earliest opportunity to discuss proposed diversions of apparatus to avoid any unnecessary delays.

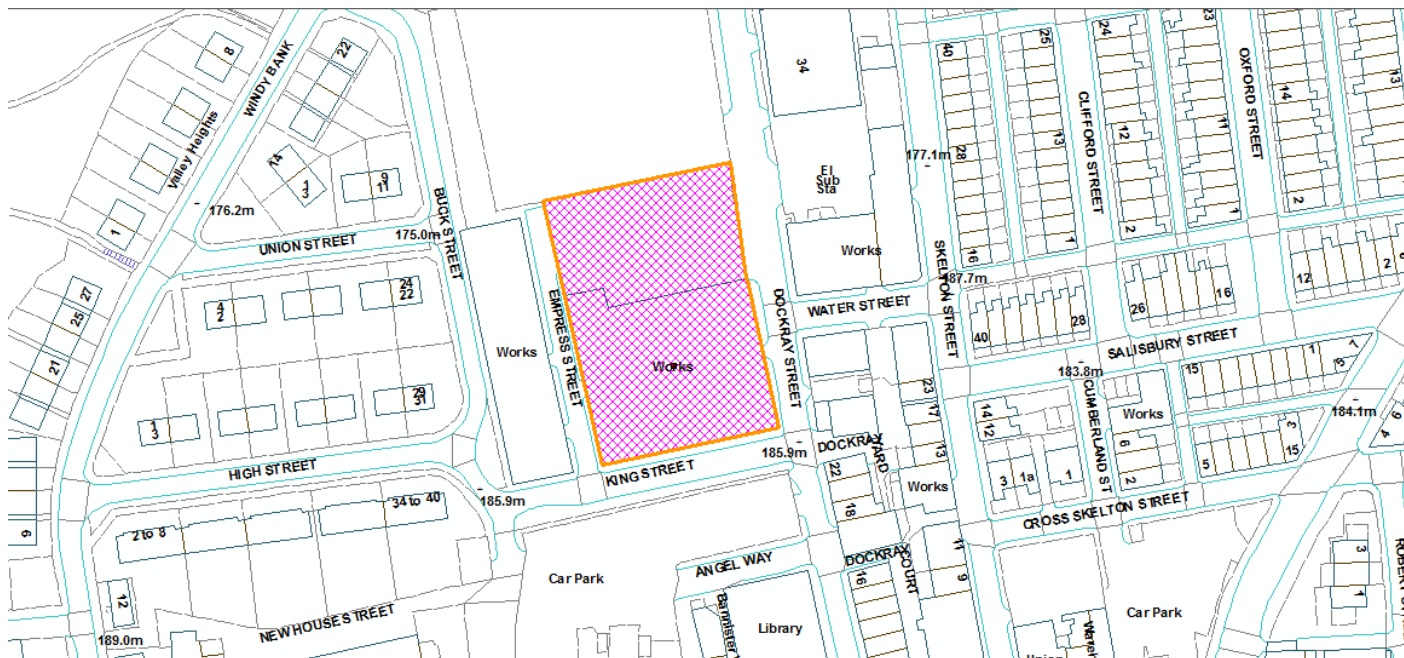
If any construction traffic is likely to cross a Cadent pipeline then the Applicant must contact

Cadent's Plant Protection Team to see if any protection measures are required.

All developers are required to contact Cadent's Plant Protection Team for approval before carrying out any works on site and ensuring requirements are adhered to.

Email: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Tel: 0800 688 588

Kind regards



**Application Ref:** 19/0113/FUL

**Proposal:** Full: Major: Change of use of factory (Use Class B2) to Roller Skate Arena, soft air shooting arena, crazy golf, snooker hall (Sui Generis) and bar restaurant (Use Class A3/A4).

**At:** Old Empress Mills, King Street, Colne

**On behalf of:** Mr Paul Earnshaw

## REPORT TO COLNE AND DISTRICT COMMITTEE 09 MAY 2019

**Application Ref:** 19/0197/FUL

**Proposal:** Full: Provision of Multi Use Games Area (MUGA) adjacent to eastern boundary of existing tennis courts (Reg 3).

**At:** Tennis Courts, Alkincoats Park, Alkincoats Road, Colne

**On behalf of:** Pendle Borough Council

**Date Registered:** 11/03/2019

**Expiry Date:** 21/05/2019

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is an area of open land to the east side of the tennis courts at Alkincoats Park in Colne.

The proposed development is the formation of a multi-use games area (MUGA) with up to 5m boundary fencing. The development would involve works to cut into the sloping land to create a level surface and the removal of a mature sycamore tree.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – No objection.

Lancashire Constabulary Architectural Liaison - The Multi Use Games Area should be secured with an anti-climb 2-3m high security rated mesh fencing system that has a self-closing gate which can be secured with a Sold Secure padlock when the facility is not in use to avoid misuse. A security rating such as LPS 1175 is recommended. The system must be able to provide safety to participants and spectators. MUGAS should be well illuminated and covered by CCTV where appropriate.

Colne Town Council –

### **Public Response**

Site notice posted and nearest neighbours notified – responses received objecting on the following grounds:

- Object to removal of a mature perfectly healthy sycamore tree.
- The scale of the proposed games area will visually dominate its surroundings and destroy an attractive undulating grassed area.
- There are better alternative sites nearby.
- The games area will cause a noise nuisance to local residents, including the future resident of the adjacent development.
- 24 hour access to the games area will result in anti-social behaviour and noise nuisance.

- Lack of security arrangement in an area with a history of anti-social behaviour issues.

## **Officer Comments**

### **Policy**

#### **Pendle Local Plan Part 1: Core Strategy (LPP1)**

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) Development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments. Existing open spaces will be protected from development. The Council will encourage and support improvements to these spaces.

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

### **Open Space**

The proposed development would provide a sports and recreation facility; this is compatible with the Open Space designation of the land in accordance with policy ENV1.

### **Design and Visual Amenity**

The proposed MUGA would be in keeping with its surroundings, appearing as an extension of the existing sports facilities immediately to the west. With a condition to control the finish of the 5m tall fencing, which is not specified, the proposed development is acceptable in terms of visual amenity in accordance with policy ENV2.

### **Residential Amenity**

The proposed development would not result in a material change in use of the land, however, it would be result in a change to the intensity of the recreational use.

The proposed MUGA would be located approximately 50m from existing dwellings on Haverholt Close and 30m from approved dwellings under construction on the adjacent land.

At this distance from the site of the new dwellings the use of the MUGA is likely to result in a level of noise that would be unacceptably harmful to the amenity of the occupants of those properties. The MUGA would be accessible at all times and any anti-social behaviour would impact on the quality of life of the occupants of those houses

Whilst much of the development proposed could be carried out under the permitted development rights available to the Council to undertake development without the need for a planning application, and this fall-back position is a material consideration, the application must be considered as submitted.

As submitted the proximity of the proposed MUGA to the dwellings currently under construction on adjacent land would result in unacceptable impacts upon the residential amenity of the occupants of those properties, contrary to policy ENV5.



## **Trees**

There is a mature sycamore tree on the site. This is not protected as it is on Council controlled land. Trees are not protected on Council owned land as Council's are expected to act as responsible landowners in relation to trees of amenity value and make decision as a responsible body.

The tree has been identified as a category A tree and is a tree that would have a Tree Preservation Order on it were it not on land controlled by the Council. Whilst the tree is not formally protected, the reason for this is that Councils do not TPO their own trees, and the loss of its amenity value must be taken into account in determining this application.

This mature sycamore tree sits in a prominent position within Alkincoats Park and its loss would have a significant adverse impact upon the amenity of the local environment. The benefits of the development in terms of providing improved sports and recreation facility do not outweigh the loss, nor could the loss be acceptably compensated for with replacement trees, particularly when there are other options available for the location of the MUGA that would not affect the tree.

The loss of the tree resulting from the proposed development is unacceptable and contrary to policy ENV1.

## **Highways**

The proposed development raises no unacceptable highway safety impacts.

## **Summary**

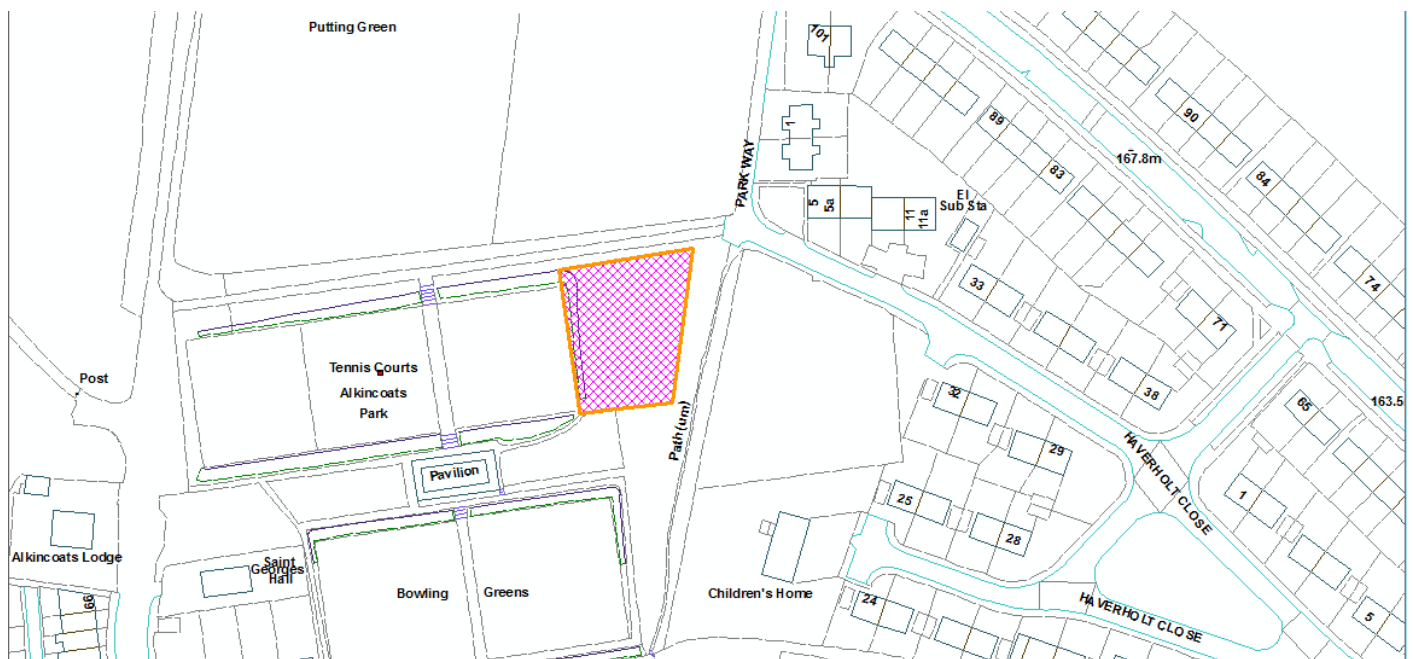
The proposed MUGA would result an unacceptable residential amenity impacts upon the future occupants of the adjacent housing development and would result in the unacceptable loss of a tree with amenity value that would be likely to result in it being protected by a Tree Preservation Order if it were not on Council controlled land. The application is therefore recommended for refusal.

## **RECOMMENDATION: Refuse**

For the following reasons:

1. The proposed multi-use games area would be likely to result in unacceptable impacts upon the residential amenity of adjacent dwellings by way of noise and disturbance contrary to policy ENV5 of the Pendle Local Plan Part 1: Core Strategy.
2. The proposed multi-use games area would result in the loss of a mature sycamore tree which would result in an unacceptable impact upon the amenity of the local environment contrary to policy ENV1 of the Pendle Local Plan Part 1: Core Strategy.





**Application Ref:** 19/0197/FUL

**Proposal:** Full: Provision of Multi Use Games Area (MUGA) adjacent to eastern boundary of existing tennis courts (Reg 3).

**At:** Tennis Courts, Alkincoats Park, Alkincoats Road, Colne

**On behalf of:** Pendle Borough Council

## LIST OF BACKGROUND PAPERS

Planning Applications NPW/MP

Date: 12th April 2019