



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

**TO:** COLNE & DISTRICT COMMITTEE

**DATE:** 11<sup>th</sup> June, 2020

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

## REPORT TO COLNE & DISTRICT COMMITTEE 11<sup>th</sup> JUNE, 2020

**Application Ref:** 19/0893/FUL

**Proposal:** Full: Demolition of part of Hall (40cu.m.); Change of use of Langroyd Hall from Public House (Use Class A4) to Extra Care Residential Institution (Use Class C3); Erection of four new build units to form 32 no. Extra Care apartments with ancillary gymnasium, hairdressers and associated car parking.

**At:** Langroyd Hall, Langroyd Road, Colne.

**On behalf of:** EH Capital 1

**Date Registered:** 9<sup>th</sup> December 2019

**Expiry Date:** 3<sup>rd</sup> February 2020

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

The application site is a Grade II Listed Public House, currently vacant, located within the settlement boundary of Colne. Access to it is via a private driveway from Langroyd Road.

The proposed development is to convert the existing building into residential use and erect four detached buildings which in total will form 32 extra care apartments with an ancillary gymnasium and hairdressers. Associate works for bin and cycle storage, car parking provision and landscaping are also included. A Warden's accommodation is also proposed.

The site includes number of trees some of which are protected under TPO. No. 3, 1990 as well as TPO.No.16, 1996 Red Lane adjacent to the site.

Block A is the existing Grade II Listed Hall; Block B is a small two storey unit to the rear of the Hall; Block C is a large three storey unit sited to the North East of the site; Block D is a part two storey and part single storey unit sited to the East of the site whilst Block E is a part two storey and part single storey unit sited to the South West.

A Planning Statement, Design and Access Statement, Heritage Statement, Drainage Strategy, Transport Statement, Arboricultural Impact Assessment and Ecological Survey and Contamination Report have been submitted in support of this application.

A Listed Building Consent has been submitted under 19/0894/LBC which has been granted for alterations to the Hall only.

### **Relevant Planning History**

19/0894/LBC - Listed Building Consent: Demolition of part of Hall (40cu.m.); Erection of two single storey extensions; removal of rear rooflink; restatement of original staircase; replacement windows; replacement of roof slates; internal alterations to remove and install internal walls – Approved.

13/08/0712P – LBC: Re-position entrance gate pier to provide widen access to driveway – Approved.

13/08/0708P – Full: Alterations to access – widen entrance to Langroyd Road – Approved.

13/08/0475P – Advertisement Consent: New signage scheme for premises - externally illuminated fascia sign and post sign and non-illuminated information signs (4) (Re-Submission) – Approved.

13/06/0268P – Full: Advertisement Consent: Display externally illuminated freestanding sign in car park – Refused.

13/04/0824P – Advert: Display externally illuminated free standing entrance sign & fascia signs – Approved.

13/95/0388P – Sign to frontage adjacent south gable – Refused. Erection of fascia sign adjacent entrance doorway and double sided sign against driveway – Approved.

13/95/0342P – Full: Internal and external alterations, provide play area and bin store – Approved.

13/95/0341P – LBC: Internal and external alterations, provide play area and bin store – Approved.

13/93/0375P – LBC: Replacement windows – Approved.

13/93/0075P – Alterations and extend lounge – Approved.

13/93/0074P – LBC: External alterations, demolish outbuilding and extend lounge – Approved.

13/92/0510P – LBC: Demolish outbuilding and boilerhouse and erect beer store, conservatory and alteration – Approved.

13/92/0509P – Erect beer store and conservatory – Approved.

### **Consultee Response**

United Utilities - Following our review of the submitted Drainage Strategy Document Ref: 12773-Drainage Strategy-01, Rev: 01, Dated: 28.11.2019 by Waterco we can confirm the proposals are unacceptable in principle to United Utilities. As we do not believe the drainage hierarchy has been sufficiently assessed. Whilst there is an existing connection to the combined sewer, there is a potential opportunity to drain the proposed site in a more sustainable way in line with the hierarchy as outlined within Paragraph 80 of the National Planning Policy Framework.

We request drainage conditions are attached to any subsequent approval to reflect the above approach.

Historic England – advises to seek views of Conservation Officer.

Cadent Gas – advised to check apparatus in area.

LCC Highways – The highway authority supports the proposed improvements to the site access, including a pedestrian link to the surrounding adopted highway network. Any resurfacing works to the access within the site, including the new pedestrian opening, should be properly constructed to tie into the rear edge of the adopted highway network and should be clearly delineated on site. Any works within the adopted highway in the access apron would need permission from Lancashire County Council as the highway authority.

Comments weremade on the original layout. The following comments were made follwig amended plans.

### **Amended Plans:**

Having considered the amended and additional information submitted for the above application, including the Transport Statement – Addendum (dated 18 April 2020) and the Proposed Site Layout Plan (Drawing PL07 Rev D), the Highway Development Support Section makes the following further comments.

We note the reduction in the number of residential units from 33 to 32 and the removal from the scheme of the on-site café.

### **Car and cycle parking**

There are still concerns regarding the level of on-site parking proposed, given that the Use Class applied for is C3 (residential) and not C2 (Nursing Home) or C3 (sheltered housing). Consideration must be given not only to the use applied for but also any future use permitted within the same Use Class, where parking requirements may be significantly different.

Twenty cycle storage spaces are now proposed (paragraph 11 of the Transport Statement, although only two cycle storage areas are shown on the revised Proposed Site Layout Plan, providing storage for eight cycles. The applicant should clarify the total number to be provided and either show these on a revised site plan, or their provision can be controlled by condition.

As advised in our previous response dated 8 January 2020, the proposed disabled parking bays are not laid out in accordance with the national guidance for the layout and design for disabled parking bays.

### **Waste collection**

A revised swept path analysis plan has been submitted (Appendix B - Drawing SCP/190637/ATR01/A), which is now acceptable.

A number of bin collection points have also been provided within the site, allowing waste bins to be moved more acceptable distances by both residents or refuse collectors.

The applicant has indicated that the previously proposed highway-related conditions and note are acceptable (Transport Statement para 18).

Whilst the highway authority still has concerns regarding the level of parking proposed, if the local planning authority is minded to approve this application conditions should be attached relating to off-site highway works, access and footway improvements, parking areas, cycle storage and control of ancillary facilities.

LLFA – The Lead Local Flood Authority has no objection to the proposed development, subject to appropriate planning conditions.

### **Lead Local Flood Authority advice:**

#### **Surface water drainage scheme:**

The surface water drainage scheme outlined in the applicant's drainage strategy report (report: 12773-Drainage Strategy-01, by Waterco, Dated 28 November 2019) is only a preliminary issue and may be subject to change following further detailed design and investigation. The applicant will therefore be expected to provide a final surface water drainage scheme for the development once all detailed design and investigation work has been completed.

#### **Sustainable Drainage Systems:**

The LLFA encourages the applicant to maximise the use of sustainable drainage systems (SuDS) when designing the surface water drainage scheme for the development site.

### **Construction Phase including enabling works:**

It is critical that flood risk is appropriately managed during the construction phase(s) of the development. Compaction of the soil is likely to speed up the run-off rate whilst the site is cleared and the permanent drainage systems and/or attenuation systems are constructed and brought into use.

The developer should identify the flood risk associated with this phase of the development and provide details of how surface water will be managed during construction, including any mitigation. The LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning condition.

### **Highway Drainage / Highway Adoption:**

This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980).

Architectural Liaison Unit – requires details of security measures for the site including CCTV and external lighting and recommends the site is secured throughout the construction phase.

NHS Trust – Request a contribution of approximately £585 per unit resulting in a total of £19,296.

PBC Conservation Officer – My original comments on the application are set out below; these relate essentially to the heritage significance and setting of Langroyd Hall, and the impact of the massing and layout of the new blocks on this significance. Amended plans have been submitted which address many of the initial concerns expressed, and I have added additional comments in respect of these.

### **Significance**

Langroyd Hall is listed at Grade II as a good example of a large and high status 17th century house, built in local stone, which has been altered and added to over the years as its use changed from residential to maternity home and subsequently a private club and restaurant. Large two-storey additions were built to the side and rear in the 18th and 19th centuries. Later 20th century single storey extensions and infilling to the side and rear relate to its most recent use as a public house and restaurant. The Hall has remained vacant over the last few years and is in need of urgent repairs and a viable new use in order to preserve it for the future.

The submitted Heritage Assessment is comprehensive and details the evolution of the building from its 17th century origins. The main heritage significance lies in the front portion of the building with its impressive façade, where the two storeyed porch, prominent stone gables and fine stone detailing of the 17th century building are seen to best effect. There is some particularly fine architectural detailing in its carved stonework, including moulded stone window surrounds, chimney stacks, copings, kneelers and finials which add definition and variety to the facades and roofline. These are seen to particularly good effect on the front elevation of the building, where the elaborate stone finials emphasise the tall gabled forms of the double height porch and the cross wing to the right hand side. The windows to the original building have been altered and enlarged, most likely in the C18th when sashes were introduced, many of these being tall cross-windows with stone mullions and transoms. The impressive height of these adds to the vertical emphasis and grandeur displayed in the facades. The oldest parts of the house are ranged around the porch at the front and have impressive finely-cut stonework, the stone being taken from local quarries.

### **Amended plans:**

Full comments were made on the initial scheme. The following are comments on the amended plans.

## **Setting**

The amended plans have indicated the retention of some of the trees along this boundary, which would enable sufficient screening to preserve the settings of both listed buildings. The adjacent stone wall and gatepost to the driveway would also be retained as part of the landscaping scheme at this important arrival point to the site. The impressive view of the hall frontage would still be seen against its existing backdrop framing of trees, with views of the open countryside to the N being afforded through the space purposely left between the Hall and the new Block C.

Following pre-application discussions, the siting of the 4 new apartment blocks was considered to be broadly appropriate bearing in mind the need to preserve the main elements of significance of the Hall and its setting. The creation of an open courtyard to the Hall frontage, enclosed by new apartment blocks to each side, would still enable appreciation of the hall from the driveway approach whilst allowing it to retain its dominant position on the site. Subsequent amendments to massing, modelling and design of the blocks have reduced their perceived scale, addressing concerns about the impact on the setting and visual dominance of the hall.

### **Block B – to the rear of the Hall**

The simple form and detailing of this block would be appropriate, and with high quality materials to match those of the hall, would preserve the setting. Amended plans show the bin store relocated away from the visible side of the building.

### **Block C – north east of the Hall**

The amended plans show Block C redesigned to address the above concerns, with reductions in its overall scale, height, massing and footprint. The flat roofs and set-back upper floors would reduce the bulk and enable a stepping-down in height and hierarchy towards the Hall, preserving its dominance on the site and enabling open views between the two buildings. The design is contemporary, yet simple in materials and detailing, with the vertical emphasis and shadow effects of the openings, some with simple stone mullions, reflective of that of the Hall. The visual impact of the upper floor would be minimised by the use of zinc panels and glazing which should have a more recessive appearance when seen against the landscape beyond. More modelling has been introduced to the facades, and it would be useful to request some updated 3D visuals to demonstrate this, as the elevational drawings do not clearly indicate the extent of modelling and setbacks to the various parts of the building. Provided that the stonework and other cladding materials are of good quality and well detailed, with simple framing details for the aluminium windows and doors, the building should respect the setting of the Hall.

### **Block D – east of the Hall across the courtyard**

The footprint, height and scale of this block has been reduced in the amended plans, with the bulky and prominent pitched roof replaced with a flat roof over a well-recessed zinc-clad upper floor. The design idiom and style would match that of Block C. The setting back of the S side of the building further from the driveway would minimise its encroachment on views of the hall from the approach. Again, the provision of 3D visuals would show this more clearly, and also assist in appreciating the modelling of the building and its relationship with the Hall. Some trees are now proposed to be retained behind this block, which would afford a better relationship with Langroyd Farm to the rear.

### **Block E – south of the Hall**

The 2-storey element of Block E is well set back from the frontage of the Hall, and is seen adjacent to the hall in views from the approach. The pitched roof of this section would relate well to the Hall, however the proposed screen wall to the staircase on the frontage would project too far towards

the hall, minimising the area of open space between the buildings. This element should be omitted completely at first floor level, and cut back at ground floor level, in order to leave more separation and reduce clutter around the Hall. The bin storage could still be concealed behind a reduced screen wall.

Whilst acknowledging that there is considerable scope to improve on the existing expanse of tarmac car park around the hall, it will be particularly important to achieve a good design and layout for the central courtyard. With the necessity for the circular forecourt design to accommodate some car parking there is potential for it to appear cluttered, which could detract from appreciation of the hall. A simplified palette of good quality natural paving materials and some green landscaping to soften and screen the edges would assist in retaining a more spacious feel, as would keeping areas of new walling, ramps, kerbs, lighting, bin stores etc. to a minimum. The central tree would be best kept fairly low in height so as not to obstruct views of the hall in the long term.

The amended plans show reduced footprints and massing for Blocks C and D, which were the major areas of concern with relation to the setting of the Hall. In addition, the number of apartments has been reduced, enabling the retention of more trees on the site.

Whilst the relatively open setting of the Hall would undoubtedly be altered, the effect on the overall significance of the listed building would not be seriously harmful, subject to the final amendments and details outlined above. The harm that would arise would be outweighed by the public benefit of securing the well-considered conservation of the heritage asset with a viable future use.

Whilst the scale and form of the proposed new buildings have now been improved, it is particularly important that their detailed implementation achieves the necessary high quality of contemporary design to secure their successful relationship with the listed building.

Conditions are advised as follows:

- Full materials palette for stone, slate and cladding/glazing systems; samples to be agreed
- Scheme for design and detailing of roofs, eaves, verges, parapet, cornices, etc.
- Scheme for framing design and finish details for new windows and doors
- Details of rainwater goods; design, materials, finish; samples to be agreed
- Details of vents, grilles, flues, lighting and any other fittings to external elevations
- Details of any repair/alteration to boundary walls and gateposts; design of new screen walls, ramps, retaining walls
- Scheme for design and materials for hard surfacing, including lighting
- Ongoing maintenance scheme, particularly for sedum roofs
- Restoration of the Hall to be secured in advance of new development in grounds (phasing condition)

PBC Environment Officer – The revised layout means that the trees on the boundary can now be retained screening the listed property and soften the view from the adjacent Open Countryside. If we can secure some tree planting as offered within the adjacent land owned by PBC then that would go a long way to softening that block on the boundary. The tree protection plan and AIA is fine. There is no mention of the rest of the planting scheme, ground preparations and maintenance. As a result, we would need to condition and landscape and landscape maintenance plans. I still have some concerns about the parking area on the approach in.

Colne Town Council – Object to the proposed works as they will result in a significant overdevelopment of the site and will cause substantial harm to the original property by detracting from the listed building, due to the close proximity. The turning circle and the parking arrangements also lead to a visual clutter of the main façade of the building.

## **Public Response**

Site and press notices posted and nearest neighbours notified by letter. 6 responses received raising the following issues:

- Please do not allow Langroyd Hall to be altered in any way. For a residential care home to allow new builds would be sacrilege. We are losing all our heritage and beautiful buildings in Colne;
- It has been sad to see the deterioration of the Hall over the last 12 months and the vandalism which has taken place;
- It is welcome news that something is planned for the site and the four units should be an asset to the site in general, however, one of those units is planned immediately to the rear of our property which we strongly object to as it would reduce light to both 2 and 3 Lynwood Close. Surely there is sufficient land to the far grassed area overlooking the upper reservoir to be able to accommodate this unit. It is the only unit which affects the existing residents in this way;
- We accept and welcome that after 12 months of neglect there should be some changes made to the fabric and surroundings we object to the application and the impact this will have on the existing residents;
- Firstly, the plans show Block E to the North of 1, 2 & 3 Lynwood Close which will impinge on privacy, available light and, in our opinion, unnecessarily close to the properties. We feel strongly that existing residents have not been considered in this aspect. Properties on Lynwood Close are mostly single storey and these are being overshadowed by the proposed new buildings;
- Secondly the overall density to the north with Block C which is three storey and not appropriate;
- We live in a Grade II barn in front of the Hall which was once the farm buildings for the Hall. We have grave concerns over the scale and massing with Building D a three storey high building in particular. The gable end of that building is just a few yards from our fence and we feel this building will be very imposing especially as the developers want to cut down all the trees on this border;
- The building runs the full length of the north bank of the site and would block views of the Hall from Langroyd Country park, one of the iconic views of Colne;
- Building C is close to our fence and the trees which give privacy are being cut down some trees are under TPO and should be preserved
- Part of the land where the trees are is understood to be no man's land and the developers seem to have claimed this;
- Are the proposed outbuildings sympathetic to the character of the Hall?
- I support the need for extra care for adults, however, the developers have not met with residents to explain what this means. Is it for the elderly, people with mental needs or for the rehabilitation of drug use?
- Depending on the use this may have an adverse reaction on local house prices and as such this should be brought into consideration;
- The removal of the roof may have caused impact on the wildlife habitat;
- The removal of large trees is uncalled for and to replace with young saplings is ludicrous. To remove trees within Langroyd park must not take place as it's outside the boundary and nothing to do with this development;
- There has been no discussion with residents over increased road traffic and footfall to the premises nor how construction noise will be kept to a minimum;
- The roundabout is a very busy junction close to a primary school;
- What will be the gain for the local community will they be able to use the café or gym? It is difficult to see how the community will benefit from the development other than the loss of an historic building;



- The detached apartment block c and café on three floors will obscure and dwarf the Listed Building. The layout and density seems to focus on maximum optimisation rather than achieving a sensible balance and fit with the local area;
- There is bound to be noise and disturbance which will impact on residents and users of adjoining roads and footpaths and it likely to far outweigh that which arose from the public house. The developers need to look again at the number of apartments and adequacy of parking spaces for residents, staff and visitors;
- Langroyd Hall adjoins an area of natural beauty and residents should not have their views of Langroyd Country Park and the two reservoirs obscured by the proposed development;
- Any encroachment onto Green Belt land should not be permitted; and
- In making its decision Pendle Council needs to address whether My Space Housing are proposing to meet an existing need or forging ahead and hoping tenant will materialise in the future.

#### Comments received on amended plans:

- Pleased to note the trees are being retained for the boundary adjacent to the listed properties on The Croft to offer privacy and benefit the environment;
- We have been informed by bird experts that ne trees should be felled until September as this is going to harm the birds;
- We are lucky to see many bird species in our area some of which are endangered species;
- We note that the sycamore trees (L and M) which are in our garden are proposed to be removed as they are damaged and close to Block D which is close to our fence. We are not happy with these being felled as we shall then be overlooked by Block D;
- We noticed in February that the bat people removed the bats from the hall roof and since then they fly around the area at twilight. We hope suitable bat boxes are installed to accommodate them;
- We see that Block D remains two storey and the proposed building has significantly detrimental impact on the Grade II listed properties to the West on The Croft. The revised scheme now incorporates a flat roof which will dominate the character of the area as these properties traditional have sloping roofs. It is not clear as the to the actual overall height as there are no dimensions or scale bars on the plans;
- We see that Block C has been scaled back, however the revised plans indicate a corner window on the south east aspect first floor which will have a clear line of site into the properties on The Croft leading to a significant loss of privacy;
- We note the Heritage Statement does not assess the impact of the revised proposal on The Croft given the properties significant connection with the Hall beyond minor sweeping comments;
- We note there are no elevations which provide a contextual understanding of the proposals to The Croft giving that the northern and southern aspects of Blocks C and D would have allowed a more informed understanding of both the massing, setting and context and impacts impact on the Grade II listed properties of The Croft;
- Any changes appear to be minor and our previous objections still hold as none have been addressed;
- It is obvious that we would lose our view across the local countryside and the two reservoirs;
- Given that potential residents are going to be in the key at risk and vulnerable groups the concerns raised in the NHS response have been magnified and this must be addressed by the service provider and assess in detail by PBC in consultation with the NHS;
- We think there have been some changes in the height of the proposed development though this is difficult to assess. We are disappointed in the pictures giving an impression of the look of the buildings as these do not fit with the Listed Building at all and resemble a penal institution more than a residential home. The layout and density of the buildings and car parking continues to focus on optimisation of the site rather than achieving a sensible

balance and fit with the local area. Our points about noise and disturbance to local resident remain;

- We note the small adjustments to the plans for trees. However, the Covid 19 pandemic is placing increased emphasis on the importance of greenery/planting and has raised awareness of the importance of green space in health and well-being. Has this been properly assessed by the appropriate parties? It is still essential that residents do not have their views of Langroyd Country Park obscured and that any encroachment onto green belt should not be permitted; and
- PBC should evaluate whether My Space Housing are proposing to meet an existing service need and be assured that they have sufficient financial and human resources to deliver and run this proposal on a long term basis;

## **Officer Comments**

The main considerations for this application are principle of use, impact on residential amenity, impact on the heritage asset, layout, design and materials, highways/parking provision, drainage, landscaping and protected trees, ecology and contribution requests.

### 1. Policy

#### **Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030):**

Policy SDP2 (Spatial Development Principles) states that proposals to develop outside of a defined settlement boundary (i.e. within the open countryside) will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle;

Policy SDP3 (Housing Distribution) states that the location of new housing should be guided by specific percentages with 70% afforded to the M65 Corridor, including Colne. The housing requirement figures are set out in Policy LIV1 and should be read in conjunction with this policy;

Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to ensure a high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum;

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with the wider locality.

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) states that new development is required to address the risks arising from contaminated land or unstable land, including that arising from mining legacy, through remediation work that makes the site suitable for the proposed end use;

Policy ENV7 (Water Management) states that proposals within a designated flood zone should seek to eliminate or reduce the potential for flooding to occur, by demonstrating that further investigation of the extent of risk, and the feasibility of options for prevention or mitigation, have been considered;

Policy LIV1 (Housing Provision and Delivery) sets out the Councils requirement to deliver new housing at a rate of 298 dwellings per annum. The housing requirement should be delivered in accordance with the distribution set out in Policy SDP3;

Policy LIV4 (Affordable Housing) sets out targets and thresholds for the provision of affordable housing. For the M65 corridor target for 15 or more dwellings is 0%;

Policy LIV5 (Design Better Places to Live) states that the layout and design of new housing should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments;

The following Saved Replacement Local Plans Policies are also relevant:

Policy 4D (Biodiversity) seeks to retain and enhance biodiversity as part of a development.

Policy 31 (Parking) of the Replacement Local Plan which sets out appropriate parking standards for new housing developments is also relevant here.

### National Planning Policy Framework ("the Framework")

The Framework is the single composite national policy on planning matters in England. It replaced all previous national planning policy documents.

The Framework sets out that the purpose of planning is to contribute to achieving sustainable development. This comprises of three dimensions: social, environmental and economic. The Framework continues to place Local Plans at the heart of decision making.

Good design is seen as an important element in the built environment. Paragraph 130 states that planning permission should be refused for development of poor design.

The role the historic environment plays in society and in planning is principally dealt with in Part 16 of the Framework. Opportunities should be taken for sustaining and enhancing the significance of heritage assets (HA) and the social, cultural and environmental benefits that conserving the historic environment brings is recognised.

The Framework sets out the mechanism for how heritage assets need to be assessed in planning applications. Applicants must assess the significance of the heritage asset with the detail being proportionate to the importance of the asset. The particular significance of the asset needs to be assessed.

In making a decision on the application account needs to be taken of:

- The desirability of sustaining and enhancing the significance of the assets and putting them to a viable use consistent with their conservation.
- The positive contribution assets can make to sustainable communities
- The desirability of new development making a positive contribution to local character and distinctiveness

Great weight should be given to be given to the asset's conservation when the impact on the significance of a designated asset is considered. The more important the asset the greater that weight should be.

Harm to assets is not precluded from happening but this needs clear and convincing justification. If there is substantial harm or loss of a grade II listed building the justification for that should be exceptional.

Less than substantial harm is set out in para 196 of the NPPF.

There would be public benefit to the development in terms of economic activity and potentially securing the future use of the listed building.

## 2. Principle of Use

The site is a previously developed site located within the settlement boundary of Colne. The principle of residential use is acceptable subject to compliance with other Local Plan policies.

The ancillary Gymnasium and Hairdressers are acceptable provided that these are not available to visiting members of the public.

## 3. Impact on Residential Amenity

The nearest properties directly affected by this proposal would be 2 – 8 Red Lane, 2 – 6 Lynwood Close, The Coach House (Grade II Listed) 2 The Croft and Croft Cottage.

Other properties along Red Lane and Langroyd Road would see and hear the construction and activity on the site but would not be unduly affected otherwise.

The properties sited along Red Lane closest to the access point would have vehicles passing the rear of their properties but this would not any greater impact than the previous use as a public house.

No. 2 Lynwood Close is a bungalow on an elevated plot located to the South West of the site which back onto the site and has the rear elevation and garden facing the site onto the rear elevation of Block E which is a part two storey and part single storey unit at a distance of 11.5m from rear to rear. Due to the elevated height of the bungalow and the single storey element of Block B at this point this is acceptable.

No. 3 Lynwood Close is a bungalow on an elevated plot located to the South West of the site which back onto the site and has the rear elevation and garden facing the site onto the rear elevation of Block E which is a part two storey and part single storey unit at a distance of 13m from rear to rear. Due to the elevated height of the bungalow and the single storey element of Block B at this point this is acceptable.

No. 4 Lynwood Close is a bungalow on an elevated plot located to the South West of the site which back onto the site and has the rear elevation and garden facing the site at a distance of 10m overlooking the car park area at an elevated position this is acceptable.

No. 5 Lynwood Close is a bungalow on an elevated plot located to the South West of the site which back onto the site and has the rear elevation and garden facing the site at a distance of 7.5m from rear extension overlooking the car park area at an elevated position this is acceptable. This property has existing boundary treatments which effectively screen it from the site.

No. 6 Lynwood Close is a bungalow on an elevated plot located to the South West of the site which back onto the site and has the rear elevation and garden facing the site onto the access road. This property has existing boundary treatments which effectively screen it from the development.

The Coach House is part of a group of Grade II listed buildings to the East of the site which used to be associated with the Hall as Farmhouse and outbuilding. The Farmhouse is sited the furthest away with the former barns in the middle and The Coach House nearest to the site. Block D is located the closest to this property and is sited 11m from this property at the closest point rear elevation to gable. There are windows proposed in the rear of Block D which serve habitable rooms, however, the gable of The Coach House has no first floor windows and therefore this is

acceptable in terms of privacy. The retention of the trees will afford some privacy and screening of this development. This is acceptable in amenity terms the impact on the setting of the listed building is addressed below.

2 The Croft is located to the East of the site with the existing access road to the South East. This is acceptable.

Croft Cottage is also located to the East of the site with the existing access road to the South East. This is acceptable.

The impact of the development on residential amenity is therefore acceptable.

The proposed development would not result in any unacceptable impacts on privacy, overbearing impacts or loss of light to adjacent dwellings. An acceptable degree of residential amenity could also be assured for future residents of the proposed units. Although some first floor bathroom and kitchen windows in Block E are only 8m from existing first floor windows in the Hall which serve bedrooms. A condition to require obscure glazing in the first floor windows of Block E on the northern elevation to prevent potential overlooking.

#### 4. Layout, Design and Materials

The proposed housing development would have an appropriate mix of housing providing a total of 29 one bed and 3 two bed apartments which meets the requirements of policy LIV3.

The creation of an open courtyard to the Hall frontage, enclosed by new apartment blocks to each side, would still enable appreciation of the hall from the driveway approach whilst allowing it to retain its dominant position on the site. The massing, modelling and design of the blocks have reduced their perceived scale and addresses previous concerns about the impact on the setting and visual dominance of the hall.

The plans indicate the retention of some of the trees together with replacement and replanting of additional trees both on and off the site which would enable sufficient screening to soften the development and preserve the settings of both listed buildings. The impressive view of the hall frontage would still be seen against its existing backdrop framing of trees, with views of the open countryside to the North through the space purposely left between the Hall and Block C.

With regard to design of the proposed units:

##### Block B

This block is small scale and tucked behind the rear of the Hall would not be readily visible. The simple form and detailing of this block would be appropriate with high quality materials to be controlled by condition this is acceptable.

##### Block C

This is the larger three storey unit sited to the North of the site and which has been redesigned to address previous concerns with reductions in its overall scale, height, massing and footprint. The flat roofs and set-back upper floors help to reduce the bulk and height. The design is contemporary, simple in materials and detailing, with the vertical emphasis and shadow effects of the openings, some with simple stone mullions.

The visual impact of the upper floor would be minimised by the use of zinc panels and glazing which should have a more recessive appearance when seen against the landscape beyond.

Subject to samples of the stonework and other cladding materials and with details of the aluminium windows and doors this is acceptable.

#### Block D

This part two storey and part single storey unit is sited to the East of the site. The footprint, height and scale of this block has been reduced in the amended plans, with the bulky and prominent pitched roof replaced with a flat roof over a well-recessed zinc-clad upper floor. The design and style match that of Block C. The setting back of the South side of the building further away from the entrance driveway reduces its encroachment on views of the hall from the approach. Trees are proposed to be retained to the rear of this block which provide more effective screening with the adjacent properties to this boundary.

#### Block E

This part two storey and part single storey unit is sited to the South West of the site. The 2-storey element is well set back from the frontage of the Hall and pitched roof of this section relates well to the Hall. The proposed screen wall to the staircase on the frontage would project too far towards the hall, minimising the area of open space between the buildings. This element should be omitted completely at first floor level, and cut back at ground floor level, in order to leave more separation and reduce clutter around the Hall. The agent has been requested to address this.

The amended plans show reduced footprints and massing for Blocks C and D, which were the major areas of concern with relation to the setting of the Hall. In addition, the number of apartments has been reduced, enabling the retention of more trees on the site which together with replacement planting will afford more effective screening.

In terms of materials stone elevations with feature cills and headers and dark grey concrete roof tiles and zinc panelling to some of the units are proposed which is acceptable subject to acceptable samples being submitted.

Whilst the relatively open setting of the Hall would be altered, the effect on the overall significance of the listed building would not be seriously harmful, subject to the final amendments and details outlined above.

The amended plans have indicated the retention of some of the trees along this boundary, which would enable sufficient screening to preserve the settings of both listed buildings. The adjacent stone wall and gatepost to the driveway would also be retained as part of the landscaping scheme at this important arrival point to the site. The impressive view of the hall frontage would still be seen against its existing backdrop framing of trees, with views of the open countryside to the N being afforded through the space purposely left between the Hall and the new Block C.

The design and materials of the proposed units would therefore be in scale and harmony with its surrounding area.

New residential development is required to incorporate satisfactory standards of security to prevent crime.

Local Planning Authorities should seek to identify and assess the particular significance of any element of the historic environment that may be affected by the relevant proposal. In this particular case there is the Grade II listed Hall as well as the former associated farm buildings approximately (Further Clough Head sited 40m to the east). This proposal does not adversely affect the setting of these listed buildings and therefore complies with policy ENV1.

In terms of impact on the area the proposal is acceptable subject to appropriate conditions to control materials and an improved landscaping scheme.

In terms of impact on the area the proposal is acceptable subject to appropriate conditions to control materials, protect trees to be retained on the site and an improved landscaping scheme.

## 5. Highways/Parking Provision

The proposed improvements to the site access including a pedestrian link to Langroyd Road.

The submitted plans show provision for 24 car parking spaces would be provided which is less than the maximum requirement of 35 spaces (29 x one bed properties and 3 x two bed properties).

Whilst LCC Highways do not consider that 24 spaces is an adequate level of on-site parking for the development there has to be a balance between the amount of development, parking and the impact on the setting of the Hall and this needs to reflect its previous use a Public House and associated paraphernalia and the traffic associated with such a use..

More parking could be provided by reducing the amount of built form or providing parking along the access road and these have been considered and discounted due to impacts on viability and the heritage asset.

There has been some discussion over the potential end users of the site and how this could affect the parking requirements. The planning process does not control end users and whilst it has been stated that these would be likely to be over 55's or adults requiring assistance this would not be controlled but this permission.

Storage for 27 cycles is shown, which, considering the type of development proposed, may be an over-provision.

A revised site layout plan has been provided which addresses some of the issues raised by LCC Highways including providing for bin collection points within the site.

Off-site highway improvements will be required to the existing dropped pedestrian crossings on Red Lane, Langroyd Road and Regent Avenue due to the increase in pedestrian movements to and from the site and the nearest bus stop.

Overall whilst the scheme does have a deficiency in on-site car parking provision, however, it is close to amenities and public transport routes and the site does provides for ample bicycle storage provision and therefore provides sustainable modes of transport.

## 6. Drainage

Whilst United Utilities have concerns regarding the proposed drainage scheme in the hierarchy of the NPPF, Lead Local Flood Authority are satisfied that an appropriate scheme can be achieved and that as a technical matter this can be controlled by condition.

The agent has been made aware of the concerns of UU and advised to liaise with them regarding potential connections to existing surface water systems.

Subject to appropriate conditions this is acceptable.

## 7. Landscaping and Protected Trees

There are a number of trees on the site (some of which are protected) which are proposed to be removed and replaced with more appropriate species in order to provide screening and greenery within the site.

Block C would have the greatest impact in terms of views into the site along the northern boundary where planting would be restricted to smaller-growing specimens of fairly restricted width. Without moving the building further south or significant reduction in its built form the desirability of providing larger-growing specimens along this boundary is limited within the site.

The latest proposals seek to address the previous concerns including seeking to retain trees in the north-east corner and in the south-east corner of the site.

The revised layout means that some of the trees on the boundary can now be retained effectively screening the listed property and softening the view from the adjacent Open Countryside. The agent has offered to provide some tree planting within the adjacent land owned by PBC. This would assist in providing larger growing specimens to soften Block C along that boundary and from longer term views into the site. This is acceptable and can be controlled by condition.

The submitted tree protection plan is fine acceptable and can be conditioned together with an enhanced landscaping scheme, ground preparations and maintenance.

## 8. Ecology

A Bar Report has been submitted which confirms the present of bats roosting within the roofscape of the Listed Hall. The agent is aware that they will require a bat licence from Natural England prior to commencing any work on the building.

Mitigation proposals include Baffle box and access as well as habitat boxes on the Hall and some of the trees.

This is acceptable and can be controlled by condition.

## 9. Impact on Heritage Assets

Langroyd Hall was listed at Grade II in 1953 and has retained its extensive grounds and long driveway approach, which enable the imposing frontage to be viewed from some distance, this feature originally being designed to enhance visitors' appreciation of this prominent and high status building. Adjacent to the driveway lies Langroyd Farm, a group of former farm buildings associated with the Hall, also listed at Grade II. This impressive setting adds to the heritage significance of the Hall.

In accordance with Section 66 of the Planning (Listed Buildings and Conservation) Act 1990, special regard has been made to the desirability of preserving the special historic or architectural interest of the building and its setting

The modern extensions comprising single storey dining areas and kitchens, along with items such as flues and external metal stairs, would be removed from the north side and rear elevations, which would result in a definite enhancement to the character and appearance of the listed building. Two much smaller single storey extensions are proposed in these areas, both of simple design in ashlar stone.

The submitted Heritage Assessment and Impact Assessment are well detailed, and the identification of elements of heritage significance has informed the proposed internal layout of the Listed Building. The structural report notes that the stone structure appears generally sound, with repairs to stonework and pointing recommended.



Overall, the proposed conversion and restoration of the Hall is considered to be sensitive to the significance of the listed building. The very minor harm caused to significance would be outweighed by the clear public benefit of securing the repair, restoration and viable reuse of this key listed building, in accordance with NPPF 196.

In terms of the potential impact of the new build elements these have been amended and the bulk and massing has been reduced and the overall design features improved.

Paragraph 196 of the NPPF requires that any harm requires that any harm to significance should be weighed against the public benefits of the proposal. Whilst para 185 asks local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness. Details such as high quality materials and landscaping can be controlled by condition to ensure that the development respects and does not unacceptably harm the setting of the listed buildings.

The effects on the setting of the heritage asset would lead to some harm to its significance. This would be less than substantial harm and would be at the lower end of the less than substantial scale. The National Planning Policy Framework, para 196, advises that any less than substantial harm to significance should be weighed against the public benefits of the proposal.

The public benefits that would arise from this proposal include:

- Contribute towards the Council's housing land supply and assist in the delivery of a mix of housetypes and tenures;
- Income from Council Tax;
- Employment for building trade and local tradesmen/businesses and the supply train;
- Additional off-site tree planting;
- Enhance biodiversity; and
- Bringing a vacant Listed Building back into a viable use.

The proposed scheme would provide for new industrial units and would have the generally acknowledged public benefits associated with that. This would be balanced against the limited and less than substantial harm to the heritage assets. On balance the public benefits would outweigh the less than significant harm to the heritage assets.

Taking this into account the proposed development is acceptable in principle in terms of heritage impact in accordance with policies ENV1 and ENV2 subject to appropriate conditions.

#### 10. Contribution Requests (S.106's)

**NHS** – A request for the amount of £19,296 has been made.

With regards to the NHS request for contribution this is not supported as follows:

Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

- (1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—
- (a) restricting the development or use of the land in any specified way;
  - (b) Requiring specified operations or activities to be carried out in, on, under or over the land;

(c) requiring the land to be used in any specified way; or  
(d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
- (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on acute services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel's opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

#### 11. Other Issues

Comments have been made which refer to Langroyd Country Park this area of land to the north was never formally designated as such and therefore is not a considered.

The Town Council have referred to the scheme as being overdevelopment and cluttered in terms of parking in front of the Hall. The previous use as a Public House had far more hardstanding and parking than the proposed scheme and the amount of built form is in my opinion acceptable and can be accommodated with the site. It is clear than a reduction in built would improve the parking that can be achieved but any further reduction in units would undermine the viability of the scheme and would not enable the Listed Hall to be brought back into an acceptable use. This scheme therefore requires a balanced judgement.

#### 12. Summary

The scheme as proposed would not have an unacceptable impact on amenity or the Listed Building and the proposal would not have a detrimental impact on highway safety subject to appropriate conditions in terms of materials, drainage, landscaping and ecology. The scheme therefore accords with policies ENV1 and ENV2 of the Core Strategy.

### **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 not adversely impact on amenity or highway safety or the protected trees and would be acceptable in terms of design and materials and 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 works approved shall be begun before the expiration of three years from the date of this consent.

**Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

2. The works hereby approved shall not be carried out except in complete accordance with the details shown on the submitted plans:

2624 (PL)01, 2624 (PL)06, 2624 (PL)02, 2624 (PL)

**Reason:** For the avoidance of doubt.

3. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

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

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

4. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- h) Location and details of site compounds
- i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- k) Parking area(s) for construction traffic and personnel
- L) Details of the provision and use of wheel washing on the site
- M) Site security

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment

management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To ensure that adequate measures are in place to protect the environment during the construction phase(s).

5. Prior to any work commencing on site full details of palette of all external materials including stone, slate and cladding/glazing systems including details of rainwater goods to be submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In order to ensure that the details are acceptable before work commences on site in the interests of the Listed Building and its setting.

6. No part of the development hereby approved shall commence until a scheme for the construction of the off-site works of highway improvement has been submitted to, and approved in writing by, the Local Planning Authority.

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

7. The proposed development should not be brought into use unless and until improvements to the vehicular access from Langroyd Road and provision of a footway have been fully completed and surfaced in accordance with the approved plans.

**Reason:** In the interest of highway safety.

8. The proposed development should not be brought into use unless and until the parking areas shown on the approved plans has been constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for parking of vehicles associated with the residential development.

**Reason:** In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

9. The cycle storage facilities to be provided in accordance with a scheme to be approved by the Local Planning Authority and the cycle storage facilities to be provided in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.

**Reason:** To ensure that the development provides sustainable transport options.

10. The Hairdressers and Gymnasium facilities shall be for the sole use of residents of the development only and shall not be available to the general public.

**Reason:** In the interest of highway safety and due to the lack of available parking within the site.

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

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

12. No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include:

- a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD);
- b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an appropriate allowance for climate change and urban creep. The calculations must also demonstrate that surface water runoff will not exceed a maximum rate of 5l/s.
- c) A final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network;
- d) Confirmation of how surface water will be managed within any non-drained areas of the site, i.e. grassed areas and public open space.
- e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site;
- f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and
- g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

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

**Reason:** To ensure that the proposed development can be adequately drained; that there is no flood risk on or off the site resulting from the proposed development; that water quality is not detrimentally impacted by the development proposal and that appropriate maintenance mechanisms are put in place for the lifetime of the development.

13. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

14. No development shall commence (except for demolition) unless and until details of the following:

- Scheme for design and detailing of roofs, eaves, verges, parapet, cornices, etc.
- Scheme for framing design and finish details for new windows and doors
- Details of vents, grilles, flues, lighting and any other fittings to external elevations
- Details of any repair/alteration to boundary walls and gateposts; design of new screen walls, ramps, retaining walls
- Scheme for design and materials for hard surfacing, including lighting
- Ongoing maintenance scheme, particularly for sedum roofs

- Restoration of the Hall to be secured in advance of new development in grounds (phasing condition)

Have been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be fully implemented in strict accordance with the approved details.

Reason: To order to ensure the details are appropriate for the Listed Building and its setting and that the Hall is restored

15. Window reveals in the new build units shall be set back by at least 75mm.

**Reason:** To provide an appropriate set back in the interests of good design.

16. 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.

17. 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 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 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.

18.No demolition shall take place until the implementation of a programme of archaeological investigation and recording in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. The recording shall thereafter be carried out in accordance with the approved scheme and timescales.

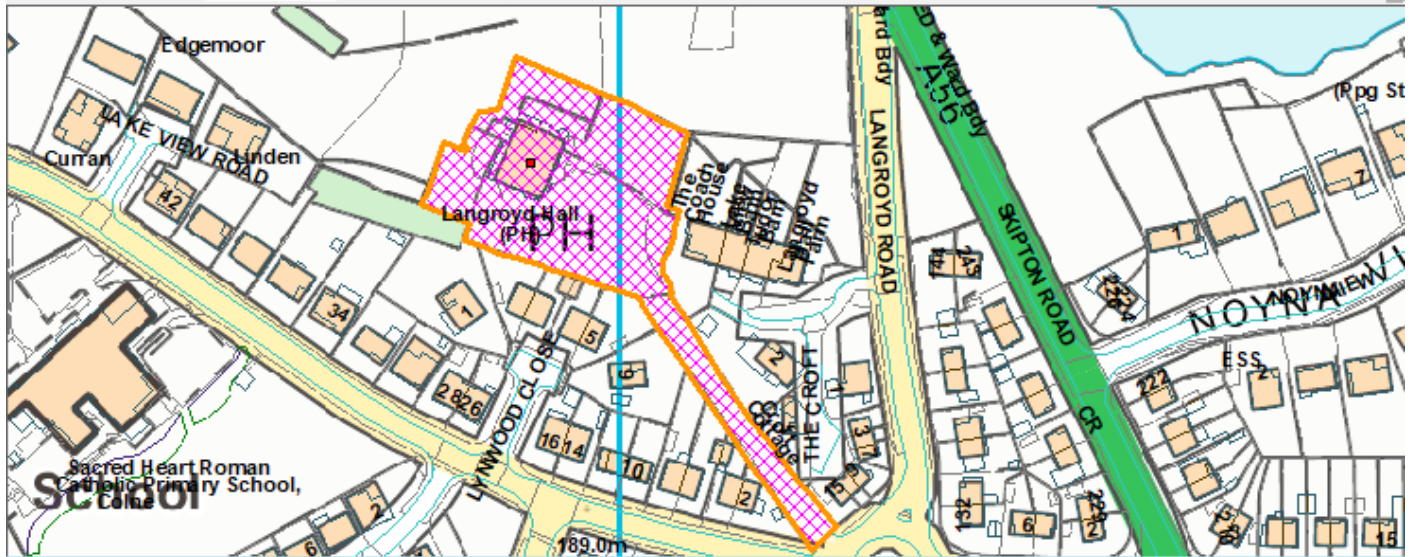
**Reason:** In order to provide an accurate historic record of the site by a competent person prior to demolition of the building.

19.The Mitigation measures including Baffle access and habitation boxes shall be implemented in full prior to any occupation on site.

**Reason:** In order to provide appropriate bat roosts on the site and enhance the biodiversity of the site.

**Note**

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the provision of tactile paving and H bar markings to the existing dropped pedestrian crossings on Red Lane, Langroyd Road (both sides of the entrance and north and south of the roundabout), Regent Avenue, and outside and opposite No 227 Skipton Road. 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 [developeras@lancashire.gov.uk](mailto:developeras@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.



**Application Ref:** 19/0893/FUL

**Proposal:** Full: Demolition of part of Hall (40cu.m.); Change of use of Langroyd Hall from Public House (Use Class A4) to Extra Care Residential Institution (Use Class C3); Erection of four new build units to form 32 no. Extra Care apartments with ancillary gymnasium, hairdressers and associated car parking.

**At:** Langroyd Hall, Langroyd Road, Colne.

**On behalf of:** EH Capital 1



## REPORT TO COLNE AND DISTRICT COMMITTEE ON 11 JUNE 2020

**Application Ref:** 19/0962/FUL

**Proposal:** Full: Major: Erection of an extension to existing industrial premises (2,250m<sup>2</sup> additional floor space) with associated car parking.

**At:** E L E Advanced Technologies Ltd, Cotton Tree Lane, Colne

**On behalf of:** ELE Advanced Technologies Ltd

**Date Registered:** 30/12/2019

**Expiry Date:** 30/03/2020

**Case Officer:** Alex Cameron

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

### **Site Description and Proposal**

The application site an industrial building occupied by ELE Advanced Technologies Ltd which specialises in the manufacture of turbine components. The site is located within the open countryside immediately to the south of the settlement boundary of Colne. To the north are dwellings on Barnfield Close and Acresfield separated by Colne Water, there is open land to the west and dense woodland to the south. The site is accessed from Cotton Tree Lane to the east.

The proposed development is the erection of an extension to the west side of the existing building. The proposed extension would be 90m x 25m with an eaves height of up to 6.4m and a ridge height of up to 8.6m and would be finished in corrugated cladding.

### **Relevant Planning History**

13/00/0674P - Retain temporary office accommodation. Approved.

13/02/0701P - New storage extension and raising of roof of previously approved (unimplemented) extension. Approved.

13/03/0804P - Full: Erect substation between car park and river. Approved.

13/04/0698P - Full: Erection of a single storey lean-to extension and compound to rear. Approved.

### **Consultee Response**

PBC Environmental Health – No objection subject to the following conditions and notes:

Contaminated land  
Construction Method Statement  
Hours of deliveries

With regards to the noise assessment carried out by Hepworth Acoustics, it is assumed in the report that all roller doors and windows will be kept shut as much as possible according to section 5.4 to ensure that the acoustic integrity of the building is maintained. Therefore if in the warmer months if the factory becomes too hot for staff, alternative ventilation/ cooling methods should be used and windows and doors should be kept closed.

LCC Highways – Having considered the information submitted, the Highway Development Support Section does not have any objections in principle regarding the proposed development at the above location. This is subject to the following comments being noted, and conditions being applied to any formal planning approval granted.

The applicant is proposing the provision of 81 car parking spaces (Transport Statement para 3.7). However these are not shown on the Proposed Site Layout Plan (0173 P02-A) and it is unclear from the swept path analysis plan whether any existing parking bays would be affected. A revised site layout plan showing all proposed parking within the site should be provided.

The revised site parking plan should also indicate whether any existing spaces are disabled parking bays. A minimum of three secure, covered motor cycle bays should also be provided, in line with recommendations in the borough council's parking standards.

The proposed additional cycle storage should be covered to make this a more realistic form of alternative transport.

Please attach the following conditions: car parking and manoeuvring, cycle storage, motor cycle parking, travel plan, manoeuvring area to be kept free from obstruction.

United Utilities - 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. We request the following drainage conditions are attached to any subsequent approval: Surface water drainage, separate foul and surface water drainage, management and maintenance of drainage systems.

Environment Agency - We have reviewed the FRA prepared by ELE Advanced Technologies (2019-099, November 2019) in so far as it relates to our remit and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented.

The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.

Lead Local Flood Authority – No objection subject to conditions.

Cadent Gas – There is a low or medium pressure (below 2 bar) gas pipes and associated equipment within the site.

Colne Town Council – No comment.

## **Public Response**

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

- Detrimental impact of increase in traffic.
- The existing access is inadequate and the road is dangerous.
- Impact on the appearance of the area and views of the countryside.
- The site is currently untidy, where would storage containers, skips etc. be located?
- Impact on adjacent public rights of way.

- Impact on wildlife including protected species.
- Noise impacts from machinery and vehicles.
- Existing noise impacts.
- Inadequate noise assessment.
- No details of extraction.
- Pollution from vehicles using the site.
- Use of hazardous chemicals.
- Only the extension is shown in isolation rather than the full proposed building. The break through position to the existing building/s should be shown.
- No landscaping scheme submitted.
- Light pollution.
- Increase in the risk of flooding.
- Inadequate Flood Risk Assessment.
- Impact on the stability of the river bank.
- Not a suitable area for a large industrial factory extension.
- More suitable locations are available.
- Only small scale employment development is supported by Local Plan policy outside of a settlement boundary.
- Impact on privacy of nearby dwellings.
- Impact on house prices.
- Should the planning application be approved the following should be taken into account: factory doors to face away from Barnfield Close and Acresfield, loading and unloading to take place on the far side of the factory, closing of roller shutter doors, non-opening windows and blinds, FFLs and building heights, no turning circle and a one way system, a living roof and noise insulation designed into the fabric of the building, trees to be planted along the riverbank, air condition / extraction to be on the south side of the building, supply and fit triple glazing to all factory facing windows and doors of adjacent dwellings, prevent subdivision, control of external lighting, noise limits, restrict hours of operation and hours of HGV operations.

## **Officer Comments**

### **Policy**

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

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 (Achieving Quality in Design and Conservation) identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

Policy SDP2 (Spatial Development Principles) States that proposals to develop outside of a defined settlement boundary will only be permitted for those exceptions identified in the Framework, or policies in a document that is part of the development plan for Pendle.

Policy SDP4 (Employment Distribution) states that the provision of employment land should follow the settlement hierarchy set out in Policy SDP2.

Policy WRK2 (Employment Land Supply) Major employment proposals, particularly those requiring good transport links, should be located in the M65 Corridor, unless the proposal needs to be in close proximity to one or more existing businesses.

### National Planning Policy Framework

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.

### **Principle of the development**

The site is outside of but adjacent to the settlement of Colne, which is defined as a key service centre within the M65 Corridor in policy SDP2, the site is in a sustainable location adequately served by public transport. The proposed development is an extension of an existing business and as such it is necessary for it to be in close proximity to it. The proposed development is acceptable in accordance with policies SDP2, SDP4 and WRK2.

### **Visual Amenity**

The proposed development would have visual impacts as a large extension to an industrial building, however, those impacts would be highly localised. The site sits at the base of a valley and the extension would be screened from the south by dense woodland, from the east by the existing building and trees, which screen the existing building from Cotton Tree Lane. The public viewpoints where the building would be most visible would be the footpath along Colne Water and from Acresfield. In those views the building would be set against the woodland to the south and seen together with the existing building.

Concerns have been raised regarding the lack of plans of the extension in relation to the existing building, particularly in relation to roof heights. A survey of the existing building has been submitted including details of its ridge and eaves heights. The existing building had a ridge height of up to 7.97m. The height of the proposed extension would be 8.4m-8.6m dependent on flood risk mitigation and therefore would be marginally taller than the existing building, however, this would not result in an unacceptable visual impact.

Concerns have been raised relating existing external storage and potential increases in external storage, the level of external storage can be controlled by condition.

Although the proposed development would result in moderate detrimental impacts to the open rural character of the countryside in localised views, with a condition for additional landscaping, those impacts would be significantly outweighed by the economic and social benefits of the development.

The proposed development is therefore acceptable in terms of visual amenity and landscape impact in accordance with Policies ENV1 and ENV2.

### **Residential Amenity**

Concerns have been raised in relation to the potential noise impacts of the development on nearby dwellings.

A noise assessment has been submitted with the application. This acceptably demonstrates that the proposed development would not result in unacceptable noise impacts on nearby residential properties. The conclusion of the noise assessment assumes that doors and windows will be kept shut as much as possible to ensure that the acoustic integrity of the building is maintained. Environmental Health have advised that should the acoustic integrity of the building be compromised by the operational practices of current or future occupiers it can be addressed under environmental health legislation and therefore it is not necessary to impose conditions in relation to that.

With conditions to control construction noise and hours of deliveries the proposed development would not result in unacceptable noise impacts.

The proposed development is a sufficient distance from the nearest domestic properties to ensure that it would not result in any unacceptable loss of privacy, loss of light or have an overbearing impact upon any residential property. External lighting of the building could be controlled by condition to ensure that it does not result in unacceptable impacts.

The development is therefore acceptable in terms of residential amenity impacts in accordance with Policies ENV2 and ENV5.

### **Trees and Landscaping**

There is a small group of silver maple trees proposed to be removed to make way for the extension, the trees are not protected and could be removed at any time. The arboricultural assessment recommends replacement planting, a condition for a landscaping scheme including proposals for replacement planting is necessary. Concerns have been raised that no landscaping scheme has been submitted with the application, however, the provision of acceptable landscaping can be acceptably controlled by condition.

### **Highway Issues**

A Transport Statement has been submitted with the application, this acceptably demonstrates that the vehicle trips generated by the proposed development, of 8 to 10 vehicle movements per hour at peak hours, would not have a significant impact on the local highway network. The existing access is acceptable to accommodate the increase in traffic without unacceptable highway safety impacts.

Subject to an acceptable parking layout, which can be ensured by condition, the development is acceptable in highway terms in accordance with policy ENV4.

### **Contaminated Land**

A contaminated land report has been submitted with the application this identifies the potential for contamination on the site a detailed site investigation is advised to be necessary to determine whether contamination is present and any required remediation. This can be ensured with a standard contaminated land condition. With this condition in place the proposed development is acceptable in terms of the risks from contaminated land.

### **Flood Risk**

The existing building and proposed extension fall within flood zone 2 and therefore are at medium risk from fluvial flooding. A flood risk assessment (FRA) has been submitted and this recommends measures to mitigate the risk of flooding involving either setting the floor level 0.3m above the external levels or additional flood resistance / resilience measures. The amended plans propose

setting the floor level 0.3m above the external levels with an internal ramp to access the existing building. This would acceptably mitigate the potential flood risk.

The FRA also demonstrates that surface water from the development can be acceptably attenuated to ensure that the development does not result in an unacceptable increase in the risk of off-site flooding.

The Environment Agency and Lead Local Flood Authority have raised no objections subject to conditions

## **Ecology**

An ecological appraisal has been submitted with the application, this identifies an alder tree within the site as having moderate potential for bat roosting and that further inspection would be required prior to pruning works with the potential to disturb the potential bat roost features. The tree is not proposed for removal, but it is indicated as possibly requiring pruning for access. This is not fundamental to the development, as access could be achieved without disturbing the tree. With a condition to ensure that the recommendations of the ecological appraisal are adhered to the proposed development is acceptable in terms of its impact on ecology.

## **Other Issues**

Concerns have been raised regarding potential loss of value of properties nearby, storage of hazardous chemicals.

Impacts on property values are not a material consideration in determining a planning application.

There are controls over the use and storage of hazardous chemicals in other legislation and therefore it is not necessary for such controls to be duplicated in this decision.

## **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 acceptable in terms of design, amenity, highways impacts and all other relevant regards. 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: 0173/P01A, 0173/P02A, 0173/P03A, 0173/P04.

**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 development hereby approved samples of the external materials of the walls and roof the development, including their colour and finish shall have 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 details.

**Reason:** In the interest of visual amenity.

5. Notwithstanding any indication on the approved plans, parking spaces and manoeuvring areas shall be laid out in accordance with a plan to be submitted to and approved in writing by the Local Planning Authority prior to the laying out of those areas. The parking and manoeuvring areas shall thereafter be surfaced, drained and marked out in strict accordance with the approved plan prior to the commencement of the use of the extension hereby approved and the parking spaces and manoeuvring areas shall at all times remain free from obstruction and available for parking and manoeuvring.

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

6. Prior to the commencement of the use of the extension hereby approved cycle storage facilities shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the development provides sustainable transport options.

7. Prior to the commencement of the use of the extension hereby approved motor cycle parking facilities shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority.

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

8. Prior to the first use of the extension hereby permitted, a Travel Plan shall have been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall be implemented within the timescale set out in the approved plan and shall be audited and updated at intervals as approved to ensure that the approved Plan is carried out.

**Reason:** To promote and provide access to sustainable transport options.

10. No structure shall be erected, or storage or waste disposal shall occur, in the swept path areas shown on Drawing No SCP/190660/ATR01 Rev A, dated 10.10.2019; such areas being kept free at all times for the manoeuvring of vehicles.

**Reason:** To ensure adequate provision of such facilities in the interests of safety and free flow of vehicles within the site.

11. The development shall be carried out in strict accordance with the recommendations of the ecological appraisal Ref: P.1250.19. Prior to the commencement of the use of the extension hereby approved the bat boxes and house sparrow terraces recommended shall be installed in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority and shall be maintained in accordance with the scheme at all times thereafter.

**Reason:** To ensure the protection and enhancement of ecology and protected species habitats.

12. No external lighting shall be installed 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 the interest of residential amenity and to preserve the habitat of protected species.

12. Prior to the commencement of their use details of any new external storage areas within the application site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and extent of the storage area, the maximum height of items to be stored and boundary treatments if proposed.

**Reason:** To control external storage in the interest of visual amenity.

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
- v) A scheme for recycling/disposing of waste resulting from clearance and construction works
- vi) Details of working hours
- vii) Timing of deliveries
- viii) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- ix) Measures to control construction noise and vibration
- x) Measures to control dust.

**Reason:** In the interest of highway safety and residential amenity.

14. No deliveries shall be taken at or dispatched from the site outside the hours of 08:00 and 17:30 on weekdays and 9am and 1pm on Saturdays and there shall be no deliveries taken or dispatched from the site at all on Sundays, Bank or Public Holidays.

**Reason:** In the interests of the amenity of nearby properties.

15. No development shall commence unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-

- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and



b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

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

**Advisory Notes:**

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

16. The development permitted by this planning permission shall be carried out in accordance with the recommendations outlined in the approved flood risk assessment (FRA) (report: 2019-099, by Flood Risk Consultancy, Dated 22 November 2019).

The measures shall be fully implemented prior to occupation and in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

**Reason:** To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to ensure that there is no flood risk on or off the site resulting from the proposed development.

17. No development shall commence until final details of the design and implementation of an appropriate surface water drainage scheme have been submitted to and approved in writing by the local planning authority. Those details shall include: a) A final surface water drainage layout plan; appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels and external ground levels (in AOD); b) A full set of flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus a 20% allowance for climate change. The calculations must also demonstrate that the post development surface water run-off rates shall not exceed the existing greenfield runoff rates for the corresponding rainfall intensities; c) A

final site plan showing all on-site surface water catchment areas, i.e. areas that will contribute to the proposed surface water drainage network; d) Confirmation of how surface water will be managed within any non-drained areas of the site, i.e. grassed areas and public open space. e) A final site plan showing all overland flow routes and flood water exceedance routes, both on and off site; f) Details of any measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses; and g) Details of an appropriate management and maintenance plan for the surface water drainage network over the lifetime of the development.

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

Reasons: To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed development, to ensure that water quality is not detrimentally impacted by the development proposal and to ensure that appropriate maintenance mechanisms are put in place for the lifetime of the development.

18. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

**Reason:** To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

Notes: The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

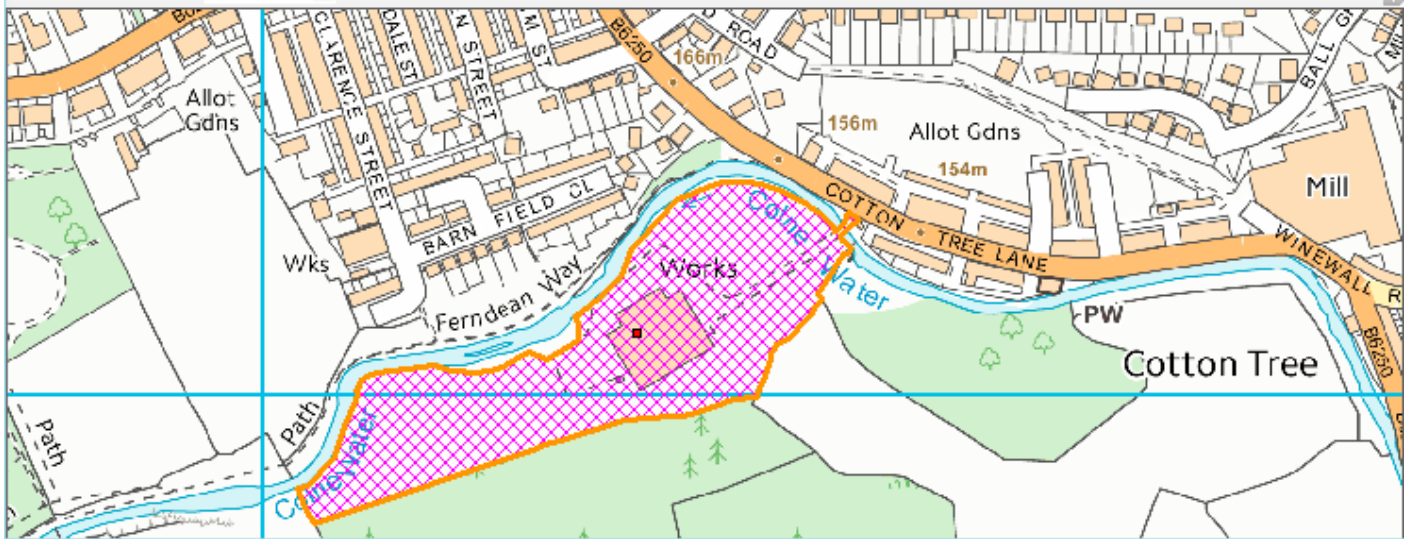
- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
- on or within 16 metres of a sea defence
- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

With regards to the noise assessment carried out by Hepworth Acoustics, it is assumed in the report that all roller doors and windows will be kept shut as much as possible according to section 5.4 to ensure that the acoustic integrity of the building is maintained. Therefore, if in the warmer months if the factory becomes too hot for staff, alternative ventilation / cooling methods should be sought and windows and doors should be kept closed.

The Borough of Pendle Council has announced a climate emergency, therefore to help improve air quality there should be no burning of any materials on site. Pendle Borough Council receives many complaints about smoke from bonfires, which are inappropriate in any area of the borough. The practice of burning wastes on site is an old-fashioned practice, which normally constitutes an

offence under the Duty of Care provisions of the Environmental Protection Act 1990. The applicant is cautioned against permitting any bonfire to take place during demolition, site clearance or construction. For further information contact Environmental Health at Pendle Borough Council by telephoning (01282) 661199.



**Application Ref:** 19/0962/FUL

**Proposal:** Full: Major: Erection of an extension to existing industrial premises (2,250m<sup>2</sup> additional floor space) with associated car parking.

**At:** E L E Advanced Technologies Ltd, Cotton Tree Lane, Colne

**On behalf of:** ELE Advanced Technologies Ltd

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 11 JUNE 2020

**Application Ref:** 20/0093/CEA

**Proposal:** Certificate of Lawfulness S.192 (Proposed Development): Proposed use of dwelling (Use Class C3) as a care home for up to three children / young people.

**At:** Hey Fold Cottage County Brook Lane Foulridge

**On behalf of:** Nurture Childcare Services

**Date Registered:** 25/02/2020

**Expiry Date:** 21/04/2020

**Case Officer:** Alex Cameron

This application has been brought before Committee as more than two objections have been received.

### **Site Description and Proposal**

The application site is a detached dwelling located within the open countryside approximately 1km to the north of Foulridge. There are dwellings to the west either side of County Brook Lane and open countryside on all other sides.

This is an application for a Lawful Development Certificate for the proposed use of the dwelling as a home to provide care and support for not more than three children, with usually no more than two carers.

### **Relevant Planning History**

None.

### **Public Response**

A site notice was posted. Responses were received objecting on the following grounds:

- Concerns relating to safeguarding of children.
- Frequent use of County Brook Lane by wagons, HGVs and delivery vehicles and potential risk to residents.
- There is nowhere for car to park and passing places on County Brook Lane are often used for parking.
- The property is in an unsuitable location for such a use as it is remote from facilities, services and emergency services.
- Risk to residents from the adjacent brook.
- The proposed use would not be a single household and therefore would not fall within use class C3(b).

### **Officer Comments**

The consideration in determining this Lawful Development Certificate is whether the use proposed would constitute a material change of use requiring planning permission.

The application is accompanied by a supporting statement which provides examples of case law in relation to similar uses.

The statement acknowledges that the proposed use would technically fall within Use Class C2 (residential institutions) as the only full-time residents would be children and they cannot look after themselves as a single household. However, it sets out that although the use falls within Use Class C2, the nature of the use as proposed would be similar enough to that of a family home that it would not result in a material change of use from Use Class C3. It gives examples of case law that support this conclusion.

The details submitted with the application specify that the proposed use would involve up to three children / young people living in the property with usually no more than two full time carers and visits by a manager. Taking into account the details submitted, including the numbers of residents and carers proposed, the day to day living arrangements would not be materially different to a family home, nor would the level of comings and goings and parking be materially greater than could be expected if the dwelling were occupied by six adults living as a single household.

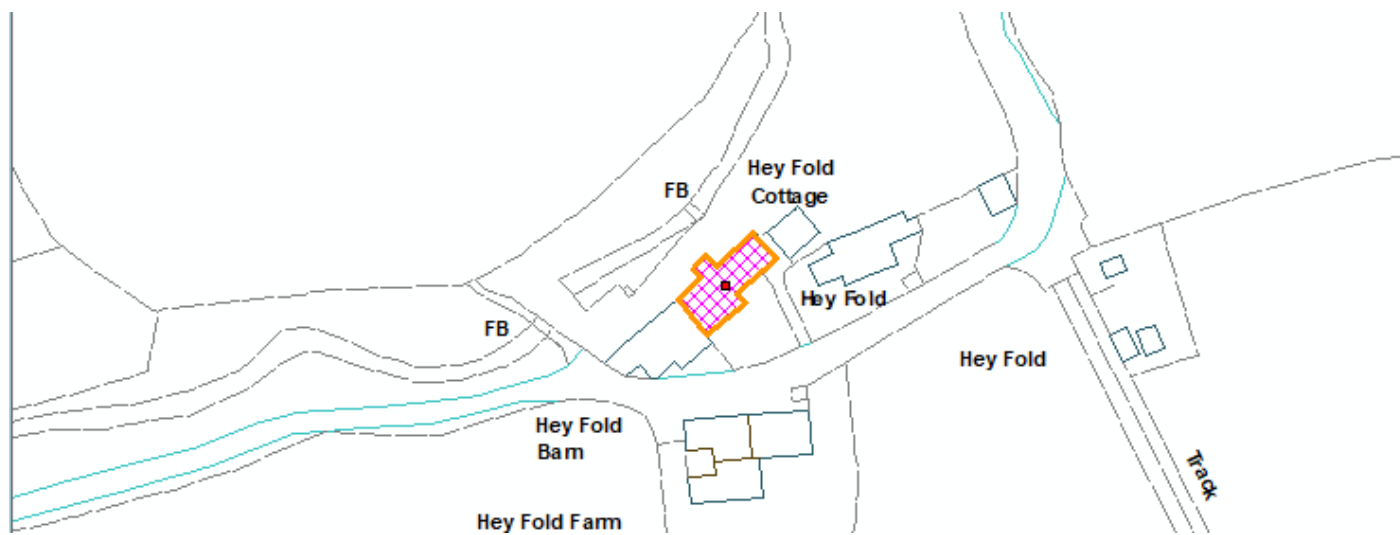
Concerns have been raised in relation to child safeguarding, safety of residents and the isolated nature of the location, these are not matters that are material to the determination of this Lawful Development Certificate application.

As detailed in the application, on the balance of probabilities, the proposed use would not result in a material change of use from use Class C3.

### **Reason for Decision**

On the balance of probabilities and in accordance with the submitted details the proposed use would not constitute a material change of use requiring planning permission.

### **RECOMMENDATION: Approval**



**Application Ref:** 20/0093/CEA

**Proposal:** Certificate of Lawfulness S.192 (Proposed Development): Proposed use of dwelling (Use Class C3) as a care home for up to three children / young people.

**At:** Hey Fold Cottage County Brook Lane Foulridge

**On behalf of:** Nurture Childcare Services

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date: 28th May 2020**