



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 3rd December 2020

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

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 03 DECEMBER 2020

Application Ref: 19/0917/FUL

Proposal: Full: Major: Demolition of substation building and erection of a commercial unit (1,273m²) for Use Class B2 (General industrial) / B8 (Storage and distribution) use with associated parking, infrastructure and altered access.

At: Former Spring Gardens Mill, Spring Gardens Road, Colne

On behalf of: Mr Peter Reeves

Date Registered: 16/12/2019

Expiry Date: 18/12/2020

Case Officer: Alex Cameron

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

Site Description and Proposal

The application site is part of the site of the former Spring Gardens Mill located within the settlement of Colne. The site is accessed from Spring Gardens Road adjacent to the junction with Daisy Street, to the west are dwellings on Daisy Street and Green Road, Colne water runs to the north and there are commercial/industrial buildings to the south and east. The mill has been demolished and the site cleared but for a former engine house building that more recently housed a substation.

The proposed development is the demolition of the existing building and the erection of a building for general industrial / storage and distribution use. The proposed building would have a footprint of 65.2m x 20.2m with an eaves height of 6.2m and a ridge height of 8.1m and finished in composite cladding and brick.

Relevant Planning History

13/99/0558P - Certificate of lawfulness to use premises for manufacturing, processing of waste materials and associated storage and warehousing. Approved.

13/13/0068P - Demolition Determination: Demolition of vacant mill building. Prior Approval Not Required.

Consultee Response

Environment Agency – Object. The submitted Flood Risk Assessment as set out in paragraphs 30 to 32 of the Flood Risk and Coastal Change section of the planning practice guidance. The FRA does not therefore adequately assess the flood risks posed by the development. In particular, the FRA fails to:

- Take the impacts of climate change into account.
- Different climate change allowances have been used to assess future flood risk than those advised in 'Flood risk assessments: climate change allowances', without adequate justification. The product 4 data has provided a 20% climate change allowance for an undefended scenario, however in line with the Planning Practice Guidance, a range of climate change allowances should be considered.

- For this application, allowances (dependent on the lifetime of the development) from the central and higher central allowances, as outlined in Table 1 and the paragraph titled “Using peak river flow allowances for flood risk assessments” should be assessed. The greater modelled levels (in this case the defended levels) should be used to assess flood levels and as a result flow routes, finished floor levels etc. across the site.
- Flood risk mitigation measures to address flood risk for the lifetime of the development included in the design are inadequate because they will not make the development resilient to the flood levels for the defended 100-year return period climate change allowance. Consequently the development proposes inadequate:
 - Raised finished floor levels
 - Resistance and resilience measures
- The FRA does not consider how a range of flooding events (including climate change and extreme events) will affect people and property
- The FRA does not consider the requirement for flood emergency planning including flood warning and evacuation of people for a range of flooding events up to and including the extreme event and accounting for climate change allowances.

LCC Highways – The site is located within walking distance of mainline bus services and Colne Town Centre. A footway is proposed alongside the access road which will provide a safe walking route for pedestrians from the public highway to the buildings however pedestrian routes from the access road to the main entrances should be included on the plan. Also the provision of a secure, covered cycle store is necessary. This will support the travel of staff by sustainable modes to support the sustainability of the site.

Delivery management plan submitted identifies a route, Green Road, Knotts Lane, Burnley Road for the HGV traffic.

The route from the site to the strategic road network via Knotts Lane, Bridge Street and Green Road presents some difficulties due to the geometry of the unclassified roads and the proximity of terraced properties which generate on-street parking by the residents. We would not wish to support additional HGV movements on this route to or from the development site. The route via Shaw Street and Bridge Street is most suitable for large vehicles to the A56 for both construction vehicle routing and thereafter once the site is trading.

The existing access arrangement has sufficient visibility within the adopted highway on Spring Gardens Road which is unclassified and 20mph speed limit. It is proposed to realign the site access slightly however the realignment at the site access and internal access road should allow a vehicle exiting the site to turn right onto Spring Gardens. A swept path analysis should be provided to demonstrate this.

The works within the adopted highway must be completed under a S278 agreement with Lancashire County Council.

Public footpath 193 runs through the site and the site layout proposes to divert the footpath along the northern boundary of the site. The access road runs along the route of the FP for $\frac{3}{4}$ of the length across the site and provides a footway on both sides which would accommodate the pedestrian movements. If the indicative layout of unit 4 was amended to allow a 2m wide link to be provided this would preclude the need for a diversion order to be made. The PBC Countryside officer has provided more details on the planning portal in relation to the principle and the appropriate legislation to pursue.

It is not within our policy to formally adopt Industrial Estate Roads therefore the access road will remain private and will need to be managed and maintained privately. It will need to be constructed to a standard which will accommodate HGV use and will need to be adequately drained and street lit.

The proposed yards for units 1 and 2 should be sufficient to allow the largest vehicle to enter, turn and leave onto the access road in forward gear. A swept path analysis should be submitted to demonstrate this.

The proposed car parking provision at units 1 and 2 appears sufficient however if the end users are known then the number of employees can be used to plan for car parking provision.

At least 1 electric vehicle charging point should be provided at the larger unit.

There is no objection to the proposal subject to the additional information being provided to allay the concerns.

1. Within 3 months of commencement a scheme shall be submitted to and approved by the Local Planning Authority for the improvement of the site access and the works shall be implemented prior to the first trading of the businesses.
2. The access road shall be surfaced in a bound material, lit and drained prior to the first trading of the businesses.
3. All vehicles shall enter and exit the site in forward gear.
4. The car parking, secure, covered cycle storage and electric vehicle charging point shall be provided prior to the first use of the building.

PBC Countryside Access Officer - Public footpath 193 runs through the site of the proposed development and is roughly aligned with the proposed access road. The proposed access road would be an acceptable with respect to the public footpath bearing in mind that until its demolition the public right of way ran on the site of an access road between Spring Gardens Mill on the south side and other commercial buildings to the north. Considering the potential volume and type of traffic which may use the access road a suitable footway should be constructed to the same standard required by Lancashire County Council for adopted footways.

The plans showing the proposed layout indicate the line of "public footpath 193 re-routed at perimeter". The applicant has not indicated that it is necessary to divert the footpath (see the answer to part 6 in the planning application) and there is no other reason to indicate that the footpath needs to be diverted to enable this development to be carried out. There appear not to be any grounds for a diversion under Section 257 of the Town and Country Planning Act 1990, but the owner of the land could apply to divert the footpath under the Highways Act 1980. An order under this Act must satisfy different criteria to that contained in the Town and Country Planning Act. I will write separately to the applicant with details of how to apply for a diversion.

The footpath is at risk of unauthorised disturbance and obstruction whilst the development is underway. Therefore, would you please include a note if planning permission is granted to bring to the attention of the developer the need to pay careful attention to the issues surrounding the public footpath.

United Utilities – Request foul and surface water drainage, management and maintenance conditions.

Environment Agency -

Lead Local Flood Authority – Additional information required to make a full response including existing surface water runoff rates and volumes, acceptable surface water drainage layout, flow calculations, catchment areas, overland flow routes, details of how the surface water drainage will be managed and maintained.

Lancashire Constabulary Architectural Liaison – Recommendations for security measures including intruder alarms, CCTV, window security and roller shutter doors.

Lancashire Fire and Rescue – Comments relating to Building Regulations.

Colne Town Council – No objection to industrial use of this land; however, it is hoped that landscaping is considered, and an attempt made to bring the land to a more aesthetically pleasing state. The Council is also regretful that the historic ‘Engine House’ will be demolished.

Public Response

Site notice posted and nearest neighbours notified – No response.

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 within the settlement of Colne, which is defined as a key service centre within the M65 Corridor in policy SDP2, it previously accommodated industrial buildings and is in a sustainable

location adequately served by public transport. This is an acceptable location for the proposed development in accordance with policies SDP2, SDP4 and WRK2.

Visual Amenity

The proposed development would be located on a former industrial site the building would be in keeping with the industrial nature of the site and surroundings in terms of scale and design.

The former engine house is the only remaining building of the former mill complex, however it is not a heritage asset and could be demolished under a demolition notification irrespective of this application. The demolition of that building is therefore acceptable.

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

Residential Amenity

The nearest dwellings are 62m to the west of the building and the loading doors of unit 1. This is an existing industrial site that previously housed an extensive complex of industrial buildings. The site could already be used for noise and traffic generating uses of the open land and remaining building without the need for permission and without restriction outside of statutory nuisance controls. Taking this into account the proposed development is acceptable in principle in terms of residential amenity impact.

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 development 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.

Highway Issues

A Transport Statement has been submitted with the application, this acceptably demonstrates that the access and highway network can adequately accommodate the traffic impact of the proposed development in terms of safety and capacity. The development is acceptable in highway terms in accordance with policy ENV4.

Flood Risk

Parts of the site fall within flood zones 2 and 3, the information provided with the application was inadequate to fully assess the flood risk and required mitigation. Following discussions between the Applicant and the Environment Agency further information has been submitted and is being assessed by the Environment Agency and Lead Local Flood Authority.

Ecology

An ecology survey has been submitted, the survey encompasses the whole former mill site and identifies potential for bat roosting in an opening in the retaining wall to the west of the site, which would not be directly impact by the building, it assesses the existing building as having low potential for roosting and identifies bat foraging within the site. There is also identified potential for bird, mammal, and invertebrates. The report makes recommendations for mitigation and enhancement measure and further survey work if the potential bat roosting site is to be impacted.

With a condition to control those measures the proposed development is acceptable in terms of its impact on ecology.

Conclusion

It is recommended that the approval of the application and any conditions necessary is delegated to the Planning, Economic Development and Regulatory Services Manager subject to the withdrawal of objection by the EA and LLFA and any additional conditions necessary.

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: Delegate Grant Consent

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: 001E, 002A, 003A, 004A, 006A.

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.

4. The access, parking and manoeuvring areas for each unit shall be laid out in accordance with the approved plans and surfaced in a bound material prior to the commencement of the use of the unit they serve. 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.

5. Prior to the commencement of the use of the development hereby approved details of works to form the access and access road shall have been submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the commencement of the use of the development hereby approved.

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

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 unit 2 an electric vehicle charging point shall be provided to one of the car parking spaces and thereafter retained.

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

8. There shall be no external storage within the application site unless otherwise approved in writing by the local planning authority. Any external storage thereafter shall at all times be carried out only in strict accordance with the approved details.

Reason: In the interests of visual amenity.

9. The development shall be carried out and operated in strict accordance with the recommendations of the ecological appraisal Ref: BOW17.1053. Prior to the commencement of the use of the development a scheme of ecological mitigation and enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance prior to the commencement of the use of the development or an alternative timescale approved as part of the scheme.

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

10. 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.

11. 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.

12. 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.

13. 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.

14. The use of the development hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
 - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

Notes: The developer should take note of all the public footpaths running through the site and take utmost care to ensure that these are kept undisturbed and free of obstruction during the course of a development. Any breach of the legislation which protects public rights of way can result in legal action, fines and default action carried out and re-charged to the landowner. Any proposals for the temporary diversion or closure of a footpath should be made to Lancashire County Council's public rights of way team. Enquiries about permanently diverting or closing the footpath may be made to Pendle Council.

Application Ref: 19/0917/FUL

Proposal: Full: Major: Demolition of substation building and erection of a commercial unit (1,273m²) for Use Class B2 (General industrial) / B8 (Storage and distribution) use with associated parking, infrastructure and altered access.

At: Former Spring Gardens Mill, Spring Gardens Road, Colne

On behalf of: Mr Peter Reeves

REPORT TO COLNE & DISTRICT COMMITTEE 3rd DECEMBER, 2020.

Application Ref: 20/0493/FUL

Proposal: Full: Erection of 2 No. 3 bed dwellings and associated garages, parking and gardens.

At: Land to the North of Oakfield, Skipton Old Road, Colne

On behalf of: Mr P Cunningham

Date Registered: 12 August 2020

Expiry Date: 7 October 2020

Case Officer: Kathryn Hughes

This application has been brought before Members due to the number of objections being received and potential amendments to the scheme which might make it acceptable.

Site Description and Proposal

The application site is a parcel of land within a residential area and sited outside the settlement boundary for Colne and lies within the Lidgett & Bents Conservation Area.

The application site comprises of 0.196 of a hectare and is currently used as domestic garden land in conjunction with the adjacent property.

The proposal is to erect two 3 bed dwellinghouses on the site with garages, parking and gardens. The properties would be finished in local stone and slate with timber painted windows and doors and boundary treatments comprising of walls and hedgerows to match existing.

A sustainable drainage system for surface water and connection to the existing main sewer are proposed.

The vehicle access and hardstanding would be in bonded gravel with narrow kerb edgings.

There are existing mature hedgerow and trees within the site some of which have already been removed. Some of the trees are protected by TPO whilst the remainder are protected by the Conservation Area Status.

A Design and Access Statement, Heritage Asset Statement, Ecological Report, Tree Survey and Transport Statement have been submitted in support of the application.

Relevant Planning History

13/75/1703P – Residential development – Refused.

13/82/1034P – Outline of erection of two dwellings – Approved subject to conditions.

13/90/0300P – Erection of two dwellings – Refused – appeal lodged out of time.

13/91/0345P – Erection of 2 dwellings - Refused and appeal dismissed.

19/0941/FUL – Erection of 2 no. detached dwellings with associated parking – Invalid.

Consultee Response

LCC Highways

The above application is a re-submission of a previous, invalid application (ref 19/0941/FUL), now with an amended site layout and the number of bedrooms per dwelling reduced from four to three. However the proposed access to the site off Bents remains unchanged and so the Highway Development Support Section's opinion remains the same as that for the previous application, one of objection on highway safety grounds.

Access

The development site is accessed via an unmade, unlit, single vehicle width track from Bents, which provides vehicular access to six other properties, as well as to the garage belonging to Oakfield. Public Footpath 122 (Colne) also passes along this track. In addition, there is an unmade, unlit, single vehicle width track between Kirkdale and Claines leading to Skipton Old Road, over which Public Footpath 214 (Colne) passes.

The proposed development would lead to an intensification of the use of these tracks. There is no inter-visibility from Bents to the track when approaching from either direction. The junction to the track is also located close to a narrow, 90° bend in the carriageway. This could result in stationary vehicles waiting on Bents for vehicles to enter/leave the track which, given the restricted layout of the carriageway at this point, would be to the detriment of highway safety.

The majority of properties on Bents have no off-road parking and so park on the road, which reduces the carriageway width. Parked vehicles can therefore reduce visibility for vehicles exiting onto Bents. Paragraph 3.1.7 of the submitted Transport Statement refers to two places on Bents where there are off-road parking which would allow vehicles to pull in to allow another vehicle to pass. This is shown by Figure 2 in Appendix C, which has not been included in the Transport Statement dated July 2020. Paragraph 3.1.13 refers to the same figure which shows visibility from the access road onto Bents. As this figure has been omitted the highway authority is unable to provide comments.

In addition, there is no clear visibility from the track between Kirkdale and Claines to the left at its junction onto Skipton Old Road due to the height of a stone wall and the track gradient down to the carriageway. Increased use of this track could also lead to the deterioration of the track's surface causing loose material to be carried onto Skipton Old Road, so posing a hazard to other highway users.

The Transport Statement (para 1.1.4) also refers to a planning application from 1991 for a similar development and the Planning Inspector's comments in May 1992 from the subsequent appeal, which was dismissed. A comparison with parking patterns at that time to present day ones would appear to indicate that there has been no improvement to on-road parking on Bents nor to the access to/from the adopted highway. In the 18 years which have passed since the decision, it is likely that the level of car ownership has increased at the nearby properties, resulting in more vehicles parked on-street and travelling along the highway network in the vicinity of the site. This increases the level of conflict between the highway users and intensifies an already constrained network.

Following the submission of the highway authority's comments and objection to application 19/0941/FUL the applicant submitted a highways pre-application. To try and address their highway safety concerns, in their response the highway authority advised that the existing private drive onto Skipton Old Road, serving Oakfield, appeared to be suitable to accommodate the additional traffic

from the new dwellings. This was subject to minor widening, to accommodate the construction traffic in the short term, and to provide additional hardstanding for refuse containers in the long term. Using this alternative means of access would reduce the conflict with other vehicles and pedestrians on the public highway.

Parking

Given the site's distance from local amenities and facilities, and the consequent reliance on the use of private motor vehicles, maximum parking standards should be applied to this site. Two, adequately-sized off-road parking spaces should be provided for a property with three bedrooms.

Single garages should have minimum internal dimensions of 6 x 3m to count as one parking space. This would also provide secure storage for two cycles.

From the plans submitted two adequately sized parking spaces and manoeuvring areas have been provided for both properties.

General

Access for HGVs - There are highway safety concerns regarding access for large construction/delivery vehicles during the construction/fitting out phases. In particular the ability of such vehicles to turn off Bents on to the track, given the road layout and manoeuvring area at this point. In addition, if vehicles are not able to turn within the site to leave in forward gear this could lead to vehicles reversing back onto Bents, posing a hazard to motorists and other highway users.

Section 3.4 of the Transport Statement covers construction traffic. However the proposal for large deliveries to take place from Skipton Old Road with smaller vehicles then taking goods to site (para 3.4.3) raises concerns about the practicalities of this and impact on the surrounding highway network. It also does not address how deliveries would be made by such construction vehicles as a concrete mixer, vehicles removing excavated materials etc.

If, however, the applicant feels that such concerns can be mitigated by a Construction Traffic Management Plan, the highway authority could review such a plan prior to decision. This could then be controlled by condition as suggested in paragraph 3.4.1 of the Transport Statement.

Refuse collection - Recommendations in Manual for Streets are that residents should not be required to carry waste more than 30m to the storage point, and waste collection vehicles should be able to get within 25m of the storage point. The collection point should be reasonably accessible for vehicles typically used by the waste collection authority. The distance over which waste containers are transported by collectors should not normally exceed 15m.

The Proposed Site Plan (Drawing No 100) shows an enlarged bin store at the bottom of Oakfield's drive, which would allow refuse to be collected from Skipton Old Road.

This is still a distance of over 70m from the rear of Plot 2. In addition, this, and the route to it, are not contained with the red edge of the development. This may mean that its provision cannot be controlled by condition and therefore not secured for the future. The local planning authority would be able to advise about this.

Whilst additional information has been submitted with this application, concerns still remain and, therefore, the Highway Development Support Section objects to this application on highway safety grounds.

Updated Comments

The following additional comments are made in response to further information submitted, that is, Technical Note: Highways Response dated September 2020, and amended Site Plan - Proposed (Drawing No 100 Rev B).

Access

The increased use of the access track still raises concerns, as previously outlined. Whilst further information has been submitted, including two-way sections and passing places on the track, these are not part of the adopted highway, are private land, and the highway authority cannot condone the use of these. As such this information has not addressed these concerns sufficiently for the highway authority to withdraw its objection.

The development would also increase vehicular movements at the junction of Bents/Skipton Old Road, which is narrow and with poor or no forward visibility at the junction when approaching from either direction.

The highway authority acknowledges that on-street parking was present on Bents in 1991. However the level of car ownership and resultant extent of on-street parking will have increased since then.

General

Access for HGVs

As previously stated, there are highway safety concerns regarding access for large construction/delivery vehicles during the construction/fitting out phases. All deliveries must be carried out from the Skipton Old Road access, with temporary traffic lights in-situ throughout the project. The developer should be aware that any works on the adopted highway network would require the appropriate permits from Lancashire County Council's Highways Regulation Team. They can be contacted on lhsstreetworks@lancashire.gov.uk or on 01772 533433.

Refuse collection

The Proposed Site Plan (Drawing No 100 Rev B) now proposes a shared, internal bin store, together with the proposed enlarged collection area adjacent to Skipton Old Road. As these are now shown within the red edge of development, and can therefore be controlled by condition, the refuse collection arrangements are now acceptable.

Whilst additional information has been submitted for this application, concerns still remain and, therefore, the Highway Development Support Section objects to this application on highway safety grounds, as previously outlined in its initial reply dated 8 September 2020.

However, if the local planning authority be minded to approve this then conditions should be attached to the planning approval relating to construction method statement, Parking provisions, bin storage, restriction on garages.

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.

Please note, United Utilities are not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

No objections, subject to appropriate drainage conditions.

PBC Conservation Officer

Two smaller dwellings could work provided that they are appropriately positioned within the plot, and reflect the informality in layout and simplicity of design of the immediately surrounding buildings.

The current proposals include two houses of slightly reduced footprint to the previous proposal, and sited slightly further from the road. However the houses still have a highly symmetrical and regular layout, this being emphasised by the prominent twin gables and the linked central garages with screen wall to the rear road elevation. The two houses are again of virtually identical design, with the range of different styles of window openings and rooflines introducing more complexity to the design that is at odds with the simpler facades and more informal layout of surrounding development.

This would have the potential to stand out when seen against the more traditional designs within the Conservation Area context, and would be unlikely to preserve or enhance the character and appearance of the CA at this point. The site is also highly visible from public footpaths to the south, as it borders the open Lidgett Triangle, so again, peripheral landscaping and traditional building forms in natural stone and slate would be more appropriate within this context.

The designs could be improved by introducing more informality to the layout perhaps two gabled houses joined in a T-shape arrangement which would represent a more traditional building form when seen both from the road and footpath.

Garages would be better detached from the houses. Detailing to rooflines, eaves and verges, and to window openings, should be kept simple, with recessive colours, and high quality natural stone and slate to match surrounding buildings.

PBC Environment Officer

I have no objection to the principle of development on this area of land.

The northern elevation of the P1 encroaches onto the root protection area of T4 Horse Chestnut. This is a reasonably nice tree (classed as B2 using BS 5837 methodology). While this tree is likely to have some impact on the properties in the first instance it is going to continue to grow and will have greater impacts in the future. No arboricultural method statement or tree protection plan has been submitted. I note that the proposed water main diversion is through the rooting environment of the tree. The plan states that the new diverted main will span over the roots of the tree. As the roots will be in the top metre of soil, I cannot see how this can be done without the main being on

the surface. I also note that there is a boundary line drawn through the rooting environment of the tree. All in all, this is a lot of construction within the root area of the tree.

I note that the bin storage area at the entrance to Oakfield from Skipton Old Road is to be increased in size. This area consists on a random wall that retains the level of the proposed development site. Close to this area is two mature Ash trees that are subject to Tree Preservation Order. I have had a look at these tree a few times in recent years and concur with Iain's findings. In fact, I have had that discussion with the owner on more than one occasion. However, if the applicant wishes to retain these trees then the construction of the extended bin store will need to be considered. In order to facilitate the construction of the enlarged bin storage area excavations and the severing of roots will need to take place. This is likely to hasten the decline of the protected trees.

Whilst I have no objection to the principle of development on this area of land, I do object to the development that is proposed. The reason for this is that the development is likely to have major impacts on the trees and in particular the Horse Chestnut (T4).

Should this application be approved then conditions with regard to this tree would need to be attached as follows:

- Detailed drawings depicting the layout and construction of the foundations of the buildings.
- Detailed drawings and method statement for the construction and diversion of the water main.
- Arboricultural Method Statement.
- Tree Protection Plan.
- Landscaping plan including details of boundary treatments, hard and soft surfaces.

Colne Town Council

Objects to this development. Access is still a potential problem for the site along an unmade track off Bents Lane. The materials palette has been improved, as have the details, such as provision for bin storage. However, Councillors felt that the design of the semi-detached houses is idiosyncratic and unsymmetrical and not wholly in keeping with the vernacular architecture of the Conservation Area.

Public Response

Site and press notices posted and nearest neighbours notified by letter.

20 objections received on the following grounds:

- Highway safety issues particularly in relation to children being dropped off and collected from Christ Church School, in addition to construction traffic;
- Design of the scheme does not reflect local character;
- Ecological impacts, including the potential loss of curlews, tawny owls, heron and bats;
- The application should result in a net biodiversity gain;
- The properties should be capable of accommodating zero emissions boiler or underground heat pump;
- The proposed dwellings will neither complement or enhance the Conservation Area;
- The site looks cramped when viewed from the access track;
- Concern that the ecological reports have been carried out at the wrong time of year;
- Heritage Statement refers to the previous scheme;
- Overlooking of the properties on Skipton Old Road;
- Inadequate parking for the number of dwellings proposed;
- Potential noise impacts during construction phase;
- Concern over water supply which runs through the site and an ancient trough which is situated on site;
- Retaining wall on Skipton Old Road is on the verge of collapse, this would be made worse by the development;

- The site was known to be used for fly tipping previously, this may have contaminated part of the site and requires further investigation;
- Waste bins from the proposal may have to be left at the bottom of the steep drive; and
- Footpaths would become more dangerous for pedestrians.

Officer Comments

1. Policy

Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development should be within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect and enhance natural and historic environments and sets out specific requirements that aim to ensure development proposals do not detrimentally effect such environments.

Policy ENV2 (Achieving Quality in Design and Conservation) all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Policy LIV1 (Housing Provision and Delivery) sets out the council's requirement to deliver new housing. The policy supports the development of sustainable sites for housing outside of, but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land;

Policy LIV5 (Designing Better Places to Live) requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

Policy 3A no longer applies.

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

Conservation Area Design and Development Guidance SPD.

Development in Open Countryside SPD.

National Planning Policy Framework

Sets out the framework for development nationally. Of particular relevance are:

Para 109 which states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paras 193 – 196 sets out the consideration for potential impacts on heritage assets and whether this would be less than substantial harm this is weighed against the public benefits.

2. Principle of Development and Impact on Open Countryside

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site is adjacent to existing residential housing and would be accessible in terms of public transport, local shops, schools and public houses and is sited approximately 180m from the settlement boundary. This would not therefore be an isolated dwelling.

In this case the proposed site is sustainable and therefore the principle of housing acceptable and accords with Policy LIV1.

The proposed application site is located adjacent to Oakfield which is a large detached dwelling with detached garage. However, the site is quite a prominent location within the Conservation Area and therefore consideration must be given to any development which would result in any potential harm or impact on the area.

There are protected trees within the site which could be affected by this proposal.

Therefore the proposed development is acceptable in terms of impact on the Open Countryside and would not have a detrimental impact on the landscape and therefore accords with policies ENV1, ENV2 and LIV1 in this respect.

3. Impact on Heritage Assets

The site is located within Lidgett and Bents Conservation Area, and so there is a duty under section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.

The site is prominently located and can be clearly seen in public views from Skipton Old Road as well as from the Lidgett Triangle. The modern design and orientation with rear elevations fronting Skipton Old Road at a distance of 10m which would result in significant scale and massing which would dominant this open area of land which is at a much higher level than the road and therefore would appear out of context with its surroundings.

Two smaller dwellings could work provided that they are appropriately positioned within the plot, and reflect the informality in layout and simplicity of design of the immediately surrounding buildings.

The current proposals include two houses sited m from the road. However, the houses have a highly symmetrical and regular layout, this being emphasised by the prominent twin gables and the linked central garages with screen wall to the rear road elevation. The two houses are again of virtually identical design, with the range of different styles of window openings and rooflines introducing more complexity to the design that is at odds with the simpler facades and more informal layout of surrounding development.

This would stand out when seen against the more traditional designs within the Conservation Area context, and would not preserve or enhance the character and appearance of the Conservation Area. The site is highly visible from public footpaths to the south as well as from Skipton Old Road to the north it is important therefore that appropriate landscaping with traditional building forms in natural stone and slate that would be more appropriate within this context are provided.

These designs could also be improved by introducing a less formal layout and a more traditional building form when seen from public viewpoints.

The garages should be detached from the houses and together with simple detailing to rooflines, eaves and verges and to window openings with recessive colours and high quality natural stone and slate to match surrounding buildings this would be an improvement.

The overall impact would result in large, dominant buildings not in keeping with the area and of an unacceptable design within the Conservation Area.

The changes mentioned above have been suggested the Agent with a view to improving the design and breaking up the scale and massing which would be quite prominent in views within the conservation area.

There would be some minor public benefits from the scheme such as:

- Contribution towards the five year housing land supply;
- Council Tax;
- Local employment for builders and trades.

Para 11(d) of the NPPF requires decisions to be made where Local Authorities do not demonstrate a five year supply of deliverable housing sites as set out in para 73 to apply the tilted balance. In this case the proposal is for two houses which would not make such a significant contribution to the housing land supply as to outweigh the harm caused by this development.

The proposed development within a prominent position in the Lidgett and Bents Conservation Area is not acceptable and fails to accord with Policy ENV1, the Conservation Area Design and Development Guidance and paras 196 of the National Planning Policy Framework as the limited public benefits would not outweigh the less than substantial harm.

However, subject to the proposed amendments to address the issues in terms of design and orientation the scheme could then accord with policy subject to the potential impact on the existing mature trees on the site being addressed and subject to appropriate conditions being attached to any grant of permission.

4. Impact on Residential Amenity

The site is positioned close to existing residential properties on three sides. As detailed in the Design Principles SPD, developments should maintain minimum distances of 21m between main habitable room windows (kitchens, lounges etc.) that directly face each other. Provisions should also be made in order to conserve the privacy of garden spaces. A minimum of 12m should be maintained between existing main windows and blank two-storey elevations.

Careful consideration should be applied to the design of new build housing to safeguard the residential amenity of the adjacent neighbours. The properties on the other side of Skipton Old Road are sufficient distance away not to be unduly impacted by the proposal. Oakfield itself is sited approximately 19m to the south west of plot 1 with the detached single storey garage between at an oblique angle which is just about acceptable.

Higher Standroyd is located 7m from the side elevation of plot 2 with no habitable room windows proposed in this elevation and an existing garage/outbuilding at Higher Standroyd again this is just about acceptable in terms of privacy and overbearing impact.

The scheme therefore accords with policy ENV2 in this respect.

5. Design and Materials

Houses within the Lidgett and Bents Conservation Area are predominantly built from stone and slate, which give the area its distinctive character and provide unity. The Conservation Area Design and Development Guidance SPD advises that natural materials are always the preferred option and therefore natural stone and slates with timber doors and windows must be used. We would expect a high standard of design in this location given the historical significance.

In my opinion the houses should be positioned with their frontages aligned with those along Skipton Old Road to add further unity rather than the main entrance doors to the driveway/track and larger glazed patio doors facing onto the Skipton Old Road elevation results in these properties being positioned with that lesser rear elevation having more prominence than the frontage.

The agent has been requested to address these issues in order for it to be acceptable in design terms and accord with policy ENV2.

6. Ecology and Trees

An ecology report has been submitted which concludes no ecological issues but recommends some mitigation to minimise loss of biodiversity as well as nesting bird management prior to and during clearance. This can be controlled by an appropriate condition.

The northern elevation of Plot 1 would encroach onto the root protection area of the Horse Chestnut tree which is a good specimen and should be retained. The proposed water main diversion would run through the rooting environment of this tree and whilst the plan states that the new diverted main will span over the roots of the tree it is not clear how this would be achieved.

The bin storage area at the entrance to Oakfield from Skipton Old Road has been increased in size. This area consists on a random wall that retains the level of the proposed development site. Close by are two mature Ash trees which are subject to a Tree Preservation Order. In order to facilitate the construction of the enlarged bin storage area excavations and the severing of roots will need to take place. This is likely to have an adverse impact on these important protected trees.

Therefore the proposed scheme is likely to have major impacts on the protected Ash trees and the Horse Chestnut. The agent has been requested to review this.

There is an existing hedge to the north and west of the site boundary which needs to be retained

This could be controlled by an appropriate landscaping condition, however, the impact on the protected trees by this scheme is not acceptable contrary to policies ENV2 and LIV5.

7. Highways Issues

A previous approval in 1982 conditioned out the access from Bents and required it to be signed off. The reason of this was given as it was considered to be unsuitable to accommodate additional vehicular traffic which would be likely to create hazards detrimental to highway safety.

The access track lead onto Bent Lane at a point on a narrow double bend. Bent Lane itself is accessed via Skipton Old Road to the North and Keighley Road to the South both of these access points are poor.

However, taking into account LCC Highways objections, the previous appeal decision and refusals on the site on balance I am minded to agree with the Planning Inspector that the few additional vehicles associated with these properties are unlikely to lead to a significant impact on highway safety.

I do have concerns, however, about the track being used for construction traffic and this should ideally be served from the existing driveway off Skipton Old Road. This can be controlled by an appropriate condition.

Saved Policy 31 requires new houses to have adequate off-street parking. Three bedroom houses should have at least two parking spaces. The site could comfortably accommodate that number of spaces. The proposed parking spaces are acceptable.

8. Drainage

An appropriate drainage scheme can be controlled by condition, however, there is a main water pipe on the site which will require diverting subject to agreement with UU this would be a separate requirement to any planning permission. Details provided show that the proposed diversion line would be likely to impact on the root protection area (RPA) of the adjacent trees to the detriment of the Horse Chestnut tree which is not acceptable and therefore the agent has been requested to address this.

9. Summary

The proposed development would be highly visible from the public realm by virtue of the public highway to the north of the site as well as the public footpaths to the south. Given this prominence the proposed development would need to be acceptable in this location which falls within the Lidgett and Bents Conservation Area and accord with Policy ENV1, Policy ENV2, the Conservation Area Design and Development Guidance, Sections 12 and 16 of the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990 as it stand the proposal fails to accord with these but amendments could be made to the scheme which would result in an acceptable scheme subject to appropriate conditions.

RECOMMENDATION: Refuse

1. The proposed development would result in an incongruous and unacceptable development of poor design and layout in terms of orientation and position which would lead to an unacceptable impact on this prominent location within Lidgett and Bents Conservation Area and the potential loss of existing mature trees within the site contrary to Policies ENV1, ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy (2011-2030), the Conservation Area Design and Development Guidance Supplementary Planning Document, Sections 12 and 16 of the National Planning Policy Framework and Planning (Listed Buildings and Conservation Areas) Act 1990.

Application Ref: 20/0493/FUL

Proposal: Full: Erection of 2 No. 3 bed dwellings and associated garages, parking and gardens.

At: Land to the North of Oakfield, Skipton Old Road, Colne

On behalf of: Mr P Cunningham

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 24th November 2020