



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

**TO:** COLNE & DISTRICT COMMITTEE

**DATE:** 02ND FEBRUARY 2023

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To comment on the attached planning application.

## REPORT TO COLNE AND DISTRICT COMMITTEE

**Application Ref:** 22/0790/OUT

**Proposal:** Outline (Major): Development of 150 new homes; refurbishment and extension of an existing pump house building and its change of use to a Class E or Class F community use; formation of a new means of access onto Windermere Avenue; alterations to an existing means of access onto Castle Road; and other associated works (Access only).

**At:** Land off Windermere Avenue, Colne

**On behalf of:** Accrue Capital Limited

**Date Registered:** 21.11.2022

**Expiry Date:** 20.02.2023

**Case Officer:** Neil Watson

### **Site Description and Proposal**

The application site is an area of agricultural land located between Skipton Old Road, Favordale Road and Castle Road, on the north east side of Colne. The proposal is to erect up to 150 houses. The application site is a green field site with no development on it except for a dilapidated former pump house on the southern. The Lidget and Bents Conservation Area is designated on part of the lower southern section of the site.

Two access points are proposed from the site. The first is onto the new development found on the western side of the site and the second onto Castle Road.

The proposal is to develop circa two thirds of the site with the south eastern section remaining open. The pump house on site is proposed to be developed as a café with an access track leading down to it to serve it.

A pond and paly area are proposed to be provided on the southern lower section of the site.

### **Relevant Planning History**

13/14/0580P – Outline. Erection of 90 houses. Refused – Allowed on appeal

13/14/0581P – Outline Erection of 270 houses. Refused. Appeal dismissed on impact of the development on the conservation area.

13/94/0084P - Outline: Application for Residential Development (9.8 acres). Refused 25/04/1994. Appeal Dismissed, 21/12/1994.

13/95/0031P - Outline: Erect 87 detached dwellings (9.8 acres). Withdrawn, 24/02/1995.

13/98/0407P - Erect 78 houses and associated access roads. Withdrawn, 13/04/1999.

## **Consultee Response**

### **Growth Lancashire:**

#### **PBC Landscape Officer:**

##### Site

Situated approximately 1500m north east of Colne town centre, the area for the proposed development is currently open agricultural land characterised by occasional singular and groups of self-seeded trees around the boundaries and mostly fragmented hawthorn hedges internal to the site that denotes old field boundaries.

##### Assessment

The applicant has submitted a fully detailed 'Arboricultural Impact Assessment' (AIA) that attempts to grade the trees on the site in accordance with the relevant BS 5837 'Trees in relation to design, demolition and construction – Recommendations'. As part of the development proposals, the intention is to remove 5 individual trees and tree groups comprising of mostly hawthorn hedgerows, subject to the final design layout. The indicative landscape masterplan is showing the planting of approximately 138 new trees as mitigation for trees lost.

##### Landscape Impact

All new development should conserve and not detract from the character of the existing local landscape. These proposals will inevitably lead to a major change in the visual impact on the existing landscape as the key characteristics are of open grassed land with some boundary trees and associated vegetation. It is paramount that protection is afforded to the existing vegetation and ideally the provision of open land around these areas along with compensatory planting, management and enhancing mitigation measures are considered.

##### Conclusion

When designing the layout of new development consideration must be given to any existing trees and hedges as well as other vegetation on the site. The retention of good quality vegetation is important and care should be taken to retain as much as possible with any new layout being designed around the existing vegetation that is to be retained. Existing vegetation and trees in the vicinity of new buildings creates a maturity of landscape, positively enhances the development and can add significant value in the form of wildlife benefits as well as providing amenity value.

By agreeing a sustainable design layout this allows adequate room for existing trees and buildings and removes the pressures that can be caused post development. The BS 5837 adds weight to getting the design right in Section 5.3: 'Proximity of structures to trees'. Part D mentions "Future pressure for removal" and describes the relationship of buildings to large trees can cause apprehension to occupiers or users of nearby buildings or spaces, resulting in pressure for the removal of the trees. It goes on to say "Buildings and other structures should be sited allowing adequate space for a tree's natural development, with due consideration given to its predicted height and canopy spread".

If you are minded to approve this application in principle, I would suggest an Arboricultural Method Statement (AMS) is submitted upfront prior to approval. This would detail how a precautionary approach towards tree protection would be adopted and any operations, including access, proposed within the RPA (or crown spread where this is greater) should be described that demonstrates that operations can be undertaken with minimal risk of adverse impact on trees to be retained. The AMS would also include a Tree Protection Plan that show methods of tree protection in accordance with BS5837:2012.

Also, a fully detailed compensatory landscaping scheme should be conditioned that covers in detail all aspects of how the loss of trees on the site are to be mitigated.

### **PBC Engineering (drainage)**

#### **PBC Public Rights of Way:**

I have not seen a plan showing the public rights of way on the site. Nevertheless, I can see from the plans that the proposals as they currently stand will require the diversion of both footpaths, which the applicant has acknowledged by the answer to the relevant question in the application form. The effect of development on a public right of way is a material consideration in the determination of applications for planning permission and therefore the potential consequences in as far as the footpaths are affected should be taken into account.

The proposed development will have significant consequences for the enjoyment of users of these footpaths by altering the open character of the land from being rural land on the edge of town to one of being within the urban environment. However, it is noted that the proposed open space at the south of the site is intended to retain the character of the landscape which these footpath pass through currently.

One effect of the proposed development is that the use of the footpaths is likely to increase in consequence of the additional residents moving into the new houses. The increase in use could be for the purpose of recreation or journeys on foot for work, education or shopping etc. For example, footpath 216 would form a direct walking route to Christ Church Primary School on Bents Lane. As a condition of planning permission either at this stage or reserved matters the developer should be required to upgrade the existing public rights of way as far as the nearest road junction, or to enter into a binding agreement with the Council to fund the costs of such improvements.

The developer should note that the grant of planning permission at the reserved matters stage does not entitle them to obstruct the rights of way. It cannot be assumed that an order to divert the footpaths will invariably be made and confirmed. Development, in so far as it affects a right of way, should not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

The Town and Country Planning (General Development Procedure) Order 1995 (S.I. 1995/419) provides that development affecting a public right of way must be advertised in a local newspaper and by posting a notice on the site. It is requested that the effect on the footpath be advertised as such at the reserved matters stage.

#### **PBC Environmental Health:**

East Lancs NHS: Request a contribution of £34,130 for non-recurrent capital costs and recurrent service provision costs for year one service provision.

#### **United Utilities:**

## **Environment Agency -**

### **LCC Flood Risk Management –**

**LCC School Planning Team:** If the education contribution assessment identifies the need for a contribution and/or land to be provided Lancashire County Council is, in effect, objecting to the application. A developer contribution to deliver school places and/or land meeting the school site requirements as detailed in the assessments, including indexation will, in most cases, overcome the objection. If a developer does not agree to payment of the requested education contribution or the local planning authority does not pursue Lancashire County Council's, Lancashire County Council cannot guarantee that children yielded by the development will be able to access a school place within reasonable distance from their home, so the development could be considered to be unsustainable. Furthermore, if the planning application is approved without the required education contribution LCC would request that the local planning authority confirm how the shortfall of school places, resulting from the development, will be addressed. (Please see page 10 of the Education Contribution Methodology).

The response sets out the methodology for assessing the need for school places resulting from a development based on existing place provision and a yield of pupils arising from the new houses.

The development will not result in a need for primary school places as there will be a net surplus in the design years but there will be a net increase of 14 places needed for secondary school places. A contribution of £346,542 is requested to provide 14 places at secondary schools in Colne.

### **LCC Highways –**

**Lancashire Constabulary:** Strongly recommend that the development is built to secured by design standards using the SBD “Homes 2019” design guide specification.

### **Colne Town Council –**

**Lancashire Fire and Rescue:** The scheme design should fully meet the requirements of Building Regulations Document B (Fire Safety)

### **Campaign for the Protection of Rural England:**

CPRE objects to the development for the following planning considerations: Negative planning balance There is overall harm arising from to the proposed development. This was set out in 2016. During a planning appeal that was dismissed. Many of the issues are relevant today as the proposal is very similar. Not allocated in the adopted Local Plan The site is not allocated for residential use in the development plan and its approval would have a number of harms that individually and together are contrary to the development plan.

No Need Is there the need? CPRE considers no, as there is a 7-year supply of land in the housing supply. Of relevance, Pendle performed well at 227% against the Housing

The site is within the zone of influence for a SSSI, and it performs an important role for wildlife. The Natural Capital Committee showed decline across the seven natural capital types and a need for more action 3 to support the 25-Year Environment Plan. We need to work hard to reverse the decline and allowing more greenfield development will not help to restore nature.

Rural character The countryside character of the site known locally as The Rough, is enjoyed by many people and that is why many people choose to live in rural areas, in addition to many people who visit in their leisure time when walking or traveling through the area. CPRE is concerned that too much of Lancashire's countryside is the focus for development leading to an urbanisation of the Lancashire hills. The impact of the erosion of rural Lancashire, popular for residents and visitors needs to be fully considered.

Walking in rural areas is good for people's health and well-being. development in little more than a decade, new CPRE research has found. And 60% of our finest agricultural land is at risk of flooding. As a result, we urged government that we need a land strategy and new planning rules to safeguard our food security.

<https://www.cpre.org.uk/resources/building-on-our-food-security/> The research found almost 14,500 hectares of the country's best agricultural land, which could grow at least 250,000 tonnes of vegetables a year, has been permanently lost to development in just 12 years. This is enough to feed the combined populations of Liverpool, Manchester and Sheffield their recommended five-a-day fruit and vegetables. There was a huge rise in high quality – known as Best and Most Versatile (BMV) – agricultural land set aside for housing and industry between 2010 and 2022, from 60 hectares to more than 6,000 hectares per year. As a result, almost 300,000 homes were built on more than 8,000 hectares of prime farmland in that time. Yet our previous research has shown there is space for 1.3 million homes on previously developed brownfield land, much of it in areas of the midlands and north most in need of regeneration (see update below). 'Almost 300,000 homes were built on more than 8,000 hectares of prime farmland' On top of this, our research also reveals that an increased risk of severe flooding caused by climate change will further challenge our food security. More than 200,000 hectares – or 60% – of England's finest Grade 1 agricultural land is within areas at the highest risk of flooding. 4 This is because our most productive farmland is disproportionately close to river and coastal flood plains, with 75% of the best quality land in the East Midlands and 95% in the east of England at the highest risk level. Brownfield land first Allowing the 'off local development plan' site for housing would also compete for the many brownfield sites that exist across the Pendle area. In December 2022, CPRE published a report that looked at local councils' registers of brownfield land across the country, and it updated that over 1.2 million homes could be built on 23,000 sites covering more than 27,000 hectares of previously developed land, nationwide. Just 45% of available housing units have been granted planning permission and 550,000 homes with planning permission are still awaiting development. What is of relevance, the data also shows clear differences between regions. On the whole, the former industrial heartlands, which are most in need of levelling up, are least likely to have planning permission to redevelop brownfield land. Compared with the national average of 45%, the proportion of available housing units with planning permission is: 33% in the North West, 36% in the West Midlands and 40% in Yorkshire and the Humber. There is still a huge amount of land that can be recycled in our major cities and industrial towns. CPRE considers that there is more brownfield land for reuse than is recorded on the Brownfield Register. Urbanisation should be focused on existing settlements rather than encroaching into an area designated as protected open countryside. Highway Safety There are a number of access and site connectivity issues that CPRE considers insurmountable. Community infrastructure CPRE is concerned that the proposal does not deliver enough required supporting community infrastructure.

NPPF Changes Furthermore, on 22nd of December 2022 the Government published the proposed changes to the NPPF and it is seeking more effective ways at utilising brownfield land under the Levelling Up agenda. CPRE has been urging the Government to improve the way brownfield land is reused. This is what the public wants, a more sustainable approach to the delivery of needed houses and jobs on accessible previously used land to prevent blight of existing communities and protect unbuilt greenfields from needless development and all the harms that follow. 5 How to better protect Best and Most Versatile land in the NPPF is also being discussed. We do need to balance the

competing demands for farming, housing and energy needs, while also meeting legally binding net zero targets.

Prioritising a 'brownfield first' approach to reduce the pressure of development on our green fields. And the research we've just published shows there is an urgent need for a firm presumption against development on our best agricultural land. Thank you for your time in considering our comments. If you have any questions, please contact us.

### **Public Response**

Press and site notices were posted and 52 neighbours notified there have been substantial number of objections based around:

- Landscape impact
- Greenfield development
- Impact on ecology
- Impact on heritage assets
- Impact on highway safety
- Impact on drainage
- Unsustainable development
- Development contrary to the Colne Neighbourhood Plan which designates the site as Green Space

### **Officer Comments**

The application is brought before Committee as a consultee in the planning process. It is for Committee to make what representations it sees fit to be incorporated into the report that will be considered by the Planning Committee in due course.

Incorporated in the report are the details of what is being proposed and details of the comments that have been presented to the Council at the time of writing this report.