



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

TO: COLNE & DISTRICT COMMITTEE

DATE: 31st March 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 31 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 the early March 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;

- That adequate compensatory storage has been provided
- How the climate change fluvial flood levels have been calculated.
- The impact of the proposed development and its potential to adversely affect the construction and stability of the wall in the west, close to the entrance of the site. This could compromise the protection it provides to the site in a flood event. If it were to fail, the risk of flooding to the site could be increased.

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 EA have requested that further information be provided by the applicant in relation to calculation of the flood storage volume, the structural integrity of a wall to the river on the west side of the site, and mitigation measures for the unit adjacent to the proposed flood storage. These are technical matters that are likely to be resolved with the submission of further details and therefore it is recommended that the matter is delegated to the Planning, Economic Development and Licencing Manager to determine.

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.

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

On behalf of: Mr Peter Reeves

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 23rd March 2021