

## **UPDATE REPORT TO DEVELOPMENT MANAGEMENT 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

### **Officer Comments**

A number of additional pieces of information have been received relating to the application. These are:

Comments from LCC Highways

Comments from Lidgett and Beyond

Comments from the applicant.

The main points put forward are as follows:

#### **Lidgett and Beyond**

Question the greenfield run off rate.

There are queries about the permeability values of the land and the conclusions reached. There is also a question that the strategy has not considered the feasibility of the SuDs hierarchy options.

Concern that the drainage strategy does not consider the run off from non-impermeable areas.

The strategy does not consider the overland flow routes and that the sub catchment areas need to be considered.

There is no demonstration how the SuDs system will be maintained.

Concerns raised about S106 agreements and not being complied with with reference to upgrading of zebra crossing and bus stops.

No tracking of the Windemere Avenue new access.

The width of Castle Road is incorrect. It is stated as being 3.58m by the applicant but if the verge is retained at 1m and a 2m footway there would be a carriageway width of 2.7m. Drawing supplied showing that a larger vehicle would have to cross into the west bound carriageway to access the private drive opposite to the proposed access.

No updated speed data has been provided as requested by LCC.

Heads of terms do not include money for necessary transport improvements.

The amount requested by LCC will not cover the cost of the transport services.

The application is in outline but there should be some certainty that the bus service can be provided.

Highway widths should be 6.75m wide but the layout shows 5.5m carriageways.

Bus service details are given. Query whether long journey times to Burnley would mean people would choose to drive.

No crossing point to reach Keighley Road as requested by LCC.

### **LCC Highways**

The additional information has been considered including the technical note. LCC does not raise any objections to the application and are of the opinion that the development will not have a significant impact on highway safety, capacity of amenity in the immediate vicinity of the site subject to the following mitigation measures and comments.

Satisfied that as the first development was completed that the traffic flow counts were accurate.

Both junctions are forecast to operate with theoretical capacity in future years however the video data does highlight the existing issue with congestion on the North Valley corridor A6068. During the AM peak traffic travelling westbound on A6068 blocks back across the roundabout of Skipton Road A56 from the Langroyd Road traffic signals. Observations show that frequent queues of around 5 vehicles build but are not persistent and form a rolling queue on the A6068. There are no issues observed during the PM peak.

Acceptable access arrangements to Windemere Avenue with the visibility splays becoming highway land on adoption.

The layout of the site access onto Castle Road, the footway provision and the Priority Shuttle scheme is shown on drawing VN212171-PD01. The visibility splays at the site access onto Castle Road, subject to a 30mph speed limit, measuring X - 2.4m by Y - 43m are shown on drawing VN212171-PD02. The splays proposed are appropriate for the maximum speed limit, however there is no speed data collected or held historically at the proposed site access position. We know that there is a speed compliance issue on Castle Road to the west of Venables Avenue and we consider measures are required to address this. The proposed throttle immediately

to the west of the proposed site access will restrict vehicle speeds on Castle Road in the immediate vicinity of the site access and it is therefore considered that the proposed splays are acceptable. A swept path analysis for a car at the driveway of 120 and 122 Castle Road and a refuse vehicle at Windermere Road site access are included. A swept path analysis for the driveway of 122 Castle Road for a car towing a caravan and for a refuse vehicle at the junction of the private access on Castle Road serving Lower Clough House are provided.

The proposed changes to the road layout accommodate the vehicle movements. An independent Stage 1 Road Safety Audit has been carried out and raises 4 points including drainage, visibility splays, dropped crossing for pedestrians and obstruction of the site access. All these points can be mitigated at detailed design stage. The latest speed data collected on Castle Road approximately 250m west of the proposed site access during the week commencing 21st November 2017 by Lancashire County Council records 85%ile speeds at 36mph eastbound and 34mph westbound. Castle Road is classified C681 and is subject to a 30mph speed limit. The data recorded in 2017 shows speed compliance is a concern. Due to the known congestion on the North Valley Road A6068, drivers use Castle Road as an alternative route to avoid the delay as part of a wider route which includes Harrison Drive and Birtwistle Drive to the east and Venables Avenue to the west. These routes are traffic calmed to ensure speed compliance. Due to the long, straight and wide nature of Castle Road, speed compliance is a concern and is demonstrated in the 2017 speed data, and measures to support and promote speed compliance are requested due to the likelihood of the development traffic choosing this route during peak periods. Measures including speed cushions, signing and lining are requested to support speed compliance.

Off-site highway works Should the application be approved, we would seek the following works to be completed under a Section 278 (Highways Act) agreement with Lancashire County Council.

- Formation of the two site accesses on Castle Road and Windermere Avenue.
- The provision of 2 quality bus stops on Venables Avenue (northern and southern ends) references 2500446 and 2500LAA07260.
- Castle Road footway and shuttle working traffic management scheme.
- Traffic calming measures on Castle Road between Skipton Road and the site access.
- New signalised pedestrian crossing on Keighley Road between Craven Street and Avondale Street.
- Clearing of vegetation on footway of Skipton Old Road between the site and Bents.

Lancashire County Council officers have visited site and the proposed throttle on Castle Road can be delivered within the extents of the highway whilst maintaining the correct road widths for the largest vehicles. The culvert lies within the adopted highway therefore a footway can be constructed over the culvert. The tracking drawing for a full size 11.2m long refuse vehicle has been used for the Lower Clough House access. We have spoken to Pendle Borough Council and they use a smaller size refuse vehicle to collect waste from remote dwellings such as this therefore a

manoeuvre by this size of vehicle would be very low frequency if at all. The flows on Castle Road are low and manoeuvres by large vehicles, agricultural or service will generally occur during off-peak periods and are not anticipated to cause a highway safety concern. It is commonplace for refuse vehicles to cross onto the opposing carriageway and due to the low frequency and nature of the activity there is low conflict with other highway users. The splays at the site access junction Castle Road measuring X - 2.4m by Y - 43m are shown on drawing VN212171-PD02 over land in the applicants control or the adopted highway. We accept these splays, which are appropriate for the speed limit, together with the speed compliance measures which we have requested. We do not anticipate the need for parking restrictions at the throttle however if they are found to be required, we do not anticipate that this would cause a significant displacement of on-street parking and traffic regulation orders are subject to a separate process whereby residents would be consulted on the proposal. 9 Visibility splays are provided at the site access on Castle Road on drawing located within the Vectos Technical Note 02.

The queuing back of vehicles across the site access junction with Castle Road is not anticipated to be a concern due to the low traffic flows on Castle Road. There will be a very small number of right turning vehicle movements from the site access on Castle Road due to the rural nature of the road network.

The level of bus service contribution is agreed as suitable in this case and the internal layout is a reserved matter whereby the width of the internal road layout will be scrutinised at a later date to ensure that the appropriate layout is provided for the bus service. The contributions for the Travel Plan support and the cycle strategy are clearly defined in our response.

The contribution of £40,000 from the McDermott Homes development was for a cycle strategy to be developed and this is currently in progress. The additional contribution will fund measures identified in the strategy.

The proposed pedestrian crossing on Keighley Road will be delivered under a S278 agreement and not a S106 contribution. A detailed design can be prepared at condition discharge stage.

### **Comments of the Applicant**

The following is a precis of the comments which have been made available in full.

53% of the site will be developed.

The statement that the development will be used as a community café is incorrect. It will be for a community use. Main town centre uses can be excluded.

Will provide up to 20% affordable dwellings and 5% self build.

No reference to negligible scale in the Growth Lancs comments at pages 45-46.  
Response: The comments are the officer comments in the main report. The response of GL are reported in full. There is no requirement to change the report.

No reference to the extensive design work that has been undertaken. Response: The report refers to the design work and makes a planning judgement on that giving it the appropriate weight.

Concerns at the reference to the residential amenity space in the report and that it will be left open for long term use. Response: The officer report makes it clear what this area would be used for.

Highways: No reference in the report to further technical reports supplied to LCC. Response: The report makes clear that additional information has been supplied to LCC for comment. Their responses are also attached to this update.

New footpaths will be created across the site and this is not referenced. Response: The new footways will supplement what is in the report that the southern area will have recreational use. The point is not of any assistance in the planning balance.

For the avoidance of doubt, the proposal benefits to be delivered as part of the scheme are as follows:

- Landscape and design led proposal, guided by a design code and parameters plans;
- 150 high-quality, bespoke new homes in a range of 12 expertly design house types that seek to replicate the town's stunning heritage buildings;
- 20% affordable housing provision, which significantly exceeds the Council's policy expectations,
- Eight plots for self-build and custom houses, allowing the owner more creativity over the layout and design of their new home.
- A well designed and thoughtful layout that delivers well defined street and meets the 'Building for Life' standards;
- Enhanced natural and soft landscaping with open space and tree planting to create a welcoming green environment;
- Financial contributions towards highway improvements locally, including to Castle Road;
- A biodiversity net gain by delivering new ponds and rough grass to create habitats for local wildlife to thrive;
- The protection of the Lidgett and Bents Conservation Area, safeguarding the site from any future development;
- New areas of green space and recreation for the whole community to enjoy as part of the development;
- A new children's play area with LEAP equipment for all to use; - Maintained and enhanced footpaths across the site as well as new pedestrian linkages including to Park High School and the neighbouring residential development;
- EV car chargers for every home within the development and EV plugs across the development for visitors to use;
- Financial contributions towards highway improvements locally, including to Castle Road;

- A safe cycle storage unit for each house to encourage bike ownership;
- The potential for on-site bus stops; and
- A new community use within the refurbished and extended derelict pump house on the site

## Landscape

The applicant is of the view that the report over emphasises the landscape impact of the scheme, whilst failing to acknowledge the significant planning benefits and make the following observations.

5.2 At pages 13 -14, it is important to note that the council's landscape officer does not object. Comments relate to future mitigation measures, specifically relating to landscape, '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.' This indicates that there is an acceptable solution to overcome landscape impact in their view.

5.3 At page 15, the PRow officer recognises 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.'

5.4 At page 23, representations provided by the Ramblers Association have a number of factual errors. The applicant wishes not to make any particular comment on these.

5.5 At page 53, the report suggests that beyond the footpaths within the housing built form to the north, the remaining tracts through the open spaces will be essentially urbanised through the conversion of the pump house (and associated parking which is alluded to also within the report), play area and pond. The applicant is committed to safeguarding over 2.3ha with the intention that the proposed recreation space would remain untouched except for biodiversity and landscaping improvements. This sizeable area excludes the pump house (and associated parking), play area and pond.

5.6 The report at page 54 states, 'Many of the views show that there would be some impacts locally but the short term views do not show the extent of the built form of the new development and there are no submitted views for example from the southern boundary looking north'. Justification for this approach was provided in the supplementary planning pack issued on 20 April 2023. For clarity, the vast majority of the site is not visible from the south i.e only the pump house redevelopment. The applicant offered to provide any additional information which would assist the determination of landscape and visual effects during the meeting with yourself held on 11 May 2023.

5.7 At page 54 the commentary states, 'The application site lies on the edge of Colne lying adjacent to Park High School and to the recently developed housing site to the west of the site. The new development lies on lower land to the application site and the pre-developed land had a much greater visual link to the urban area being partially surrounded by the cottages on Skipton Old Road and to the housing on

Favordale Road and Windermere Avenue. Both from nearby locations and from locations some distance away this site was a less prominent feature on the edge of Colne than the application site which is both higher in elevation and is much more visually prominent.'

5.8 The 'pre-developed land' and the application site are both 'partially surrounded' by the cottages on Skipton Old Road and Park High School. The degree of enclosure by the existing urban edge is considered to be very similar. The applicant disagrees that application site is 'much more prominent' as from key views (for example from Mire Ridge – Viewpoint EDP 7), the orientation and aspect of the developed site means that sites are similar in this regard.

5.9 At page 54 the report states, 'The site does have a close relationship with the urban edge and I agree with the LVIA in that respect. The LVIA recognises that the site has a wildness as part of its character. I agree with this. The wildness of the site adjacent to the urban edge gives the site value, a value that is recognised by the local community.' 10

5.10 The LVA prepared by edp does not mention 'wildness'. Edp responded to this point as part of the supplementary submission with reference to the council's independent landscape advice (see Appendix 4): '2.2 The reporting of the Appeal Decision is also inaccurate; by way of example: SH [2.1.3, bullet 1] states that "[Site A] represents an unmanaged example of the local countryside which lends it a wilder character"; whereas Inspector Robins [58] (emphasis added) actually reports that "[...] my own assessment of Site A was that it represents a rather unmanaged example of the local countryside here. While this lends it a somewhat wilder character, its close relationships with housing to the south and west means this character is influenced by the urban fringe". Inspector Robins' position is evidently nuanced and should be read in its original context'

5.11 In conclusion, the applicant is of the view that sufficient weight has not been given to the influence of the existing urban edge, or the containment offered by tree cover and topography to the north and east of the site. The report gives weight to value to local people of its edge of settlement location rather than landscape impact and overplays the role the site contributes in the defining the special qualities of the setting of Colne, which is defined by a much broader panorama of undulating rural foothills set within the context of very prominent local ridgelines and hills of the West Pennines. The proposed development is considered not to impact on the prevailing pattern of settlement, rural areas and upland backdrop.

Disagrees with the conclusions on design and on the requirements of policy 13.

Comments on the Lidgett Highways Comments

The internal layout has been designed to accommodate buses and refuse vehicles to ensure that the plot layouts are deliverable

The access designs and the traffic calming to provide a footway on Castle Street have been checked and designed with reference to a detailed topo survey, that they comply with standards, been subject to an independent Road Safety Audit and that LCC have raised no objection to the proposals.

We have offered package of highway improvement measures as discussed with LCC and that this is an appropriate package to deliver a sustainable site for a development of this nature.

Tracking of refuse vehicles has been done. It is an internal design matter that could change at the RM stage.

We have a survey of Castle Road and can provide the necessary highway width.

The strip of land in front of castle Road where there is a culvert is the responsibility of the statutory body (Officer Note: LCC confirm it is theirs and can be culverted). Other solutions can be found.

Other traffic calming could be put in place on Castle Road.

### **Officer Comments**

The drainage information that has been submitted has not been verified by the Lead Local Flood Authority. The applicant has supplied further information which at the time of writing has not been commented on by the LLFA. That included calculations about surface area and the consequential run off rate. It is a matter still being looked at.

The interception rates for the soil have been questioned. The assessment submitted by the applicant indicates that there would be further testing at the RM stage. This can be controlled by a condition as can the SuDs hierarchy options.

The applicant has been asked to look at how they arrive at their calculations on the areas that will have run off.

The maintenance of the drainage system can be controlled by condition.

### **Highways**

The approved scheme did not have to undertake offsite highway works as detailed by L&B. The requirements were for a contribution to a bus service and to cycle contributions. These to be payable to LCC. Pendle had a contribution of £3000 for air quality.

Discussions have not been taken forward on outstanding highway contributions as the application is recommended for refusal.

Concerns have been expressed that there should be some certainty that the bus service can be delivered and that there is no enough finance for it. The former is a matter for reserved matters and for the applicant to show that the internal layout can deal with buses. It is not a matter that requires further details now. LCC are the body that are responsible for bus services. They have requested the amount and they will be obliged to deliver the service for that contribution.

There would be bus services available for residents within a reasonable walking distance. As with the recently completed Windermere Avenue development that would be adequate for a residential development and would not result in a justification to refuse the application.



LCC as local highway authority have assessed the additional details relating to the design of the narrowing on Castle Road which includes swept path analysis for vehicles entering the private drives. This includes a caravan to 122 Castle Road. The information provided is satisfactory to the highways authority that vehicles will be able to manoeuvre in and out of the access.

Concerns have been raised about the ability to provide the highway works on Castle Road and about the width of the access. This matter can be dealt with via a Grampian condition requiring that the design is agreed before any work is commenced on site and that the work be provided before any dwelling is occupied. That would leave it for the developer to seek an acceptable design with the highways authority including any required safety audit. LCC also confirm that their engineers have visited Castle Road and confirm that the measures can be achieved within the highway whilst maintaining the required road widths.

A range of measures are requested by LCC including the crossing on Keighley Road. These would need to be agreed were members minded to approve the application.

The applicant has offered to increase the amount of affordable houses from 5 to 20%. There would also be a commitment for up to 5% self build plots. This would be of benefit to the community as there is a lack of affordable housing in the Borough. That would be a total of up to 30 affordable houses and 7 self build. As detailed in the main report Pendle is not in a position of under delivery nor of lack of available sites. There is currently a healthy supply and delivery of dwellings which mitigates against the benefits of these additional affordable/self build units.. This would not overcome the strong landscape and visual impact objections to the scheme. It would also be difficult to resist any future application to remove the requirement for this level of housing as occurred to the adjoining development as it is not in line with the development plan.

The Council's landscape officer offers no comment on the acceptability or not of the application. That is left for the planning officer. The landscape officer makes a comments though that there will be a major change in the visual impact on the existing landscape.

The applicant indicates that in their view insufficient weight has been given to the influence of the urban edge. This is one of the areas in which we differ. The site does have a relationship with the urban edge but this does not define the character of the site nor its qualities. This is a matter for Committee to consider but there is clearly a disagreement between officers and the applicant on this issue.

## **Conclusions**

The applicant has submitted further technical details on highway matters which have been considered by the highway authority. There are no objections now from the highways authority subject to contributions and conditions.

The site can be made to be accessible and sustainable with the bus service improvements and other infrastructure required. The design of the works on Castle Road can be accommodated. The application is acceptable in terms of sustainable travel and highway safety.

The drainage details are still being considered by the Lead Local Flood Authority including the issues raised by Lidgett and Beyond. This is a matter that requires further consideration but is a technical matter that is likely to be able to be resolved.

The applicant disagrees with the considerations and weight to be given to landscape impacts. Nothing that has been submitted in these later comments though is persuasive in altering the conclusions that the development is unacceptable in landscape and visual terms.

The applicant has increased the level of affordable housing and added in 5% for self build plots. This would alter the design parameters that have been submitted but it is accepted that a good quality scheme could be delivered. There will clearly be additional benefits with an increase in the level of affordable and self build units being delivered but this would not outweigh the harm to the landscape and visual amenity of the area that development of the site would have. The recommendation to Committee remains refusal on the following ground.

The proposed development would result in the unacceptable loss of a prominent greenfield site to the east of the settlement of Colne that currently makes a significant contribution to the landscape character and quality of the area. The development would lead to a poor relationship with the town and countryside. In visual terms, there would be unacceptable impacts on views looking towards the application site from the east, in particular from the opposite side of the valley and for users on the footpaths approaching and passing through the site. The proposed development would be contrary to policies ENV 2 of the adopted Pendle Local Plan (Core Strategy), policies 13 and 20 of the adopted Replacement Pendle Local Plan, policies CNDP 13 and CNDP 14 of the emerging Colne neighbourhood Plan and paragraph 137 of the National Planning Policy Framework.