

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 10th June 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO COLNE AND DISTRICT COMMITTEE ON 10th JUNE 2021

Application Ref: 20/0758/FUL

Proposal: Full: Major: Demolition of existing disused B2/B8 units and erection of 13 No. 3 and 4 bedroomed dwellings, new access road and associated landscaping works.

At: Weston Electric Units Ltd Station Road Foulridge Colne

On behalf of: Sutton Family Trust

Date Registered: 4 December 2020

Expiry Date: 5 March 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

The proposal is to demolish the existing commercial buildings on the site and erect thirteen dwellinghouses with access off Station Road and Whitemoor Lane including formation off estate roads and associated landscaping.

The site would comprise a mixture of housetypes including a row of five terraces, 6 semi-detached and two detached. The two detached units would be accessed via a modified existing highway access which serves the Weston's car park located off Whitemoor Lane.

A new access would be created off Skipton Road to serve the rest of the development.

A Flood Risk Assessment, Ecology Bat Survey, Tree Survey and Design and Access Statement has been submitted in support of the application.

Relevant Planning History

13/15/0171P – Full: Major: Demolition of commercial buildings, erection of twenty two dwelling houses (3 terraced, 16 semis and 3 detached) accessed off Station Road and Whitemoor Lane including estate roads - Approved

Consultee Response

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.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

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

Yorkshire Water – Waste Water If planning permission is to be granted, the following conditions should be attached in order to protect the local aquatic environment and Yorkshire Water infrastructure:

There shall be no piped discharge of surface water from the development prior to the completion of surface water drainage works, details of which will have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed, the information shall include, but not be exclusive to:-

a) evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical; b) evidence of existing positive drainage to public sewer and the current points of connection; and c) the means of restricting the discharge to public sewer to the existing rate less a minimum 30% reduction, based on the existing peak discharge rate during a 1 in 1 year storm event, to allow for climate change. (To ensure that no surface water discharges take place until proper provision has been made for its disposal and in the interest of sustainable drainage)

1). The Flood Risk Assessment prepared by Paul Waite Associates (Report dated September 2020) requires amendments, but if planning permission is granted, the matter can be dealt with via condition.

In summary, sub-soil conditions and the potential for infiltration have not been considered. Surface water will discharge to public sewer via storage with restricted discharge of 20.3 litres/second. The point of connection whether to public combined or surface water sewer is not considered.

Evidence of positive connectivity is not presented within the report either.

The means of surface water management has not been properly considered within the drainage report. Yorkshire Water requires further information regarding the means of draining surface water from the development

2). The developer is proposing to discharge surface water to public sewer however, sustainable development requires appropriate surface water disposal. Yorkshire Water promote the surface water disposal hierarchy and the developer must provide evidence to demonstrate that surface water disposal via infiltration or watercourse are not reasonably practical before considering disposal to public sewer. As a last resort, and upon receipt of satisfactory evidence to confirm the reasons for rejection of other methods of surface water disposal, curtilage surface water may discharge to public sewer. Surface water discharges to the public sewer must have a minimum of 30% reduction based on the existing peak discharge rate during a 1 in 1 year storm event. The developer will be required to provide evidence of existing positive drainage to a public sewer from the site to the satisfaction of Yorkshire Water and the Local Planning Authority by means of physical investigation. On-site attenuation, taking into account climate change, will be required before any discharge to the public sewer network is permitted.

LCC Highways – The site was visited on 22 December 2020.

The development site now submitted previously had planning consent as part of a larger development, approved under planning permission 15/0171P. Having considered the information submitted, together with site observations, the Highway Development Support Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, revised plans being received satisfactorily, and conditions and note being applied to any formal planning approval granted.

Site access – Station Road

Station Road (U20930) is an unclassified road and is categorised as a local access road with a maximum speed limit of 20 mph fronting the development site access.

Visibility splays

For a road with a speed limit of 20mph a Stopping Sight Distance (SSD) of 25m would be required. Visibility splays of 2.4 x 25m should therefore be provided. From observations on site these sight lines are fully achievable over land within the applicant's ownership and/or the existing adopted highway network.

An amended site layout plan with revised visibility splays should be submitted.

The formation of the new vehicle access from Station Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Details of the works required are outlined later in this response.

Site access – Whitemoor Road

Whitemoor Road (B6251) is a classified road and is categorised as a secondary access road with a speed limit of 30 mph fronting the site access. However the proposed access is adjacent to the transition point where the speed limit changes to 50mph to the west of the site boundary.

Visibility splays

The Proposed Site Masterplan (Drawing No 15.108 02 K) shows visibility splays of just 30m in both directions, which would only be applicable for 85th percentile speeds of 23mph. No traffic data has been submitted to support these speeds and visibility splays, which are considered substandard. The visibility splays are also not shown over land within the applicant's ownership and/or the adopted highway network and need amending.

However, visibility splays of 2.4 x 59m at this access were previously approved under planning permission 13/15/0171P. These would be considered acceptable, although they would need to be shown on the proposed site plan. An amended plan would need to be submitted.

The formation of the new vehicle access from Whitemoor Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Details of the works required are outlined below.

Section 278 works

The construction of the new access on Station Road and amended access on Whitemoor Road, together with off-site highway improvement works, need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to the following:

Station Road:

- Construction of access 5.1m wide; kerbed radii; buff coloured, tactile paved dropped pedestrian crossings both sides of the access; re-location of a highway gully; street lighting assessment;
- Construction of a new footway to an appropriate standard from the gable end of 2 Wilson Street to the new vehicular site access and along the frontage of Plots 1 to 5, including a radius kerb at the gable end of Plot 5, with buff coloured, tactile paved dropped pedestrian crossings both sides of the access of the unnamed road along the gable end of 14 Station Road.

Whitemoor Road:

- Construction of a dropped vehicle crossing to an appropriate standard;
- Construction of 2m wide footway to full kerb height along frontage of Plots 12 and 13.
- Street lighting assessment.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

Car and cycle parking

The construction of Plots 1-5 would result in the loss of existing, informal off-road parking on Station Road. Maximum Parking Standards should therefore be applied to ensure vehicles associated with the development can be wholly accommodated within the site.

For dwellings with three bedrooms, two adequately sized parking spaces should be provided.

For dwellings with four bedrooms, three adequately sized parking spaces should be provided.

To count as one parking space a single garage should have minimum internal dimensions of 6 x 3m, which would also provide secure storage for two cycles.

The integral, single garages proposed for Plots 6 and 7 are sub-standard in size and cannot be counted as a parking space. As these plots are at the entrance to the development vehicles parked on the carriageway, or footway, may cause an obstruction to other vehicles or pedestrians. Amended parking provision for these two plots should be submitted.

Secure cycle storage for at least two cycles can be provided in the garages proposed.

The drive to Plot 13 should be a minimum of 5.6m wide to provide both vehicular and pedestrian access.

Internal layout

The private access drive serving Plots 4, 5, 10 and 11 would not be considered for adoption and would remain private. However this should still be constructed to an adoptable standard.

The applicant should provide details of the proposed arrangements for the future management and maintenance of the proposed estate road within the development until such time as a legal agreement (Section 38) has been entered into with the highway authority. This should also include the private access drive serving Plots 4, 5, 10 and 11.

The highway authority considers that the proposed turning head, as submitted on Drawing No 15.108 02K, is acceptable, and would allow refuse, emergency or large delivery vehicles to enter and leave the site in forward gear.

General**Footpath**

The highway authority notes, and supports, the Countryside Access Officer's comments, dated 10 December 2020, regarding the footpath through the site leading from the car park on Whitemoor Road to the unnamed access by the gable ends of 26 and 28 Station Road.

The developer has proposed a revised route along the western and northern boundaries of the site. However this is a more indirect and longer route, with 90o turns limiting forward visibility, which may cause users to be feel vulnerable, particularly during periods of limited daylight.

During the site visit it was noted that part of the group of trees to the West of Plot 13, and shown as being retained on the Proposed Masterplan, had been felled. If Plot 13 was moved towards the western boundary this may allow the path to be routed between Plots 12 and 13.

Other, alternative locations for a new path could be along the gable end of Plot 11 if the plots were re-located nearer to the sub-station. Or from the turning head by the sub-station onto Whitemoor Road. Both of these would, of course, be dependent on appropriate gradients being achievable within the site, and also being an acceptable alternative to the existing route.

Electric vehicle charging points

To ensure that the development supports sustainable transport modes electric vehicle charging points should be provided at each dwelling.

Timing of deliveries

Station Road provides the only vehicular access to a number of side roads serving residential and business premises. Deliveries to the site by large construction vehicles should only be accepted between 9.30am and 2.30pm to avoid peak traffic on the surrounding highway network, both vehicular and pedestrian.

Telegraph pole

There is an existing telegraph pole adjacent to Plot 6 and the applicant would need to consider future access arrangements for its maintenance. The applicant would also be responsible for any expense incurred for its re-location.

Subject to a suitably amended site layout plan with revised visibility splays and footpath, if the local planning authority is minded to approve this application conditions should be attached to any grant of planning permission relating to construction site accesses, construction method statement, engineering, drainage, street lighting and constructional details for internal roads, future management and maintenance of estate road, construction of estate road, parking provision, garages, electric vehicle charging points and off site highway works.

The following comments are made with reference to the amended proposed site layout plan received (Proposed Masterplan – Drawing No 15.108.02.O). These should also be read in conjunction with the highway authority's response to Drawing No 15.108.02.K dated 4 January 2021.

Comments on Amended Plans

The following amendments have been made from the previously submitted plan (Drawing No 15.108.02.K).

Plots 1 – 5 have been set back further into the site. The off-road parking for Plots 2 – 5 is now proposed to be accessed directly from Station Road. Whilst this formed part of the off-road parking for the previous industrial use of the site, this access and use would likely to have been outside peak demand for on-road parking from the surrounding residential properties. The layout now proposed may increase the risk of conflict between vehicles manoeuvring and vulnerable highway users, such as pedestrians and cyclists, on the immediate highway network, particularly if vehicles are parked outside the properties on Station Road.

Whilst the amended parking layout raises highway safety concerns it is not to a level to raise an objection. However, the highway authority's preferred layout is that shown on Drawing Nos 15.108.02.K and O, where all vehicular movements are within the site.

It should also be noted that as only four properties would be served by the internal estate road – Plots 4, 5, 10 and 11 being served by a private access drive – this would not now be considered for adoption. As the internal road would remain private the developer should provide details of the proposed arrangements for the future management and maintenance of the road. These should include the establishment of a private management and maintenance company.

The footway along the front of the site is only 1.5m wide. This should be a minimum of 1.8m wide.

Plot 1 - parking is now on the opposite side of the new access road. This is considered of adequate size to provide two parking spaces and manoeuvring area.

Plot 6 – there is only 3m hardstanding in front of the proposed detached garage. A minimum of 5.6m should be provided where a roller shutter style door is fitted, or 6m where an up and over style door is fitted. This would require the garage being set back further into the site to ensure the minimum length in front of the garage is provided to allow a vehicle to draw fully off the carriageway.

Plot 7 - has been re-located and house type changed from 7 to 3, which is a three bed dwelling. The single integral garage now proposed is of an adequate size to provide one parking space. Two off-road parking spaces are also provided in front of the dwelling. However a roller shutter style garage door would need to be fitted and not an up and over style as the hardstanding in front of the garage is less than the 6m minimum required to fully accommodate a vehicle off-road and allow the garage door to be opened with a vehicle in front.

The line of the pathway through the site from White Moor Road to the unnamed road at the gable ends between 26 and 28 Station Road has been amended in consultation with the borough council's Countryside Access Officer. No details of the surfacing material have been submitted. Given the site's gradient down towards the rear of Station Road a suitable means of collecting surface water run-off and draining it internally to the site should be provided on the site's northern boundary with the croft areas to the rear of Station Road.

Visibility splays – Station Road

For a road with a speed limit of 20mph a Stopping Sight Distance (SSD) of 25m would be required. Visibility splays of 2.4 x 25m should therefore be provided. From previous observations on site these sight lines are fully achievable over land within the applicant's ownership and/or the existing adopted highway network.

As these visibility splays have not been shown on the latest amended site layout plan (Drawing No 15.108.02.O) they would need to be controlled by condition.

Visibility splays – Whitemoor Road

Whitemoor Road (B6251) is a classified road and is categorised as a secondary access road with a speed limit of 30 mph fronting the site access. However, the proposed access is adjacent to the transition point where the speed limit changes to 50mph to the west of the site boundary.

The Proposed Site Masterplan (Drawing No 15.108.02.O) shows visibility splays of just 30m in both directions, which would only be applicable for 85th percentile speeds of 23mph. No traffic data has been submitted to support these speeds and visibility splays, which are considered substandard. The visibility splays are also not shown over land within the applicant's ownership and/or the adopted highway network and need amending.

However, visibility splays of 2.4 x 59m at this access were previously approved under planning permission 13/15/0171P. As these visibility splays have not been shown on the latest amended site layout plan (Drawing No 15.108.02.O) they would need to be controlled by condition.

Canal & River Trust – No comments.

LCC Flood Risk Management Team – The LLFA is currently unable to provide you with a substantive response as insufficient information has been submitted with this application.

Cadent Gas – There are apparatus in the vicinity of the proposed works which may be affected by the activities specified.

Architectural Liaison Unit – Site should meet the Secured by Design Homes 2016 design and observations and recommendations are given.

East Lancashire Hospitals NHS Trust – Request a contribution towards non-recurrent and recurrent infrastructure costs as a direct result of the new housing of £22,185.00.

LCC Education – Request a contribution towards 1 secondary school place of £23,061.75.

PBC Environmental Health – Conditions should be attached to any grant of approval for contamination and constructions code of practice.

PBC Footpaths – There is a footpath within the site running from the Weston Electric Units employee car park on Whitemoor Road to Station Road. The footpath varies between 2-3 metres in width comprising a tarmac surface and a grass verge. There is a Pendle Council dog waste bin part way down the footpath and a number of 1m high lighting columns, at least one of which was damaged. The footpath is not recorded on the definitive map for Lancashire, nor is it shown as having any recorded highway status on Lancashire County Council's Mapzone service.

It is unclear from the application whether the applicant accepts that the footpath is a public right of way. In question 8 of the application form the answers indicate that there are no new public rights of way to be provided within or adjacent to the site and the proposals do not require the diversion of any public rights of way. But the location plan indicates the footpath and is labelled as "existing unadopted footpath". The term "unadopted" is usually used when describing a highway which is not maintainable at public expense (and the term "highway" in this context means a public footpath, bridleway, restricted byway, byway open to all traffic or carriageway). The proposed masterplan indicates that this indeed requires diverting in order for the development to be carried out.

I object to these proposals on the grounds explained in my comments below (sections a and b). But I have suggested modifications to the plans which would lead me to reconsider these objections (section c below).

Amended Plans

I can confirm that the proposed layout of the footpath answers my concerns regarding the earlier layout plan and therefore I withdraw my earlier objection.

PBC Environment Officer – Tree survey has been submitted. There are trees on the site particularly along the south and west boundaries, the trees to the west being a significant group of larger trees. Such a survey should inform the design/layout.

Most of the trees are worthy of retention and protection and most are shown for retention due to them being separated from the development by topography and consequent retaining walls.

Habitat survey submitted. This has been prepared by suitably qualified and experienced personnel. The survey brief was for Phase 1 habitat survey and did not include the buildings but these have been specifically addressed in a separate bat survey. No habitats are of Principal Importance. No protected species or signs thereof were found either within or immediately adjacent to the site. Site has high potential for nesting birds and for roosting and foraging by bats. Any vegetation removal should avoid the nesting season (February to September) unless pre-checked by an appropriately qualified/experienced ecologist. Any trees to be removed which exhibit suitable features for bats also need pre-check.

Recommendations should be conditioned.

Bat survey submitted. Three dusk emergent surveys done and both internal and external features examined for roost occupation; conclusion that there is no evidence of bats in the buildings. As a precaution, it should be conditioned that care should be taken when removing the asbestos roof and under-drawing in case a roost is found, in which case work must stop and an ecologist consulted. Trees on the site were found to have little or no potential to support bats. Recommendation for bat boxes should be conditioned. All recommendations and mitigation at paragraph 5 should be conditioned.

A detailed landscape scheme should be conditioned.

Foulridge Parish Council

Public Response

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

- I agree that the proposed diversion of the footpath could raise safety and/or security concerns. However, I disagree with the proposed alternative on the grounds of safety. A cycle safety barrier would assist here. I understand that other local residents would not object if the footpath was removed as it would reduce security, ASB, Litter and dog fouling problems;
- Confirm that Plots 12 and 13 will not have negative impact on the water drainage/flood risk of gardens on Station Road;
- The legality of plots 12 and 13 windows and balconies overlooking properties on Station Road;
- Two different versions of the masterplan one for 15 units and one for 13 please confirm which is proposed;
- Flood risk not up to date as properties have been built since 2015;
- The application states contamination is not an issue but both factories carried out engineering processes for approximately 50 years therefore an appropriate assessment should be submitted prior to considering the proposed plans;

- There is a well used footpath which the public have used for over 30 years which should be a dedicated public right of way;
- The proposal to create a 2m wide path would result in a dark, enclosed alleyway with a dog-leg, not all the gardens are the same length and clarification of the re-routed path is required;
- The pathway should be viable for wheelchairs and mobility scooters as the existing path is;
- The drystone wall to the west should be retained;
- Many of the trees were planted around 1970 many of these are now in poor condition. Of the 17 trees 8 are proposed to be felled some of those marked on the masterplan to be retained have been felled. Replacement mature trees of a suitable species should be planted;
- The crossroad junction of B6251, Warehouse Lane and Towngate is already unsafe. Parked cars restrict vision and narrow the carriageway. Parking restrictions and double yellow lines are ignored;
- The site has been derelict and undisturbed for many years and it has become an haven for birds and bats feeding;
- The proposed development will dominate the two storey, stone terraced, Victorian properties of Wilson Street and Station Road. These houses will be overlooked and overshadowed. The development of the field side with plots 12 and 13 will be detrimental. Plots 8- 11 are out of character with the vernacular and traditional architecture of the village and the 3 storey design will have a detrimental effect on the village character of the surrounding area;
- Foulridge has a deficit of green open space and this will be further reduced and therefore does not accord with Council policy;
- The development does not make a positive contribution to the conservation and interpretation of our natural and historic environment nor does it safeguard or enhance the landscape character of the area contract to Pendle Local Plan; and
- Due the steady increase in residential properties the gritting priority should now be changed.

Officer Comments

The issues for consideration are principle of housing, layout and impact on amenity, design and materials, highway issues, flooding and drainage issues, contamination, trees/ landscaping, ecology, contributions and affordable housing units.

1. 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 Protecting and Enhancing Our Natural and Historic Environments 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. The proposal's compliance with this policy is addressed in the design and amenity sections.

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. The proposal's compliance with this policy is addressed in the flooding and drainage section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

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

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

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 policies from the Replacement Pendle Local Plan are also relevant:

Policy 4D 'Natural Heritage – Wildlife Corridors. Species Protection and Biodiversity' seeks to protect Wildlife Corridors and encourage the re-establishment of habitats and species population to help maintain and enhance biodiversity.

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

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 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.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Paragraph 73 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Para 130 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused.

Principle of the development

Whilst this site has no specific designation in the Pendle Local Plan Core Strategy: Part 1, the site falls within the settlement boundary of Foulridge and is considered a sustainable location within walking distance of public transport and access to essential services.

A similar scheme for residential development was approved with conditions in 2015.

Therefore, the principle of residential development of the site is acceptable in policy terms.

Design and Visual Amenity

The proposed scheme accommodates dwellinghouses with appropriate separation distances between existing and proposed dwellinghouses.

There a variety of different housetypes proposed including a terrace row of five, a row of three, semi-detached and detached units proposed. There are ten, three bedroom and three, four bedroom units proposed and all but two are two storey properties. Two units would be split level with three storey to the front (northern) elevation and two storey to the rear (southern) elevation. This is to take account of the topography of the site which rises steeply from the north (Station Road) to the south (Whitemoor Road).

All the housetypes proposed are acceptable in design terms and would be constructed in natural materials including random coursed natural stone with quoins , natural blue slate tiles, timber doors and windows with stone surrounds, lintels and mullions and black upvc rainwater pipes and gutters.

The layout proposed is spacious and accommodates the number of dwellinghouses in an appropriate setting subject to amendments to provide adequate off-street parking and landscaping provision and appropriate conditions.

The proposal therefore accords with policies EBV1 and ENV2.

Residential Amenity

Plots 1-5 lie adjacent to Station Road with driveways to the front and parking for plot 1 on the opposite side of the new access road and would be a similar style to the existing terrace properties. These properties would face existing terrace properties on the opposite side of Station Road and would be set back from the highway in order to accommodate driveways to the front this would result in separation distance of between 17.5m and 18.5m which taking into account the existing distances of 15m between existing terraces is acceptable.

Plot 6 is located to the rear of 4-14 Wilson Street and has been revised to avoid any windows in the side elevation facing the rear of the properties. The plot would achieve between 10 and 15m from the rear of the properties on Wilson Street with no windows/doors proposed in that gable it is just about acceptable.

Plots 7 – 11 are sited to the rear of plots 1 to 5 and would be split level at a higher level of 2.5m with distances of around 22m this is acceptable.

Steps would provide access to the rear externally and retaining structures would be required to provide a level platform for the houses.

There is a distance of 4m from the gable of plot 5 to the gable of no. 14 Station Road. Whilst plot 5 has no windows proposed in this gable no. 14 does have three small existing windows in the

gable, one at second floor and two at ground floor level. However, the separation distance is acceptable between gable and gable and based on size of the windows they are unlikely to be severely impacted upon. The second floor window will serve an attic room and the ground floor are likely to be secondary windows to the main habitable rooms

Plots 12 and 13 comprise of two detached split level units with balconies to the rear elevation. These units would be located to the far south of the site and would have a three storey element to the north (front) elevation and two storey to the southern (rear) elevation. An outside terrace is proposed to the north elevation on both of these units. Both of these units are sited over 33m from the rear elevations of 14 – 24 Station Road and the properties at Waller Hill are over 21m away across Whitemoor Lane even with the land level differences this would be acceptable.

All the proposed units would have provision for at least two parking spaces within the curtilage. The split level units all have integral garage spaces whilst plot 7 would have a detached single garage.

In terms of impact on amenity this would be minimal. The separation distances are acceptable and the housetypes proposed offer a variety to the existing terraced housing provision.

The proposal therefore accords with policies ENV1 and ENV2.

Highways Issues

As the proposal is for less than 50 units a transport assessment is not required. Station Road is unclassified and is categorised as a local access road with a speed limit of 20mph fronting the site. Based on the traffic speeds and an estimated 85th percentile speed of 25mph sight lines of 2.4m x 25m should therefore be provided onto Skipton Road. These sight lines are achievable over land within the applicant's ownership and the existing highway.

Whitemoor Road is classified as the B6251 road and is categorised as a Secondary Access road with a speed limit of 30mph fronting the site access. There is a change in the speed limit to 50mph to the west of the site boundary. Based on the traffic speeds and an estimated 85th percentile speed of 37mph sight lines of 2.4m x 59m are acceptable as previously approved onto Whitemoor Road. These sight lines are achievable over land within the applicant's ownership and the existing highway.

The construction of the accesses involving works within the highway will require a section 278 agreement with Lancashire County Council and this can be controlled by condition.

The proposed development does not affect any public rights of way. There is a well-used footpath leading from the parking area off Whitemoor Road to Station Road and this is now proposed to remain.

Based on the TRICS trip generator the proposed development would have less traffic impact than the existing commercial units if fully utilised.

LCC Highways is of the view that the two units in phase two would have a limited impact on the traffic movements on Whitemoor Road. I concur with that view.

The overall development would have a negligible impact on highway capacity in the immediate location of the site subject to appropriate conditions.

Whilst off-street car parking has been accommodated on the site some of the driveways are too short in length and therefore the agent has been requested to address this in order to accord with policy 31.

Trees and Landscaping Proposals

There are numerous trees on the site particularly along the south and west boundaries. The trees to the west being a significant group of larger trees. Most of the trees on the site are worthy of retention and protection. However, whilst the scheme indicates that most will be retained some of these have already been removed. The agent has been requested to update the reports and a detailed landscape scheme can be required by an appropriate condition in order to accord with policy.

Ecology

A Habitat survey has been submitted which is acceptable subject to a condition requiring the recommendations to be implemented.

A Bat survey has been submitted which is acceptable subject to a condition requiring the recommendations Three dusk emergent surveys done and both internal and external features examined for roost occupation; conclusion that there is no evidence of bats in the buildings. Trees on the site were found to have little or no potential to support bats.

An updated ecology report has been provided and subject to all recommendations and mitigation at paragraph 5 can be controlled by appropriate condition in order to accord with policy 4D.

Drainage and Flood Risk

The application is supported by a Flood Risk Assessment, a Drainage Assessment and a survey of ground conditions. As now required nationally for major schemes, the development has considered the provision of some sustainable urban drainage systems (SuDS), although site characteristics make the use of certain infiltration techniques more difficult.

Lancashire County Council as the Lead Local Flood Authority (LLFA), United Utilities (UU) and Yorkshire Water (YW) have all commented on this application.

The primary source of flood risk would be from an increase in surface water run-off resulting from the development.

A preliminary drainage design has been submitted which includes a preliminary drainage strategy plan and calculations.

LLFA has requested further information in relation to the proposed development in order to provide detailed comments. The agent has been requested to provide this.

UU have no objection subject to conditions relating to separate surface and foul water discharge.

Yorkshire Water have stated that the Flood Risk Assessment is not satisfactory and that the report should consider other options for surface water disposal and that only when these other options have been discounted upon provision of evidence should the public sewer be considered and then restricted to a flow rate of a maximum of 5 litres per second.

At the very least permeable paving should be installed on all driveways and hard standing areas including footpaths and parking areas and rainwater harvesting undertaken in order to reduce the amount of surface water entering the public sewer.

Further information on this is awaited from the agent and subject to this being satisfactory then detailed drainage scheme can be controlled by appropriate conditions.

Foul drainage will link into existing UU foul sewers adjacent to the site.

Subject to further information and appropriate conditions then this proposal would accord with policy ENV7.

Viability

A Viability Appraisal of the site has not been submitted and therefore it is recommended that a request for four affordable houses be attached to any grant of approval in order to provide 20% of affordable dwellinghouses on the site. This can be achieved by an appropriate condition.

Open Space

The site lies within Foulridge Ward which has a deficit in open space.

The applicant has been requested to provide open space on the site, however, due to the topography of the site and the layout this can not be achieved and therefore the proposal does not propose to provide this. However, the scheme does retain the footpath through the site which provides some public benefits and the site provides ample private amenity space with ample provision for an enhanced landscaping scheme particularly to the upper southern edge.

Other Issues

The existing footpath will remain in the ownership of the developer and be maintained by them.

Contamination issues can be addressed by an appropriate condition.

Summary

The principle of housing on this site is accepted. The proposed design and impact on visual amenity is acceptable subject to appropriate conditions. The impact on residential amenity is acceptable and impact on trees and habitat can be controlled by appropriate conditions. The drainage system and highway issues can be addressed subject to further information being submitted and appropriate conditions.

In the absence of a viability assessment a requirement can be conditioned to provide four affordable units on the site. No public open space is to be provided on the site.

The scheme therefore accords with the policies in the Pendle Local Plan Part 1: Core Strategy and saved policies 4D and 31 of the Pendle Replacement Pendle Local Plan.

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 and layout and would not adversely impact on amenity or highway safety.

Drainage, contamination, landscaping and ecology can be addressed by appropriate conditions. 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 satisfactory drainage information being provided, amended highway plans and enhanced landscaping scheme.

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:

15.108.02O, 15.108.03A, 15.108.05A, 15.108.06A, 15.108.12C, 15.108.14C, 15.108.01B, 20123-PWA-00-XX-RP-C-1000 P01 and D & A Rev B.

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

3. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of PPS 3 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

Reason: In order for the development to contribute to the supply of affordable housing in accordance with the need identified in the Strategic Housing Market Assessment.

4. 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 in order to prevent contamination of the controlled waters.

5. No development shall commence until details of the design, implementation, maintenance and management of a surface water drainage strategy have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

- a) Information about the design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates which shall be less than 5 litres per second and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses;
- b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
- c) Overland flow routes and flood water exceedance routes, both on and off site;
- d) A timetable for implementation;
- e) A management and maintenance plan for the lifetime of the development which as a minimum shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company, arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as; ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development to reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible body/bodies for the sustainable drainage system.

6. A scheme for the disposal of foul water including details of any balancing works and off site works shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. 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 first dwelling is occupied.

Reason: To control foul and surface water flow disposal and prevent flooding.

7. 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.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including location
- f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
- g) Measures related to construction and demolition waste management
- h) Pollution prevention to include odour suppression, temporary drainage measures and measures such as cut-off trenches to control gas migration.
- i) Soil resource management including stock-pile management
- j) Compliance with BS5228: Part 1 1997 to minimise noise
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- l) Measures to ensure that there is no burning of waste.
- m) Demolition Management Plan/Programme
- 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
- q) Vibration monitoring to be carried out for the construction period.
- r) Noise-monitoring to be carried out for the construction period.
- s) A Construction and Demolition-Waste minimisation Strategy.
- t) A Construction-Risks Education plan/programme
- 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 phase(s).

8. The accesses shall be completed to base course level, including visibility splays, to the satisfaction of the Local Planning Authority prior to the commencement of any other works. The

estate roads shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up the entrance of the site compound before any other development takes place. The estate roads shall be laid out, surfaced, sealed and completed in its entirety prior to occupation of the first unit on each phase.

Reason: To ensure adequate access for construction vehicles and that satisfactory access is provided to the site before the development hereby permitted becomes operative.

9. Prior to the commencement of development, a scheme for the construction of the off-site works of highway improvement shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development (or phase) hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the details agreed.

Reason: To satisfy the Local Planning Authority that details of the highway scheme/works are acceptable before work commences.

10. No part of the development associated with the Skipton Road access hereby permitted shall be commenced until the visibility splays measuring 2.4m x 25m in both directions have been provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Station Road to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0m in height above the height at the centre line of the adjacent carriageway.

Reason: to ensure adequate visibility at the street junction or site access in the interest of highway safety.

11. No part of the development associated with the Whitemoor Road Access hereby permitted shall be commenced until the visibility splays measuring 2.4m x 59m in both directions have been provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Whitemoor Road to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0m in height above the height at the centre line of the adjacent carriageway.

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

12. No development shall be commenced until full engineering, drainage, street lighting and constructional details to adoptable standards (to Lancashire County Council's specification) of the internal road have been submitted to and approved in writing by the local planning authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the internal road is constructed to an acceptable standard in the interest of highway safety.

13. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed estate road within the development have been submitted to and approved by the local planning authority. The estate road shall thereafter be maintained in accordance with the approved management and maintenance.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

14. Prior to first occupation of any dwelling the parking provision shown on the approved plans shall be constructed, laid out and surfaced in bound porous materials. The parking provision shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

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

15. Prior to first occupation each dwelling shall have an electric vehicle charging point.

Reason: to ensure that the development supports sustainable transport modes.

16. 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 and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

17. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority.

Development shall be carried out in accordance with the approved details.

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

18. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & 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, E(a) & (b), F of Part 1 and Classes A & B of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

A) no extensions shall be erected

E(a)) no buildings, enclosures, swimming or other pools shall be erected or constructed within the curtilage of the buildings

E(b)) no containers for the storage of oil or gas for domestic heating purposes shall be installed within the curtilage of the buildings

F) no hard surface shall be provided within the curtilage of the buildings

Part 2

A) no gates, fence or wall structures shall be erected within the curtilage of the buildings

B) no means of access shall be constructed to the curtilage of the buildings

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and amenity of the area and impacts on neighbouring properties.

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. Before a dwelling unit is occupied waste containers shall be provided in the bin/cycle storage areas on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

21. No part of the development hereby permitted shall be commenced until details of the proposed ground levels have been submitted to and approved in writing by the Local Planning authority. The submitted details shall include a number of sections across the site, which shall indicate existing and proposed ground levels, together with the floor levels of any proposed dwelling/buildings through which the sections run and shall extend beyond the site boundaries to include any surrounding, adjacent properties. The development shall thereafter be implemented in accordance with the approved details.

Reason: To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

22. Notwithstanding the submitted plans prior to the commencement of development details of the proposed demolition, excavations, earth removal and foundations to be undertaken shall have been submitted to and approved in writing by the Local Planning Authority and thereafter shall be implemented in full accordance with the approved details unless otherwise agreed in writing.

Reason: The demolition, excavation, earth removal and construction of foundations have the potential to have an adverse impact on the integrity of the Foulridge canal tunnel and the waterway infrastructure.

23. The development shall be carried out in accordance with the mitigation plan set out in the Site Specific Bat Survey dated September 2020. The development shall then only commence and be completed in accordance with the agreed details.

Reason: To ensure no net loss of biodiversity as a result of the development.

Notes:

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer. 2. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of

the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Environment Directorate before works begin on site. Further information and advice can be found at www.lancashire.gov.uk and search for "278 agreement".3. It is assumed that Lancashire County Councils Highways Maintenance will be consulted regarding the approval of street works details. 4. The applicant the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes

Informative Note

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the highway authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to:

Station Road:

- ☐ Construction of access 5.1m wide; kerb radii; buff coloured, tactile paved dropped pedestrian crossings both sides of the access; re-location of a highway gully; street lighting assessment;
- ☐ Construction of a new footway to an appropriate standard from the gable end of 2 Wilson Street to the new vehicular site access and along the frontage of Plots 1 to 5, including a radius kerb at the gable end of Plot 5, with buff coloured, tactile paved dropped pedestrian crossings both sides of the access of the unnamed road along the gable end of 14 Station Road.

Whitemoor Road:

- ☐ Construction of a dropped vehicle crossing to an appropriate standard;
- ☐ Construction of 2m wide footway to full kerb height along frontage of Plots 12 and 13.
- ☐ Street lighting assessment.

Suggested note

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 the 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. An enquiry about permanently diverting or closing the footpath may be made to Pendle Council.

Application Ref: 20/0758/FUL

Proposal: Full: Major: Demolition of existing disused B2/B8 units and erection of 13 No. 3 and 4 bedroomed dwellings, new access road and associated landscaping works.

At: Weston Electric Units Ltd Station Road Foulridge Colne

On behalf of: Sutton Family Trust

REPORT TO COLNE & DISTRICT COMMITTEE ON 10th JUNE, 2021

Application Ref: 21/0101/HHO

Proposal: Full: Erection of two-storey side extension and alterations to vehicle access.

At: Netherheys House, Barrowford Road, Colne

On Behalf of: Mr Anwar

Date Registered: 15 February 2021

Expiry Date: 12 April 2021

Case Officer: Kathryn Hughes

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

Site Description and Proposal

The application site is a semi-detached dwelling located in the settlement of Colne. It adjoins and is surrounded by dwellings of a similar scale to three sides with larger properties set within extensive grounds to the north across Barrowford Road. The dwelling is constructed in natural stone with a slate roof, timber windows and doors.

Although Netherheys has some local importance it is not listed nor is it within a Conservation Area and therefore although limited weight is given to standing it is an attractive

The proposed development involves the erection of a part two-storey and single storey side extension. The extension would measure 7.1m x 10.990m at ground floor and 7.1m x 7.1m at first floor with an overall height of 9m to pitch (4m to single storey). The proposed extension would have a natural stone finish, slate roof, grey sash windows to match existing and dark grey velux rooflights. Alterations to the vehicle access and parking arrangements are also proposed.

The scheme is similar to that previously refused and dismissed on Appeal. However, the appeal decision was dismissed only on the basis of the design with the proposed bi-folding doors to the front elevation and not for any other impacts.

Planning History

20/0150/HHO - Full: Erection of part two-storey and part single storey side extensions and alterations to vehicle access (re-submission) – Refused and Appeal dismissed.

20/0150/HHO - Full: Erection of two-storey side and rear extensions; alterations to vehicle access and erection of 1.85m stone wall with vehicle gate to south boundary (Part retrospective) – Refused 24th April, 2020.

Consultee Response

PBC Environment – Protected trees have been felled on this site without consent. Both trees had considerable amenity value, providing setting and context to the house itself and these were still worthy of protection. A Tree Replacement Notice has been issued for the site.

The Tree Replacement Notice was for 2no. Acer platanooides Emerald Queens measuring 18-20cm girth at the time of planting. They are to be located at either side of the existing path into the site on the Netherheys Close elevation.

The location of the replacement trees will not be impacted by the proposed development.

LCC Highways – The Highway Development Support Section does not object to this application subject to details of the site access and appropriate car parking arrangements.

Colne Town Council – Colne Town Council objects to this development on the grounds that it is too large for the existing building.

National Grid – Should you be minded to approve an informative note for the Applicant should be attached to the decision.

Public Response

Nearest neighbours notified by letter and two responses have been received objecting on the following grounds;

- Cannot see how 2 mature trees can be felled by accident. I do not see how this application can proceed without this being addressed;
- There was a third tree removed not two are mentioned and without this being removed the extension could not be as wide.

Officer Comments

The main considerations for this application are impact on residential amenity, design and materials, protected trees and highway issues.

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

- CS Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to protect and enhance natural and historic environments and sets out specific requirements that aim to ensure development proposals do not detrimentally effect such environments. The need to protect trees with Tree Preservation Orders (TPOs) is outlined in ENV1 given what they contribute to both natural and historic environments;
- CS Policy ENV2 (Achieving Quality in Design) identifies the need to protect and enhance the character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that the siting and design of development should be in scale, context and harmony with the wider locality.

Other policies and guidance's are also relevant:

- Saved Replacement Local Plan Policy 31 (Parking) sets out appropriate parking standards for developments;
- The Design Principles Supplementary Planning Document (SPD) applies to domestic developments and sets out the aspects required for good design in relation to neighbouring properties and the street scene.

National Planning Policy Framework

- Paragraph 130 states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents.'

2. Residential Amenity

The Design Principles SPD states that two-storey side extensions should be designed to avoid having an overbearing impact, or cause loss of light or privacy for neighbours. Any extensions which protrude beyond the rear elevation of adjacent dwellings should respect the 45 degree rule. Concerns have been raised regarding the potential impact on privacy and living environments.

No. 20 Netherheys Close lies to the East of the application site and is set forward in its plot with a conservatory style extension to the rear.

The proposed extension would not impact on any main habitable room windows in the gable of 20 Netherheys Close with the extension set back 500mm from the front elevation at two storey and flush with the rear elevation single storey for the last 2.2m. The side extension is set of the boundary by 1.750m. The side extension is part single storey to the rear and this reduction in height from just under 9m to 4.5m (3.5 to eaves) would reduce any potential impact on No.20 which has an existing timber fence to the boundary which will screen the ground floor to some degree. The proposed extensions would not appear overbearing, or cause any unacceptable losses of light for adjacent properties with adequate separation provided between adjacent dwellings to prevent any adverse impacts.

Sycamore House to the west is adjoining and would not be adversely affected by these proposals.

With regards to other adjacent properties, the windows to the front and rear would remain over 21m away. Fencing is in place on the boundary with number 20 which would prevent any overlooking from the ground floor window and door in the proposed gable. The first floor gable window would not face any main habitable room windows at number 20 and the rooflights would also raise no concerns in terms of privacy. As proposed the development would therefore be acceptable.

3. Design and Materials

In relation to two-storey side extensions the Design Principles SPD requires such developments to respect the balance and symmetry of the main dwelling whilst also avoiding a terracing effect with adjacent properties. Therefore it must be ensured that any extensions to this dwelling are appropriate to its proportions and Victorian vernacular form.

The elevation facing Barrowford Road is the rear elevation and contains some of the dwellings architectural merit whilst the front elevation to Netherheys Close maintains an attractive level of symmetry with a pair of bay windows either side of the entrance door with sash timber windows above. The proposed extension would be set back 500mm from that elevation and would not appear unduly disproportionate and unbalanced in that respect. The side extension would result in a width of 7.1m which is slightly more than half of the existing dwelling (12.7m) with a lowering of the roofline of 1m also proposed the extension would not appear disproportionate and would be subservient to the original dwelling when viewed from both elevations. Its scale and design would be acceptable in terms of impact on the character of this dwellinghouse.

The previous scheme included an expanse of bi-folding doors to the front elevation which was the fundamental reason for the Planning Inspectorate to dismiss the Appeal on this scheme on that basis. This element has been removed and therefore the design is now acceptable.

Acceptable materials are proposed and their quality and finish can be controlled by appropriate conditions. The street scene of Netherheys Close comprises of newer, modern dwellings with open front gardens and driveways. However, it is likely that this much older property and the adjoining Sycamore House would have had much more imposing features including the stone wall element

to the rear which would screen the ground floor element of the proposal to some extent. When those factors are taken into account, the proposed development would be acceptable in visual design terms and accords with Policy ENV2, the guidance of the Design Principles SPD and Paragraph 130 of the NPPF.

4. Protected Trees

A number of trees have been removed from the site including two Sycamores protected by the TPO No3 1989. Comments have been received in that regard. The contributed positively to the character of the property and visual amenity of the wider location, and that their removal has caused an adverse impact on the natural environment. A Tree Replacement Notice has been issued which requires two replacement Sycamores trees to be planted in the garden.

This matter has been dealt with separately by the Environment Officer and the site can accommodate the replacement trees on either side of the proposed extended vehicular entrance into the site. Once in situ the two replacement trees will be protected under the Tree Preservation Order.

5. Highways

Based on the submitted plans the proposal would increase the number of bedrooms by one.

Currently the site has parking for at least three cars to the front with a revised parking area proposed approximately 9m x 9m which can accommodate three vehicles plus driveway which is acceptable for a dwelling of this size and accords with Replacement Pendle Local Plan policy 31.

LCC Highways have raised no objections subject to a condition requiring the use of a bound surfacing material for the hardstanding, the proposed parking alterations and widening of the existing access point would have no adverse impacts on the safety of this residential cul-de-sac and the proposal would be acceptable in relation to highways matters.

6. Summary

The application involves the erection of a part two storey and part single storey side extension with access/parking alterations. No unacceptable impacts on residential amenity or the highway network would result from the proposal. The scale and design of the proposal would be appropriate for this site and would allow for the appropriate planting and establishment of two replacement trees on the site. The proposed development would not result in any detrimental impact on amenity and is acceptable in terms of scale, design and materials subject to appropriate conditions and thereby accords with policies ENV1 and ENV2, the guidance of the Design Principles SPD and Paragraph 130 of the NPPF.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would not adversely impact on amenity or highway safety and would be acceptable in terms of siting, design and materials and therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development permitted shall be begun before the expiration of three years from the date of the permission.

Reason: This condition is required to be imposed by virtue of Section 91(1) of the Town and Country Planning Act 1990.

2. This permission shall relate to drawing numbers:

Netherheys House, Barrowford Road planning application package – Revision F February 2021:

Location Plan 1:1250, existing and proposed site plans 1:500, 5688-4, 5688-5, 5688-6, 5688-7, 5688-8, 5688-9, 5688-10, 5688-11, 5688-12 and 5688-13.

Reason: This condition is required to be imposed by virtue of Section 91(1) of the Town and Country Planning Act 1990.

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

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

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access has been submitted to and approved by the Local Planning Authority.

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

5. Notwithstanding the submitted plans no first floor windows shall be inserted in the side (east) elevation of the development at any time without the prior written consent of the Local Planning Authority.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

6. The windows and door shall be set back from the external wall face of the wall by at least 75mm in depth.

Reason: To ensure a satisfactory appearance to the development.

7. All the rooflights to be installed shall be conservation type with a vertical mullion unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

8. 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:

- b. all proposals for new planting including the two replacement trees and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

9. The proposed development shall not be brought into use unless and until the parking area and driveway shown on plan 5688-4 have been constructed, surfaced, sealed in porous material, drained and marked out within the site in accordance with the approved plans. The parking spaces shall thereafter always remain unobstructed and available for parking purposes.

Reason: In the interest of amenity and to provide sufficient off-street parking on the site.

Application Ref: 21/0101/HHO

Proposal: Full: Erection of two-storey side extension and alterations to vehicle access.

At: Netherheys House, Barrowford Road, Colne

On Behalf of: Mr Anwar

REPORT TO COLNE & DISTRICT COMMITTEE 10th JUNE 2021

Application Ref: 21/0107/FUL

Proposal: Full: Installation of a raised deck to the front elevation with bin storage and bin store below.

At: Christ Church School, Keighley Road, Colne.

On behalf of: The School Governors

Date Registered: 19 February 2021

Expiry Date: 14 July 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

The proposal to erect a raised deck areas to the front elevation of the school building which lies with Lidgett & Bents Conservation Area.

The composite decked area would measure 11.5m in total length and project out 6.5m maximum from the front elevation of the school at a height of 1.3m with a 1.1m high metal and timber balustrade and hit and miss panelling beneath the deck with gates for access to storage.

The decking would also accommodate bins and access to the basement in the storage area below.

Relevant Planning History

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

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

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

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

Consultee Response

LCC Highways – No objections.

PBC Conservation Officer – With regards to design and impact on the HA the functional quality of the decking structure would not relate particularly well to the strongly Victorian character of the building, but it would be better than some of the other functional additions and alterations made over the years. It would help if the plan of the deck responded more obviously to the form of the building. The right-hand corner of the deck should align with the projection of the main gable adjacent to the steps, this could allow some of the existing stone screen wall to be exposed and the steps retained at their existing width. The existing bin area is to be screened by gates - this is shown on elevation but not on plan - but these should be matching timber rather than composite. This would be a visual improvement over the existing.

The design of the proposed balustrade as shown in the illustration appears fairly transparent, with slender metal rails, however some of the timber posts could be reduced in section, increasing transparency and allowing the lower walls of the school facade to be seen more clearly. The timber posts and handrail together with the edge of the deck would need to be stained a darker more recessive colour, so as to blend more naturally against the stonework of the facade when seen from Keighley Road. The dark coloured composite decking boards would not be prominent, and this would be a safer surface for the deck than timber boards. However, the screen doors below might look rather crude, as illustrated. It would be much better to replace the 'hit and miss' design with dark stained plain vertical boards, which would hide the diagonal bracing.

With some amendment the proposal would be likely to have only very minor impact on the character and appearance of the CA. Any minor harm to the CA would need to be weighed against the benefits of bringing the school up to required education standards.

Amended Plans

The deck plan aligns much better with the building, and the dark wood stain will be less prominent.

The timber doors below the deck would look much neater as plain vertical boarded rather the cruder 'hit and miss' design shown. Can this be conditioned?

Colne Town Council – Object as it will have an adverse effect on the street scene and is not in keeping with the surrounding conservation area.

Public Response

Site and press notices posted and nearest neighbours notified by letter without response.

Officer Comments

The main issues for consideration are impact on residential amenity, impact on conservation area/heritage assets and design and materials.

1. 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 the NPPF (2018), taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system.

Legislation

Section 72 of the Planning, Listed Buildings & Conservation Areas) Act 1990 states that when making planning decisions regard must be had to preserving or enhancing conservation areas.

Pendle Local Plan

The relevant adopted Pendle Local Plan Part 1: Core Strategy 2011 - 2030 policies for this proposal are:

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

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

The Conservation Area Design and Development Guidance also applies here.

National Planning Policy Framework

Paragraph 11 sets out the presumption on favour of sustainable development and what decision taking means in this respect.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 124). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 127). Design quality should be considered throughout the evolution and assessment of individual proposals (para.128).

Para 130 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 11 is to allow sustainable development to come forward.

Para 192 – 199 give guidance on assessing schemes which impact on heritage assets and how the impact on the significance of a designated asset should be attributed weight.

2. Impact on Residential Amenity

Policy ENV1 of the Local Plan states that development should reflect site surroundings and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

The proposed decking would be positioned approximately 2m from the side boundary with No. 301 sited to the west of the site and therefore there is likely to be some impact in terms of the position of the decking in relation to neighbouring properties due to its height of 1.3m and projections of 6.5m at this side which could result in overlooking and loss of privacy for these residents. No screening is proposed along the western elevation. The agent has suggested that there is currently ample screening along this boundary with the plans indicating three large trees and therefore a screen would not be required, however, on viewing the site from the side of No. 301 it is clear that the existing shrubs and foliage would not be sufficient to prevent potential overlooking from the users of the decking and this would lead to some overlooking of the rear garden area and to a limited extent the rear elevations by users of the school.

The erection of an appropriate screen to the side boundary with No. 399 would prevent any undue overlooking by users of the school. This can be controlled by an appropriate condition.

3. Impact on Conservation Area/Heritage Assets

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation.

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

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

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

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

Harm to assets is not precluded from happening but this needs clear and convincing justification. Less than substantial harm to a designated asset should be weighed against the public benefits of the proposal.

A Heritage Statement has been undertaken which assesses the potential impact of the proposed development on the significance of the Heritage Assets. This concludes that there would be less than substantial harm to the heritage asset.

The decking would be site across part of the front elevation and would site below the existing windows of the school thus not unduly obscuring views of the building.

The decking would be seen from Keighley Road but would not be prominent in these views as it would be seen in relation to the existing school and with the distance to the road this would reduce its potential impact.

The Conservation Area Design and Development Guidance SPD emphasises the need for simple and robust forms, good quality and predominantly natural building materials, for buildings to be well detailed and to respect local character and distinctiveness.

The scheme as submitted is acceptable in terms of siting, scale and massing. However, there are some changes to the design and materials which would improve the design and result in an acceptable structure within the conservation area and reduce potential impacts on the neighbouring property.

The proposal is relatively minor in school and any harm would be less than substantial and as such should be weighed against the public benefits of the proposal.

- Improved educational facilities by providing additional facilities to ensure the school is fit for purpose;
- Limited employment for building trade and local tradesmen/businesses,

These benefits would achieve the public benefits required to outweigh the limited harm caused by the small scale proposed scheme provided that there are changes to the proposed scheme which can be achieved by amended plans or by conditions attached to any grant of permission. This would assist in integrating the development into its context and preserving local distinctiveness.

4. Design & Materials

Whilst the decking would be seen from views along Keighley Road it would not be overly prominent as it would be viewed within the context of the existing school buildings.

Some changes to the materials would ensure that the decking blends in with the existing building and is of an appropriate standard within the conservation area. These can be controlled by appropriate conditions.

Taking this into account the proposal is acceptable in terms of visual amenity and would result in less than substantial harm to the Conservation Area subject to appropriate conditions.

5. Conclusion

The changes proposed will attain an acceptable design standard and would reduce the potential impact on residents and the conservation area and therefore result in an acceptable scheme.

In terms of the planning balance it is clear that the scheme would achieve benefits of providing the improvements and facilities required to ensure the school can progress and provide a vital community facility in the future. This outweighs the less than substantial harm to the conservation area.

Subject to appropriate conditions the scheme would be acceptable and accord with policy.

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 policy, impact on amenity, highway safety, design and materials and impact on the Conservation Area subject to appropriate conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

103230L007A & 10323-L16.

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

3. Prior to the decking being installed on the site samples of all the materials to be used in the proposed development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out strictly in accordance with the approved details.

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

4. Prior to the decking being installed on the site details of an appropriate screen in terms of height a, position and materials to be erect along the side boundary with No. 301 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in strict accordance with the approved details.

Reason: In order for the Local Planning Authority to control the external appearance of the development and prevent any loss of privacy.

Application Ref: 21/0107/FUL

Proposal: Full: Installation of a raised deck to the front elevation with bin storage and bin store below.

At: Christ Church School, Keighley Road, Colne.

On behalf of: The School Governors

REPORT TO COLNE AND DISTRICT COMMITTEE 10th June 2021

Application Ref: 21/0319/FUL

Proposal: Full: Replacement of existing windows with UPVC double glazed frames; formation of enclosure to existing fire escape stair and re-roofing works to strip existing slates and install new slate roof covering.

At: Linden Business Centre, Linden Road, Colne

On behalf of: Barnfield Construction Ltd

Date Registered: 21/04/2021

Expiry Date: 16/06/2021

Case Officer: Laura Barnes

This application has been called in by a Councillor.

Site Description and Proposal

The application relates to a large three storey building located to the rear of the Muni Theatre on Albert Road in Colne. The application site is within the Albert Road Conservation Area.

The application seeks planning permission to replace the existing aluminium framed windows with UPVC in RAL 7016 (anthracite grey), form an enclosure around the existing fire escape stairs and works to the roof including installing a new slate roof.

Relevant Planning History

13/15/0310P: Full: Major: Conversion of B1 offices (2,200sq m) to 21 flats (13 one-bed and 8 two-bed) retain 21 parking spaces: retain office to ground floor and theatre store to first floor
Approved with conditions

20/0518/OTD: Prior Notification Office Use Class (B1(a) to Dwellinghouses Use Class (C3):
Conversion of B1 offices to 20 flats. retain 21 parking spaces, retain office to ground floor and theatre store to first floor
Prior Approval not Required

21/0193/CND: Approval of Details Reserved by Condition: Discharge of conditions 3 (waste storage), 4 (cycle storage) and 6 (sound insulation) of planning permission 20/0518/OTD

Consultee Response

Colne Town Council

Object to uPVC windows, inappropriate materials within a Conservation Area and against advice of Historic England for best practice.

Conservation Officer

Linden Business Centre is the former Municipal Technical School which adjoins the Municipal Hall on Linden Rd and extends around to its rear. Both were built in the early 1900's as part of the same scheme. Although the School was built in a plainer architectural style than the Hall, the Linden Rd elevation in particular has some architectural features in common with the Hall. As the

Hall is one of the most distinctive buildings of the Albert Rd Conservation Area this relationship is important.

The long car park elevation of the building forms a prominent edge to this part of the Conservation Area, clearly seen from across the car park and from surrounding streets. This elevation is impressive in scale particularly due to the height of the window openings and is notable for the row of five large square windows at second floor level, each topped by an individual gable. These two main elevations also form part of the setting of the listed Norway House and Princess House on the opposite side of Linden Road.

From Albert Road partial views can be obtained of the more minor rear elevations which face onto a courtyard behind the Muni. These make a relatively neutral contribution to the character and appearance of the Conservation Area at this point.

The existing window frames are quite modern in date, but their slender steel frames are appropriate to the relatively functional almost industrial style of the building. There is no objection to their replacement provided that the design and materials of the new frames are equally responsive to the context, particularly on the two main elevations. For this reason metal or timber frames should be used in order to preserve the character and appearance of the Conservation Area. Coloured aluminium frames could provide a suitable replacement, reflecting the existing metal windows and the functional aesthetic of the building, with potentially fewer maintenance implications than timber. The use of UPVC frames with their chunkier profiles, plastic finish and cruder detail should be resisted.

It is proposed to replicate the framing pattern of the existing windows, and this should be acceptable. However it is proposed that many of the panes are to be blanked out, particularly at ground floor level. This could have an adverse visual impact unless the windows were carefully detailed to maintain a neutral glazed appearance to the blank panes. If the scheme were otherwise acceptable, this could be the subject of a condition.

The dark grey metal cladding proposed to the external fire escape stairs to the courtyard elevation would reduce the visual impact of the stairs and would not be overly prominent from Albert Rd. Further conditions would be required on the details of the cladding and to ensure matching stone is used for the blocking up of windows adjacent to the stairs.

The proposed re-roofing would also be acceptable, with the appropriate re-use of existing slates to the outward facing elevations and matching new slate to the rear.

Public Response

Nearest neighbours have been notified, a site and press notice displayed.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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.

Replacement Pendle Local Plan

Saved Policy 31 sets out the maximum parking standards for development.

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 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.

Paragraph 196 of the Framework sets out that where development proposals would lead to less than substantial harm to the significance of a designated heritage asset, this harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

The Conservation Area Design and Development Guidance SPD sets out the standard of design which will be expected within Conservation Areas.

Design & Heritage

Local Planning Authorities have a duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve and enhance the character and appearance of heritage assets. Policy ENV1 states that the historical significance of heritage assets must not be detrimentally affected by development.

The development would involve replacement of the existing steel windows with UPVC. The principle of this is not acceptable, due to the chunkier frame with plastic details in this prominent location within the Conservation Area. Similarly, the blanking off of some windows. This could have an adverse visual impact unless the windows were carefully detailed to maintain a neutral glazed appearance to the blank panes.

The application also seeks planning permission to replace the roof materials and to enclose the fire escape staircase with a metal cladding. The proposal is to remove the existing roof and have a new slate roof covering installed; existing reclaimed West Moorland green slates to be installed on the outer facing roof pitches. Inner facing roof pitches to be finished with Brazilian green slates. The existing lead work is to be removed and replaced with new polyester powder coated aluminium cap flashings fixed back to existing stone with tilt clip supports in RAL 7040.

The proposal also involves cladding the existing fire escape stairs with steel cladding sheets in RAL 7021. The proposed cladding is to a staircase which already exists, as such the additional impact of the cladding would be minimal. Further, the fire escape is located to the side of the building which is not visually prominent in the Conservation Area and leads to a car park and bin storage area to the side of the building. The muted colour would assist in drawing attention away from this. Details of the cladding material and finish can be secured by condition.

However, inappropriate window replacements would cause less than substantial harm to the Conservation Area at this point, contrary to the Framework. There would be no public benefit which would outweigh this harm. As such, it is contrary to paragraph 196 of the Framework and Policy ENV1 of the Local Plan: Part 1 Core Strategy.

RECOMMENDATION: Refuse

For the following reasons:

1. Due to their position in a prominent location within the Albert Road Conservation Area, the proposed replacement would cause harm to the visual amenity of the area, which is not outweighed by any public benefit, contrary to paragraph 196 of the National Planning Policy Framework, Policy ENV1 of the Local Plan: Part 1 Core Strategy, the Design Principles SPD and the Conservation Area Design and Development SPD.

Application Ref: 21/0319/FUL

Proposal: Full: Replacement of existing windows with UPVC double glazed frames; formation of enclosure to existing fire escape stair and re-roofing works to strip existing slates and install new slate roof covering.

At: Linden Business Centre, Linden Road, Colne

On behalf of: Barnfield Construction Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 25th May 2021