



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

TO: COLNE & DISTRICT COMMITTEE

DATE: 07th OCTOBER 2021

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT COLNE AND DISTRICT COMMITTEE ON 07 OCTOBER 2021

Application Ref: 20/0865/FUL

Proposal: Full: (Major) Demolition of outbuildings/sheds and erection of 20 no. 3 & 4 bed properties comprising 3 terraced, 14 semi-detached and 3 detached dwellinghouses with associated parking and vehicular access from Dean Street and Skipton Road.

At: Land To The West Of Brookside Garage, Dean Street, Trawden

On behalf of: Trawden Water Ltd

Date Registered: 25/02/2021

Expiry Date: 03/08/2020

Case Officer: Alex Cameron

This application has been brought before Committee as it is a major development, it was deferred from the Committee meeting September.

Site Description and Proposal

The application site is an area of sloping open land dotted with small dilapidated garages and sheds to the west of Skipton Road and North of Dean Street, Trawden. There is a motor vehicle repair garage to the north eastern side, dwellings to the south east and south west and open land / domestic outbuildings to the east. The site is within Trawden Forest Conservation Area.

The proposed development is the demolition of the existing sheds and garages on the site and erection of 20 dwellings. The proposed dwellings would be a comprise:

- 4 detached 3 storey houses with 4 bedrooms
- 1 detached 2 storey house with 3 bedrooms
- 10 semi-detached 3 storey houses with 4 bedrooms
- 2 semi-detached 3 storey houses with 3 bedrooms
- 3 attached 2 storey houses with 3 bedrooms

The 3 storey houses would be split level being two storeys to the west facing up the hill and three storeys to the east facing Skipton Road. The east facing elevations would have large areas of glazing with bifold doors and wide mullioned windows and two of the plots would have balconies. The proposed houses would be finished in natural stone to unobstructed elevations and render to side elevations obscured by neighbouring houses with slate roofs, grey uPVC windows and composite doors.

Relevant Planning History

None

Consultee Response

Lead Local Flood Authority – No objection subject to conditions.

Environment Agency - The majority of the development site is located in Flood Zone 1, however plots 16 & 17 are accessed only from Dean Road which is located in Flood Zones 2 & 3. The flood

zone encroaches into the site boundary slightly and therefore, the application should be accompanied by a Flood Risk Assessment (FRA).

As no built development is proposed in the Flood Zone, the requirement for a FRA may not be considered proportionate to the potential risk. We therefore have no objection to the proposal, however we do have the following advice regarding access and egress to plots 16 & 17 for the applicant and LPA.

Additional advice relating to flood warning and emergency response.

United Utilities – The submitted drainage documents do not demonstrate that the drainage hierarchy has been thoroughly investigated. Request that foul and surface water drainage conditions and drainage management and maintenance conditions are attached, note relating to investigating potential impacts on UU infrastructure.

LCC Highways – No objection. The nearest bus stops (references NB 2500LAA00178 & SB 2500LAA16002) need upgrading to DDA bus border kerbing. We would seek to secure these works as an off-site highway works condition to be delivered under a S278 agreement with Lancashire County Council.

These are minor works which include bus border kerbing and road markings only and are requested to ensure that all users are provided with quality infrastructure to support the sustainability of the site.

The proposed 2m wide pedestrian link to Hall Meadows has been removed from the scheme. This reduces the connectivity of the site to the surrounding network and does not support sustainable travel.

Please attach the following conditions: Construction management, off site highway works, management and maintenance of estate road, construction of estate road, parking, cycle storage, electric vehicle charging.

Lancashire Fire and Rescue – Comments related to building regulations for access and facilities for the Fire Service.

LCC Schools Planning – A education contribution for 3 secondary school places is necessary.

East Lancashire Hospitals NHS Trust - Request a contribution to provide additional services to meet patient demand when the dwellings are first occupied.

Trawden Forest Parish Council – The Parish Council have included this site in the adopted Neighbourhood Plan but have some concerns about the proposed plan:

The NHP states that 20% of new developments over 5 properties should be affordable housing.

The Councillors feel that the proposals for the site are over-development. The suggested number in the draft NHP was 13. This is more in-line with the expectations of the Parish Council.

There are concerns about the volume of traffic exiting onto Dean Street, which serves Trawden Forest Primary School. Is there a possibility of another access from Skipton Road?

The doors and windows should be made from wood as we are in a conservation area. There needs to be more than sufficient parking for a new development. Residents do not use their garage for their car, so the Parish Council can already foresee problems with multiple cars at properties and nowhere to park.

Is it a possibility of widening the access road and car parking bays being marked to indicate overflow parking?

In the NHP, there is an increase parking allocation per property to alleviate some of the parking problems. The Parish Council would like to see these being adhered to.

Is there sufficient space between properties so that maintenance can safely take place up to the roof height?

A Wheel Wash could be necessary.

The balconies are not in-keeping with the surroundings.

Natural slate roofs should be included.

As Dean Street is incredibly busy at school drop off and collection times, the Parish Council would expect movement restrictions being part of the conditions of any approval of this site.

Public Response

A press and site notice posted and neighbours notified. One response received objecting on the following grounds:

- Impact on ecology and wildlife including protected species.
- Lost of a mature tree.
- The development does not conform to the overall grain of the Conservation Area.
- The proposed materials are not characteristic of the Conservation Area.
- Harm to the visual amenity of the area.
- Disruption to local residents during construction.
- Detrimental impact upon residential amenities.
- Detrimental impact on already busy and dangerous roads.
- Additional excess traffic in village.
- Adverse impact on green spaces.
- Overshadowing/loss of light.
- Privacy impacts.
- Highway safety, inadequate parking and access.
- Highway safety risk to children from nearby school.
- The plans do not include electric car charging points.
- Ground stability
- Flooding and drainage.
- Inadequate school and doctor's capacity in Trawden.
- Contrary to housing number in the Trawden Forest Neighbourhood Plan.
- Is there a need for 20 new family dwellings in Trawden?
- Inadequate information relating to the ownership and maintenance of the western site boundary.
- Overdevelopment of the site.
- Lack of topographical information.
- Lack of detail of proposed retaining walls.

Officer Comments

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Trawden is defined as a Rural Service Centre which will provide the focus for growth in Rural Pendle.

Policy SDP2 states that proposals for new development should be located within settlement boundaries. Proposals to develop outside of settlement boundaries will only be permitted for those exceptions outlined in the Framework.

Policy SDP3 identifies housing distribution for Rural Pendle as 12%. This is not a limit, but a guide as to the level of development envisaged over the plan period.

Policy ENV1 seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 states that all new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets. This is supported by the guidance set out in the Conservation Area Design and Development Guidance SPD.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network, particularly in terms of safety. Where residual cumulative impacts cannot be mitigated, permission should be refused. Proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring that they are developed in appropriate locations close to existing or proposed services.

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.

Replacement Pendle Local Plan

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

Trawden Forest Neighbourhood Plan

Policy 1 states that outside the settlement boundaries of Trawden and Cotton Tree, development involving the construction of new buildings, which is not specifically allowed for by other policies in this Plan or the Pendle Local Plan, will only be permitted in the following circumstances:

- (1) Where it requires a countryside location for tourism related purposes and complies with Policy 5, or will support agricultural and other land-based rural businesses; or
- (2) Where it is in a sustainable location adjacent to the settlement boundary and complies with all other policies in this Neighbourhood Plan and the Pendle Local Plan.

Policy 2 (Housing Site Allocations) identifies five sites, including, this one for development to meet the housing requirement for Trawden. It states that proposals for the development of the sites should:

- i) Reflect local distinctiveness and be readily assimilated particularly in terms of: the extent and amount of development; scale; layout; open spaces; appearance; and material;
- ii) Respect and enhance the historic environment of the parish and its heritage and natural assets;
- iii) Ensure that locally important views and vistas are maintained or enhanced; these are described in Policy 7 (Areas of Townscape Character);
- iv) Retain and enhance open spaces, walls, hedgerows and trees which are important to the local character;
- v) Not lead to increases in flood risk or drainage problems;
- vi) Take account of information and design guidance included in the Pendle Core Strategy (Policy LIV5) and where appropriate the Character Appraisal for the Trawden Forest Conservation Area and Policy 7 in this plan;
- vii) Incorporate features to improve environmental performance and/or reduce carbon emissions, unless it is demonstrated to be not practicable and viable;
- viii) Produce a cohesive and high quality design in which detailing such as car parking, boundary treatments, bin stores, meter boxes, and lighting are all provided for in a harmonious and inclusive design;
- ix) Not result in the loss of any community building or heritage asset unless it can be demonstrated that it is no longer viable, adhering to the approach given in policy ENV1 of the Pendle Local Plan;
- x) Be compatible with and do not prejudice any intended use of adjacent sites and land uses;
- xi) Provide 20% of the site as affordable homes (for sites of 5 or more dwellings).

Principle of the development

The site is within the settlement boundary of Trawden and is allocated for housing development in the TFNP. This is a sustainable location for the proposed housing development and is acceptable in principle in accordance with Policies SDP2 and LIV1 of the LPP1 and Policy 2 of the TFNP

Design, Landscape and Heritage Impact

The proposed development is located on a steep valley side prominently visible from, Dean Street, Hall Road, Skipton Road and from public rights of way on the opposite valley site.

The initial submission did not include existing and proposed levels of the development, these were required in order to fully assess the landscape, visual and heritage impacts of the development. Those details have now been received.

The proposed dwellings running along the valley side would be split level two storey to the front and three storey to the rear, to achieve this the development would be cut into the hillside. Although this lowers the overall height of the buildings and as such reduces their visual impact. The proposed houses would be seen in the context of the existing modern three storey housing development fronting Skipton Road and would be reflect the character of the area with their staggered linear layout. The design would generally be in keeping with the existing new houses adjacent to the site, although the proposed dwellings would have more contemporary glazing to the rear. The previously proposed balconies have been removed and the large areas of glazing in the basement levels would not be excessively prominent due to the presence of the existing and proposed buildings fronting Skipton Road. Taking this into account the design of the dwellings are acceptable.

A large retaining wall is proposed to the western boundary of the site. This would be largely hidden behind the proposed houses in views from Skipton Road and across the valley and taking that into account would not be excessively prominent and would not result in an unacceptable visual and landscape impact.

uPVC windows are proposed and details of those proposed windows have been submitted. The frames shown are relatively wide, and it does not appear that they would be acceptable, a more slender style of frame would be necessary. Therefore a condition is necessary to control the materials, finish and design of the fenestration.

The submitted Heritage Statement concludes that the development would not result in harm to the significance of the Conservation Area. However, we disagree with that conclusion, there would be some harm to the significance of the Conservation Area, as is inevitably going to be the case with any new development of this scale. However, that harm would be less than substantial, taking into account the above the harm resulting from the proposed development would be minor and would be outweighed by the clear economic and social benefits of providing new housing.

The proposed development is therefore acceptable in terms of design, landscape and heritage impacts in accordance with Policies ENV1, ENV2 and LIV5 of the LPP1 and Policies 1 and 2 of the TFNP.

Amenity

The plans have been amended to provide 21m distance between facing windows of the proposed houses and windows in the rear of properties of Skipton Road, concerns have been raised that the separation distances should be greater than 21m given the difference in levels, whilst guidance in the Design Principles SPD, which relates to extensions rather than new housing, suggests that distances should be increased where there is a significant difference in levels, it also states that characteristic street patterns of an area should be taken into account. Separation distances of less than 21m are characteristic of the surrounding area, with nearby properties on Skipton Road separated by 14m-18m and Hall Meadows / Hall Road by 18m, taking that into account the separation distances are acceptable. Windows in the front of plots 2 and 3 would face habitable room windows in the side of No.20 Dean Street separated by approximately 18m, the facing upper floor windows are proposed to be obscure glazed and therefore the development would not result in an unacceptable loss of privacy. Ground floor windows would not unacceptably impact due to the height difference.

The rear gardens of those plots would not be above the existing land levels and, taking that into account, would not result in unacceptable impacts, subject to conditions to control permitted development rights.

The rear of plots 18, 19 and 20 would face the rear of properties on Hall Road separated by 18m. The difference in height and offsets would be sufficient to ensure that those dwellings would not unacceptably impact upon the privacy of properties of Hall Road.

The proposed development would also result in no unacceptable loss of light to or overbearing impact upon any adjacent property.

The impacts of construction could be acceptably controlled by condition.

The development is acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Highways

LCC highways have made comments requesting additional details which have now been submitted and we are awaiting response to. The matters raised predominantly relate to issues around internal layout and adoption which could be addressed by condition should any further clarification be required.

The proposed access points from Dean Street and Skipton Road are acceptable and an acceptable level of car parking provision is proposed.

The development is therefore acceptable in highway terms in accordance with policy ENV4.

Drainage

Additional information has been requested by the Lead Local Flood Authority to fully assess the risk of surface water flooding. That additional information has been submitted and is being assessed by the Lead Local Flood Authority.

The Environment Agency have commented that a small part of the site on the Skipton Road frontage falls within the high risk flood zone of Trawden Beck, that relates only to the access to Skipton Road and not the dwellings themselves.

Ecology

An ecology survey had been submitted and this demonstrates that the development would not result in an unacceptable impact upon ecology and protected species in accordance with policy ENV1.

Affordable Housing

The development falls within the threshold set out in policy LIV4 for the provision of affordable housing at a level of 20%.

Contributions

Affordable Housing

Affordable housing is required at a rate of 20% for all major housing developments within Trawden, provision is required for four affordable housing units.

Education

An education contribution for the provision of three secondary school places is necessary to offset the impact of the development on local schools.

Open Space

No on-site public open space or green infrastructure is proposed, the constraints of the site would make this unfeasible, and in such circumstances policy LIV5 allows for a contribution towards the provision or enhancement of off-site open space or green infrastructure. Such a contribution is therefore necessary. Appendix 1 of the Replacement Pendle Local Plan specifies a contribution of £1,000 to £1,200 per dwelling towards an open space fund where it is not possible to provide open space on site, although it relates to policy 21 which has been superseded by policy LIV5, this gives an indicative range of appropriate contribution. Taking into account that the range was set in 2006 it is reasonable to require a contribution of £1,200 per dwelling for the 20 dwellings.

NHS

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of acute healthcare interventions it calculates will be generated by the residents of the 20 dwellings in the first years of their occupation, for which there is a funding gap.

In terms of health service contributions there are a number of concerns about the request and justification for those requests. Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:

Section 106 of the 1990 Act provides as follows:

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
- (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

(1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.

(2) 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.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development.

Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area.

The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services.

We have also raised a concern about the timing of funding and that developments can take several years in order to come to fruition. From the information supplied to us it appears that once a development is known about then financing is included in the next budgetary year. The issue therefore is that if developments take several years to come forward and they are included in financial planning after year 1 then the developer would be paying for services already funded in the standard funding formulae.

Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel's opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested.

Committee are therefore recommended not to require a contribution to the NHS as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development. The level of contribution would also undermine the already low level of profitability and would jeopardise whether or not the scheme would proceed. The provision of affordable housing is a major need within Pendle and significant weight should be attached to providing that housing.

Conclusion

The proposed development is acceptable and it is recommended for approval.

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 Local Planning Policy and the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: NN751-PL-101, NN751-PL-201 Rev D, NN751-PL-205 Rev B, NN751-PL-206, NN751-PL-207 Rev A, NN751-PL-208, NN751-PL-209 Rev A, NN751-PL-210 Rev C, NN751-PL-211 Rev C, NN751-PL-212 Rev A, NN751-PL-213 Rev D, NN751-PL-214, NN751-PL-215 Rev A, NN751-PL-216, NN751-PL-218 Rev A, NN751-PL-219 Rev A, NN751-PL-220 Rev A, NN751-PL-221 Rev D, NN751-PL-224.

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development hereby approved samples of the materials of the external walls, retaining walls and roofs of the development 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 allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity and to preserve the character and appearance of the Conservation Area.

4. Notwithstanding any indication on the submitted plans and application forms, prior to the installation of windows and doors details of the materials, finishes and design and reveals of the windows and doors shall have been submitted to and approved in writing by the Local Planning Authority. The windows and doors shall be installed and thereafter at all times be maintained in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to preserve the character and appearance of the Conservation Area.

5. The development shall be carried out in strict accordance with the recommendations of the submitted Extended Phase 1 Habitat Survey & Daytime Bat Survey dates June 2021. Prior to the occupation of the first dwelling a scheme of ecological enhancement shall have been submitted to and approved in writing by the Local Planning Authority and the development shall thereafter be carried out in strict accordance with the approved scheme.

Reason: to ensure the ecology of the site is enhanced and protected species are not harmed by the development.

6. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials

- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site

Reason: In the interest of highway safety and residential amenity.

7. Within 3 months of commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning Authority. The works shall include the following and be implemented prior to the first occupation of any dwelling.
 - a. Skipton Road vehicular crossing to plots
 - b. Upgrade to bus stops on Skipton Road (references NB 2500LAA00178 & SB 2500LAA16002).

Reason: In the interest of highway safety and to ensure acceptable accessibility to essential services and facilities.

8. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the estate road within the development shall be submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into with the Highway Authority or a private management and maintenance company has been established.

Reason: To ensure that the estate road is acceptably maintained and managed in the interest of highway safety.

9. Within 3 months of commencement full engineering, drainage, street lighting and constructional details to adoptable standards (LCC specification) of the internal estate roads 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 estate road is acceptably constructed in the interest of highway safety.

10. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

11. Prior to the occupation of each dwelling the driveways and parking areas serving that dwelling shall be constructed in a bound porous material and made available for use and thereafter maintained for that purpose for as long as the development is occupied.

Reason: To ensure adequate car parking provision in the interest of highway safety.

12. Prior to the occupation each dwelling the dwelling shall have a secure cycle storage provided at a ratio of 2 cycle spaces per dwelling.

Reason: To ensure adequate provision for sustainable transport.

13. Prior to the occupation of each dwelling the dwelling shall have an electric vehicle charging point installed. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently.

Reason: To ensure adequate provision for sustainable transport.

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

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

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and to preserve the character and appearance of the Conservation Area.

15. The development shall not be commenced unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail how:-
 - a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
 - b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Reason: In order to protect the health of the occupants of the new development and in order to prevent contamination of controlled waters and the environment.

16. The first floor front (west) elevation window of plots 2 and the southmost first floor front (west) elevation window of plot 3 shall at all times be fitted with obscure glazing to at least level 4 or above, unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The windows shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

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

17. Notwithstanding the provisions of Article 3 and part 1 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, B, C, D, E, F & G of Part 1 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Reason: To enable the Local Planning Authority to control any future development on the site in order to safeguard the character and appearance of the Conservation Area and residential amenity.

18. No part of the development shall commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for four affordable dwellings, an education contribution for three secondary school places and an off-site open space contribution.

Reason: To contribute towards the identified need for affordable housing provision in the area, to offset the impact of the development in education services and to ensure adequate public open space provision.

19. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted drainage strategy (July 2021, ref: 20207873, BDI Structural Solutions).

The measures shall be fully implemented prior to first occupation of any dwelling 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.

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

20. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the local planning authority. The detailed sustainable drainage strategy shall be based upon the site-specific flood risk assessment and indicative sustainable drainage strategy submitted and sustainable drainage principles and requirements set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable

Drainage Systems and no surface water shall be allowed to discharge to the public foul sewer(s), directly or indirectly. Those details shall include, as a minimum:

- a) Sustainable drainage calculations for peak flow control and volume control (1 in 1, 1 in 30 and 1 in 100 + 40% climate change), with allowance for urban creep.
- b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Plan identifying areas contributing to the drainage network, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions, 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 plot to confirm minimum 150mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protects groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;
- c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with industry guidance.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

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

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

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

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

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

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

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

22. 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 a 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.

Application Ref: 20/0865/FUL

Proposal: Full: (Major) Demolition of outbuildings/sheds and erection of 20 no. 3 & 4 bed properties comprising 3 terraced, 14 semi-detached and 3 detached dwellinghouses with associated parking and vehicular access from Dean Street and Skipton Road.

At: Land To The West Of Brookside Garage, Dean Street, Trawden

On behalf of: Trawden Water Ltd

REPORT TO COLNE & DISTRICT COMMITTEE ON 7th OCTOBER 2021

Application Ref: 21/0583/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: 28th July 2021

Expiry Date: 27th October 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 Filing 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.

21/0087/FUL – 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 – Withdrawn.

Consultee Responses

Lead Local Flood Authority: The Lead Local Flood Authority has **no objection** to the proposed development, subject to conditions relating to FRA and sustainable drainage strategy, final sustainable drainage strategy, construction phase surface water management plan, operation, maintenance and verification report of constructed sustainable drainage system.

Lead Local Flood Authority Comments:

1. Infiltration - Section 6.1 of the submitted drainage strategy report (January 2021, Project No: P14612, Goodson Associates) states that infiltration will not be feasible based on site investigations included in Appendix 5. The submitted document did not include an appendix, however. The applicant will therefore be required to provide this missing evidence of ground investigations to confirm infiltration rates and groundwater levels in accordance with industry guidance.

2. Environmental Permit and Third Party Land – Section 6.1 of the submitted drainage strategy report (January 2021, Project No: P14612, Goodson Associates) proposes to discharge surface water to Colne Water to the south of the site. Colne Water is a main river, and as such discharging surface water from the site to it will require an environmental permit from the Environment Agency. As Colne Water is outside the boundary of the red edge site area, proof of a legal agreement with any third parties to access and construct the outfall in addition to any permission(s) from the Environment Agency and any other flood risk management authorities will be required.

3. Surface Water Flood Risk – Section 4.1 and figure 4.0 of the drainage strategy report acknowledge that there is an area susceptible to surface water flooding/ponding at the east boundary and south east corner of the site. Section 4.1 states that this area of flood risk will be addressed in the new development design, however the submitted plans do not appear to account

for this flow path and area of ponding. The LLFA strongly advises the applicant consider the use of SuDS to maintain the natural surface water flow paths and mitigate flood risk along the eastern boundary of the site. It is notable that assumed position of the existing combined sewer runs through the area that is at a higher risk of surface water flooding in the south eastern corner of the site. The applicant should consult United Utilities to ensure that the combined sewer is not surcharging and generating flood risk, given the submitted CCTV survey.

Environment Agency –

High risk of contamination during construction to pollute controlled waters. The proposed development is located upon a secondary aquifer A.

The proposed development would be acceptable providing conditions are attached relating to a remediation strategy and oil separators on the site.

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 – I have viewed the Proposed site layout Rev Y, Costain Transport Assessment and Framework Travel Plan and I have the following comments to make.

History Pre-application advice has been provided by the Highway Authority to the applicant for the proposed development. Application reference 21.0087 was submitted and was subsequently withdrawn. The site has an historic approval for 9,040sqm garden centre including café and farm shop with outdoor sales/display area, creation of 452 space car park, servicing and circulation space with new roundabout access on Whitewalls Drive and a range of off-site highway works. Application 13.13.0593P lists highway conditions 17 (site access and off-site highway works including North Valley Road, Whitewalls Drive and Greenfield Road shown on drawings 12.175 01 Rev J and the parking/cycle provision on 12.175 14 Rev B), condition 18 (structural details M65 embankment and retaining walls), condition 19 (Travel Plan), condition 20 (car park management strategy), condition 21 (Construction traffic management plan), condition 22 (vegetation kept below 1m in visibility splays on Whitewalls Drive and Greenfield Road), condition 23 (car parking), condition 24 (cycle parking) and condition 34 (site access, off-site highway works and North Valley Road route management strategy potential interventions west and east plans dated February 2014).

This development has not been implemented.

The pre-application advice sought to agree the principle of the site access arrangement which proposes a signalised junction on Whitewalls Drive rather than a roundabout which has been previously agreed. The roundabout causes conflict with statutory undertakers equipment due to the large land take required and the previously agreed roundabout makes the development unviable. It was concluded that a signalised junction was acceptable, rather than a roundabout as originally proposed. Discussions during the consultation phase of application 21.0087 sought to address the issues around access on Greenfield Road to ensure that the development traffic does not exacerbate any existing issues with traffic using the route as a cut through.

Proposed development

The proposed development is sited on land to the south of M65, west of Whitewalls Drive A6068 and north of Greenfield Road X7738, Colne. The proposal includes PFS with 8 bays and

associated food retail (483sqm), Drive Through Coffee Shop (204sqm) and two employment units with 3600sqm and 1216sqm floor areas. A new three arm signalised junction onto Whitewalls Drive is proposed with pedestrian/cycle facilities incorporated. As part of the proposals the existing Greenfield Road would be stopped up at the junction with Whitewalls Drive and realigned to meet the proposed site access road at a point approximately 60m west of the proposed signalised junction. This arrangement retains the majority of Greenfield Road in its current state which supports in deterring drivers from using the route to short cut between Colne and Barrowford.

Traffic Impact Due to the Covid-19 restrictions and the subsequent reduced level of traffic flow in the area we have accepted the use of traffic data collected for the previous application. We would normally require new data to be collected however due to the uncertainty, the older data with growth added is likely to be as reliable as any new data collected in the short term whilst the traffic flows are uncertain due to the pandemic. A junction layout and Linsig model of the proposed signalised site access are submitted and it does demonstrate that the development traffic can be accommodated on the network with sufficient capacity. There is no queuing back from the site access onto the M65 J14 roundabout. Site access Whitewalls Drive has a 40mph speed limit with an existing toucan crossing to the north of Greenfield Road. The principle of a fully signalised junction with pedestrian and cycle facilities is accepted. We will require a detailed design check and safety audit of the proposal should the application seek approval. The junction layout provides a fully staggered arrangement at the pedestrian crossing to operate on separate phases.

Greenfield Road is a privately maintained road with public footpath 173 and Pennine cycle way 68 running along and across Whitewalls Drive to the eastern side where it continues to connect to Phillips Lane U20452. We will seek to formally adopt the new estate road from Whitewalls Drive to a point just north of the drive-thru junction and including the Industrial estate road junction and the short new link which joins Greenfield Road. We would consider this necessary to maintain a highway connection for vehicles between Greenfield Road and Whitewalls Drive. It will be necessary to submit technical detailed design for all temporary and permanent ground works and structures within the site along the M65 and Whitewalls Drive boundary embankments. The integrity and stability of the public highway must not be compromised and access for maintenance must be maintained with all structures and embankments approved with appropriate legal agreements where needed. A site visit should be arranged with Lancashire County Council prior to the commencement of any works on site to agree the highway boundary and to clearly define the no dig areas. Sustainability The proposed petrol filling station and drive-thru restaurant are mostly reliant on the private car however a proportion of staff and visitors are expected to arrive on foot or cycle. The staff at the employment units may travel sustainably by bus, cycle or walking and they must be encouraged and supported to do so. There are quality bus stops within walking distance from the site on Regent Street and Burnley Road and both local and mainline bus services. The site is located within approx. 800m of Colne train station. Pennine cycle route 68 runs along the Leeds Liverpool Canal towpath and is connected to the site via Greenfield Road to the west and to Colne Town Centre to the east. The site could support travel by sustainable modes. High quality secure, covered cycle parking at all areas of the site will be required to support sustainable travel. There is a Framework Travel Plan submitted and I would request that this is conditioned to be implemented in accordance with the timetable contained within, should the application be approved. Off-site highway works The North Valley Road route management strategy potential interventions west and east scheme has been implemented recently. This will not need to be included in a planning condition should this application be approved.

For this application a validation of the mova linking technology on the North Valley Road will be requested, to be commenced following first trading of the site and 6 months after. This can be included as a planning condition.

Internal layout

The internal road layout will be partly adopted by Lancashire County Council and the remaining sections of estate road will be the responsibility of the landowner. The infrastructure should be built to an adoptable standard including the provision of street lighting, road drainage and road signing/lining. A 30mph speed limit should be signed and visibility splays at the internal road junctions should be provided and maintained at X2.4m and Y43m. The visibility splays and swept path analysis for the service vehicles are acceptable. We would request that the footway on the north side of the estate road is widened to 3m to allow it to be used as a shared pedestrian/cycle route to the drive thru and petrol station convenience store. Pedestrian/cycle drop crossing points with tactile paving will be required at all junctions and desire lines to ensure that pedestrians and cyclists can access all areas of the site, this can be included at detailed design stage.

Parking PFS and convenience store

The parking standards require a ratio of 1:14 which equates to 35 spaces for a 483sqm floor area. There are 33 spaces proposed including 8 filling bays, 5 electric and 2 disabled parking bays. We would seek to increase the number of disabled bays from 2 to 3. A secure, covered cycle shelter is required and a secure motorcycle anchor point.

Drive Thru

The parking standards require a ratio of 1:8 which equates to 25 spaces for a 204sqm floor area. There are 34 spaces proposed including 2 electric and 1 disabled parking bay. We would seek to increase the number of disabled bays from 1 to 2. A secure, covered cycle shelter is required and a secure motorcycle anchor point.

Employment

The parking standards require a ratio of 1:200 for B8 and 1:45 for B2 which equates to 18 - 80 spaces for Unit A with 3600sqm floor area and 6 – 27 spaces for Unit B with 1216sqm floor area. There are 39 spaces proposed including 1 disabled parking bay at Unit A and 14 spaces including 1 disabled bay at Unit B. A secure, covered cycle shelter, a secure motorcycle anchor point and electric charging point is required at both units. Ideally car parking would be evidence based upon the needs of the end user however the end users are unknown/not disclosed at this stage which means we would seek to secure the maximum standard as outlined in the parking standards.

A flexible B2/8 use is proposed therefore the B2 standard parking provision would ensure that there was no overspill onto the adjoining estate road. There is a shortfall of 41 spaces at Unit A and 13 spaces at Unit B for a B2 use. I would request that the parking provision is increased, or further information is submitted about the end users. Servicing Swept path analysis are submitted for all the areas to demonstrate that the largest service and delivery vehicles are enter, turn and exit onto the internal site access road in forward gear.

Conclusion

The principle of development on this site with a new access on Whitewalls Drive has been previously approved and the principle of development is therefore established. A signalised site access is agreed and the impact upon the surrounding highway network can be mitigated to ensure that the access is safe and suitable in accordance with the NPPF.

There is no objection to the proposal.

Should the application be approved then conditions should be attached to any grant of permission relating to construction method statement, off-site highway works, design details, management and maintenance, engineering, drainage, street lighting and constructional details to adoptable

standards, internal roads to base course, parking area, cycle storage, electric vehicle charging points and travel plan.

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 and contamination.

PBC Environment Officer (Trees/Landscape) –

I do not have any objection to the principle of development on this site. However, the application needs to take into account impacts on the Local Nature Reserve which could be adversely affected (Policy ENV1, Pendle Local Plan part 1), priority habitats and the loss of trees protected by Tree Preservation Order (TPO/NO2/1990).

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 acceptable and follows BS 5837:2021 methodology.

However, there is one or two issues still outstanding. The major things is the plans and text in the document do not match. The tables show which trees are being removed for the development. The data in the table of Appendix B does not correspond with this information within the preliminary findings.

G2 – Sycamore are described as A2 category trees and are scheduled for removal. These are significantly large good quality trees and I'm not convinced that we need to lose the entire group to make way for the road onto Greenfield Road. I would rather lose just one out of the group rather than all of them.

The Tree Protection Plan within the document is satisfactory. It should be conditioned 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 areas around the buildings and buffering the nature reserve are planted with mainly trees that will be short lived and remain quite small throughout their lives. There is sufficient space to allow for a range of mixed native species that would match those that area already in the nature reserve. Including trees that are going to make a lasting landscape impact such as Sycamore

To the north of the site there is tree planting with wildflower mix planted underneath. I am unable to access the website of the proposed mix but it appears to be a general purpose wild flower mix. This would not be suitable for being used under tree planting. Eventually, the wildflowers that depend on direct sunlight would be shaded out by the trees. It would be better if this was swapped for a shade tolerant or woodland mix. These edges should complement the existing planting and simulate a woodland edge.

The eastern edge of the site has a mixed native hedgerow with standard trees through. This is essentially a row of *Acer campestre* and *Tilia cordata*. I would prefer if this was a bit more mixed up and not as regimented. Perhaps even with a third species as standard as well. *Carpinus betulus* would be a nice addition.

I think the trees in the landscape buffer adjacent to the properties need to be bigger than feathered whips to help screen the development.

I would prefer nothing to be planted close to the veteran tree. That needs all the resources it can get.

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

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. Amended plans have been submitted which reduce the size of the unit provide a more substantial buffer along this edge. This is acceptable.

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.

Colne Town Council – The Town Council strongly object to this application for the following reasons:

- Access to the site is wholly inadequate for the proposed development and will cause traffic to be backed up at the end of the motorway. This would have a knock on effect for the North Valley and in-turn raises issues of pedestrian safety.
- The development will be harmful to the integrity of the Town Centre as it will take trade away from the businesses on the High Street.
- The visual appearance of the development will have a negative impact on a major gateway into the Town. The location of the grey industrial units is wholly inappropriate.
- Lighting and noise pollution would affect local wildlife and would negate the peace and tranquillity provided by the Nature Reserve.
- It is the Town Council's opinion that this development is not needed as there are already a number of similar businesses in the vicinity.

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 replaced 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 nature reserves?
- Stop building on our 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 paved 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 previously 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 impacted 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 ISO14001:2015 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 why 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;
- 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.
- 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!

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.

An air quality assessment has also been submitted.

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 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 proposal 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 87 and 88 of the NPPF set 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.

Local policies should be assessed and a consistent approach to out of centre proposals should be taken. A sequential assessment has been undertaken to support the application.

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

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.

A number of sites have been considered including the former Bus Station Site in Nelson, Roaming Roosters on the A6068 in Higham and Walshaw House, Regent Street, Colne.

Some details of the assessment relating to minimum site requirement of 1.5ha and the assessment of the former bus station site in Nelson have not been agreed.

Summary of Sequential Assessment

The applicant's assessment of sequentially preferable sites which are suitable or available in Nelson or Colne is being assessed by consultants and the results of this will be presented to the meeting. Subject to this being acceptable then the scheme will be recommended for approval.

Transport and impact on Highway Network

A three arm signalised junction onto Whitewalls Drive is proposed with pedestrian/cycle facilities incorporated. Greenfield Road would be stopped up at the junction with Whitewalls Drive and realigned to meet the proposed site access road this arrangement retains the majority of Greenfield Road in its current state.

The junction layout provides a fully staggered arrangement at the pedestrian crossing to operate on separate phases.

It will be necessary to submit technical detailed design for all temporary and permanent ground works and structures within the site along the M65 and Whitewalls Drive boundary embankments. The integrity and stability of the public highway must not be compromised and access for

maintenance must be maintained with all structures and embankments approved with appropriate legal agreements where needed.

A Framework Travel Plan has been submitted and off-site highway works The North Valley Road route management strategy potential interventions west and east scheme has been implemented recently. Validation of the mova linking technology on the North Valley Road will be required following first trading of the site and 6 months after. This can be controlled by condition.

A 30mph speed limit should be signed and visibility splays at the internal road junctions should be provided and maintained at X2.4m and Y43m. The visibility splays and swept path analysis for the service vehicles are acceptable. The footway on the north side of the estate road should be widened to 3m to allow it to be used as a shared pedestrian/cycle route to the drive thru and petrol station convenience store.

Parking

The requirements for the Petrol Filling Station and Drive Thru coffee shop are acceptable.

Employment

The parking standards require between 18 and 80 space for B8 and 6 to 27 spaces for B2 uses. There are 39 spaces proposed at Unit A and 14 spaces at Unit B. This is acceptable for B8 uses.

However, this scheme proposes a flexible B2/8 use is proposed therefore the B2 standard parking provision would ensure that there was no overspill onto the adjoining estate road. There is a shortfall of 41 spaces at Unit A and 13 spaces at Unit B for a B2 use. I would request that the parking provision is increased, or further information is submitted about the end users. Servicing Swept path analysis are submitted for all the areas to demonstrate that the largest service and delivery vehicles are enter, turn and exit onto the internal site access road in forward gear.

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.

Conclusion

The principle of development on this site with a new access on Whitewalls Drive has been previously approved and the principle of development is therefore established. A signalised site access is agreed and the impact upon the surrounding highway network can be mitigated to ensure that the access is safe and suitable in accordance with the NPPF subject to appropriate conditions relating to construction method statement, off-site highway works, design details, management and maintenance, engineering, drainage, street lighting and constructional details to adoptable standards, internal roads to base course, parking area, cycle storage, electric vehicle charging points and travel plan.

Air Quality

An Air Quality Assessment has been submitted and assessed. This is acceptable.

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. Amended plans have been received for this unit and an update on this will be provided at the meeting.

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, cementious 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 consideration needs to been given to the semi-rural setting and potential impact on residential properties and views from the adjacent LNR. Otherwise this could be 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. Revised plans have been submitted and materials amended which are currently being assessed and an update will be provided.

Whilst the impact of any lighting can be controlled by condition this needs to reflect the ecology report and additional tree planting would significantly reduce the impact of this development.

Subject to an improved landscaping scheme and appropriate materials then the design and layout of this development would be acceptable and 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 without any requirement for mitigation measures.

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.

In particular the position and use of Unit B is a concern in terms of noise nuisance and impact on amenity. Revised plans have been submitted which reducing the size of this unit and increase the distance to the LNR. These are currently being assessed and an update will be provided at 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 scheme now seeks to retain these mature/veteran trees and remove a number of scrub/self-seeded trees this is acceptable as the benefits of the proposal would outweigh this loss and this scheme as submitted even with appropriate replacement planting of trees would meet this requirement for the site as a whole.

However, there is one or two issues still outstanding. The major things is the plans and text in the document do not match. The tables show which trees are being removed for the development. The data in the table of Appendix B does not correspond with this information within the preliminary findings.

G2 – Sycamore are described as A2 category trees and are scheduled for removal. These are significantly large good quality trees and we do not need to lose the entire group to accommodate the road onto Greenfield Road. Losing just one out of the group would be acceptable.

Landscaping

The areas around the buildings and buffering the nature reserve are planted with mainly trees that will be short lived and remain quite small throughout their lives. There is sufficient space to allow for a range of mixed native species that would match those that area already in the nature reserve. Including trees that are going to make a lasting landscape impact such as Sycamore

To the north of the site there is tree planting with wildflower mix planted underneath. The proposed mix appears to be a general purpose wild flower mix. This would not be suitable for being used under tree planting. Eventually, the wildflowers that depend on direct sunlight would be shaded out by the trees. It would be better if this was swapped for a shade tolerant or woodland mix. These edges should complement the existing planting and simulate a woodland edge.

The eastern edge of the site has a mixed native hedgerow with standard trees through. This is essentially a row of *Acer campestre* and *Tilia cordata*. It would be preferable for this to be mixed up and not as regimented. Another species as standard such as *Carpinus betulus* would be an acceptable addition.

The trees in the landscape buffer adjacent to the properties need to be bigger than feathered whips to help screen the development.

Nothing to be planted close to the veteran tree as this needs all the resources.

Therefore the proposal could accord with the Framework subject to an appropriate revised landscaping scheme as detailed above.

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 no 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 194 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 205 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.

Conclusion

The proposed development could have a significant impact on Colne Town Centre in terms of viability and vitality and a sequential assessment has been submitted which has been reviewed. Concerns have been raised with the agent and the responses are now being considered by consultants. Subject to this being satisfactory then the scheme would be recommended for approval on this basis.

The adverse impacts on the highway network have been fully considered and proposed mitigation measures can be controlled by appropriate conditions.

Whilst the design and materials proposed are acceptable details of the colour would need to be controlled and further regard needs to be made to this edge of settlement location and an appropriate landscape framework has not been made.

The potential for noise impacts on the nearby properties on Greenfield Road has been fully considered in terms of the bungalow, distances and mitigation measures. Revised landscaping proposals are expected and the loss of mature, veteran and protected trees is now acceptable subject to this being satisfactory.

This proposal would bring substantial benefits to the local economy and subject to control by appropriate conditions would not result in an undue impact on highway safety.

An Air Quality assessment has been submitted and this has been assessed and found to be acceptable.

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

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

RECOMMENDATION: APPROVAL subject to an acceptable sequential assessment being agreed.

A list of appropriate conditions will be produced prior to the meeting.

Application Ref: 21/0583/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

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 14th September 2021