

REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 08th JULY 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 8th JULY 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

This application was deferred from the last meeting to allow for further information on drainage, highways and landscaping to be submitted. This information has not been received at the time of writing this report and a update will be given at the meeting.

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 houstypes 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 houstypes 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 dwellings 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.

Part 1

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 8th JULY 2021

Application Ref: 21/0087/FUL

Proposal: Full: Major: Re-development of the site comprising the erection of roadside services including a Petrol Filling Station with ancillary convenience floorspace and drive-thru coffee unit and Erection of two industrial units (Use Class B2/B8), with associated infrastructure, access, car parking and landscaping.

At: Land Adjacent Whitewalls Drive, Colne BB8

On behalf of: Monte Blackburn Limited

Date Registered: 11th March 2021

Expiry Date: 10th June 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

This application is for planning permission to develop 3.5 hectares of land at the south west corner of junction 14 of the M65 for a Petrol Filling Station, drive thru-coffee shop and two industrial units with associated infrastructure, access, car parking and landscaping.

The site shares a gateway location at junction 14 of the M65 with the Boundary Mill complex. The site lies largely within the settlement boundary between the towns of Colne and Nelson. The southern section which includes Greenfield Road and part of the Greenfield Road Nature Reserve is not within the designated settlement limits set out in the adopted Local Plan. Land outside of the application site to the south is in Open Countryside with the Greenfield Nature Reserve designated as a Local Nature Reserve (LNR).

The land is currently open land used for pasture. There are protected trees within the site and also along the site's boundary with Greenfield Road. The site is at an accessible location, bounded by the M65 to the north and to the east by Junction 14, M65 and Whitewalls Drive (A6068). To the south of the site is Greenfield Road and Greenfield Road Nature Reserve. To the south western corner of the site are residential dwellinghouses fronting onto Greenfield Road. The remainder of the western boundary abuts woodlands which lie within the Green Belt and is also designated as LNR.

The land slopes upwards in a northerly direction towards the M65 and is prominent from all approach roads.

The total amount of gross floor space would be 5,501.5 sq.m. with a Petrol Filling Station with ancillary convenience shop and Coffee Shop (701.5 sq.m. plus 4,800 sq.m B2/B8 units. The Petrol Filling Station is proposed to service HGV's as well as commercial and domestic vehicles with car wash and jet wash facilities.

In terms of site access, new signals are proposed on Whitewalls Drive which will access the development and incorporate a section of Greenfield Road and create a replacement access for the residential properties served off Greenfield Road.

The total amount of proposed car parking would provide a total of 115 spaces (including staff and 5 disabled person spaces). 12 cycle spaces are also proposed to be provided.

A number of protected trees have already been removed as a result of the previous permission for the garden centre on the site. Replacement planting to mitigate the loss of trees is proposed around the boundary of the site and to the west of the site.

A Planning Statement, Design and Access Statement, Drainage Strategy, Habitat Survey, Arboricultural Report, Flood Risk Assessment, Acoustic Report, Transport Statement, Travel Plan and Sequential Assessment have been submitted in support of this application.

Relevant Planning History

13/90/0626P Outline application for hotel development - Refused March, 1991.

13/98/0431P Outline application for development of hotel/motel with A3 uses (restaurant/pub) and altered access (3.5 ha) - Approved October 1998.

13/00/0587P - Erect 60 bedroom hotel complex including bar/restaurant, conference facilities and fitness centre - Approved 12th March, 2001.

13/13/0593P – Full: Major: Erection of 9,040 sq.m. garden centre including cafe and farm shop with outdoor sales/display area; creation of 452 space car park, servicing and circulation space, access and highway improvements, landscaping and associated ground works – Approved 10th February, 2015.

Consultee Responses

Lead Local Flood Authority: The Lead Local Flood Authority has **no objection** to the proposed development, subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority:

Condition 1 (Development in accordance with the submitted Flood Risk Assessment and Surface Water Drainage Strategy):

The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted flood risk assessment (reference: NS_0124_15, by: Nicola Sugg Consultant Hydrogeologist & Hydrologist, dated: January 2021) and surface water drainage strategy (reference: P14612, by: Goodson Associates, dated: 21 January 2021).

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

Condition 2 (Final Sustainable Drainage scheme to be submitted):

No development shall commence until a final, detailed surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment submitted and the sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), either directly or indirectly. The detailed sustainable drainage scheme shall include, as a minimum:

- a) Final sustainable drainage plans, appropriately labelled to include: i. A plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. A final sustainable drainage system layout plan showing all pipe and structure references, dimensions and design levels;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
 - v. Finished Floor Levels (FFL) in AOD with adjacent ground levels for all sides of each building to confirm a minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary; and
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;
- b) A full set of sustainable drainage flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an additional 40% allowance for climate change and a 10% allowance for urban creep. Surface water run-off must not exceed a maximum rate of 29.2l/s.

The sustainable drainage strategy shall be implemented in accordance with the approved details prior to first occupation of any of the approved buildings.

Reason:

To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 163 and 165 of the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

Condition 3 (Construction Phase Surface Water Management Plan):

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

- a) Measures taken to ensure surface water flows are retained on-site during construction phase(s) and, if surface water flows are to be discharged they are done so at a restricted rate to be agreed with the Lancashire County Council LLFA.
- b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

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

Reasons:

- 1. To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on site or elsewhere;

2. To ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

Condition 4 (Operation and Maintenance Plan & Verification Report of Constructed Sustainable Drainage System):

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

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

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

Reason:

To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of Paragraph 165 of the National Planning Policy Framework.

Lead Local Flood Authority Comments:

Surface water drainage scheme:

The surface water drainage proposals set out on drawing P14612 500 are only preliminary and subject to change following further detailed design and investigation. The applicant also needs to confirm the exact route and location of the final surface water discharge point once all third-party access arrangements have been agreed. A final surface water drainage scheme will therefore need to be submitted to and approved by the LPA prior to the commencement of any development. The final surface water drainage scheme must comply with the requirements of the National Planning Policy Framework, the Planning Practice Guidance and the Defra Technical Standards for Sustainable Drainage Systems. The strategy must also be accompanied by an appropriate management and maintenance plan that details how the surface water drainage network will be managed and maintained over the lifetime of the development. The LLFA is satisfied that these details can be secured through the inclusion of the above recommended planning conditions.

The applicant is advised to take note of the requirement regarding urban creep and to ensure that this is appropriately accounted for within the final surface water drainage scheme.

The proposed outfall may require a legal agreement with third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities.

Sustainable Drainage Systems:

The LLFA encourages the applicant to maximise the use of sustainable drainage systems (SuDS) when designing the surface water drainage scheme for the development site. This is because sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk. Sustainable drainage systems can attenuate the rate and quantity of surface water run-off from a site, and they can also absorb diffuse pollutants and promote groundwater recharge. Ponds, reed beds and seasonally flooded grasslands are also particularly attractive features within public open space. The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Some SuDS features, for example rainwater harvesting and permeable paving used on roads and driveways, must not be included as part of the hydrological calculations for the site. This is because occupants may change or remove these features in the future and this could have the potential to increase surface water runoff from the site. Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations, the local planning authority would be advised to consider the removal of permitted development rights.

Construction Phase including enabling works:

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

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

United Utilities - A public sewer crosses this site and we will not permit building over it. We will require an access strip width of 13m, 6.5m either side of the centre line, in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. If a diversion of the sewer is required it will be at the applicant's expense. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

LCC Highways - The full and details comments are still awaited following requests from LCC Highways and the Local Planning Authority to amend the scheme. Once the amended plans have been received then detailed comments will be provided.

Lancashire Fire and Rescue Service – Comments on the requirements to meet all the Building Regulations Approved Document B for turning facilities for fire service vehicles.

PBC Environmental Health – Conditions required for noise, external lighting, construction method statement, contamination,

PBC Environment Officer (Trees/Landscape) –

Whilst, I do not have any objection to the principle of development on this site, I **cannot** support the proposed development in its current iteration. The reasons for this, in summary are as follows:

1. The application fails to take into account a veteran tree which the applicant seeks to remove (paragraph 175(c) of the NPPF; Policy ENV1, Pendle Local Plan part 1).
2. The application fails to take into account impacts on the Local Nature Reserve which it adversely affects (Policy ENV1, Pendle Local Plan part 1).
3. The application fails to take into account priority habitats both within and adjacent to the site (Policy ENV1, Pendle Local Plan part 1, Under section 40 of the Natural Environment and Rural Communities Act the Council have a duty to conserve priority habitats).
4. The application will result in the loss of the parking area for the Local Nature Reserve.
5. The application seeks to remove trees protected by Tree Preservation Order (TPO/NO2/1990).

Planning & Retail Statement

Although the planning and retail statement is largely adequate it appears that it has been prepared with a cursory glance with other ecological and in particular arboricultural documents supplied with the application.

Reference is made to both reports and in main the recommendations arising out of the reports. However, it fails to acknowledge the veteran tree and the developments impact on it. Paragraph 3.17 of the document acknowledges that there will be loss of trees to allow the construction of an access road onto Greenfield Lane. However, it fails to mention that one of the trees is veteran, the others are protected by Tree Preservation Order and are priority habitat.

Ecology Report

The Ecology report is largely adequate in both detail and subject. However, the survey was carried out by undertaking only two site visits in January which is sub-optimal.

The area survey in the report (figure 1 of the document) is different from the red edge of the plan. As such the ecology report does not take into account the impacts on the nature reserve on southern edge of the site.

The report also fails to highlight and take into account the priority habitat to the south of the site and there is little evidence to say that an investigation into species has taken place.

The report notes that the grassland is not significant with regard to ecology.

The report gives the following recommendations:

- A nesting bird survey to be carried prior to work commencing.
- That bat sensitive lighting scheme be devised to protect bat foraging areas.
- That buffer habitat be created to protect the Nature Reserve.
- Soft landscaping that supports pollinators.
- Tree planting with native tree species.

These recommendations should be conditioned.

Arboricultural Report

The arboricultural report is largely adequate and follows BS 5837:2021 methodology.

The report highlights that T7 Oak is a veteran and categorises the tree as B2/3. This categorisation is wrong. A veteran tree should automatically be classified as A3 due to its rarity as

a habitat. As such the Root Protection Area of this tree is also wrongly calculated and should be 15 times the diameter of the tree and not 12 times. The root protection area of this tree should be 12.3m.

As a veteran tree the report should highlight that under the paragraph 175(c) of the NPPF an application should be refused where 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;'

I cannot support the removal of this tree to allow development.

T11 is an early mature Oak that is in good condition in the assessment table this tree has been classed as C1. In my opinion this tree should be categorised as A1. It is proposed that this tree is removed to make way for a section of road between the units. It is my opinion that this tree should remain and the development designed around it.

The Tree Protection Plan within the document is satisfactory. It should be a condition that no works are carried out on the site until the tree protection fencing is in place and agreed by the LPA.

Landscaping Plan

The arboricultural report states that Group 6 is to be retained. However, this is missing off the landscape plan. It is essential that the information in the reports and the plans match. I would much prefer the retention of Group 6 as this is semi mature and will provide some screening to the site.

The trees on the Whitewalls Road boundary are made up of two species, *Acer campastre* (Field Maple) and *Tilia cordata* (Small-leaved Lime) which are relatively small trees when mature. It is my opinion that this elevation requires a more diverse selection of species and in particular, those that are likely to make a landscape impact. The distance between where the tree is to be planted and the nearest building can accommodate this.

Tree planting within the site and to provide a buffer to the Nature Reserve is welcomed. However, the species specified are again fast growing, relatively small species and in most cases do not reflect the species that occur within the nature reserve.

Within the site there is a particularly nice drystone wall. This should be incorporated into the landscape design. Where any stone is left over, this could be used to improve the retaining wall adjacent to Greenfield Road.

Where the landscaping scheme is designed to screen the development from the properties on Greenfield Road, I would prefer that a more mature size of tree is used in the first instance. It is my opinion that the landscape plan is pretty close to being acceptable but some work is required to ensure that the best scheme possible can be delivered. Should the application be granted approval, I would prefer that the buffer to the western border of the site and nature reserve is planted prior to development starting and fenced off to protect it.

I note that there is no landscape management plan submitted with the documents. This should be conditioned if approval is given.

Impacts on the Nature Reserve

The entrance road to the site dissects the current car park for the Nature Reserve which will result in its loss. It will also mean that an alternative location for the Friends of Greenfield LNR's cabin will require moving to an alternative location. The current location of the cabin was as a result of complaints from local residents.

The site layout plan (19.160 001 T) appears to show some of the red edge of the site within the boundary of the nature reserve and alterations to the main entrance to the site. This is a statutory site and should not be altered.

It is with the above two points that I cannot support the application.

It is my opinion that Unit B is quite close to the eastern boundary of the Nature Reserve. It is possible that the nature reserve could still be affected by noise, pollution and disturbance resulting in the close proximity of this unit.

Conclusion

At this stage I cannot support this application for the following reasons:

- The further loss of TPO trees on the site. The site has already lost most of its protected trees. While I appreciate that this not down to the application, there is still the potential to lose more as a result of this scheme.
- Impacts on the Local Nature Reserve. The scheme take a small portion of a statutory site into its ownership. A larger buffer between unit B and the reserve would be more appropriate. The car park and the Friends group cabin would be lost to the development.
- The impacts on a veteran tree. The removal of a veteran tree should only occur in wholly exceptional circumstances (NPPF, Paragraph 175(c)). Where these circumstances do not occur the application should be refused. It is my opinion that there are no wholly exceptional circumstances and the scheme can easily be altered to work around this irreplaceable habitat.

PBC Footpaths – The proposals will have an impact on public footpath 13-4-FP173 which runs along Greenfield Road. This footpath forms part of an important pedestrian route running from Colne to Barrowford or Colne to Nelson. It is also an important recreational route giving access to the tow path of the Leeds and Liverpool Canal. The footpath is also promoted as a public cycleway and is extensively used by cyclists for leisure and other journeys. The proposed development should seek to minimise any disruption or loss of convenience to people using this route with non-motorised forms of transport.

There are two particular areas of concern. Firstly, the increased complexity of the junction on Whitewalls Drive may impact on the convenience and safety of pedestrians. The proposals appear to include a pedestrian crossing only on the north side of the proposed junction. This means that pedestrians would have to cross both Whitewalls Drive and the new estate road before being able to re-join the public footpath and this represents a loss of convenience. This loss of convenience is likely to tempt pedestrians to ignore the crossing facilities and to take their chances crossing the live carriageway and this represents a loss of pedestrian safety. I would prefer to see the crossing facilities to the south of the junction so that pedestrians and cyclists need only cross Whitewalls Drive in order to continue along the footpath on Greenfield Road.

The second area of concern is where the new link road bends to the right and departs from the existing line of Greenfield Road. The plans show a further new road linking to this, which is presumably to serve the existing properties on Greenfield Road. It is not clear what effect this would have on the section of footpath which is circumvented by the new roads. I have no objection to mechanically propelled vehicles being excluded from the public footpath, but it is important that the existing footpath is kept open for cyclists and pedestrians as this is the most direct and convenient route. There has been a problem of Greenfield Road being used as a short cut for Colne to Barrowford traffic, and therefore the new link road being formed should be clearly signposted as a private road with no access for unauthorised vehicles.

The public footpath may be at some risk from unauthorised interference as a result of development and therefore would you please include a note with any planning permission granted, as appropriate.

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.

Colne Town Council – Object on the grounds that this development will take business away from the Town Centre. Such developments should be resisted in order to keep out Town Centre resilient. The industrial units will also have an adverse impact on the Greenfield Road Conservation Area.

Public Response

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

Numerous objections have been received on the following grounds:

- We don't need another petrol station in the area in ten years' time we won't need fuel as this government is trying to go green with all electric vehicles;
- There is a coffee shop within Boundary mill;
- There is a well-known and used nature reserve close by;
- There is a row of very nice terraced houses nearby plus a new build Bungalow. I'm sure the residents do not want this new petrol station with the smell of fuel and operating 24 hours as well;
- Industrial units need to be built near industrial units not in a field full of wildlife;
- Mature trees were chopped down a few years ago near the current site for a garden centre which was never built and yet no trees were replanted?;
- It will contravene the Council's policy to achieve zero carbon emissions by 2030 with rising levels of pollution from vehicles;
- It will damage the existing habitat and biodiversity which is used by deer bats, hedgehogs, kestrels and barn owls;
- The site will take over part of the Local Nature Reserve and car park and redirect access to the Reserve;
- It proposed a high number of spaces for the service station and 2 industrial units which will lead to ground pollution and into Colne Water;
- Increase the risk of flooding to adjacent properties;
- We already have traffic problems in Colne which this redevelopment would make a lot worse;
- I don't believe that Colne needs another petrol station or coffee shop, we already have a wonderful independent coffee shop and more than enough petrol stations;
- The site is very close to a nature reserve and would be better off left as a green site;
- A number of mature trees covered by TPO are to be cut down. The application states these will be replaces 2 for 1 – you cannot replace a tree that is mature and may be many of hundred years old with a token one or two;
- Why do we even bother to have TPO's and greenfield sites and natures reserves?
- Stop building on our land land;
- I have family in the area and before lockdown was a regular visitor to Colne, the nature reserve and Barrowford locks. Colne is a beautiful old historic town. This development with the hideous industrial units and unnecessary fourth petrol station would be a blight on the lovely countryside;
- The regular standing traffic on the M65 is very concerning indeed;

- There has been no traffic assessment undertaken;
- Drivers will divert along Greenfield Road to avoid traffic backing up on the A6068. Increased traffic along this route would be a danger to many people who use Greenfield Road for leisure purposes;
- We should preserve the natural world we have not pave over it;
- The proposal practically surrounds the houses on Greenfield Road and will have a direct impact on current and future residents potentially devaluing the properties;
- I note that there is an application for housing to be built on two sites very close to this development. This will destroy that area of Colne/Nelson;
- Light and noise pollution on wildlife and local residents;
- The location of this development is totally inappropriate;
- If a traffic survey was taken in the last 12 months it will not reflect the true level of traffic using the local roads;
- The buildings would be more appropriate on Lomeshaye;
- Another fast food outlet – more litter for residents to clean up;
- It is unlikely that the proposed plans would increase employment in the area;
- The removal of the use of our lane and diverting us into the proposed industrial estate is totally unnecessary;
- The huge, unsightly and imposing industrial units are not suitable in a residential area;
- Pedestrians will have to walk through an industrial estate rather than a country lane;
- The development will not benefit local economical progression;
- LGV's can only use certain key filling stations due to their height in the vicinity is Blackburn and Keighley so this will attract a large number of lorries;
- LGV's operate 24 hours 7 days a week often travelling in the early hours as the roads are quiet and therefore using this filling station 24 hours a day. The large polluting diesel engines are very noisy and braking is controlled by compressed air. Refrigerated LGV's use a motor to keep the container cool which is also loud. Vehicle checks whilst stationary take 15 minutes with the engine warming up leading to noise and air pollution;
- Greenfield Road is already used as a cut through from Barrowford to Colne and vice versa this is going to make it worse;
- This is an out of town development and will have negative impacts on the independent shops and cafes in Colne town centre so is contrary to planning policies;
- It is a greenfield site and there are plenty of previous developed land nearby such as LBS site South Valley and Fleet Street depot in Nelson;
- It is within 100m of a major watercourse with pollution risks;
- The character of this historic Greenfield Road would completely disappear;
- Emissions are of major concern in an area where they are already high;
- A major gateway to our town will be diminished but turning it into a traffic bottleneck. This could deter other employers from basing their businesses in Colne;
- Boundary Mill was turned down for the garden centre on this site – is this going to be constant noise for all the people living nearby? Is this petrol station opening 24 hours;
- This may put some tyre fitting services and petrol stations out of business so you won't be gaining on employment;
- Colne has beautiful independent shops which will be negatively impacts by this;
- Town centre shops have struggled enough due to lockdown and reduced footfall in recent years due to online shopping;
- Overloading traffic on one of the worst junctions in the area which already experiences many holdups. Measures are in progress to improve traffic flow past Colne and this development will have a negative impact on the proposed improvements;
- Within a three mile radius of the site we have 20 food takeaways, 12 food stores, 5 tyre centres and 9 petrol stations;
- Petrol and diesel cars are to be phased out in a short time scale;

- There are moral, ethical, environmental and financial implications of this application including anti-social behaviour, unsocial hours, litter, verbal abuse and loud radios and vehicular near misses;
- Increased parking problems, damage to parked cars, cars falling off the access into the nature reserve,
- HGV's becoming stuck on the tight turn at the bottom of the drive heading for the lower cottages, damaging roads, buildings and vehicles;
- Negative impact on the health and well-being of residents and species;
- EC Group has no ISO1400a:2015 registration or Environmental quality standard marks to show commitment;
- Increased emissions so close to garden sand homes could impact on air quality, associated asthma and pulmonary infections;
- Retro-fitting power supplies to upgrade charging points would create more disruption to residents;
- Review the available accounts of Monte Blackburn Ltd and EG Group for matter to date;
- Travellers and visitors will have no need to enter Colne depriving the town of passing trade;
- The additional pedestrian crossing will further disrupt the flow of traffic;
- P049 has been assessed for housing and was found to be not compatible with the M65 and Waste Water Treatment Works due to adverse impacts so way would this development be acceptable?
- The proposal does not promote sustainable tourism;
- The facilities that this site would provide already provided within the Town Centre area;
- The proposal does not fit with the local physical environment and will impact on the appearance of the surrounding area;
- 100a Greenfield Road is missing from all documents including maps?
- There are not allotments but private gardens;
- The large industrial scale will not be softened by landscaping;
- The proximity, size and scale of the buildings need to be taken into consideration;
- Will there be controlled on hours worked in the interest of residential amenity?
- I hope these concerns are afforded appropriate planning conditions and at the very least those imposed on Planning Application 13/13/0593P on the same site;
- The site is Greenbelt and is an active SSSI Impact Risk Zone;
- A magnificent Lime T6 with bat boxes and a Veteran Oak T7 are proposed to be removed;
- This site should become an extension of the adjacent nature reserve;
- The medieval ridge and farrow system of land management is still visible and its loss would be a great shame;
- The site is an important foraging ground for bats as confirmed by the East Lancashire Bat group;
- Pendle has approximately 20% of the green space it should have according to population figures;
- The 115 parking spaces exceed the maximum allowed by 30%;
- We were told there would be a buffer down the side of no. 90 but it is not shown;
- The green fields and woodland form an intrinsic part of the setting which tells the visitor that the motorway has ended and Colne has begun; and
- Nearby is the ancient settlement of Greenfield which is a Conservation Area, we contend that this development will affect the setting of the town, the Conservation Area and the nature reserve.

Greenfield forum

We are not against the development per se but we are concerned about the following factors:

- The loss of the use of our beautiful tree lined lane and instead being diverted into the proposed industrial estate.
- The loss of yet more “protected” mature trees on that lane. (If you remember the last planning approval for that site saw 14 of these type of trees removed from the site, five on the lane itself and many more covering the area which didn't have a TPO). The agreement put in place, a tree planting scheme, to mitigate the loss of these trees was never enforced.
- The two hideous 15m high, steel framed grey panelled industrial units. We actually thought this may be a wind up or an April fool but that's not until Thursday! This is a residential area, those buildings are only suitable for an industrial estate. Apart from the aesthetics, the noise, light and air pollution would be unbearable.
- The proposal to build another fuel filling station. (We already have three in a half mile radius, not including the new one at junction 13) This is not of benefit to the residents of Colne, we don't need five filling stations! This will only exacerbate the traffic problem in this area. North valley road, Whitewalls Dr, Albert Rd are not fit for purpose at peak times. Traffic is regularly at a standstill on the M65 which is very dangerous. Attracting more cars and lorries to that area before the current problem is sorted isn't the answer.
- The current plans would be detrimental to the area which many people enjoy each day. The loss of wildlife habitat would be irrecoverable in our lifetime and the plans to industrialise this side of Greenfield road would be unforgivable!

Two responses received in support of the proposal stating:

- A good motorway services is much needed at this end of the M65, it will serve the truck driver well for the passing to and from Yorkshire. I do hope there will be a decent sized petrol station forecourt with HGV access as this is something lacking in the area with the nearest being Blackburn. A good opportunity for local employment when the site is up and running;
- The development will bring more employment opportunities for those that live within Burnley and Pendle, after the last 12 months where businesses have had to permanently close and people losing jobs surely any opportunity like this should absolutely be given serious consideration; and
- Most petrol stations once you get towards the end of the motorway are located out of the way and hardly convenient this location is ideal.

Policy Issues

Development Plan

The development plan for the area comprises of the adopted Pendle Local Plan Part 1: Core Strategy 2015 (“the Local Plan”).

ENV1 – Protecting and Enhancing Our Natural and Historic Environments

The site is adjacent the Greenfield Local Nature Reserve (LNR).

Development which would be likely to adversely affect the established interest either directly or indirectly will only be permitted where the benefits outweigh the need to safeguard the value of the site.

Whilst the site is close to the Greenfield Conservation Area which contains a number of listed buildings it is separated from this by Whitewalls Drive and the siting of other commercial buildings

Development should ensure that proposals follow the design principles set out in ENV2 on the connection between design and conservation.

ENV 2 – Achieving Quality in Design and Conservation

The policy seeks to delivery highest possible standards of design and meet future demands whilst enhancing and conserving out heritage assets. An assessment of the appropriateness of the design of the development is set out in the Design section of this report.

ENV4 – Promoting Sustainable Travel

Proposals should follow the settlement hierarchy approach in SDP2 and minimise the need for travel by ensuring they are in appropriate locations close to existing or proposed services. Proposals should have regard to potential impacts to the highway network particularly in terms of safety and the potential to restrict free flowing traffic, causing congestion.

ENV 5 - Pollution and Unstable Land

The policy refers to proposals where odours, noise or vibration are likely, should be accompanied by a statement illustrating the levels of potential pollution and any remedial action to be undertaken. A land contamination report has not been submitted, however, this can be controlled by condition.

An Acoustic Report has been submitted which has assessed vehicle movements, fuel pumps, car washes, mechanical equipment and industrial units and concludes that these levels would be acceptable subject to car wash, jet washes and vacuuming are limited to daytime and early evening only.

In terms of air quality this is discussed further in the Air Quality section.

ENV 7 – Water Management

Resists development which would be at risk of flooding or increase the risk of flooding elsewhere or impact on flood defence schemes.

A Flood Risk Assessment has been submitted which concluded that the proposed development is less vulnerable in flood risk terms and is appropriate and sustainable with regards to flood risk.

The proposed drainage strategy is also acceptable subject to appropriate conditions.

WRK1 – Strengthening Local Economy

Proposals will be supported where they facilitate expansion, regeneration or improved transport links.

WRK2 – Employment Land Supply

Seeks to ensure sufficient land for employment uses is brought forward which support Use Classes B1, B2 and B8 particularly along the M65 Corridor.

WRK4 - Retailing and Town Centres

Policy SDP5 identifies the location for retail development in Pendle. All retail applications that are intended to serve a borough-wide catchment should be located in Nelson or Colne.

Applications for retail and main town centre uses should identify sites or premises that are suitable, available and viable by the sequential approach in order of priority:

1 Town and local shopping centres

- 2 Edge-of-centre locations
- 3 Out-of-centre sites

Retail proposals on edge-of-centre or out-of-centre sites will generally be resisted.

WRK6 – Designing Better Places to Work

The provision of well-designed workplaces is encouraged with proposals taking account of the design principles set out in Policy ENV2. New build schemes should maximise the potential of the site by building at appropriate density and seek to enhance mix of uses of an area. Buildings should be designed to be adaptable and flexible for different uses.

Large mixed use developments should be planned on a comprehensive and integrated basis within an overall Masterplan and include a phasing regime and ensure that residential and other occupiers in the area retain an appropriate level of amenity.

SDP 1 – Presumption in Favour of Sustainable Development

The decision maker will take a positive approach that reflects the presumption in favour of sustainable development contained in the Framework and proposals that accord with the policies will be approved without delay unless material considerations indicate otherwise.

SDP 2 – Spatial Development Principles

Colne is classified as a Key Service Centre which will provide the focus of future growth in the borough and accommodate the majority of new development.

SDP4 – Employment Distribution

M65 Corridor will seek to accommodate 78.5% of new employment land.

SDP5 – Retail Distribution

Major retail development should be located in one of the three main town centres with smaller scale retail within a town or local shopping centre.

A Sequential Assessment has been submitted and this is reviewed in more detail below.

The Replacement Pendle Local Plan is also relevant to the application in terms of its saved policies. The policies of relevance are:

Policy 4C - County and District Designated Sites

The site is adjacent to a Local Natural Reserve (Greenfields) to the south and a site of Local Natural Importance (Greenfield) to the west). As such the applicant will be expected to submit a detailed environmental assessment.

Policy 4D - Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity

The Council encourages the re-establishment of habitats and species protection to help maintain and enhance biodiversity.

Policy 25 – Location of Service and Retail Development

Sets out the priority for major developments as well as the location for new retail and service provision

Policy 27 - Retail and Service Land Provision

Identifies the edge-of-centre allocated retail site:

a) Clayton Street, Nelson

Policy 31 – Car Parking

The policy promotes the use of maximum parking standards (Appendix 2) to encourage the use of sustainable modes of transport, including walking and cycling.

The proposed development would have a total of car parking spaces, of which will be easily accessible and reserved for mobility impaired users and cycle spaces

National Planning Policy Framework ("the Framework")

There is a presumption in favour of sustainable development which is defined as being development that complies with the Framework; that planning should proactively drive and support development and; that efforts should be made to identify and meet housing, business and other development needs. In addition, the Framework states that Local Authorities should approve applications where practical to do so and attach significant weight to the benefits of economic and housing growth.

The Framework also states "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Pendle has an up-date Local Plan in the Pendle Local Plan Part 1: Core Strategy, adopted 17th December, 2015.

The Framework states that planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of town centres. The Framework states that local planning authorities should recognise town centres as the heart of their communities and pursue policies to support their vitality and viability

Para's 86 and 87 of the NPPF sets out that LPA's should apply a sequential test to planning applications for main town centre uses which are not in an existing centre or in accordance with an up-to-date plan. Proposals on the edge of centre and out of centre should demonstrate flexibility on format and scale so suitable town centre or edge of centre sites are fully explored.

Local planning authorities should promote competitive town centres that provide customer choice and a diverse retail offer. They should also allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, they should set policies for meeting the identified needs in other accessible locations that are well connected to the town centre.

The application site is more than 300 metres from the 'primary shopping area' in Colne town centre and is therefore considered to occupy an out-of-centre location.

As an out-of-centre retail development the applicant is required to carry out a sequential assessment in accordance with the Framework.

Officer Comments

The main issues for consideration are the appropriateness of the site for the proposed uses, in terms of how this can be accommodated into the area and surrounding uses; the affect it would have on shopping patterns and the vitality and viability of Colne Town Centre; and its impact on traffic flows and highway safety; design issues. Other planning matters include impact on residential amenity, impact on protected trees and ecology, air quality, archaeology, flood risk assessment and land contamination.

Impact on Economy and Town Centres

The overall policy emphasis at both local and national level is to promote sustainable patterns of development and ensure that town centres remain at the heart of the communities. Policies and decisions should support the vitality and viability of town centres. Impacts on either committed public or private investment, the vitality and viability of town centres that would be significant or if there are sequentially preferable sites available should lead to applications being refused. In order to look at these issues the agent submitted a Planning and Retail Statement for the scheme. The proposal falls below the national threshold for the test of impact and based on the scale of the proposed development it is not considered reasonable or justified to require an assessment of retail impact.

This has been independently assessed by consultants on behalf of the Council.

In terms of the sequential test the Planning and Retail Statement concludes that the test is not relevant to the proposal due to the specific market and locational requirements of the proposed development with reference to a recent appeal decision for a site in Oxfordshire. In our view, the two schemes are not directly comparable as the appeal proposal relates to a proposal for a drive thru coffee unit adjacent to an existing service area within a rural location unrelated to any existing settlement.

The assessment provided is limited and, as required by Paragraph 12 of the National Planning Policy Guidance (Guidance), robust justification has not been provided other than limited referenced to specific market and locational features of the proposal.

In addition, no assessment of relevant local plan policies; Policy 25 and Policy WRK4, has been undertaken. There is a clear precedent set by these two policies to resist proposals for town centre uses in out-of-centre-locations, which is reflective of the approach required by the NPPF at Paragraph 86.

In our view, local policies should be assessed and a consistent approach to out of centre proposals should be taken. Robust justification for the proposal at this location has not be provided and, in the absence of this, policy requires that a sequential assessment is undertake to support the application.

The following sets out the man issues resulting from the sequential assessment now received.

Sequential Assessment

The applicant's sequential assessment starts with para's 86 and 87 of the NPPF and WRK4 of the Pendle Local Plan Part 1: Core Strategy.

It states that the Petrol Filling Station (PFS) and associated retail sales floorspace and an additional drive thru unit, the roadside service model requires a prominent and visible roadside presence that has a high volume of passing traffic or next to an established retail/leisure destination. Locating the development in a town centre location would not meet this same locational requirement. It goes on to state that given the modern character of roadside services it is clear that such uses cannot be located within town centre locations.

The assessment refers to an appeal allowed by the Planning Inspectorate (APP/C3105/W/16/3151655) where the Inspector made it very clear that there were locational requirements which were of direct relevance to the assessment of the sequential suitability of any alternative town centre site.

In this case, operator interest is directly related to the site's location and its ability to serve two markets simultaneously. The site is:

- Directly adjacent to arterial routes including the M65, the A6068 Whitewalls Drive and the A56 Burnley Road and would serve passing motorists; and
- In close proximity to a large number of employment uses including Profile Park, Whitewalls Industrial Estate and the Waste Treatment Works.

The report concludes that sequential alternatives must be viewed in the context of whether they meet the specific 'real world' requirements and there is no need to disaggregate any of the main town centre use elements.

In this case for completeness the agent has considered if these units can be accommodated within the town centre.

The agent sets out the search parameters and alternative site assessments for a number of sites some of which would not be suitable due to their limited size, restricted parking and limited servicing.

However, a number of sites have not been considered including the former Bus Station Site in Nelson, Roaming Roosters on the A6068 in Higham, Former Hotel/pub site Riverside Way, Barrowford, Land off Junction 12 adj B&Q and Walshaw House, Regent Street, Colne.

The sequential test has not robustly assessed other sites and there are sites that will perform better than the site chosen in terms of location near to a town centre.

Summary of Sequential Assessment

The applicant's assessment of sequentially preferable sites is not acceptable fails to adequately assess that there are no sites which are suitable or available in Nelson or Colne.

The agent has been requested to review their sequential assessment to include a variety of sites which have not been considered including the former Bus Station Site in Nelson, Land off Junction 12 adj B&Q and Walshaw House, Regent Street, Colne.

Transport and impact on Highway Network

Discussions have been on-going between the applicant's highway consultants and LCC Highways regarding the potential impact this development could have on the highway network around Junction 14 of the M65 as well as the internal layout, parking and circulation. The detailed comments of Lancashire County Council are yet to be received and are likely to consider potential impact on the East Lancashire Masterplan in terms of North Valley Road.

Issues relating to capacity, site layout, retaining structure, servicing, sustainable transport (including any contributions) and car parking will also be considered here.

Greenfield Road

There is an existing lay-by off Greenfield Road which serves as parking for the Nature Reserve. There are concerns over the accessibility of the spaces and how the proposals would work with the adjacent cycle route/FP173.

There is a Prohibition of Driving Order on Greenfield Road which restricts vehicles driving on it from its junction with Whitewalls Drive to its junction with Colne Road. Gates were erected at either end of Greenfield Road although it is understood that these have been removed the restriction is still in force.

Revised plans for the access onto Greenfield Road and the Greenfield Road Layout itself including the parking layby and Public Footpath have been requested. Any update on this issue shall be reported to the meeting.

Construction

It is important that a plan to manage the construction traffic is provided to minimise impacts, with due consideration to safety, nearby residential properties and the use of the highway at all times of day. It is important that impacts are contained to whatever is practicably possible within the site boundary including deliveries and storage of plant, materials and construction workers parking. This can be controlled by virtue of a condition attached to any grant of permission.

Air Quality

No Air Quality Assessment has been submitted and agent has been requested to consider the potential impact the development may have on air quality.

Design

The site is a greenfield site with mature trees along the boundaries and within the site itself many of which are protected by Tree Preservation Orders.

There are eight elements to the scheme which are outline below:

1. Industrial Unit A (38,000 sq.ft.)
2. Industrial Unit B (13,000 sq.ft.)
3. Starbucks Drive Thru Unit (213.5m²)
4. EG Petrol Filling Station (488m²)
5. 4 Bay Canopy
6. 1 Bay HGV Canopy
7. Car Wash
8. EV Canopy

Unit A would be the largest unit on the site comprising 3,600 sq.m. measuring 78m x 44.5m with a ridge height of 10m and would be served by 39 car parking spaces. Materials proposed are profile and vertical cladding in dark grey with Kingspan horizontal in silver and slate grey.

Unit B comprises of 1,216 sq.m. and would measure 31m x 38m with a ridge height of 9m and is served by 15 car parking spaces. Materials proposed are profile and vertical cladding in dark grey with vertical in Goosewing Grey and Kingspan horizontal in silver.

The Drive Thru coffee shop would comprise 213.5sq.m. and would measure 22m x 10m with maximum height of 4m served by 34 car parking spaces. Materials proposed are Bennetts timber profile in larch, Eternit equitone façade panels and aluminium window frames and doors in Umbra grey.

The Petrol Filling Station would comprise 488sq.m. and would measure 35m x 17m with maximum height of 5.2m served by 14 car parking spaces. Materials proposed are Isoclad composite panel in honesty, cementitious boarding in antelope and aluminium window frames and doors in merlin grey

The 4 bay Canopy would measure 27.5m x 8.5m with maximum height of 6.4m.

The 1 Bay HGV Canopy would measure 7m x 8.5m with maximum height of 6.77m.

The Car Wash would measure 12.5m x 5.12m with maximum height of 4.3m and a jet wash measuring 15.12m x 6.5 with a maximum height of 4.98m. Materials proposed are aluminium cladding and clear glazing.

The EV Canopy would measure 22.7m x 4.22m with maximum height of 4.355m. Materials proposed are aluminium fascia's with laminated timber frames and PV panels integrated into the roof.

In terms of design and materials whilst these are appropriate for the uses inadequate consideration has been given to the semi-rural/edge of centre setting nor potential impact on residential properties and views from the adjacent LNR. This is a missed opportunity in particular for Unit B which lies adjacent to the settlement boundary and woodland as well as the traditional cottage properties along Greenfield Road.

Whilst the impact of any lighting can be controlled by condition and additional tree planting on the southern part of the site near to the cottages on Greenfield Road and along the boundary to the M65 would be a visual improvement no buffer is proposed along the eastern boundary of the properties along the gable of no. 90 and this would significantly reduce the impact of this development. The agent has been requested to address this.

In any event the proposed landscaping is severely lacking and the loss of protected trees proposed is not acceptable. This cannot be controlled by condition as the scheme itself needs to reflect the structural landscaping.

The design and layout of this development is therefore not acceptable and fails to comply with Policies ENV 1, ENV2 and WRK 6 of the Local Plan.

Impact on Residential Amenity

There are residential properties located to the west of the site adjacent to the proposed service road and to the south and south west of the proposed industrial units. Unit B is sited a maximum of 48m from the existing residential properties.

The impact on residential amenity would potentially occur in four main ways. These are the effect on noise, direct effect from building work, impact on outlook from residential properties and light pollution.

In terms of the latter issue external lighting can be adequately controlled by condition to restrict it to that proposed in the lighting assessment submitted as part of the application.

A noise assessment has been submitted as part of the application. This states that there would be no adverse impact on residential amenity from noise. Whilst the previous scheme for a garden

centre reached the conclusion that an acoustic fence would be required in order to limit noise to an acceptable level these are different schemes so will have different noise characteristics which need to be fully considered.

There is no doubt that the introduction of industrial and commercial premises here would change the character of the immediate area and this would result in an increase in vehicular and pedestrian movements on Greenfield Road. The potential for noise and disturbance from general comings and goings has been assessed and is considered to be within acceptable parameters. Whilst residents will see a greater level of activity in the area the noise and disturbance generated from deliveries would be acceptable.

However, any potential noise nuisance from the industrial units needs to be fully assessed in order to ensure that this can be controlled via an appropriate condition.

In particular the position and use of Unit B is a concern in terms of noise nuisance and impact on amenity. Environmental Health are assessing this in terms of background traffic and any potential mitigation measures required and this will be updated to the meeting.

The potential for noise and disturbance during the construction period can be controlled via an appropriate condition as can be the method of construction including elements such as dust suppression.

The building itself, taking into account its height and relationship to residential properties, would not have a direct adverse impact on those properties in terms of loss of light, overshadowing or an overbearing appearance.

Impact on Protected Trees

The Framework requires that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss (para 175c).

The Council recognises the importance and amenity function of trees, woodlands and hedgerows and will protect them.

All new development should respect trees in terms of their location and the contribution they make to the local scene.

Developers will be encouraged to provide new tree planting and implement sensitive management schemes here there is a deficiency of woodland provision. New woodlands should be planted with native species to the locality. Tree planting within the Open Countryside will be given special consideration in terms of the suitability of the area.

The mature trees and hedgerows on the site are covered by TPO No. 2, 1990 and impact on these should be covered by an appropriate assessment.

The policy states that all development proposals, which involve new build, should include a scheme of landscaping sympathetic to the site's character and vicinity.

Whilst the Framework does allow for the loss of aged or veteran trees outside of ancient woodland were the benefits of the development would outweigh the loss. In this case the proposal would have significant economic benefits in terms of jobs and investment; social benefits from accessible local services as well the potential for environmental benefits as green links to the Nature Reserve as well as improved public transport links and cycleway improvements.

The proposed loss of mature/veteran trees is not acceptable as the benefits of the proposal would need to outweigh this loss and this scheme as submitted even with appropriate replacement planting of trees would not meet this requirement for the site as a whole.

Therefore the proposal fails to accord with the Framework.

Ecology

An Ecology Assessment has been submitted which identifies one statutory designated site - Greenfield Local Nature Reserve (adjacent to the western boundary) as well as four non-statutory Biological Heritage Sites within 1km of the site (closest is 600m away).

The report concludes that there would be no direct impacts on these sites from the proposed development. Indirect impact on the Local Nature Reserve can be controlled by pollution prevention measures during construction.

No protected plant species or invasive plant species were found on site during the survey.

Trees

The trees and woodland areas which are to be retained during development will be protected by fencing to the root protection zone. This can be controlled by an appropriate condition.

Seven of the very mature trees on site are considered to have good bat roosting potential and are considered to be Category 1 under the Bat Conservation Trust Guidelines (2012). Under the current proposals three of these trees are proposed to be removed.

Following an aerial survey of these trees two have been downgraded to Category 2. This means that removal of these trees should be undertaken using reasonable avoidance measures.

The remaining tree has now been subject to an aerial survey and whilst no bats were found in capacity there is evidence of bats and therefore whilst not in use as a hibernation roost it cannot be confirmed whether this is used as a summer roost. This tree therefore remains a Category 1 tree and following the Bat Conservation Trust guidelines it is recommended that three dusk and/or dawn surveys are undertaken on this tree between the months of May and September to ascertain the presence or otherwise of roosting bats.

The recommendations in the updated Assessment for Bats Version 1.0 dated March 2014 would need to be controlled by condition in order to ensure that further surveys are undertaken and the correct methodology used to remove these trees.

The proposal therefore accords with policies 4C and 4D.

Archaeology

There is evidence of remains on the site which may have some archaeological value and therefore it would be prudent to attach a condition to any grant of approval requiring a programme of archaeological recording in accordance with a written scheme of investigation to be submitted to and approved.

National Planning Policy Framework para 128 is clear in the need for the potential impact on the development on both designated and non-designated heritage assets to be a material consideration in the determination of planning applications. The Framework para 141 is clear that local authorities should also require developers to record and advance understanding of the

significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact and to make this evidence publicly accessible.

This can be achieved by an appropriate condition attached to any grant of permission.

Flood Risk and Drainage

The application includes a Flood Risk Assessment and a Foul Drainage Statement which indicate that the site can be adequately serviced without adversely impacting on the local infrastructure. This is acceptable subject to appropriate conditions to control foul and surface water drainage.

Contamination

A Contaminated Land Desk Study and Preliminary Ground Investigation report has not been submitted in order to demonstrate that any potential risks and constraints associated with contaminated land can be adequately mitigated. However, this can be subject of an appropriate condition attached to the any grant of permission.

S106 Contributions

The Community Infrastructure Levy Regulations 2010 require that a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

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

At the time of writing this report discussions are taking place with the applicants regarding the nature and content of any Planning Obligation considered necessary to mitigate the impact of this development.

Conclusion

The proposed development could have a significant impact on Colne Town Centre in terms of viability and vitality and this has not been fully addressed by the Agent. Further assessment on this has been requested.

The adverse impacts on the highway network have yet to be fully considered and any proposed mitigation measures need to be assessed. Amended plans and detailed comments from LCC Highways are expected.

The design and materials proposed are acceptable, however, further regard needs to be made to this edge of settlement location and an appropriate landscape framework has not been made. Amended plans are expected.

The potential for noise impacts on the nearby properties on Greenfield Road has not been fully considered in terms of the bungalow, distances and mitigation measures. This needs to be fully addressed.

The loss of mature, veteran and protected trees is not acceptable and alternative proposals have been put to the agent to reduce the amount of mature and veteran trees proposed to be removed for which replacement planting is proposed but would not be fully mitigated albeit the benefits of the scheme include the creation of 105 fte jobs which could be considered to outweigh their loss.

This proposal would bring substantial benefits to the local economy and subject to control by appropriate conditions would not impact on ecology.

Other matters such as archaeology, flood risk, drainage, noise and contamination can be controlled by condition.

An Air Quality assessment has not been submitted and this has been queried with the agent.

Any offsite highway works can be required to be undertaken by condition.

RECOMMENDATION: REFUSAL

On the following grounds:

1. **The proposed development would result in an unacceptable highway layout which would result in unacceptable impacts on the highway network to the detriment of highway safety and therefore would not be in accordance with policies ENV4 of the Pendle Local Plan Part 1: Core Strategy 2011 -2030.**
2. **The proposed development fails to consider other sequentially preferable sites within Nelson and Colne which would impact on the vitality and viability of Colne Town Centre contrary to policy WRK4 of the Pendle Local Plan Part 1: Core Strategy 2011-2030 and saved Replacement Pendle Local Plan policy 25.**
3. **The proposed development would result in an unacceptable loss of protected trees including veteran and mature trees, due to the proposed layout. The design and materials of the industrial units fails to take into account the semi-rural location and siting adjacent to the Local Natural Reserve. The proposal therefore is not in accordance with policies ENV2 and LIV5 of the Pendle Local Plan Part 1: Core Strategy 2011 -2030.**

Application Ref: 21/0087/FUL

Proposal: Full: Major: Re-development of the site comprising the erection of roadside services including a Petrol Filling Station with ancillary convenience floorspace and drive-thru coffee unit and Erection of two industrial units (Use Class B2/B8), with associated infrastructure, access, car parking and landscaping.

At: Land Adjacent Whitewalls Drive, Colne BB8

On behalf of: Monte Blackburn Limited

REPORT TO COLNE AND DISTRICT COMMITTEE ON 8th JULY 2021

Application Ref: 21/0241/OTD

Proposal: Prior Approval Notification: (Office Use Class B1(a) to dwelling house (Use Class C3): Change of use of offices into 11 flats (Upper Half).

At: Colne Commercial Centre, Exchange Street, Colne.

On behalf of: Perfect Pink Eye Ltd

Date Registered: 22 March 2021

Expiry Date: 17 May 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a two storey building. The building is of a traditional design and is located within the designated town centre, adjacent to residential properties and a public car park to the rear. It had an established use for B1 Offices and Prior Approval for residential use approved previously (see history).

This is a prior notification application seeking to change the use of the building to a dwelling under Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Relevant Planning History

18/0620/OTD - Prior Approval Notification: (Class O - Offices to Dwelling Houses) Change of use of B1(a) Office to up to 16 dwellings C3 - Prior Approval Not Required 2018.

19/0368/OTD - Prior Notification (Office Use Class B1(a) to dwelling house (Use Class C3): Change of use of offices into 17 flats - Prior Approval Not Required 2019.

19/0536/OTD - Prior Notification (Office Use Class B1(a) to dwelling house (Use Class C3): Change of use of offices into 16 flats (Lower Half) - Prior Approval Not Required 2019.

Consultee Response

LCC Highways

Having considered the information submitted, and noted that the above site has previous Prior Notification approvals (reference 13/18/0620/OTD up to 16 dwellings - top half of site and 13/19/0368/OTD up to 17 flats – whole site), the Highway Development Control Section does not raise an objection on highway safety grounds.

However, secure, covered cycle storage should be provided within the development in line with recommendations in Pendle Borough Council's Car & Cycle Parking Standards, that is, one per dwelling.

PBC Environmental Health

Request a condition relating to noise insulation of the flats:

A scheme for the noise insulation of the residential accommodation shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be completed prior to the first occupation of the development and shall thereafter be retained.

Note

A. Sound insulation provided shall not be less than that standard detailed in the Building Regulations 1991 Document E.

B. Where revised plans are required, it may be wise to negotiate and secure revisions before a decision is made.

Reason: To protect the amenities of the occupiers of the proposed dwellings.

Colne Town Council

No objection to the application but do have concerns about parking in this area.

United Utilities

No objection.

Public Response

None received.

Officer Comments

Under Schedule 2, Part 3, Class O of the General Permitted Development Order 2015 (GPDO), B1(a) office buildings are able to change to one or more dwellings (Use Class C3)

Development is not permitted by Class O if -

(b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order—

(i) on 29th May 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(d) the site is, or forms part of, a safety hazard area;

(e) the site is, or forms part of, a military explosives storage area;

(f) the building is a listed building or is within the curtilage of a listed building; or

(g) the site is, or contains, a scheduled monument.

Development under Class O is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport and highways impacts of the development,

(b) contamination risks on the site,

(c) flooding risks on the site, and

(d) impacts of noise from commercial premises on the intended occupiers of the development, and the provisions of paragraph W (prior approval) apply in relation to that application.

Compliance with limitations of Class O

There is no reason to believe that the building was not in use as offices on 29th May 2013. The building is not currently in residential use.

The site is not within a safety hazard area or military explosives area.

The building is not a listed building, or within the curtilage of a listed building.

Therefore, the building appears to meet the requirements of Class O.

Prior approval considerations

The transport and highway impacts of the development

Given the sites location within the town centre and a public car park immediately to the rear of the site, no concerns are raised in relation to parking provision.

Furthermore, it has been indicated that cycle storage will be provided within the building. This is acceptable subject to appropriate conditions.

Contamination risks on site

There are no known contamination risks on the site.

Flooding risks on site

The site falls within Flood Zone 1 and as such is at low risk of flooding.

Noise impacts of the development

The location of the building, adjacent to existing offices and residential properties, would raise no noise impact issues. The condition requested by PBC Environmental Health would be controlled by Building Regulations.

Summary

Based on the information provided, the development subject to this prior notification submission would meet the criteria detailed within Class O of the GPDO and is acceptable with regard to highways, noise, contamination, flood risk. Therefore, prior approval is not required.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: E001 Date 16.07.2019.

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

2. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

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

3. Prior to the proposed development being first brought into use, a scheme for cycle storage facilities of not less than 3 cycle bays must be submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details.

Reason: In order to ensure that the development has the provision of sustainable infrastructure.

Application Ref: 21/0241/OTD

Proposal: Prior Approval Notification: (Office Use Class B1(a) to dwelling house (Use Class C3): Change of use of offices into 11 flats (Upper Half).

At: Colne Commercial Centre, Exchange Street, Colne.

On behalf of: Perfect Pink Eye Ltd

REPORT TO COLNE & DISTRICT COMMITTEE 8th JULY 2021

Application Ref: 21/0272/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 4 (Carry lane boundary treatment of Planning Permission 16/0139/FUL.

At: Land at Peter Birtwistle Close and Carry Lane, Carry Lane, Colne

On behalf of: Barnfield Construction Ltd

Date Registered: 29 March 2021

Expiry Date: 24 May 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 1995 to seek confirmation of compliance with conditions on planning permission 16/0139/FUL.

This application requests the discharge of condition number 4 on the Planning Permission. This condition is listed below:

4. Prior to the commencement of development details of the retaining gabion wall and the wall to removed and lowered on Carry Lane (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 thereafter be implemented in strict accordance with the approved details.

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

Relevant Planning History

13/14/0077P: Outline: Major: Erect 30 dwellinghouses (access only) (1.135ha) with access from Peter Birtwistle Close for 11 dwellinghouses and access off Carry Lane for 19 dwellinghouses - Approved 28th May, 2014.

13/16/0018P - Reserved Matters: Major: Erection of 12 dwellinghouses (Appearance, landscaping, layout and scale) – Approved 19th April, 2016.

16/0139/FUL - Full: Major: Erection of twenty one 2 and 3 storey dwellings with two access roads off Carry Lane and associated landscaping works (revised scheme) – Approved.

17/0723/NMA - Non-Material Amendment: Reposition of 10 plots approved under Planning Permission 16/0139/FUL - Approved.

18/0011/VAR - Variation of condition: Removal of condition 4 of Planning Permission 13/14/0077 (Contribution towards public open space and footpaths/cycleway improvements) -

18/0112/FUL- Non-Material Minor Amendment: Removal of Public Open Space from Planning Permission 16/0139/FUL – Approved.

18/0432/CND – Approval of Details Reserved by Condition: Discharge of Condition 3, 4, 5, 6, 10, 11, 12, 13, 16, 19 and 20 of Planning Permission 16/0139/FUL – Discharged – 11th February, 2019.

19/0102/VAR – Full: Major: Variation of Condition: Variation of Condition 2 to amend plans and housetypes of Planning Permission 16/0139/FUL for plots 13, 14, 15, 16, 27, 28 & 33 to 4 bed dwelling houses – Approved – 5th July, 2019.

Consultee Response

LCC Highway – comments pending regarding any impacts on viability splays.

Public Response

Although no publicity has been carried out or is required. Numerous objections have been received regarding the changes for this scheme.

Officer Comments

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 1995 to seek confirmation of compliance with conditions on planning permission 16/0139/FUL.

4. Prior to the commencement of development details of the retaining gabion wall and the wall to be removed and lowered on Carry Lane (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 thereafter be implemented in strict accordance with the approved details.

This condition has been discharged previously with details submitted under application 18/0432/CND for condition 4 of planning permission 16/0139/FUL. These details including rebuilding part of the retaining wall along Carry Road up to road 3 and then lowering of the existing stone wall onwards towards the footpath at the bottom of the development.

Details have now been submitted which include sections and changes in land levels along Carry Lane. There is nearly 10m height difference between the top of the site (Road 3) and the bottom of the site (Road 4). The details up to Road 3 remain as approved, however the remainder of the boundary treatment now has the stone wall fully removed and timber fencing erected in its place along this length of carriageway.

As the site is within Open Countryside appropriate boundary treatments are required and these would be stone walling or hedgerow in accordance with the Open Countryside Supplementary Planning Guidance which states that boundary treatments for new development will be restricted to stone wall or hedge in locally native species supplemented if necessary by stock fencing.

The scheme that has been submitted has domestic type fencing which has already been erected on the site and the stone walling removed.

This is not acceptable in this Open Countryside location and therefore this condition can not be discharged on this basis.

Enforcement

As the works have already been carried out without permission the works need to be carried out which reflect the previously approved details and the stone walling reinstated.

Summary

Condition 4 required details of the gabion wall to be submitted. Details have been submitted which are not acceptable and therefore this condition can not be discharged.

RECOMMENDATION 1: Refuse discharge of condition 4.

RECOMMENDATION 2: Serve Breach of Condition notice for condition 4 requiring the scheme approved under 14.149 409C to be implemented.

Application Ref: 21/0272/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Condition 4 (Carry lane boundary treatment of Planning Permission 16/0139/FUL.

At: Land at Peter Birtwistle Close and Carry Lane, Carry Lane, Colne

On behalf of: Barnfield Construction Ltd

REPORT TO COLNE AND DISTRICT COMMITTEE 8th JULY, 2021

Application Ref: 21/0358/REM

Proposal: Reserved Matters: Erection of 4 detached dwellings and associated roads, infrastructure and detached garages (Appearance, Landscaping, Layout and Scale) of Outline Planning Permission 18/0199/OUT (resubmission).

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

On behalf of: John Kay

Date Registered: 27 April 2021

Expiry Date: 22 June 2021

Case Officer: Kathryn Hughes

Site Description and Proposal

Reserved Matters are sought for the erection of 4 dwellinghouses on land to the north west of the Methodist Church in Colne. The site is located within the settlement boundary and of no special designation in the Local Plan.

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

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

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

Relevant Planning History

20/0485/REM - Reserved Matters: Major: Erection of 10 dwellings and associated roads, infrastructure and parking (Appearance, Landscaping, Layout and Scale) of Outline Planning Permission 18/0199/OUT – Refused March, 2021.

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

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

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

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

Consultee Response

LCC Highways – Outline Planning Permission for Access only was granted in July 2018 under planning permission 18/0199/OUT. The current Reserved Matters application relates to the appearance, landscaping, layout and scale of the development. The following Highway Development Support Section's comments relate to these Reserved Matters only.

Having considered the information submitted, noting the reduction in the number of proposed residential units from 10 (under the previous Reserved Matters application 20/0485/REM) to 4, the Highways Development Control Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and conditions being applied to any formal planning approval granted.

Internal layout

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

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

A swept path analysis for a refuse vehicle has been provided (drawing 212-21-1 dated 6.4.21). In the Highway Development Control Section's opinion this demonstrates that a refuse, emergency or large delivery vehicle can enter and leave the site in forward gear. The proposed turning head should be built to the county council's design standard to allow these internal manoeuvres.

The size of development is below that at which internal roads and footways would be considered for adoption by the county council. A private maintenance and management company would, therefore, need to be established. Whilst the internal road and footways would not be considered for adoption they should still be constructed to adoptable standards, including service strips, surface water drainage and street lighting.

Car and cycle parking

All the proposed properties have four bedrooms and three adequately sized parking spaces should be provided per dwelling, to accommodate vehicles within their curtilages. The proposed layout provides an adequate level of off-road parking.

The proposed single, integral garage for Plot 1, and the detached, double garages for Plots 2 – 4 would provide secure, covered storage for at least two cycles, in line with the borough council's car and cycle parking standards.

General

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

If the local planning authority is minded to approve this application conditions should be attached relating to management and maintenance of the proposed estate road, parking layout and restriction on use of garages.

United Utilities – In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.

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

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

Further to our review of the submitted Drainage Strategy we can confirm the proposals are acceptable in principle to UU subject to the following condition:

The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing DR-C-0100, Rev P4 - Dated 07.04.21. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

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

The applicant should be aware of water mains in the vicinity of the proposed development site. Whilst this infrastructure is located outside the applicant's proposed red line boundary, the applicant must comply with our 'Standard Conditions for Works Adjacent to Pipelines'. We provide this information to support the applicant in identifying the potential impacts from all construction activities on United Utilities infrastructure and to identify mitigation measures to protect and prevent any damage to this infrastructure both during and after construction. This includes advice regarding landscaping in the vicinity of pipelines.

PBC Environmental Health – Requests conditions relating to contamination, construction, hours of work, hours of deliveries, construction noise and burning on site and control of dust.

PBC Environmental Officer - The proposed landscaping plan and the site layout plan do not match? I want the planting scheme on the site layout plan please with larger trees to the rear gardens and hedgerow to the rear of the parking spaces as well as the intensive planting to the entrance way. In essence it needs to reflect that proposed on the previous scheme as much as possible

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

Laneshawbridge Parish Council - Although the number of dwellings has been reduced, the size of the dwellings and associated detached garages equates to roughly the same as the previous plan.

This is directly in the heart of the village and very close to the village play area. The new development is out of character with the other buildings that surround this playground.

There are concerns about over-looking of properties downwards from this development as well as potential flooding issues due to surface water run-off.

Any tree planting within the development must be managed in order for them not to over-grow beyond control, which will also hopefully reduce the risk of root damage to the surrounding properties.

The egress onto Keighley Road is a concern as vehicles will park close to the access road and the visibility isn't particularly good here. Are mitigation measures in place to ensure safety of all people at all times?

Public Response

Site and press notices posted and nearest neighbours notified by letter. A total of 7 letters/emails/webcomments received objecting on the following grounds:

- Objections to drainage plans known problem with flooding on the playing field which PBC is investigating;
- Can the development improve the drainage for the playing fields?;
- The number of dwellings may be lower but the six and detached garages equate to more or the same as the previous plan;
- New building here would spoil the character of the area surrounded by 120 year old properties close to the village green;
- Trees will grow to over 40ft at the rear of the cottages blocking out light and roots could cause problems with the boundary wall and telegraph lines;
- Keighley Road is a dangerous fast road with cars speeding and the exit has a blind bend – accident waiting to happen;
- The kitchen and bathroom of 4 Oak Terrace have not been included and will be overlooked by the rear of Plot 4;
- No visitor parking is proposed and the refuse vehicle will not be able to manoeuvre within the site;
- Land level differences will impact on privacy;
- Health and safety, dust and pollution during construction; and
- Parking for site workers during construction;

Policy

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

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

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

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

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

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

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

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

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

National Planning Policy Framework

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

Officer Comments

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

1. Principle of Housing

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

2. Layout and impact on Amenity

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

Plot 1 is a detached property located to the north east side of the site to the rear of the existing Methodist Church. Plot 1 has a rear garden of over 12m and two parking spaces and single attached garage.

Distances from the front of plot 1 to the rear elevation of the Church are around 11m at an angle. The Church is single storey with a 2m close boarded fence along the side boundary would effectively screen the ground floor of plot 1 to an acceptable degree.

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

Plot 2 is a detached property located to the north side of the site and has a rear garden of 8m depth with two parking spaces and detached double garage. This plot would face the proposed

access road and backs onto the play area and is sufficient distance from existing houses not to have an adverse impact.

Plot 3 is a detached property sited to the north of the site and backs onto the existing playground which has an existing random stone wall to the boundary. The rear gardens of this property is 6m in depth. This plot has a double garage and two parking spaces. The relationship with the play area is similar to the existing houses and is acceptable.

These three properties would face the rear of the properties on Keighley Road which are two storey houses but which have floor levels between 1.01m (No. 6) and 3.24m (No. 1) below the floor levels of the proposed houses. The distances and heights proposed would be acceptable.

Plots 1 - 3 are set back from the rear of the existing houses by more than 21m. That overall relationship is one that will not unacceptably affect the privacy of the occupants of the existing houses. The lower floor levels of the existing properties would result in the boundary fencing being more effective at screening the ground floor windows and openings.

Plot 4 is a detached property sited to the north of the site but is orientated with its gables to the play area to the north and the rear of the houses to the south. Therefore it would have a blank gable to the rear of 1 – 3 Keighley road.

Plot 4 would be sited 15m blank gable to rear original rear elevation of no. 1 with the distance to the ground floor patio doors at 15m which would be acceptable even with the difference in levels of 3m given the existing impact of the retaining wall. This blank gable would be 11m from the rear extensions of No. 1 which house a utility room with rear window and a kitchen with no window. When taking into account the limited window and blank elevation of these extensions this would be acceptable.

On this basis the scheme as proposed would have an acceptable impact on the amenity of 1, 2, 3 and 4 Keighley Road and accord with policy ENV2 subject to an appropriate landscaping scheme being submitted.

3. Design and materials

All the plots are detached two storey dwellings of traditional design with three bedrooms and entrance porch to the front elevation.

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

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

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

This accords with policy ENV2.

4. Landscaping

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

The proposed landscaping plan and the site layout plan do not match and the previous the planting scheme submitted with larger trees to the rear gardens and hedgerow to the rear of the parking

spaces as well as the intensive planting to the entrance way was more in keeping with this area. In essence the scheme should reflect that proposed on the previous scheme as much as possible. The scheme as submitted therefore fails to accord with policy LIV5 in terms of appropriate landscaping scheme. The agent has been requested to review this.

5. Drainage

Details have been submitted and assessed at outline stage. Subject to appropriate condition then this can be dealt with during the conditions discharge stage.

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

6. Parking

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

The development thereby accords with Policy 31

7. Other issues

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

8. Summary

The Reserved Matters scheme for 4 dwellinghouses is therefore acceptable in terms of impact on amenity, layout, design and materials subject to submission of an appropriate landscaping scheme.

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 accords with the Local Plan and National Planning Policy Framework in terms of impact on amenity, design, layout and materials and landscaping/tree protection subject to appropriate conditions and amendments to the proposed landscaping. 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 an acceptable landscaping plan being submitted.

Subject to the following conditions:

1. This notice constitutes an approval of matters reserved under Condition 1 of Planning Permission No. 17/0726/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No.17/0726/OUT.

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

Location Plan 1:1250, ADM/21/008/01, ADM21/08/02, ADM/21/008/03, ADM21/08/04, ADM/21/008/05, ADM/21/08/06, 20362-DR-C0100 P4, 20362-DR-C0101 P2, 20362-DR-C0103 P1, 20362-DR-C0104 P1 and CG230321/2 REV.

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

3. The drainage for the development hereby approved, shall be carried out in accordance with principles set out in the submitted Foul & Surface Water Drainage Design Drawing DR-C-0100, Rev P4 - Dated 07.04.21. For the avoidance of doubt and unless otherwise agreed in writing by the Local Planning Authority, surface water must drain at the restricted rate of 5 l/s. The development shall be completed in accordance with the approved details.

Reason: To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

4. Prior to the commencement of development samples of the external facing materials to be used in the construction of the development and the hard landscaping hereby permitted (notwithstanding any details shown on previously submitted plans and specification) shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the external materials and finish of the development is appropriate for the setting and character of the area.

5. All window reveals shall be set back by a minimum of 75mm from the external wall.

Reason: In the interests of good design.

6. Prior to first occupation of each dwelling, the parking area associated with that dwelling, shall be constructed, laid out and surfaced in bound porous material, in accordance with the approved plans. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

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

7. 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 details until such time as a private management and maintenance company has been established.

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

8. The development hereby permitted shall be carried out in accordance with the approved Landscaping Plan and Landscape Specification.

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 appropriate landscape design and in the interests of the visual amenities of the area.

Application Ref: 21/0358/REM

Proposal: Reserved Matters: Erection of 4 detached dwellings and associated roads, infrastructure and detached garages (Appearance, Landscaping, Layout and Scale) of Outline Planning Permission 18/0199/OUT (resubmission).

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

On behalf of: John Kay

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 22nd June 2021