

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 04th March 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 04 MARCH 2021

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. The application was deferred from February's Committee meeting.

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

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

Lead Local Flood Authority – No objection subject to conditions for compliance with the Flood Risk Assessment, a drainage scheme, surface water management plan and operation and maintenance plan.

Environment Agency – Object. The submitted FRA does not comply with the requirements for site-specific flood risk assessments, 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:

Provide adequate information to indicate;

- Adequate compensatory storage has been provided
- The calculated climate change fluvial flood levels
- Consider the requirement for flood emergency planning, including evacuation of people for a range of flooding events up to and including the extreme event

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.

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 – One response received making the following comments:

Better vehicular access to the large potential industrial estate area of the South Valley flood plain is definitely required. As illustrated by the LCC Highways comments about access via Green Road to this development being unsatisfactory. A long term plan is required with a better road alongside Colne Water avoiding Green Road and the junction at Shaw Street and Spring Gardens. At some stage an additional road for articulated HGVs will be needed through what is at present a stone reclaimer's yard directly linking from the junction of Knotts Lane and Bridge Street to Green Road

or Spring Gardens. LCC Highways and PBC Planning need to examine the potential long-term prospects for industrial development of the South Valley flood plain and make the necessary CPOs and plan accordingly.

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. Following the submission of revised information the Lead Local Flood Authority have withdrawn their objection, subject to appropriate conditions being attached, however, the Environment Agency (EA) require further information to address their objection.

The applicant has submitted further information and this is being assessed by the EA, their comments will be reported to Committee is received in time however this is a technical matter that is likely to be resolved once sufficient information has been submitted and therefore it is recommended that the matter is delegated to the Planning, Economic Development and Licencing Manager.

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.

Landscaping

As requested by Committee a landscaping plan for the site has been submitted. Comments have been requested from the Council's Environment Officer and these will be reported to committee. However, the landscaping of a site is something that can and typically would be dealt with under the conditions of an decision.

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 the objection by the Environment Agency.

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.

15. The development permitted by this planning permission shall be carried out in accordance with the following mitigation measures as identified within the flood risk assessment (by: David Goodger & Associates, dated: September 2020):

- a) Buildings in predicted areas of flooding to be avoided and finished floor levels to be raised by 600mm;
 - b) Electricity sockets to be positioned at least 350mm above finished floor level; and
 - c) Areas designated for overland flood water and attenuation to be kept clear of obstructions.
- The mitigation measures shall be fully implemented prior to occupation and subsequently 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 in consultation with the lead local flood authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

16. No development shall commence in any phase until a detailed, final surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment submitted and sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public sewer, directly or indirectly. The submitted details shall include, as a minimum:

- a) A final sustainable drainage layout plan appropriately labelled to include all pipe/structure references, dimensions, design levels, finished floor levels in AOD with adjacent ground levels. Plans and detailed drawings showing surface water longitudinal section drawings, cross section drawings of inlets, outlets (including watercourse outfall) and control structures and landscape plans are to be provided;
- 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. The drainage scheme should demonstrate that surface water run-off will not exceed the pre-development runoff rate which has been calculated at 35 litres per second for all events up to and including the 100 year return period;

c) A plan identifying the areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;

d) Measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;

e) A plan to show overland flow routes and flood water exceedance routes and flood extents; and

f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

17. 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. Those details shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it 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.

18. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the

drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained.

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 AND DISTRICT COMMITTEE 4th MARCH, 2021

Application Ref: 20/0485/REM

Proposal: Reserved Matters: Major: Erection of 10 dwellings and associated roads, infrastructure and parking (Appearance, Landscaping, Layout and Scale) of Outline Planning Permission 18/0199/OUT.

At: Land to the North West of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge.

On behalf of: John Kay

Date Registered: 28 October 2020

Expiry Date: 27 January 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

Reserved Matters are sought for the erection of 10 dwellinghouses on land to the north west of the Methodist Church in Colne. The site is located within the settlement boundary and of no special designation in the Local Plan.

The proposal is for considered of the remaining matters reserved, the access having been approved at the outline stage.

To the north of the site is a playground and to the north east a row of terraced houses. To the south is an existing Methodist Church and terraces properties along Keighley Road and to the west is existing housing.

A random stone wall has been erected around the perimeter of the site to the north, west and east. To the rear of the properties on Keighley Road is a retaining wall which varies in height from 1.1m (No. 6) to 1.7m (No. 1).

Relevant Planning History

18/0199/OUT – Outline: Major: Residential development of land 0.25ha for ten dwellinghouses (Access Only) – Approved 9th July, 2018.

17/0726/FUL – Full: formation of new access from Keighley Road and parking area to serve existing Church – Approved 24th January, 2018.

13/93/0097P – Extend premises - Refused 21st June, 1993.

13/93/0299P – Erect 5 dwellings – Refused 9th August, 1993.

Consultee Response

LCC Highways – Outline Planning Permission for Access only was granted in July 2018 under planning permission 18/0199/OUT. The current Reserved Matters application relates to the

appearance, landscaping, layout and scale of the development. The following Highway Development Support Section's comments relate to these Reserved Matters only.

Having considered the information submitted, the internal layout raises safety concerns and therefore the Highway Development Support Section objects to this application on highway safety grounds. However, if further information is submitted which satisfactorily addresses these concerns then the highway authority may consider withdrawing its objection.

Internal layout

Keighley Road is as classified A Road, which is also designated a strategic route carrying high volumes of traffic. In addition there is a pedestrian crossing in close proximity to the site access.

A swept path analysis for a refuse vehicle must therefore be provided to demonstrate that a refuse, emergency or large delivery vehicle can enter and leave the site in forward gear. The proposed turning head should be built to the county council's design standard to allow these internal manoeuvres.

Vehicles reversing to and from the site would pose a hazard to other highway users, including vulnerable users accessing the adjacent pedestrian crossing. Refuse bins placed at the access on the footway awaiting collection would also pose a hazard and obstruction. In addition the highway authority would not support refuse vehicles waiting at the access on Keighley Road as this would force other vehicles to cross the solid white centre lines into the path of oncoming traffic. Vehicles would also obscure the view of vehicles approaching the pedestrian crossing.

The internal layout should also take into account the following:

- ☐ The maximum recommended distance a refuse vehicle should reverse is 12m
- ☐ Fire and Rescue Services vehicles should not have to reverse more than 20m from the end of an access road.
- ☐ Refuse vehicles should be able to get within 25m of the waste collection point.
- ☐ The distance over which waste containers are transported by collectors should not normally exceed 15m.
- ☐ A resident should not be required to carry the waste more than 30m to the waste collection point.
- ☐ A fire appliance needs to be able to approach to a point within 45m of a suitable entrance to any dwelling.

(All recommendations from Manual for Streets)

The internal layout as submitted is not to adoptable standard, as was commented on at the Outline planning application stage. The applicant should confirm in writing, as part of this planning application, whether or not they intend to offer this development for adoption. If they do not, then a private maintenance and management company would need to be established. Whilst the internal road and footways would not be considered for adoption they should still be constructed to adoptable standards, including service strips, surface water drainage and street lighting. The highway authority recommends that a street lighting scheme is submitted as part of the Reserved Matters application.

If the applicant does intend to offer the development for adoption the following comments should be noted and a revised layout plan submitted. The construction of the internal estate road, footways etc would need to be carried out under a legal agreement (Section 278/38) with Lancashire County Council as the highway authority.

As there is not a continuous footway around the development a 0.5m service strip, locally widened to 1m for street lighting columns, must be shown where there is no footway. There should be no

structures, landscaping or parking bays over the service strip. The bays outside Plots 4 and 5 would be over the service strip, two of which could not be moved into the plot as they are outside the front porches. Plots 3 – 5 would need to be moved 1m back to provide the service strip.

The four parking bays to the East of the entrance for the existing church building should be moved 1m further towards the church building. This would allow the footway to be widened to 2m up to Plot 1's boundary and provide a defined internal pedestrian route, particularly leading towards the pedestrian crossing on Keighley Road. It would also prevent any vehicles parked in these bays from overhanging the footway.

The road outside Plots 6 – 10 would not be considered for adoption and would remain a private access drive. A private maintenance and management company would need to be established.

Car and cycle parking

All the proposed properties have three bedrooms and two adequately sized parking spaces should be provided per dwelling.

The single, detached garages proposed for Plots 2 and 3 are only 5.7m long internally. Whilst these would still count as one parking space, secure, covered storage for two cycles would need to be provided elsewhere within the plot curtilages, in line with the borough council's car and cycle parking standards.

Secure, covered storage for two cycles should also be provided for all other dwellings, in line with the borough council's car and cycle parking standards.

Where parking spaces provide both vehicular and pedestrian access (Plots 4 and 5) these should be a minimum of 3.2m wide. It would not be possible to widen the bay outside Plot 4.

The grass areas between the parking bays for Plots 7 – 10 should be removed as these reduce the usable width of the bays.

General

Street lighting and surface water drainage details would need to be submitted when the applicant, or developer, applies to discharge Condition 9 of planning permission 18/0199/OUT.

Pending the receipt of confirmation from the applicant regarding the adoption of the development, together with a swept path analysis and amended plans, conditions relating to managed and maintenance of estate roads, parking provision, restriction of garages and cycle storage should be attached to any planning approval. Further, or amended, conditions may need to be applied following the receipt of the additional information requested.

Amended Plans

Amended plans have been submitted which address the issues raised above and are acceptable.

LLFA – No objection subject to conditions.

Although the LLFA has no objection to the principle of the development, the LLFA cannot agree to the surface water drainage proposals set out on drawing no. DR-C-0100 Rev P2 for the following reasons:

☐ The applicant's only applied an additional 30% allowance for future climate change. Current guidance states that an additional 40% should be applied to make sure there is no increase in the rate of runoff discharged from the site for the upper end allowance; and

□ The applicant hasn't provided any additional allowance for future urban creep, i.e. the future conversion of permeable surfaces to impermeable surfaces over time, e.g. surfacing of front gardens to provide additional parking spaces, extensions to existing buildings and creation of large patio areas etc. If urban creep isn't allowed for within the network design, then it's not clear how the impacts of urban creep will be otherwise mitigated over the lifetime of the development.

It would be preferable to the LLFA if these issues could be addressed upfront prior to the final site layout being agreed. However if that's not possible, then the LLFA is satisfied that the details can otherwise be secured through the inclusion of condition 1 above.

Amended Plans

The LLFA has no objection to the latest development proposal, though the surface water drainage details will also need to be updated to reflect the changes made. It would be preferable if the updated information could be provided prior to determination, however if that's not possible, then we're satisfied the details can otherwise be secured through the inclusion of the planning conditions set out in our previous consultation response dated 17 December 2020.

I'd like to take the opportunity to remind the LPA and the applicant of my previous comments regarding climate change and urban creep. These issues will need to be satisfactorily addressed within the final sustainable drainage strategy, either now or through a subsequent discharge of condition application.

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.

The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

Further to our review of the submitted Drainage Plan, Ref: 20362-DC-C-0100, Rev: P2, prepared by: Topping Engineers, the plans are unacceptable in principle to United Utilities because the proposed discharge location is to a public surface water system which based on recent correspondence the applicant could not find on-site and no evidence has been provided to prove its existence or ultimate point of outfall. We therefore request that this information is provided prior to determination for assessment.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of Part H of the Building Regulations, for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer may be necessary. All costs associated with sewer diversions must be borne by the applicant.

The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines'. We provide this information to support the applicant in identifying the potential impacts from all construction

activities on United Utilities infrastructure and to identify mitigation measures to protect and prevent any damage to this infrastructure both during and after construction. This includes advice regarding landscaping in the vicinity of pipelines.

Lancashire Fire & Rescue raise issues relating to Access and building regulations and these will be addressed during that process.

Laneshawbridge Parish Council

Public Response

Site and press notices posted and nearest neighbours notified by letter. A total of 9 letters/emails/webcomments received objecting on the following grounds:

- I am objecting as I am trying to sell my house and people viewing fear the buildings will spoil the view please reconsider so I can sell my house;
- Plan ADM/18/12/01C is out of date and does not reflect the site today as a new stonewall has been built in front of the original boundary and developments by occupiers are not reflected. The distances to the boundaries are inaccurate;
- To meet the visibility splays the gardens of 6 and 7 Keighley road would need altering;
- Occupants have a right to light and this has been impinged by the stonewall approximately 5ft 6" tall and with the difference in levels would affect the amount of light to downstairs rooms;
- No provision for lighting the development and the type and provision should be shown on the plan to prevent light pollution;
- The positioning of the car park would cause light pollution for the residents and car headlights would be on a level with the cottage's bedroom windows;
- The car park would also cause air pollution when cars leave their engines running and Environmental Health should be involved;
- Adequate drainage needs to be provided for the site as it is on a slope;
- Crash barriers should be mounted in front of the wall;
- Car parking adjacent to the cottages is inconsiderate and antisocial and should be moved elsewhere;
- The upkeep of the wall should be the responsibility of the residents of the new development;
- Increase traffic;
- Already stretched utilities;
- Disruption and damage caused by heavy plant;
- Telegraph poles and wires will be too low;
- Cottages already experience flooding to cellars;
- Impact on wildlife;
- Parking is a major concern;
- Apart from the public house there no other amenities other than rural access; and
- No effort to protect the existing retaining wall.

Amended Plans

- Overdevelopment of the site which was refused planning in 1993 for 5 dwellings;
- The site plan is out of date and does not take into account development carried out by the residents;
- The plans show the windows to be further away from the dry stone wall than they actually are;
- The drainage plan states do not scale so how can accuracy be checked?

- Which are the affordable houses?
- How will the education condition be met?

Publicity on the Amended Plans expires on the 4th March any further comments will be reported to the meeting.

Policy

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

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 paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 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 ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV5 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.

The following saved Replacement Pendle Local Plan policies are also relevant here:

Policy 31 – Parking sets out the requirements for on-site parking for housing developments.

National Planning Policy Framework

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development.

Officer Comments

The primary issues for consideration in this proposal are appearance, layout, landscaping and scale.

1. Principle of Housing

The site has outline permission for up to ten units under 18/0199/OUT and therefore the principle of housing on this site has been established.

2. Layout and impact on Amenity

The proposal is for one pair of two storey semi-detached properties, two rows of three cottages and one pair of bungalows as well as three garages. The properties are all positioned towards the northern edge of the site in order to accommodate the access road from the south to the east and west and parking to front of the properties and the four spaces for the church at the entrance to the site (approved under 17/0726/FUL).

Plot 1 and 2 are a pair of semi-detached properties located to the north east side of the site to the rear of the existing Methodist Church. Plot 1 has a rear garden of 11m and two parking spaces with plot 2 having a rear garden of 13m and a garage and parking space.

Distances from the front of plot 1 to the rear elevation of the Church are less than 9m as the Church is single storey the proposed 2m close boarded fence along the side boundary would effectively screen the ground floor of plot 1 to an acceptable degree.

The rear elevations of plots 1 and 2 face the rear elevations of 39-43 Emmott Lane which forms part of a row of terraces houses to the north of the site. The plans show a distance of just over 21m to these which is acceptable.

Plots 3- 8 back onto the existing playground which has an existing random stone wall to the boundary. The rear gardens of these properties are shallow at between 4m to 5.5m in particular plots 4 and 7 the two middle plots are only 5m wide. All of these plots except plot 3 have two parking spaces. Plot 3 has a garage and a parking space. The relationship with the play area is similar to the existing houses and is not an unacceptable relationship.

These six properties face the rear of the properties on Keighley Road which are two storey houses but which have floor levels between 1.01m (No. 6) and 3.24m (No. 1) below the floor levels of the proposed houses.

Plots 3-7 are set back from the rear of the existing houses by more than 21m. That overall relationship is one that will not unacceptably affect the privacy of the occupants of the existing houses. The lower floor levels of the existing properties would result in the boundary fencing being more effective at screening the ground floor windows and openings.

Plot 8 is 20.2m at a direct interface with no. 4 which has large first floor bedroom windows which, taking into account the difference in levels, would not be acceptable in terms of bedroom to bedroom windows at first floor level.

Plots 9 and 10 are the two semi-detached bungalows to the north-west corner of the site. Both have rear gardens of 6m depth to the boundary with the play area. Plot 9 has two parking spaces and plot 10 a detached garage and parking space.

Plot 9 is 19m from the nearest elevations of 2 & 3 Keighley Road. It faces onto the rear habitable rooms which will be screened at ground floor level due to the existing retaining wall and proposed 2m high boundary fence. However, views into the bedrooms at first floor level would be possible from the bedroom windows at the front elevation over the 2m boundary fence due to the distance of 10m and the difference in levels of 0.6m.

Plot 10 is 15m at a direct interface from no. 1 which is taking account the difference in levels of 3m would not be acceptable. To mitigate this impact a detached garage has been positioned lengthways between plot 10 and No.1 and this would effectively screen the windows in terms of privacy, however, this would result in a 6.4m long 2.8m high wall only 5.2m from the rear extensions of No. 1 which house a utility room with rear window and a kitchen with no window. The distance to the patio doors would be 7.2m. When taking into account the land level difference this structure would have a direct impact on the outlook and light to the rear habitable rooms of this property.

The extensions to the rear of the properties at 1 and 6 Keighley Road have not been accurately recorded on the submitted site plan but have been assessed as above in terms of impact. The agent has been requested to address these concerns.

Albeit consideration has to be given to the fall back position of permitted development rights to erect a 2m high fence or wall along this boundary. Whilst this has not been carried out when the rest of the site was enclosed in a random stone wall and this boundary has an existing retaining wall. In creating an acceptable layout for the proposed development the potential impacts of the proposed scheme need to be accounted and the impacts addressed rather than resulting in further unacceptable living conditions for the existing residents.

On this basis the scheme as proposed would have an unacceptable impact on the amenity of 1, 2, 3 and 4 Keighley Road and fails to accord with policy ENV2.

3. Design and materials

Plots 1 and 2 are a pair of semi-detached two storey dwellings of traditional design with three bedrooms and entrance porch to the front elevation.

Plots 3 – 8 are two rows of two storey dwellings with three bedrooms of traditional design and a porch to the front elevation.

Plots 9 and 10 are a pair of semi-detached bungalows with two bedrooms of a traditional design with patio doors to the rear and bedrooms sites to the front elevation.

The design of the two storey dwellings and bungalows are acceptable in this location and the traditional design together with the proposed materials natural stone and blue slate with stone heads and cills.

Windows and doors are proposed to be cream pvc windows and doors.

The garages would also be natural stone and slate with Golden Oak GRP garage doors.

This accords with policy ENV2.

4. Landscaping

This is a major application and as such it is expected that provision for some open space or green corridors will be provided within the site. Whilst there are some green areas to the entrance and the stone gate posts are proposed to be retained within the site itself there is limited green areas around the plots with parking provision and in stores.

I also have some concerns over the boundary treatments especially the existing random stone wall to the north and how this can be softened given the limited rear gardens of plots 6-8. It would be preferable to have some hedges to soften the amount of build form and there is a missed opportunity to create a green buffer along the rear boundary of the properties on Keighley Road to

provide appropriate screening particularly given their shallow gardens and the amount of built form.

A 2m close boarded fence is proposed to the rear of no.'s 1 - 3 Keighley Road this would be sited between 1 - 3m from the existing retaining wall and 7m from the rear elevation of No. 3, 7/9m from No. 2 and 7m from the rear of no. 1 this would impact on the outlook from these properties with the land level difference this would not be acceptable.

The previously proposed shrubs to the rear of No. 1 have now been removed and this in itself would result in an impact on the existing property No. 1 and leave the proposed garage side elevation exposed and stark when viewed from the rear elevations of that property at a distance of only 7.2m on land over 2m higher.

The site is located within a semi-rural area. The landscape character is as such that large mature trees are an integral part of the locale. The landscaping plan submitted is made up of a planting scheme that is more suited to an urban area and features elements that would conflict with this character.

It has been suggested that the garages of plots 2 and 3 be moved forward to allow some planning to the rear of these and along the rear boundaries of 37-43 Emmott Lane. Whilst the garages have been moved no planting has been proposed and the landscaping scheme as a whole fails to take opportunities to enhance the site and limit impacts on neighbouring properties. Moreover, the amount of hardstanding dilutes the scheme as proposed and in particular the 2m screen fencing to the rear of properties 1, 2 and 3 is not appropriate within such close proximity to the rear boundaries particularly given the land level differences and would result in an adverse impact on the rear windows of no.'s 1 and 2 to an unacceptable degree and negate the effect of the screen planting proposed along the rear boundary of no's. 2 and 3 which is positioned to the north of the fence.

The scheme as submitted therefore fails to accord with policy LIV5 in terms of layout and landscaping.

5. Drainage

Details have been submitted and assessed at outline stage and whilst further details have been requested by Lead Local Flood Authority these can be dealt with during the conditions discharge stage.

The details submitted are sufficient to satisfy the requirements above as well as those of Policy ENV7.

6. Parking

On-site parking would be provided in accordance with the requirements of policy 31 with two spaces per dwelling in either garages or parking spaces. Secure bicycle storage as well as electric vehicle charging points has not be shown although this could be controlled by an appropriate condition.

The development thereby accords with Policy 31

7. Other issues

Comments have been made regarding house values, loss of views, impact on privacy and overdevelopment of the site. House values and loss of private views are not material planning considerations.

Concerns have also been raised about the accuracy of the submitted plans in particular in relation to extensions on the rear of properties not being shown and boundaries being shown as straight instead of curved. The agent has been requested to address this prior to the meeting.

8. Summary

The Reserved Matters scheme for 10 dwellinghouses is therefore unacceptable in terms of impact on amenity, layout and lack of appropriate landscaping,

-

RECOMMENDATION: Refuse

On the following grounds:

1. The proposed development would result in an unacceptable layout in terms of distances between front and rear elevation of existing and proposed properties due to the difference in land levels and proximity of plots 8, 9 and 10 with the rear elevations of 1, 2, 3 and 4 Keighley Road. The proposed siting the detached garage on plot 10 and the 2m close boarded fence within 1m of the rear boundary of no.'s 1, 2 and 3 Keighley Road would result in unacceptable impacts on these properties to the detriment of amenity and therefore would not be in accordance with policies ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy 2011 -2030.
2. The proposed development would result in a cramped layout due to the limited depth of rear gardens, particularly to the northern side of the proposed housing development and in particular plots 6, 7 and 8 which have rear gardens of only 4m depth. The application therefore would not be in accordance with policies ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy 2011 -2030.

Application Ref: 20/0485/REM

Proposal: Reserved Matters: Major: Erection of 10 dwellings and associated roads, infrastructure and parking (Appearance, Landscaping, Layout and Scale) of Outline Planning Permission 18/0199/OUT.

At: Land to the North West of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge.

On behalf of: John Kay

REPORT TO COLNE & DISTRICT COMMITTEE 4th MARCH, 2021.

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.

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 detached 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.

Comments on Amended Scheme

An amended Proposed Site Plan (Drawing No 110 dated Jan 21) has been submitted for the above development, although the proposal is still for two three bedroomed dwellings.

Access

Regarding the site's access, as outlined in the highway authority's response dated 17 December 2020, the additional information submitted alleviated to an acceptable degree those concerns previously raised. Therefore the highway authority is satisfied that the proposal does not cause a severe impact to highway safety in accordance with the National Planning Policy Framework.

The Highway Development Support Section would raise no objection to the proposal, although, again as previously stated, it would support an alternative means of access directly off Skipton Old Road to avoid the use of Bents and the unnamed access track.

Parking

Single, detached garages are now proposed. Whilst no layout has been submitted details on Drawing 110 indicate that each garage would have internal dimensions of 6 x 3m. This is of an adequate size to count as one parking space and also provide secure storage for two cycles, together with electric vehicle charging points.

Refuse collection

The Proposed Site Plan (Drawing No 110) retains the shared, internal bin store area, together with the proposed enlarged collection area adjacent to Skipton Old Road.

These are shown within the red edge of development, and can therefore be controlled by condition; the refuse collection arrangements are acceptable.

We have also noted the planning officer's shared concerns regarding the use of the track by construction traffic, and their preference for the use of the existing driveway off Skipton Old Road.

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.

UUs 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.

Amended plans

The houses are now sited further away from Skipton Old Road which will reduce their prominence. This together with the staggered frontages and rooflines will break up the form more effectively. The design of the SW facing gable would likely be the most prominent element and this has been improved with changes to the fenestration and chimney placement.

Throughout the process we have encouraged amendments to incorporate a more vernacular approach to the design and placing of the houses, taking some design cues from the former farmhouse adjacent to the site. The window sizes have been adjusted, with the upper floor windows reduced in size to introduce more variation and informality. There is probably scope for further minor adjustment to assist in avoiding too much standardisation between the two units; this could include reducing the size of kitchen windows relative to living room windows on the road elevation, also adding more prominence to the porch canopies to this side in order to bring more visual focus to the entrances and break up the scale of the facades. The porches do add more modelling which assists in breaking up the lines and perceived scale of the elevations.

The detailing of elements such as stone type and coursing, eaves and verges, windows and doors will be crucial to achieving a satisfactory standard of development in this sensitive location. This can be controlled by an appropriate condition.

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. The applicant has now applied to remove the two mature Ash trees and it is likely that consent will be granted for this and therefore this element is now acceptable

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). This tree is now protected by a Tree Preservation Order.

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.

Amended Plans

The revised drawing increase the set back from Skipton Old road which reduces the potential impact on the Horse Chestnut tree (T4). Five Silver Birch trees are also proposed along the Skipton Old Road frontage.

The amended plans are now acceptable in terms of the potential impact on the Horse Chestnut tree and therefore this reason for refusal has been addressed. Conditions relating to hand digging, tree protection fencing and landscaping can be controlled by condition.

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.

Amended Plans

Access to the site is still an issue but Members noted the improvement in design. Members would like to see the visualization from the Lidgett triangle and are interested to see the Conservation Officer and Planning Managers report.

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.

Comments on Amended Scheme

- Plans still unacceptable;
- Highways, trees, conservation area, Colne Plan, wildlife, drainage and impact on neighbours all inappropriate;
- Access is still down the track and impacts on safety;
- Buildings are sited to one side of the site and give an unbalanced, overpopulated arrangement;
- The design has not been addressed and undermines the value and integrity of the Conservation Area;
- The proposed passing spaces are on private land;
- The character and appearance of the proposed semi's is very poor and on elevated ground and are not set back or discreet. They are very prominent, overbearing and highly visible and would jar the street scene;
- Local stone could mean anything and the wood panel fencing is incongruous;
- It would be impossible to building the houses and not kill the Horse Chestnut tree which has a tree preservation order on it;
- The track is not suitable for construction traffic;
- The site plan and CGI do not marry up as the drawing shows trees but they do not screen the houses;
- Silver Birch will take between 12 – 20 years to reach 4m in height;
- The tree roots will cause issues to the properties and block all light when fully grown; and
- If the LPA allow these houses to be built in a conservation area it sets a very dangerous precedent as there are similar plots of land nearby and it would be impossible to refuse planning on those green spaces if this goes ahead.

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 with the site levels indicating 6m difference between the road and the highest part of the site 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 could dominate this open area of land which is at a much higher level than the road and therefore 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 approximately 10m from Skipton Old Road. However, the houses have a highly symmetrical and regular layout, this being emphasised by the prominent twin gables. The two houses are again of virtually identical design but have a much simpler design with same styles of window openings and rooflines and is more in keeping with the simpler facades of surrounding development.

This development would be conspicuous when seen against the more traditional designs within the Conservation Area context, and would have an adverse impact on the character and appearance of the Conservation Area. This is mainly due to the site being highly visible from Skipton Old Road to the north, the land level differences exacerbate this, as well as from public footpaths to the south it is important therefore that appropriate landscaping can effectively screen the proposed development which together with traditional materials would lessen the impact.

Proposals for enhanced tree planting to the Skipton Old Road frontage and use of natural hedgerows to define the plot boundaries will help to screen the development and give glimpses of the rooflines and stone walls similar to the other properties and that this would help to preserve this character of the area. The SE site boundary would also benefit from enhanced planting to soften the built form.

These designs could be improved by introducing a less formal layout when seen from public viewpoints and I am still of the view that two smaller less symmetrical units more cottage style properties would be more appropriate and be less intrusive here.

The garages are now detached from the houses and are sited to either side of the dwellings at an oblique angle and measure approximately 6.4m x 3.5m constructed in natural stone, render and slate these would not be visually obtrusive when viewed from public vantage points at lower levels.

The patio doors proposed to the side elevation of plot 2 have now been removed and the orientation of front and rear elevations has been improved with porches to the elevation facing Skipton Old Road which had been previously referred to as the rear elevation whilst this is less

clear now as the properties would be accessed from the track and with the garages and entrance doors to that elevation it is more likely to be used as the main entrance with the Skipton Old Road elevation having larger garden areas and no access from Skipton Old Road being used as the rear. This could result in fences and outbuildings being erected to the prominent elevation which would need to be controlled by condition and effective landscaping to replace those trees proposed to be removed providing some screening.

The overall impact would result in large, dominant buildings but the siting of the buildings further away from the highway as now proposed would reduce this impact which together with the changes in design and improvements to the landscaping helping to lessen the impact and result in a more acceptable impact on 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.

This would outweigh the less than substantial harm that these prominent new builds would have to a more acceptable degree.

The proposed development within a such a prominent position in the Lidgett and Bents Conservation Area is on balance now acceptable and therefore accords with Policy ENV1, the Conservation Area Design and Development Guidance and paras 196 of the National Planning Policy Framework.

The amendments submitted to address the outstanding issues would accord with policy 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 18m to the south west of plot 1 with two detached single storey garages between them at an oblique angle which is about acceptable in terms of privacy and impact.

Higher Standroyd is located 11m from the side elevation of plot 2 with no habitable room windows proposed in this elevation and the proposed garage and an existing garage/outbuilding at Higher Standroyd between this is acceptable and would not result in any loss of privacy or overbearing impacts.

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.

The simple design detailing to rooflines, eaves and verges and window openings with recessive colours and high quality natural stone and slate and timber painted windows and doors is an improvement. Details of the materials for the proposed garages are proposed to be stone and slate with render to sides and rear which is not appropriate, this can be controlled by an appropriate condition.

The site is in a prominent location on Skipton Old Road at a higher level than the existing road. The agent has confirmed the existing and proposed levels. At present the highest point of the site is 6.6 m higher with the proposed houses measuring 6.5m to ridge and 4.6m to eaves with an overall width of 18.7m. This expanse of massing could result in a stark development without effective screening and reduced glazing.

Timber fences would not be acceptable in this location and a more appropriate solution for hedgerows to be planted has been proposed above the stone wall which will help to soften the scheme and provide a more appropriate boundary treatment in the open countryside. This can be controlled by condition.

The revised scheme as submitted is now acceptable in design terms and accords 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 has been amended to that it would not encroach onto the root protection area of the Horse Chestnut tree which is not protected by a Tree Preservation Order. The proposed water main diversion has been changed to avoid the rooting environment of this tree and this is acceptable.

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. The applicant has now applied to remove these trees and it is likely that consent will be granted for this and therefore this element is now acceptable

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 this scheme is now acceptable and accords with policies ENV2 and LIV5.

7. Highways Issues

A previous approval in 1982 conditioned out the access from Bents and required it to be sealed 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 can accommodate that number of spaces. The proposed parking spaces and garages are acceptable in this respect.

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 not impact on the root protection area (RPA) of the adjacent Horse Chestnut tree which is acceptable and therefore the proposed drainage scheme is acceptable subject to appropriate conditions.

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 with the amended siting and design, enhanced planting and screening proposed and no impact on the protected Horse Chestnut Tree would accord with these policies subject to appropriate conditions.

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:

PC01 001A, 100B, 101, 102A, 110B (site plan), 210, 401, 410 and 411.

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

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.

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/or in order to prevent contamination of the controlled waters.

- 4. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the dwelling is occupied.

Reason: To ensure proper drainage and manage risk of flooding and pollution.

- 5. No development shall commence until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The drainage scheme must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water;
 - (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations); and
 - (iii) A timetable for its implementation.

The approved scheme shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

The development hereby permitted shall be carried out only in accordance with the approved drainage scheme.

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

6. No part of the development shall be commenced unless and until a Construction Code-of-Practice 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.
- e) Details of wheel-washing facilities including location
- g) Measures related to construction waste management
- i) Soil resource management including stock-pile management
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- n) Location and details of site compounds
- o) Hoarding details during construction
- p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- r) Noise-monitoring to be carried out for the construction period.
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

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 phases.

7. Prior to first occupation of any residential unit the car parking areas shown on the approved plans shall be constructed, laid out and surfaced in porous materials. The car parking spaces and manoeuvring areas shall thereafter be laid out in accordance with the approved plan and remain available for use at all times.

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

8. The proposed development shall not be brought into use unless and until the bin store and the enlarged bin collection point adjacent to Skipton Old Road shown on the approved plans have been constructed and the bin collection point surfaced in a bound porous material.

Reason: To ensure adequate provision for the storage and disposal of waste and in the interest of highway safety.

9. Prior to the commencement of development samples of all external materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) including stone type coursing (sample panel), eaves and verges, windows and doors materials and finishes shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

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

10. Notwithstanding the submitted plans details of the design for the windows, doors and porches shall be submitted to an approved in writing by the Local Planning Authority prior to any above ground works commencing on site.

Reason: To ensure an acceptable form of development within the conservation area.

11. The windows and doors shall be set back from the external face by at least 75mm in depth.

Reason: To ensure an acceptable form of development.

12. The properties shall adhere to the submitted curtilage plans PC01 111 at all times unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure an acceptable form of development.

13. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D and E (a) of Part 1 and Classes A and B of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission being first obtained from the Local Planning Authority.

Part 1

- A) No extensions shall be erected
- B +C) No alterations to the roofs of the building shall be carried out
- D) No porches shall be erected
- E) No buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings
- G) No installation or replacement of a chimney, flue or soil and vent pipes

Part 2

- A) no gates, fences, walls or structures shall be erected within the curtilage of the buildings
- B) no means of access shall be constructed to the curtilage of the buildings
- C) the exterior of the building shall not be painted.

Reason: To ensure an appropriate form of development and prevent harm to the protected trees and conservation area.

14. Any development with the Root Protection Areas of the Horse Chestnut Tree shall be dug by hand only in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority before commencement of any works on site.

Reason: To ensure that the roots of the protected tree are not adversely affected by the proposed development.

15. All works shall be carried out in strict accordance with an Arboricultural Method Statement submitted to and approved in writing by the Local Planning Authority before commencement of any works on site.

Reason: To ensure that the roots of the protected tree are not adversely affected by the proposed development.

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

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting including replacement trees and hedgerows to boundaries and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed hard landscape elements and pavings, including layout, materials and colours;
- e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas;
- f. all boundary treatments between properties and to the boundary of the site including walls and hedgerows. Fencing would not be appropriate as the main boundary treatment on this site.

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

species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and retains existing trees and hedgerows where possible.

18. No hedgerow shall be removed from the site without the prior written approval of the Local Planning Authority. Any hedgerow removed shall be replaced in the next planting season in accordance with details to be submitted and agreed in writing by the Local Planning Authority.

Reason: To ensure appropriate boundary treatments are retained within the conservation area in the Open Countryside.

19. The garages hereby permitted shall not at any time be used for any purpose which would preclude its use for the parking of a motor car.

Reason: To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking that would be inimical to highway safety.

20. Prior to first occupation the garages, driveways and communal parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

Reason: To ensure satisfactory off street parking arrangements do not lead to an increase in flooding.

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: 23rd February 2021