

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

**TO: COLNE & DISTRICT COMMITTEE**

**DATE: 06<sup>th</sup> June 2019**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 6<sup>TH</sup> JUNE 2019

**Application Ref:** 18/0594/FUL

**Proposal:** Full: Change of use of agricultural land for the erection of six timber glamping pods, toilet and shower building and associated hard standing for car parking.

**At:** Field 3226 At The Junction With Reedymoor Lane Whitemoor Road, Foulridge

**On behalf of:** Mr Tony Philpott

**Date Registered:** 28/08/2018

**Expiry Date:** 14/05/2019

**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 a stables and equine / agricultural field adjacent to the junction of Reedymoor Lane and Whitemoor Road. The site is located within the Green Belt.

The proposed development is the change of use of the land for the siting of six timber camping pods and the conversion of the existing stable building to a toilet and shower block and formation of a new vehicular access and parking area.

### **Relevant Planning History**

13/15/0511N - Prior Approval Notification: Change of use of agricultural building to a dwelling house (Class Q(a) only). Invalid application.

### **Consultee Response**

**LCC Highways** - The developer should provide an amended plan showing visibility splays of 2.4m x 43m. The plan submitted shows the visibility splay to the north east of the proposed new site access is to the centre of the carriageway, which is not acceptable.

The formation of the new vehicle access from Reedymoor Lane to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority.

Subject to the satisfactory receipt of further information, and if the local planning authority is minded to approve this application, the following conditions and note should be applied to any formal planning approval granted: access construction, construction method statement, visibility splays, car parking, access surfacing, closure of existing access, completion of access.

**United Utilities** – Recommend a condition for foul and surface water drainage.

**Canal and River Trust** – No comment.

**PBC Environmental Health** – A caravan site licence is required.

**Lancashire Constabulary Architectural Liaison** - Holiday buildings such as caravans, pods, tents etc. can be targeted for crime due to the fact that they're unlikely to be occupied during the day or at certain times of the year and are often located in isolated rural areas; therefore the prospect of detecting an offender can be significantly reduced. Construction of the accommodation can also be an issue as they're often made of lightweight materials with poor quality locking mechanisms, which are easily compromised.

In addition, sites can be targeted by opportunist offenders who can easily blend in by wandering into the site unchallenged purporting to be looking for a pitch. Users of this type of accommodation will often leave their own easily removable personal and valuable items inside, such as tablets, games consoles and jewellery etc.

Recommends measures to mitigate the risk of crime including natural surveillance, secure boundary treatments, CCTV, access barrier, door and window locks, secure glazing, secure bicycle storage and intruder alarms.

**Lancashire Fire and Rescue** – Recommendations relating to building regulations requirements.

**Foulridge Parish Council** – Objects. A previous application in 2015 for change of use was refused when specific objections were raised, in particularly with reference to highway safety by the highway authority

There is poor visibility for any driver exiting the site and highway users on Reedymoor Lane

Cyclists would be particularly vulnerable on route 68 which passes along Reedymoor Lane

High hedges around and close to the existing access severely restrict visibility and plans to increase this hedge line would exacerbate matters

Pedestrians walking from this proposed site to Foulridge would have no footways or lighting facilities increasing their vulnerability to traffic

By their very nature holiday buildings in isolated areas can suffer from an increase in crime/burglary which may also affect crime in the nearby village of Foulridge which would no doubt concern local residents

If approved a precedent would be set whereby further development at a later date may result in a specific area of glamping/caravans/housing in an isolated area separate from the village in open countryside

The council believe that glamping accommodation is already catered for at other local locations and is not fully occupied

The council draws your attention to an error in the application drawings; the red edge of the development encompasses the memorial shelter, this building is under ownership of the Parish Council and not the applicants.

### **Public Response**

Press and site notices posted and nearest neighbours notified. Responses received objecting on the following grounds:

- Permission was refused for a dwelling on this site in 2015 with highway safety concerns raised.

- The application is just another attempt to circumvent planning regulations on agricultural land, in order to establish a residence on what was a stable.
- Highway, pedestrian and cyclist safety concerns.
- Lack of access to public transport, services and facilities.
- There is adequate glamping and other tourist accommodation in the area.
- The site may end up an eyesore if under used.
- The land is Green Belt and not suitable for development of any kind.
- Loss of open space.
- The development would set a precedent for other development in the area.
- Additional lighting/security systems will have a negative impact on the local wildlife.
- Attraction of criminal activity.
- Concerns relating to long-term maintenance of the site.
- Concern relating to supervision of the site.
- Noise impacts on nearby residents.
- The land is not agricultural land.
- Issues relating to previous uses of the site.

## **Officer Comments**

### **Policy**

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG. The impact of new developments on the natural environment (biodiversity and geodiversity) should be kept to a minimum.

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

### **Principle of the development**

The site is in an acceptably assessable location for a tourist accommodation use approximately 200m from the settlement of Foulridge. The development is therefore acceptable in accordance with policy WRK5.

### **Green Belt**

The exceptions set out in the Framework include the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposed camping pod development is an outdoor recreation use and meets this exception. The proposed development is therefore not inappropriate development in the Green Belt.

The proposed camping pods are modest structures and would be suitably screened by and set against the existing trees and hedges surrounding the site. The camping pods, conversion of the existing stable and ancillary development including parking and access road would acceptably preserve the openness of the Green Belt.

### **Visual Amenity**

The proposed buildings would be of an appropriate scale and design, the buildings and ancillary development would not be excessively prominent or harmful to the rural character of the area. Subject to conditions to ensure acceptable external finishes the proposed development are acceptable, the proposed development is acceptable in terms of visual amenity in accordance with policy ENV2 and WRK5.

### **Residential Amenity**

The proposed extension development would be approximately 160m from the nearest dwelling, the distances from nearby dwellings are sufficient to ensure there would be no unacceptable residential amenity impacts upon the occupants those properties resulting from the proposed use.

The proposed development is acceptable in terms of residential amenity in accordance with policy ENV5.

### **Highways**

The application was initially submitted with the proposed access at the point of the existing field gate adjacent to the bus shelter, which did not allow for sufficient visibility.

Amended plans have been submitted relocating the proposed access to the west together with a traffic survey. The traffic survey established that splays of 2.4m x 43m are necessary in each direction. The amended plans demonstrate that an acceptable level of visibility would be achieved.

Adequate parking provision is proposed and the proposed access and surrounding highway network are adequate to support the traffic from the proposed development without unacceptable highway safety impacts.

The proposed development is acceptable in terms of highway safety in accordance with policy ENV4.

### **Ecology**

The development would involve the removal of a section of hedgerow to accommodate the access and visibility splays. The hedgerow is identified as being important under the Hedgerow Regulations.

An ecology survey has been submitted, this gives recommendations for mitigation measures to offset the impact on the hedgerow and potential impacts on protected species, including the creation of new hedgerows and planting of trees either side of the access.

The removal of part of the hedgerow is necessary to enable safe and suitable access to the site, with conditions to ensure that the recommended mitigation to offset the loss of existing hedgerow

is implemented the proposed development is acceptable in terms of its impact on ecology in accordance with policy ENV1.

## **Summary**

The proposed camping pod development would constitute sustainable development, it is appropriate development within the Green Belt that would not result in an unacceptable impact on its openness and is acceptable in terms of visual, landscape impacts, residential amenity, highway safety and impact on ecology. The application is therefore recommended for approval.

## **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and the 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 development permitted shall be begun before the expiration of three years from the date of the 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: 002 P3, 003 P5, 004 P5, 008 P3.

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

3. There shall not be more than 6 camping pods sited within the site and they shall at all times be sited in accordance with the approved plans.

Reason: to ensure that the visual impact of the touring caravans is mitigated in the interests of the visual amenity of the area.

4. The camping pods shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators of the site shall maintain an up-to-date register of the names of all owners/occupiers of the camping pods and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

5. Prior to the re-cladding of the existing building samples of the external cladding materials, including their colour, shall be submitted to and approved in writing by the Local Planning Authority. The cladding shall be carried out and thereafter maintained in strict accordance with the approved details.

Reason: To ensure that the finish of the building is controlled in the interests of the visual amenity of the area.

6. Prior to the siting of the camping pods on the land samples external materials, including their colour, shall be submitted to and approved in writing by the Local Planning Authority. The camping pods shall be finished and thereafter maintained in strict accordance with the approved details.

Reason: To ensure that the finish of the building is controlled in the interests of the visual amenity of the area.

7. No camping pods shall be sited on the site unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
  - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - c. an outline specification for ground preparation;
  - d. all proposed boundary treatments with supporting elevations and construction details;
  - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
  - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the commencement of the use 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.

8. The development shall be carried out and managed in full accordance with the recommendations of the Hedgerow Regulations Assessment Survey Report ref: 19020.

Reason: To ensure protection of ecology and wildlife.

9. The development shall be carried out in strict accordance with the root protection measures recommended in the Tree Survey and Impact Assessment dated 23/04/2019. No development shall commence unless and until details of tree protective fencing have been submitted to and approved in writing by the Local Planning Authority, the fencing has been erected and its accordance with the approved details has been confirmed in writing by the Local Planning Authority. The protected fencing shall be retained in accordance with the approved details for the full period of construction.

Reason: In order to protect the trees within the site from harm during construction.

10. There shall be no external lighting of the application site unless and until details of the lighting have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity and direction of the lighting. Any external lighting shall at all times be in strict accordance with the approved details.

Reason: In order to prevent light pollution causing harm to the open rural character of the countryside.

11. The use hereby approved site shall not commence unless and until the existing vehicular access to has been physically and permanently closed.

Reason: The existing access is unsuitable to accommodate the additional traffic resulting from the development.

12. No part of the development hereby approved shall commence unless and until a scheme for the construction of the site access has been submitted to, and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the approved details prior to the commencement of the use hereby approved.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme is acceptable before work commences on site.

13. No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) Wheel washing facilities and provision to sweep the surrounding highway network by mechanical means
- v) Measures to ensure that construction and delivery vehicles do not impede access to properties on Reedymoor Lane.

Reason: In the interest of highway safety.

14. There shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any wall, fence, hedge, tree, shrub, vegetation or other device above verge level. The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed new access road from the continuation of the nearer edge of the carriageway of Reedymoor Lane to points measured 43m in each direction, off-set by 0.5m from the nearer edge of the carriageway of Reedymoor Lane, and shall be constructed and maintained at verge level in accordance with a scheme to be agreed by the Local Planning Authority in conjunction with the Highway Authority.

Reason: To ensure adequate visibility at the site access in the interest of highway safety.

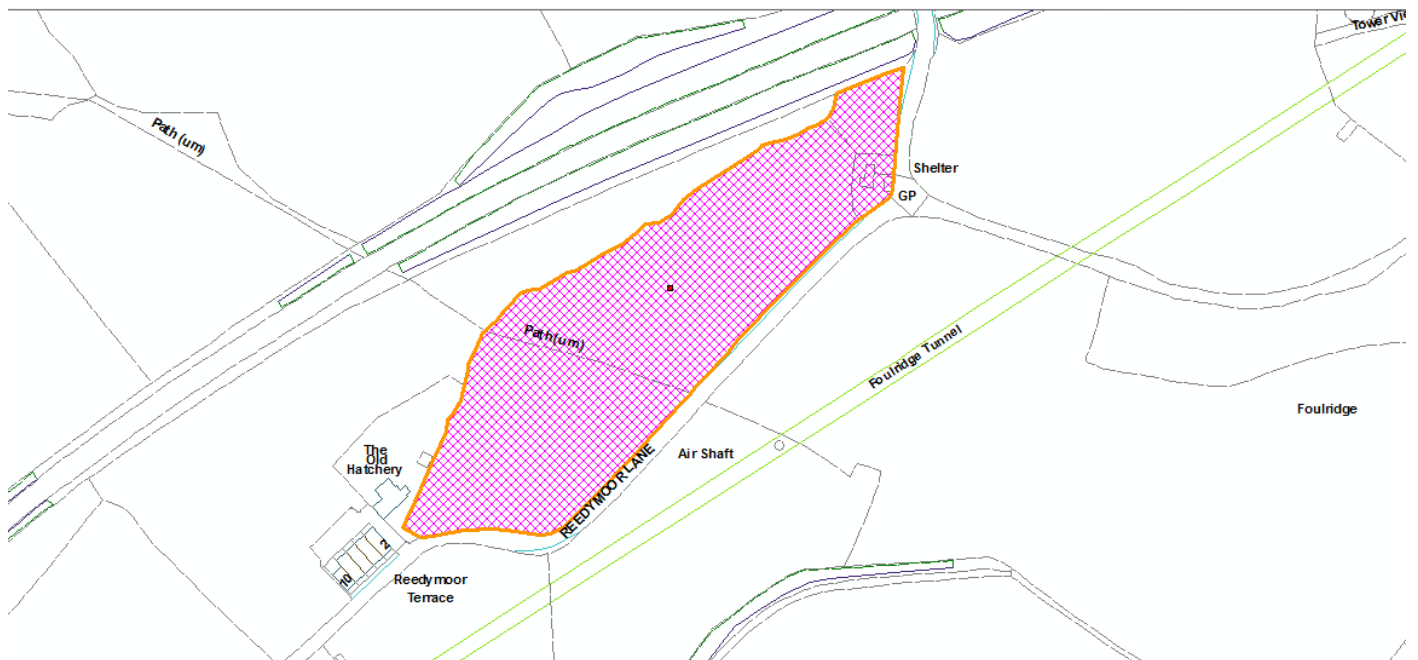
15. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear. The car parking and turning area shall be laid out and surfaced in accordance with the approved plans and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

16. Foul and surface water shall be drained on separate systems. The use of the camping pods hereby approved shall not commence unless and until details of foul and surface water drainage have been submitted to and approved in writing by the Local Planning Authority and the foul and surface water drainage has been fully implemented in accordance with the approved details.

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





**Application Ref:** 18/0594/FUL

**Proposal:** Full: Change of use of agricultural land for the erection of six timber glamping pods, toilet and shower building and associated hard standing for car parking.

**At:** Field 3226 At The Junction With Reedy Moor Lane Whitemoor Road, Foulridge

**On behalf of:** Mr Tony Philpott

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 6<sup>th</sup> JUNE 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 was deferred from the last meeting to assess amended plans which had been submitted. It has been brought before Committee as it is a major application. There are still outstanding issues which have been discussed with the applicant and further details are expected which will be reported to the meeting.

### **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. An elevated walkway is now proposed to the rear of the mill to connect to the emergency escape route onto Skipton Road.

The agent also states that on-site 20% affordable provision would not be viable in this case.

### **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.

Update – more details on the elevated walkway are required in order to assess if this is acceptable on this elevation. An update on this will be provided at the meeting.

## **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.

In order to address the issue of emergency escape from the mill in the event of flooding it is now proposed to erect an elevated walkway from the half landing to connect with the emergency escape route from the houses. Further details of how this would be constructed and materials needs to be provided in order to fully assess this.

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 order to address the issue of emergency escape from the mill in the event of flooding it is now proposed to erect an elevated walkway from the half landing to connect with the emergency escape route from the houses. Further details of how this would be constructed and materials needs to be provided in order to fully assess this potential impact on the mill and conservation area.

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 issues with the lack of soft landscaping and green spaces within this major housing site which would result 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.

In order to address the issue of emergency escape from the mill in the event of flooding it is now proposed to erect an elevated walkway from the half landing to connect with the emergency escape route from the houses. Further details of how this would be constructed and materials needed to be provided in order to fully assess this potential impact.

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 responded that the provision of 20% affordable units on the site would not be viable. Whilst some information has been provided a more detailed viability assessment has been requested in order to assess 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.

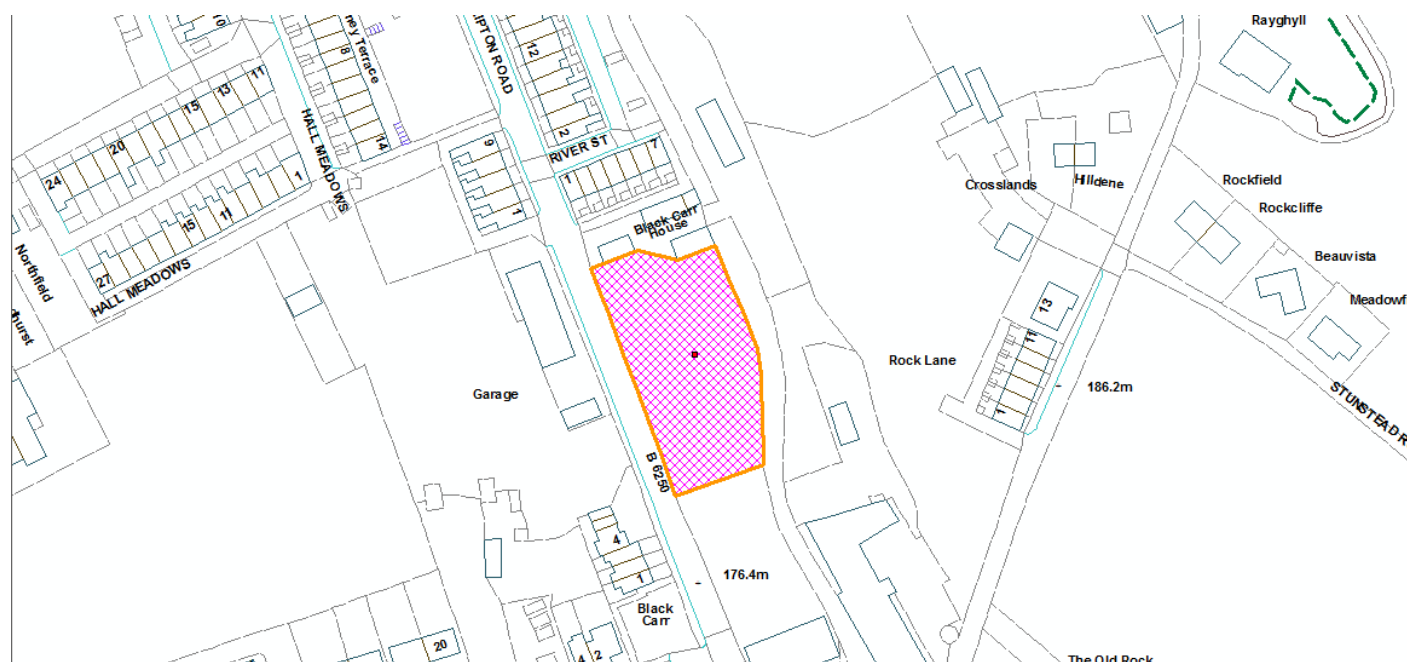
## **9. Summary**

Whilst the proposed scheme is acceptable in terms on impact on residential amenity, design and materials and highway issues there is still 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.

## COLNE AND DISTRICT COMMITTEE REPORT 06 JUNE 2019

**Application Ref:** 19/0083/HHO

**Proposal:** Full: Change of use of agricultural land to domestic garden and erection of a detached garage with office accommodation above.

**At:** Thornlea, Lane House Lane, Trawden

**On behalf of:** Mr & Mrs N Waring

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

**Expiry Date:** 10/06/2019

**Case Officer:** Alex Cameron

This application has been brought before Committee as over three objections have been received.

### **Site Description and Proposal**

The application site agricultural land to the north of Thornlea. The land is adjacent to the settlement boundary of Trawden with former tram tracks and dwellings opposite to the west and open land to the north and east.

The proposed development is the change of use of the land to domestic garden and the erection of a detached domestic garage. The original plan was for a triple garage with office above, this has been amended to a single storey double garage with a footprint of 8m x 7.6m with and eaves height of 2.6m and a ridge height of 4.4m.

The proposed garage would be finished in natural stone with a natural slate roof and upvc windows and doors.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways - No objection to the principle of a garage and office for domestic purposes. However the office appears to be to accommodate the applicants business, therefore more information is required to determine the extent of the operational requirements and additional vehicle movements that the office use would generate.

The sett-paved lane is privately maintained, a single vehicle width and with a network of public footpaths which will result in a number of pedestrian movements. An intensification of use by vehicles on the lane would not be a concern.

Trawden Forest Parish Council – The development is outside of the settlement boundary, and as detailed in Policy 1 of the NHP states 'Outside settlement boundaries of Trawden and Cotton Tree, development involving construction of new buildings, which is not specifically allowed for by other policies in this Plan or the PLP will only be permitted if it encourages tourism and complies to Policy 5, agricultural and other land-based rural businesses or where it is in a sustainable location adjacent to the settlement boundary and complies with other policies in this NHP and PLP.

There are concerns that a 2 storey building is being sought adjacent to a site included in the emerging Local List in conjunction with the adopted Neighbourhood Plan.

The garage faces down the field. The Councillors think that if it is approved, it should face the house.

The garage requires a larger footprint facing down the hill than if it was rotated 90deg. The Tram Tracks were not designed to have large, heavy vehicles moving over them. If PP is granted, either the tracks need to be protected from damage, or any damage that is caused would have to be repaired at the home owners expense.

There is already a covenant on the Tram Tracks land registry documents which states that properties who do have access over them must contribute to any maintenance. This was disputed by the home owners and the Councillors are concerned that more damage will occur through increased use.

It appears on the plans that the access being created is using some of the Parish Council land which the home owners have already been advised the Parish Council will not sell to them.

If PP is granted, the Parish Council would like to see their land, directly outside the property reinstated to a grassed verge. The whole length of the Tram Tracks verge is owned by the Parish Council.

### **Public Response**

Site and press notices posted and nearest neighbours notified – Responses received objecting to the development on the following grounds:

- Harm to the character of the village.
- Harm to the historic interest of the tramway.
- The proposed development would not preserve or enhance the conservation area.
- Physical harm to the tramway from additional vehicles and construction traffic.
- The site is outside of the settlement boundary.
- Impact on protected species including bats and birds.
- Concerns about future change of use to a dwelling.
- Concerns about business use and resulting traffic generation.
- Concerns still apply to amended plans.
- The proposal would set a precedent for other similar development.

### **Officer Comments**

#### **Policy**

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

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. Proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG. The impact of new developments on the natural environment (biodiversity and geodiversity) should be kept to a minimum.

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 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.

#### Trawden Forest Neighbourhood Plan (TFNP)

Policy 1 (Location of Development) of the TFNP states that outside the settlement boundaries of Trawden and Cotton Tree, development involving the construction of new buildings, which is not specifically allowed for by other policies in this Plan or the Pendle Local Plan, will only be permitted in the following circumstances:

(1) Where it requires a countryside location for tourism related purposes and complies with Policy 5, or will support agricultural and other land-based rural businesses; or

(2) Where it is in a sustainable location adjacent to the settlement boundary and complies with all other policies in this Neighbourhood Plan and the Pendle Local Plan.

#### Development in the Open Countryside Supplementary Planning Guidance (SPG)

The SPG states that planning permission will not normally be granted for private gardens in the open countryside that area excessive. Excessive is defined as gardens that would project beyond the line of other existing garden extensions or over 0.1 hectares.

#### **Principle of the development**

The proposed development is located outside of but directly adjacent to the settlement. The application is for the extension of the garden of the dwelling and erection of a detached domestic garage. Policy 1 of the TFNP allows for new buildings outside of settlement boundaries, which are not specifically allowed for in other policies, where they are in a sustainable location adjacent to the settlement boundary and comply with all other policies of the TFNP and Local Plan.

The proposed garage is adjacent to the settlement boundary and associated with an existing dwelling, this is a sustainable development and, as addressed in the sections below, does not conflict with any of the policies of the TFNP or Local Plan.

The proposed garden extension would not project beyond existing gardens of the houses along the tram tracks and would cover an area of approximately 0.06 hectares. It accords with the guidance set out in the Development in the Open Countryside SPG.

The proposed development is acceptable in principle.

#### **Design and Heritage Impact**

The tram tracks are identified as making a contribution to the character of the Church Street, Clogg Head and Old Chelsea area of settlement character and a candidate for inclusion on the Local List.

The Trawden Forest Conservation area Character Appraisal states that the former line of the track remains an important link with late nineteenth century.

The amended garage would be of an appropriate similar to existing detached garages at adjacent properties, and its design and materials would be in keeping with its surroundings. The proposed garage, driveway and garden extension would not cause harm to the significance of the tram tracks and with conditions to ensure appropriate boundary treatments and landscaping, would preserve the character, appearance and significance of the Conservation Area.

The proposed development is acceptable in accordance with policies ENV1 and ENV2 and the guidance of the Framework.

### **Amenity**

The building would be a sufficient distance from surrounding dwellings to ensure that it would not adversely impact upon the residential amenity of their occupants.

### **Highways**

The proposed access is existing and the development would not increase the level of traffic accessing the site. The development would improve car parking and turning arrangements on the site and therefore would be of benefit to highway safety.

Taking into account the small scale of the development, impacts from construction traffic would be likely to be minor and short-term and would be acceptable. A condition requiring repair of damage to the tram tracks would not meet the test of reasonableness as it could not be known that any damage has been caused by the construction traffic or by other traffic using the tram tracks. Furthermore, similar delivery and construction vehicles could access this or other properties along the tram tracks in connection with works that do not require a planning application.

The proposed development is therefore acceptable in highway terms in accordance with policy ENV4.

### **Ecology**

An ecology survey of the land has been carried out, this concludes that the land is of low value with no evidence of use by protected species. The survey recommends removal of the existing leylandii hedge and replacement with hawthorn, holly and rowan, along the western site boundary. The existing hedge would not be affected by the development as proposed and its replacement is not necessary to make the development acceptable, therefore it is not necessary to attach a condition requiring the hedge to be replaced.

The proposed development is acceptable in terms of its ecological impact in accordance with policy ENV1.

### **Other issues**

Use of the building for any use other than that ancillary to the domestic use of the dwelling would require a separate planning permission.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would preserve the significance of the Conservation Area and is in accordance with the Pendle Local Plan Part 1: Core Strategy and Trawden Forest Neighbourhood 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, 2018/29/1B, 2018/29/2B.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the building hereby approved samples of external materials of the walls and roof 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 materials.

**Reason:** These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development to preserve the significance of the Conservation Area.

4. The building hereby approved shall only be used for domestic purposes ancillary to the enjoyment of Thornlea.

**Reason:** For the avoidance of doubt in the interests of highway safety.

5. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes E & F of Part 1 and Class A 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, appearance of the Conservation Area.

6. No development shall commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

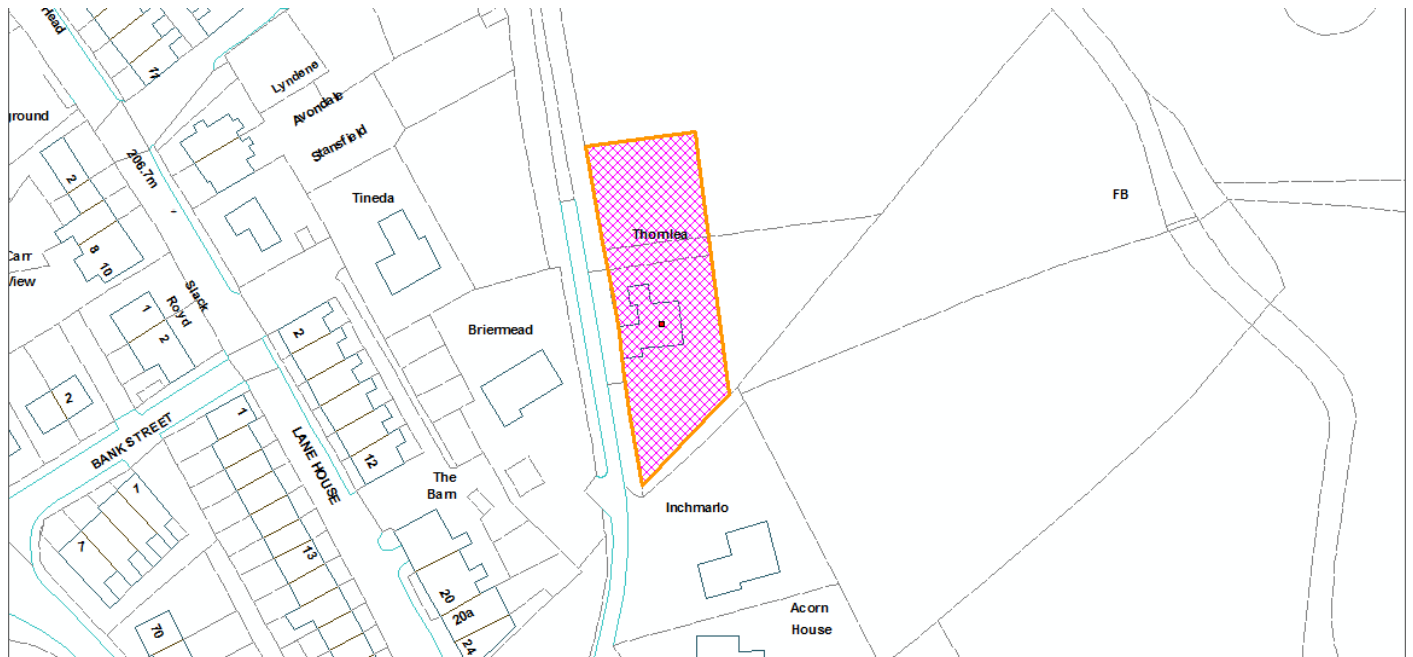
- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d.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



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

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

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



**Application Ref:** 19/0083/HHO

**Proposal:** Full: Change of use of agricultural land to domestic garden and erection of a detached garage with office accommodation above.

**At:** Thornlea, Lane House Lane, Trawden

**On behalf of:** Mr & Mrs N Waring



## REPORT TO COLNE AND DISTRICT COMMITTEE ON 6<sup>TH</sup> JUNE 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 has been deferred from May 2019 committee to allow for a site visit. This application is brought to Committee as it received more than three 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**

Four 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.

Comments have been raised by a neighbour expressing concerns regarding the impact of the development on the setting of the neighbouring listed building of Moss Houses Farm. The common yard area to the east of Causeway Top Farm has already been excavated and levelled prior to this application, removing the previous grass. This is not something that requires planning permission.

This area is to be used for parking, to serve the proposed barn conversion, no built structures are proposed on this land, nor are any extensions proposed to the barn which would reduce the

separation distance with the listed building. Therefore, this proposal would not result in a significant detrimental impact on the setting of the listed 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.

Suitable conditions have been applied to ensure that some windows are to be obscure glazed, whilst all other windows are set at such a distance or angle so as not to result in significant detrimental loss of amenity 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.

Moreover, concerns have been raised in relation to disturbance from cars parking to the east of the barn and a ground floor door on the south elevation having a detrimental impact on amenity for Moss Houses Farm. The parking of vehicles for domestic use, in connection with the occupation of the proposed barn conversion would not have significant detrimental impacts in an area surrounded by residential barn conversions and farmhouses. In addition, the proposed door would be at ground floor level and face onto an area which has an existing public right of way passing through, as a result there would be no significant detrimental impact on residential amenity over and above the existing situation.

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 & DISTRICT COMMITTEE 6<sup>th</sup> JUNE, 2019

**Application Ref:** 19/0161/CND

**Proposal:** Approval of Details Reserved by Condition: Discharge of Conditions 3, 8, 9 & 10 of Planning Permission 18/0613/FUL.

**At:** Christ Church School, Keighley Road, Colne

**On behalf of:** The School Governors

**Date Registered:** 19 March 2019

**Expiry Date:** 14 May 2019

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on Planning Permission 18/0613/FUL.

This application requests the discharge of condition numbers 3, 8, 9 & 10 on the Planning Permission. These conditions are listed below:

**3.** Prior to the modular unit being installed on the site samples of all the materials to be used in the elevations, roof, windows, doors and rainwater goods of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

**Reason:** In order for the Local Planning Authority to control the external appearance of the development.

**8.** Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

The development shall be completed in accordance with the approved details.

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

**9.** Notwithstanding the submitted landscaping plan, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. all existing trees and shrubs 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 hard landscape elements and pavings, including layout, materials and colours;
- e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas;
- f. all boundary treatments between properties and to the boundary of the site including fencing, walls and hedgerows.

The approved scheme shall be implemented in its entirety 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 and retains existing trees and hedgerows where possible.

**10.** Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837: 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

**Reason:** To prevent trees or hedgerows on site from being damaged during building works.

### **Relevant Planning History**

13/10/0403P - Formation of hard surfaced area, erection of 1.8m high fence and levelling of ground - Approved 05/11/2010.

13/12/0021P - Erection of a single storey extension to the front of school - Approved 15/03/2012.

13/14/01090P –Siting of temporary classroom building comprising 2 classrooms, WC and store room – Approved (temporary permission of five years or one month after the use of extension approved under 13/12/021P) 27/06/2014.

18/0613/FUL – Demolition of modular classroom and erection of a two storey education building (Use Class D1) Floor Area 396 sq.m.), provision of a Multi-Use Games Area (MUGA) pitch and associated landscaping works – Approved 16<sup>th</sup> January, 2019.

### **Consultee Response**

None.

### **Public Response**

None.

### **Officer Comments**

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 2015 to seek confirmation of compliance with conditions on planning permission 18/0613FUL.

This application requests the discharge of condition numbers 3, 8, 9 & 10 on the Planning Permission.

3. Samples of the materials to be used on the elevations, roof, windows, doors and rainwater goods have been submitted. The stained oak cladding and grey windows and doors are acceptable. However the materials for the roof is a reflective, light grey metal cladding which has a negative impact on the conservation area being highly prominent when seen against the surrounding landscape which is not acceptable. The building has been erected using this unacceptable material on the roof.
8. Requires a drainage scheme to be submitted in accordance with the NPPG hierarchy and Non-Statutory Technical Standards for SUDS (March 2015). A soakaway design has been proposed for the surface drainage which is acceptable and therefore this condition can be discharged subject to implementation.
9. Requires a landscaping scheme to be submitted. A landscaping scheme has been submitted which includes new tree and hedge planting to the rear of the school building and further tree planting along the southern boundary of the all-weather pitch which is acceptable and therefore this condition can be discharged subject to implementation.
10. Required tree protective fencing to be erected. Fencing has been erected which is acceptable and therefore this condition can be discharged.

### **Summary**

Condition 3 required samples of materials to be submitted and agreed. Details have been submitted including stained oak cladding for the elevations, light grey, reflective metal cladding for the roof, grey metal windows and doors and rainwater goods. Whilst the majority of the material proposed are acceptable the light reflective roof material would have a negative impact on the conservation area due to its prominence; and it can be seen as an alien element within the landscape from both short and long view-points which is not acceptable. As the building has already been erected using this material on the roof enforcement action would need to be considered to remove this element.

The light grey reflective roof results in harm to the conservation area in terms of its unacceptable visual impact, particularly when seen from the public footpath running through Lidgett triangle, as well as from longer view points across the valley to the south.

Condition 8 required details of the drainage scheme to be submitted and agreed. Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

Condition 9 required details of the landscaping scheme to be submitted and agreed. Details have been submitted which are acceptable subject to implementation.

**RECOMMENDATION:** Discharge condition 10 and approve discharge of conditions 8 and 9 subject to implementation and refuse condition 3 in terms of the materials on the roof.

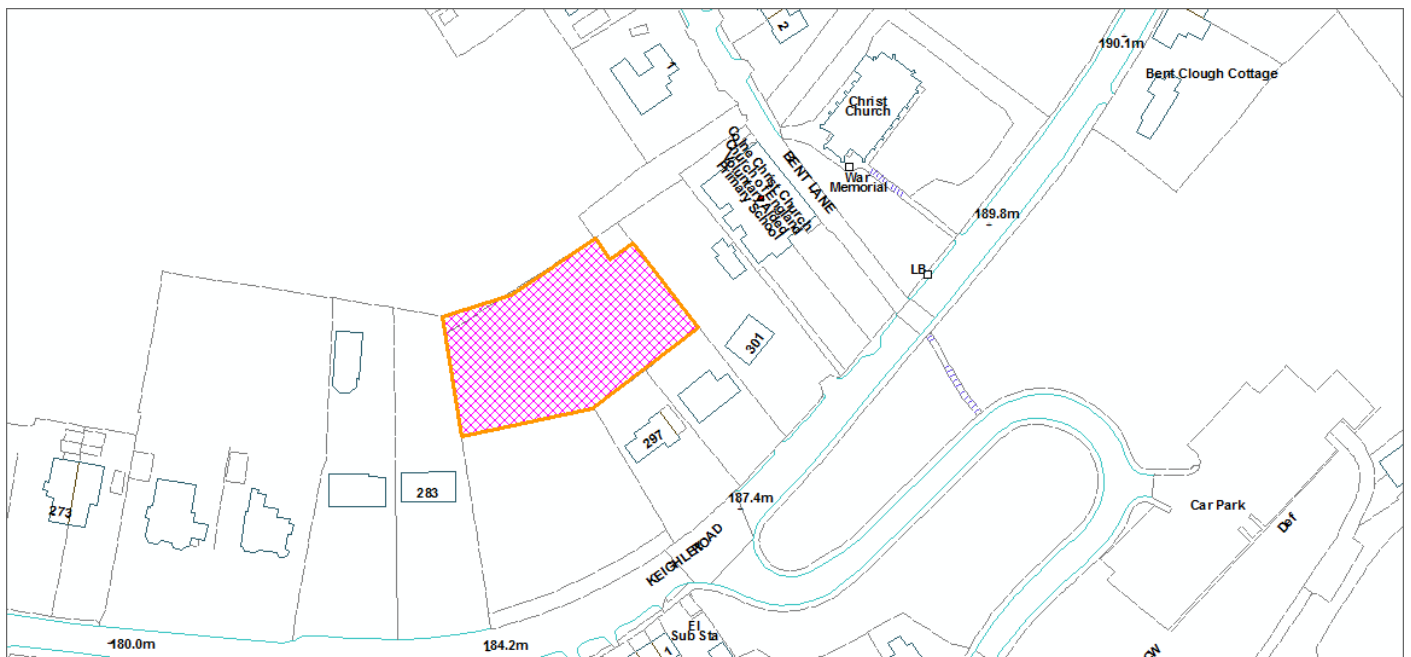
The roof materials are light in colour and a reflective material which catches the light resulting in this low, long building being clearly visible from public vantage points especially when viewed adjacent to adjacent darker landscaping and the green landscape setting resulting in an unacceptable impact on the landscape and conservation area. The building as erected results in unacceptable harm to the heritage asset and is clearly visible in both short and longer public view points both within and into the conservation area.

## Enforcement Action

Due to the unacceptable nature of the roof materials and the fact that this has been installed on the building it is necessary to consider the harm to the conservation area and visual impact.

The reflective grey roof is extremely prominent when viewed from the public footpath off Bents Lane to the north of the building and from higher viewpoints into the site from across the valley in Winewall and Cottontree to the south.

The resulting harm is of such a degree that the roof materials need to be changed or an acceptable scheme for mitigation measures submitted in order to address this.



**Application Ref:** 19/0161/CND

**Proposal:** Approval of Details Reserved by Condition: Discharge of Conditions 3, 8, 9 & 10 of Planning Permission 18/0613/FUL.

**At:** Christ Church School, Keighley Road, Colne

**On behalf of:** The School Governors

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 6<sup>TH</sup> JUNE 2019

**Application Ref:** 19/0210/FUL

**Proposal:** Full: Change of use of land to a mixed equine and agricultural use and erection of an animal shelter with pen (Retrospective).

**At:** Land To The North East Of New Laithe Farm, Burnley Road, Trawden

**On behalf of:** Mr D. Wilkinson

**Date Registered:** 28/03/2018

**Expiry Date:** 23/05/2019

**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 agricultural land to the east of New Laithe Farmhouse, which is a Grade 2 listed building. Attached to the west of the farmhouse is a Grade 2 listed barn. The site is located within the Open Countryside and also within Trawden Forest Conservation Area.

This is a retrospective application for the erection of an animal shelter and change of the site of the shelter and the adjoining 15.2m x 12.9m pen to a mixed use of equine and agricultural. The shelter has a footprint of 7.36m x 3.63m with an eaves height of 2.08m and a ridge height of 2.7m, it is finished in timber boarding with corrugated composite roofing.

### **Relevant Planning History**

None.

### **Consultee Response**

LCC Highways – The site access is by an existing field gateway, although this has been widened. Access from Burnley Road is over a grass verge. As this is an existing access, and vehicular traffic is likely to be limited, we would not raise an objection on highway safety grounds. The only other comment would be to query the distance of the proposed shelter and pen from the applicant's residence.

Trawden Forest Parish Council - The Parish Councillors are concerned that this structure is very close to the neighbouring property, and that vehicles are parking outside of the field. There is sufficient parking and access from the owners property to site the structure closer to the house. The current access is off a busy road which is used as a shortcut to Colne, Nelson and Burnley.

### **Public Response**

Nearest neighbours notified, site and press notices also displayed. Response received objecting to the development on the following grounds:

- Object to the sighting of the manure heap adjacent to neighbouring garden, attracting flies and vermin.
- Impact of light to lounge window of adjacent house.
- The shelter should have been erected within the curtilage of the applicant's property.

- If planning permission had been applied for prior to the erection of the shelter amendments could have been made to its position.
- The shelter could have been located adjacent to an existing gated and surfaced entrance to the field further down Burnley Road.

Responses received in support of the application:

- The smallest window. A high wall blocking views anyway.
- It supports the animals welfare, given the large amounts of heavy rain we endure in recent years, it is prudent to provide shelter for the animals.
- Beautifully built, can hardly notice the structure.
- Drive past daily to & from work, never had any obstruction on the road with parked vehicles.
- I see no reason as to why the stables are a problem and do not appear to be obscuring anyone's view.
- The use of the land for equine exercise and shelter is totally appropriate.
- I often see dog walkers and others using land nearby, parking sensibly on wider sections of road or in gateways. I do not see this as a risk or issue being a regular user of that road.
- The shelter is not significant and has very little impact on neighbouring properties or views.
- The field shelter is situated in the most suitable place on the land, as you can see the rest of the land is very uneven and would require major engineering works to make it suitable.
- There is an existing stables and barn at the neighbouring property closer to the house.
- Existing trees and walls currently block views from the neighbouring property.
- Vehicles always parked suitably and only for a short length of time to deliver essentials for the horses.
- This mobile shelter will also be critical for lambing.

## **Officer Comments**

### **Policy**

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that 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) states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

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

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

Policy 39 relates to Equestrian Development, this states that the location, size and design of a proposal must preserve the landscape character and openness of an area.

## Trawden Forest Neighbourhood Plan (TFNP)

Policy 1 (Location of Development) of the TFNP states that outside the settlement boundaries of Trawden and Cotton Tree, development involving the construction of new buildings, which is not specifically allowed for by other policies in this Plan or the Pendle Local Plan, will only be permitted in the following circumstances:

- (1) Where it requires a countryside location for tourism related purposes and complies with Policy 5, or will support agricultural and other land-based rural businesses; or
- (2) Where it is in a sustainable location adjacent to the settlement boundary and complies with all other policies in this Neighbourhood Plan and the Pendle Local Plan.

## National Planning Policy Framework (the Framework)

Paragraph 193 under section 16 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

### **Principle of the Development**

Policy 1 of the TFNP sets out the circumstances where development of new buildings outside of a settlement boundary is acceptable, this includes development that is allowed under other policies of the TFNP or Local Plan. The proposed development accords with Policy 39 of the RPLP and does not conflict with any policy of the LPP1, RPLP or TFNP, as such is acceptable development outside of a settlement boundary in accordance with Policy 1 of the TFNP.

### **Heritage Impact**

The site is located within Trawden Forest Conservation Area and is adjacent to a listed farmhouse and barn. The building is of modest scale and appropriate in design and materials to the rural setting that forms the basis of the original character of the listed buildings and area. The building and change of use do not cause harm to the setting of the listed buildings and preserves the character, appearance and significance of the Conservation Area.

The development is acceptable in terms of its impact upon heritage assets in accordance with policies ENV1 and ENV2 and section 16 of the Framework.

### **Visual Amenity**

The building is acceptable in terms of scale, design and materials. The turn-out pen area is largely obscured by the stone wall to the Burnley road side, not prominent in the landscape and in-keeping with the rural character of the area. The development is acceptable in terms of visual amenity in accordance with policies ENV1 and ENV2.

### **Amenity**

The animal shelter is located approximately 7m from New Laithe Farmhouse, which is not associated with its use. Whilst this is a close relationship, taking into account the orientation of the shelter, facing away from the property, the use of the shelter would not result in unacceptable impacts upon the residential amenity of the occupants of that property.

Concerns have been raised regarding the position of the manure heap. A condition is necessary to ensure that manure storage does not result in unacceptable residential amenity impacts.

With this condition in place the development is acceptable in terms of residential amenity in accordance with policies ENV2 and ENV5.

### **Trees and Landscaping**

There is an existing mature black poplar tree on the neighbouring property adjacent to the shelter. The shelter is within the root area of the tree with a stone wall between. Taking into account the presence of the stone wall and the lightweight nature of the structure the shelter is not likely to cause harm to the tree. The development is therefore acceptable in terms of its impact on adjacent trees.

Taking into account the scale and siting of the development there is no necessity for additional landscaping.

### **Highways**

The site is accessed via an existing field gate which has been widened, it is currently access across a grassed verge and no dedicated parking area is proposed. Taking into account the small scale of the development and that the gate was existing, with an established use for agricultural access to the field, the access and lack of parking arrangements are acceptable. The development is therefore acceptable in terms of highway safety in accordance with policy 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 development would preserve the significance of the Conservation Area and is in accordance with the Pendle Local Plan Part 1: Core Strategy and Trawden Forest Neighbourhood 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:

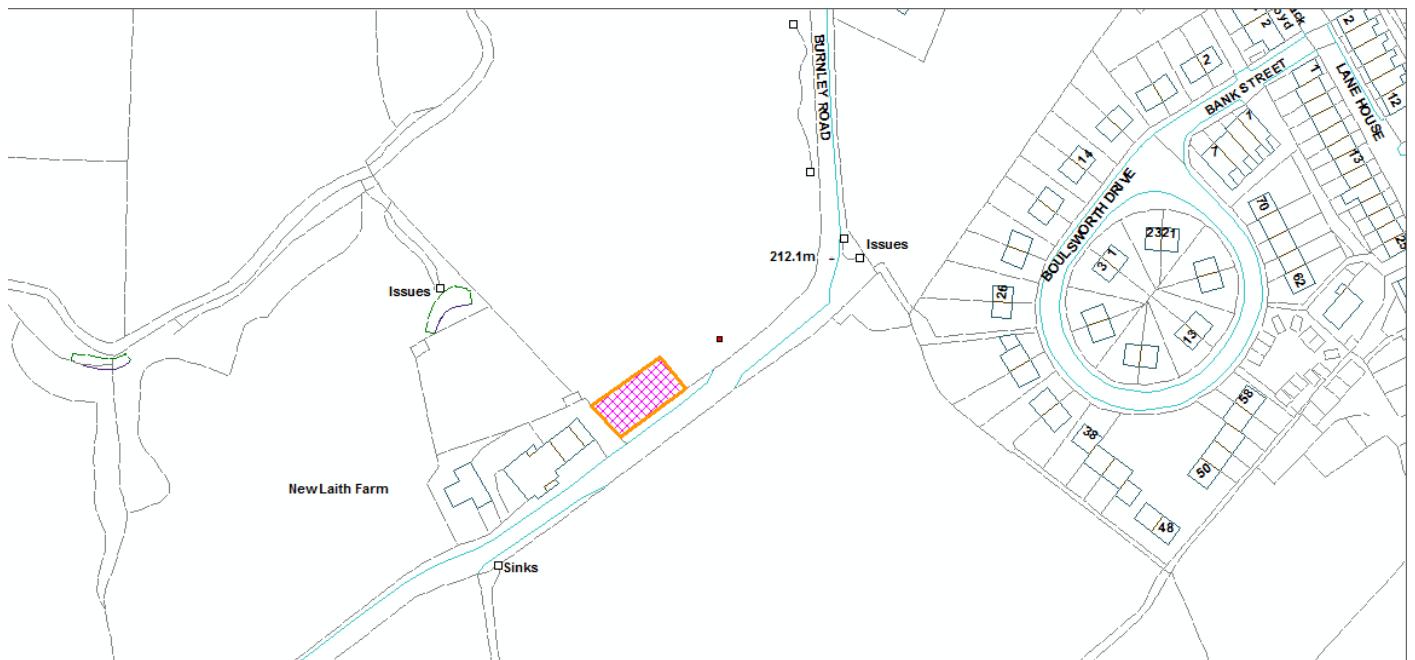
1. The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03.

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

2. Within one month of the date of this permission details of manure storage arrangements, including any foul water drainage, shall have been submitted to, and approved in writing by, the Local Planning Authority. The manure storage shall thereafter sited, drained and managed in strict accordance with the approved details.

**Reason:** To protect controlled waters from pollution and protect the amenity of neighbouring residential properties from odours and flying insects.





**Application Ref:** 19/0210/FUL

**Proposal:** Full: Change of use of land to a mixed equine and agricultural use and erection of an animal shelter with pen (Retrospective).

**At:** Land To The North East Of New Laithe Farm, Burnley Road, Trawden

**On behalf of:** Mr D. Wilkinson



## REPORT TO COLNE AND DISTRICT COMMITTEE 6<sup>TH</sup> JUNE 2019

**Application Ref:** 19/0222/FUL

**Proposal:** Full: Erection of a warehouse extension (Use Class B1c) 460 sq.m., demolition of existing launderette for additional car parking and replacement of north light roof with a portal frame profiled sheet steel roof.

**At:** N and R Automatic Screw Machine Products, Oak Street, Colne.

**On Behalf of:** N and R Automatics Ltd.

**Date Registered:** 18 March, 2019

**Expiry Date:** 13 June, 2019

**Case Officer:** Christian Barton

This application has been referred to Committee as it has received more than 3 objections.

### **Site Description and Proposal**

The application site is an engineering business located within the settlement boundary. It is surrounded by terraced housing to two sides with a mill to the west and a construction site to the north. The site comprises of a large industrial and office building with a forecourt and car park. The majority of the building has been modernised with use of metal cladding. A metal clad and steel roofed extension projects from the southwest corner.

The proposed development is to erect a second extension to the west elevation. The erection of a portal frame steel sheet roof over the original mill building is also proposed. The proposed extension would have a footprint of circa 460 square meters with a maximum ridge height of 8.2m. The portal frame roof would have a maximum ridge height of 9m. Goosewing grey profiled steel sheets would be used throughout with blue doors and trim.

### **Relevant Planning History**

No relevant planning history.

### **Consultee Response**

LCC Highways – Having considered the information submitted for the above application, together with site observations on 9 April 2019, and the swept path analysis plan (Drawing No 2018/28/6 dated 15/4/19) provided, the Highways Development Support Section objects to this application as submitted on highway safety grounds.

The site is accessed from Skipton Road, which is categorised as a strategic route, a major bus route and with an uncontrolled pedestrian crossing immediately to the south of the site entrance. Given the volume of traffic using Skipton Road, both vehicular and pedestrian, vehicles servicing the development site should be able to enter and leave the site in forward gear.

To be able to achieve this manoeuvre drawing 2018/28/6 shows that HGVs would have to draw forward into a section of the proposed warehouse extension. We have concerns about vehicles manoeuvring within the proposed building as no details have been provided as to its use. If the intention is for it to be a covered loading/unloading area then we recommend that this is provided by a canopy rather than within the building.

Alternatively the area of the proposed extension could be reduced or re-designed to allow vehicles to safely manoeuvre. This should also protect the manoeuvring area in the future, including for any future end users who operations may be significantly different. The applicant should provide a revised plan taking the above comments into account.

(Update) Further swept path analysis drawings were provided on 7 May 2019. These demonstrated that HGVs could perform the above manoeuvres within the site, and enter/leave Skipton Road in forward gear. Consequently, as the applicant has demonstrated that the proposed development is unlikely to impact on highway safety in the immediate vicinity of the site, we withdraw the objection we raised in our response dated 16 April 2019.

PBC Environmental Health – Due to the close proximity of residential properties, a noise assessment for the proposed development to BS4142:2014 should be carried out by a suitable qualified person. It shall be submitted and approved in writing by the LPA. The development shall not be carried out otherwise than in complete full accordance with the specifications, recommendations and noise attenuation measures contained within the approved assessment report.

PBC Conservation – this narrow section of north-light weaving shed is the last remaining original part of Oak Mill, dating from 1891-1902, the main buildings all having been demolished over recent years. The random rubble E. shed wall along Varley St. appears to survive in its entirety, with the north-light roof of 25 bays running back along the entire length. The end bay fronting Oak St is of higher status dressed stone with blocked windows.

The laundrette appears to have been added onto the side later in the 20th century. The building is not listed nor in a conservation area, so is not a designated heritage asset and therefore has no statutory protection. It does have some local heritage interest in its surviving north-light roof which appears to be in reasonable condition, and in particular the long 25 bay saw-tooth stone wall, seen to dramatic effect along Varley St.

Various studies have been done on local mills and weaving sheds, and Oak Mill is not one of the most historically significant in Colne, however it is the only remaining section of N light shed in this eastern part of Colne. I would therefore suggest that it could be seen as a non-designated (or locally important) heritage asset, thus meriting being given some consideration in planning decisions – NPPF 197 states: *The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

Policy ENV 1 in the Local Plan also refers to weaving sheds making a particular contribution to the character and distinctiveness of Pendle. As a first step therefore I have asked the case officer to ask the applicant for some background information on the reason for the proposals, i.e., whether there is a need for more open floorspace/less columns, and increased headroom, or whether it is more a case of the poor insulation being offered by the current roof. There is currently no information in the application which might justify the harm caused by the loss of the shed roof. Once we have this we could then see whether there is any scope to amend the proposals in order to mitigate the harm.

National Grid (Cadent) – 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.

Colne Town Council – The TC fully supports NR Automatics Ltd, however, object to the removal of the North Light roof as it is one only a few left in Colne. The sawtooth profile that presents to Varley Street is synonymous with the industrial history of Colne and the North.

Lancashire Constabulary

### **Public Response**

The nearest neighbours have been notified by letter, comments have been made supporting the application with objections also received on the following grounds;

- Overbearing effects and losses of light;
- Losses of views;
- Loss of historic features (north light roof);
- Non-compliance with the emerging Colne Neighbourhood Plan;
- Effects of increased noise;
- Increased usage of lights/energy following development.

### **Officer Comments**

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 (NPPF) 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.

The main considerations for this application are the principle of development, design, residential amenity, the road network and drainage.

#### **1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:**

- CS Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect and enhance natural and historic environments and sets out specific requirements that aim to ensure development proposals do not detrimentally effect such environments;
- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the 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 the siting and design of development should be in scale, context and harmony with the wider locality;
- CS 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;
- CS Policy ENV 5 (Pollution and Unstable Land) aims to ensure that air, water, noise, odour and light pollution are minimised, both during and after construction;
- CS Policy SDP2 (Spatial Development Principles) states that Key Service Centres will provide the focus for future growth in the borough and accommodate the majority of new development. Colne is defined as a Key Service Centre within the M65 Corridor;

- CS Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2 with most employment development being within the M65 Corridor;
- CS Policy WRK2 (Employment Land Supply) states that the Council will ensure that 68 hectares of land is brought forward for employment uses over the plan period. Major employment proposals, particularly those requiring good transport links, should be located in the M65 Corridor.

Other policies and guidance's are also relevant:

- Saved Policy 31 of the Replacement Local Plan (Parking) sets out appropriate parking standards for new developments.

### National Planning Policy Framework

- Paragraph 197 states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.

## **2. Principle of Development**

The site is located within the settlement boundary of Colne. The development is proposed for an existing industrial building, therefore, the proposed industrial extension and alterations are acceptable in principle in accordance with Policies SDP2, SDP4 and WRK2.

## **3. Design and Visual Amenity**

The south and west elevations have a modern appearance with the east elevation retaining some of its original character and features. Concerns have been raised about the proposed design along with loss of the north light roof. Comments have also been made highlighting the historical significance of the roof along with its potential scope as a non-designated heritage asset. Reference has been made to the emerging Colne Neighbourhood Plan. However, the content of the Neighbourhood Plan has gone through no formal approval process and it currently has no weight.

In relation to non-designated heritage assets, Paragraph 197 of the Framework states that a balanced judgement should be applied when determining applications. The Agent has submitted a Justification Statement that states the north light roof is unsuitable for a modern engineering company given its restricted heights and complex form that exhibits a number of weaknesses. Moreover, it is stated that the internal supporting columns greatly restrict internal operations.

When taken in the context of the current appearance of the majority of the building, along with the previous loss of most of the buildings of the original mill, the proposal would have no detrimental effects on the visual amenity of the site and location. When a balanced judgement is applied the benefits to the company and local economy would greatly outweigh the effects on the visual amenity of the area and loss of the north light roof that currently has no specific planning policy protection. Moreover, the proposal would involve the demolition of an unsightly commercial extension affixed to the east elevation which would be of benefit to the visual amenity of the location.

The materials proposed would visually harmonise with the appearance of the majority of the building and are acceptable. Natural stone would remain exposed on the east elevation to a height of 2.8m. Subject to the use of an appropriate condition to control the appearance of the construction materials, the proposal would be acceptable in terms of visual amenity in accordance with Policies ENV1 and ENV2 and Paragraph 197.

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

The site is surrounded by housing to three sides. The proposal would have no effects on domestic privacy. Concerns have been raised about overbearing effects and losses of light. The neighbours on Varley Street are positioned circa 15m from the east elevation. A BRE Light Assessment demonstrates that the proposed increase in roof height would have no overbearing effects on those neighbours given adequate separation.

The gables of two terraced houses are positioned 11m from the south elevation. The roof would be raised by 2.5m facing those neighbours. 36 Elm Street has no ground floor gable windows. 37 Varley Street has two ground floor gable windows however they are both obscurely glazed. 73 Varley Street, to the north has a single gable window facing the site that serves a landing. The proposal would have no overbearing effects on, or cause any unacceptable losses of light for those neighbours.

Houses are currently under construction to the north. The proposed extension would be built circa 10m from Plot 12 that is to be a bungalow. It would be built at least 12m from Plots 13 and 14 that are to have two stories. Acoustic fencing at 2.5m/3.5m has been approved between the site and those houses. The development would have no overbearing effects on those neighbours when the effects of the fencing are combined with adequate separation.

Concerns have been raised about the effects of noise. The scheme would bring commercial operations closer to the new build housing than the current relationship. PBC Environmental Health have requested a Noise Assessment and the findings of that assessment will be submitted as part of a Committee Update Report. An appropriate condition is added to ensure outdoor operations are only undertaken within the main forecourt of the site. Subject to appropriate acoustic levels being achieved, the proposal would have no detrimental impacts on the aural amenity of the immediate neighbours in compliance with Policies ENV2 and ENV5.

#### **5. Highways**

Additional off-street parking would be provided following demolition of the laundrette. The parking provisions to service the site and development are below those required by the Parking Standards of Saved Policy 31. However, the situation in the area is not critical in terms of on-street parking hence refusing the application on highway safety grounds would be unreasonable.

Conditions are attached to ensure the proposed parking spaces are appropriately surfaced and a scheme is submitted for any required highway improvements prior to the commencement of works. There is no requirement to restrict the times of construction deliveries given the size of the site.

Initial concerns were raised from LCC Highways regarding the swept path details for articulated wagons. The Agent has submitted additional swept path details and LCC Highways have subsequently removed their objection. Subject to appropriate conditions, the proposal would have no detrimental impacts on the road network in compliance with Policy ENV4.

#### **6. Drainage**

An appropriate drainage condition is attached to ensure the development is adequately drained in order to prevent surface water flooding.

## **7. Summary**

The application seeks to erect an industrial extension and install a metal sheet roof. The development is acceptable in principle. Subject to adequate noise levels being achieved, it would have no detrimental effects on the residential amenity of the immediate neighbours.

Subject to appropriate conditions, it would also be acceptable in relation to the design, the road network and drainage in compliance with Policies SPD2, SDP4, ENV1, ENV2, ENV5 and WRK2 of the Pendle Local Plan Part 1: Core Strategy (2011 – 2030), Saved Policy 31 of the Replacement Local Plan and Paragraph 197 of the National Planning Policy Framework.

### **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. Subject to appropriate conditions, the development would be acceptable in terms of the design and it would not adversely impact on residential amenity or the road network. 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**

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 strict accordance with the following approved plans: 2018/28: 1A, 2, 4, 3B and 5A.

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

3. Prior to the commencement of any above ground works on site, representative samples of the materials to be used for the roof and walls of the development hereby approved, shall have first been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

**Reason:** To ensure a satisfactory form of development in the interest of the visual amenity of the area.

4. The extension hereby approved shall not be used unless and until, the proposed parking spaces off Varley Street have been constructed, surfaced in bound porous material and laid out in strict accordance with the approved plan '2018/28:3B', unless otherwise agreed in writing by the Local Planning Authority. Those spaces shall at all times remain unobstructed and available for parking thereafter.

**Reason:** To provide additional parking to service the development and to prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

5. No development shall commence on site unless and until, a scheme for the construction of the site access off Varley Street and the off-site works of highway improvement has been submitted to, and approved in writing the Local Planning Authority. The development shall thereafter proceed fully in accordance with the approved scheme.

**Reason:** In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before any development commences on site.

6. No development shall commence on site unless and until, a scheme for the disposal of surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed fully in accordance with the approved scheme.

**Reason:** In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

7. At no point shall there be any outside storage or logistical activity carried out on the area of land to the north of the extension hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to minimise noise and disruption for the residential neighbours immediately to the north of the site.

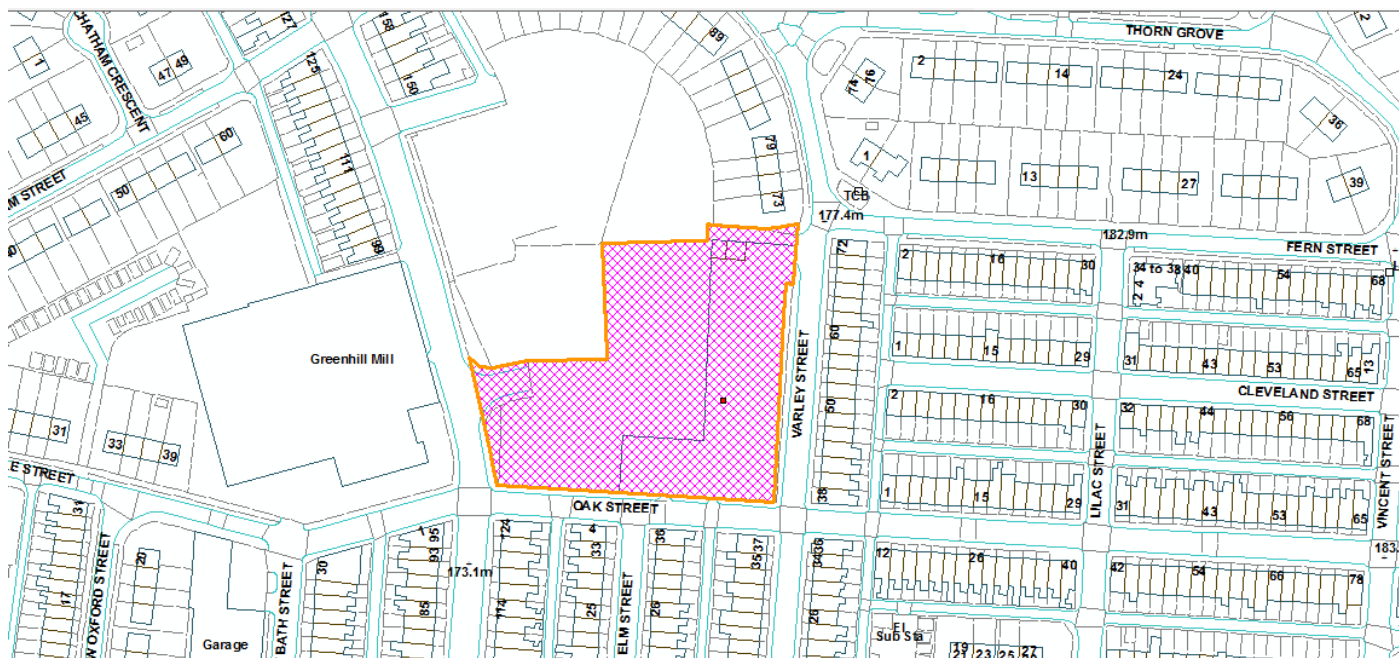
#### Informatives

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the amended access to an appropriate standard; radius kerbs; buff coloured, tactile paved dropped pedestrian crossings, and the re-location of a highway gully. 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 by email on [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.
2. 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.





**Application Ref: 19/0222/FUL**

**Proposal:** Full: Erection of a warehouse extension (Use Class B1c) 460 sq.m., demolition of existing launderette for additional car parking and replacement of north light roof with a portal frame profiled sheet steel roof.

**At:** N and R Automatic Screw Machine Products, Oak Street, Colne.

**On Behalf of:** N and R Automatics Ltd.

## LIST OF BACKGROUND PAPERS

Planning Applications **NPW/MP**

**Date: 24th May 2019**