

**REPORT FROM: ASSISTANT DIRECTOR, PLANNING, BUILDING CONTROL
AND REGULATORY SERVICES**

TO: COLNE & DISTRICT COMMITTEE

DATE: 09TH JANUARY 2025

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT COMMITTEE 9TH JANUARY 2025

Application Ref: 23/0750/ADV

Proposal: Advertisement Consent: Display of 1 no. fascia sign.

At: Primet Business Centre, Burnley Road, Colne.

On behalf of: Mr James Knowles.

Date Registered: 30/11/2023

Expiry Date: 25/01/2024

Case Officer: Joanne Naylor

This application was called in by the Councillor and was then deferred at the December Committee Meeting 2024.

Site Description and Proposal

The application site is part of the Holker Mill complex which has a range of uses within the mill complex. The business operates from Unit 5 Holker Mill and operates as an auctioneers. The application site is located within the Primet Bridge Conservation Area and within the Colne Neighbourhood Plan area.

The advertisement seeks to provide directions to the auctioneer business. The signage would be located on the side elevation of Primet Business Centre, it would have a black background with white text and an arrow directing to the business premises, the signage would be 1.5m high and 2m wide and set 1.85m above the ground.

Relevant Planning History

13/92/0344P: SUB DIVISION OF MILL TO FORM INDUSTRIAL UNITS INCLUDING FORMATION OF NEW CAR PARK/SERVICING AREAS WITH NEW ACCESS AND ACCESS DOORWAYS. Approved with Conditions (21st October 1992).

13/97/0058P: CREATION OF COMPOUND AND STORAGE YARD. Approved with Conditions (10th April 1997).

13/94/0296P: USE FOR AEROBIC STUDIO. Approved with Conditions (22nd August 1994).

Consultee Response

LCC Highways

The proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

Parish/Town Council -

Colne Town Council objects to this application as it is not in keeping with the Conservation Area that it sits in.

Environment Agency

There is no objection to the development subject to comments that the application site is within flood zone 2 which is at risk of flooding. The standard comments Flood Risk Standing Advice may apply here.

Public Response

A press notice and site notice have been displayed, and the nearest neighbours notified by letter without response.

Relevant Planning Policy

Pendle Local Plan Part 1 Core Strategy

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

National Planning Policy Framework

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

Colne Neighbourhood Development Plan

Policy CNDP3 seeks high quality, beautiful and sustainable buildings and places, with new development to retain and enhance the defining characteristics and relate to the design code elements of the matrix.

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

The Conservation Area Design and Development Guidance Supplementary Planning Document.

Primet Bridge Conservation Area Appraisal May 2007.

Officer Comments

The issues to consider with this application are Design and Impact on the Conservation Area, Amenity, and Highway Safety.

Design and Impact on the Conservation Area

The application site is located within the Primet Bridge Conservation Area and there is a duty under Section 72(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The Design Principles provides guidance for the design of advertisements that they should be of high standard of design, relate well to the building they are fixed to, sympathetic to the surrounding locality and street scene, materials to be blend with surroundings, finished and coloured carefully, to not create a safety hazard to pedestrians or traffic, and to not dominate or clutter buildings or forecourts.

The signage would be located on the side elevation of the mill building Primet Business Centre. The signage would have a black background with white text and a directional sign indicating towards the auctioneer business within Holker Mill. The signage would be 2m wide and 1.5m high and it would be 1.85m above ground. The maximum height of any individual letter and/or symbols would be 18cm and have aluminium fronted by plastic. The signage would not be illuminated and the signage is traditional in colour and in text font. Overall, the proposed signage is small in size and has a more traditional text and colour scheme of black and white, the proposed advertisement would be simple and restrained in its colour and size and would be sympathetic to the surrounding locality due to the muted colours with a more traditional design. The proposed advertisement would be erected 1.85m above ground and would not create a safety hazard to pedestrians or traffic.

Although the signage could have been located on the premises where the business operates from, in a mill complex there are a number of businesses and a directional sign would enable customers to find the business.

The site is located within the Colne Neighbourhood Plan with Policy CNDP 3 being relevant, the application site is located in the Colne Design Code Settlement Focus Area SFAF: Mixed area with employment, commerce and residential uses. The Colne Design Code indicates that SFAF is dominated by large industrial mills, with the remaining structures of great local significance and now primarily occupied by supermarkets and large retail premises. The advertisement would be located on the side elevation of Primet Business Centre to support the auctioneer's business which is located in an area of mixed employment, commerce and residential uses. In this location it would be expected that advertisements were displayed in order to support the employment and commercial uses, the signage seeks to support this.

The application site is located within the Primet Bridge Conservation Area and the legislation places a duty under Section 72 (2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the desirability of preserving and enhancing the character or appearance of that area.

The Primet Bridge Conservation Area Appraisal identified the special character of late 19th century Victorian industrial development of textile mills and industrial premises. With the Primet Bridge the focus point of the conservation area and of particular value is the Grade II Listed Primet Foundry with two mill chimneys and adjacent Bridge Works. There are linear development forms of the railway, river and roads, with the viaduct creating a visual barrier. Buildings are mostly local sandstone and blue slate. The area remains relatively unchanged and is used for industry with buildings used and adapted for modern industrial processes.

In terms of the impact on the conservation area, the advertisement would be located on the side elevation of Primet Business Centre and not directly associated with the premises of the auctioneer business which is located in Holker Mill. Here the advertisement would provide direction to the business, the sign is 2.5m wide and 1.5m high, it would be black and white in colour with a more traditional font and muted colours, it would not be illuminated and would be set above the ground by 1.85m, and it would only be visible when travelling from Nelson towards Colne along Burnley Road. There are other advertisements located on the wall which are larger and with more modern design with bright colours. If the proposed advertisement was taken on its own merits, it would be acceptable due to the size, design and muted colours which appear of a more traditional sign.

The nearest listed building is Primet Foundry which is set away from the signage, it would have no direct relationship to the listed building due to the distance and being set away from the advertisement, therefore would not impact on the Listed Building.

Due to the advertisement being muted, it would not be illuminated and set back from the road. Therefore, the advertisement would have a neutral impact on the conservation area.

The proposal accords with Policy ENV1 and ENV2 of the Local Plan, Policy CNDP3 of the Colne Neighbourhood Development Plan, the Conservation Area Design and Development Guidance SPD and the Design Principles SPD.

Amenity

In terms of the visual amenity, the proposal is 2.5m wide and 1.5m high, it is set 1.85m above ground and is not illuminated, the design and colours are muted and of a traditional style. On Burnley Road there are residential properties opposite the application site, the advertisement would not be illuminated and is set circa 24m away and at a right angle to the residential properties, the distance between the signage and the residential properties opposite are sufficient distance away to have no unacceptable impact to these properties. The signage would be acceptable in residential amenity terms and would conform to Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

Highways

The signage raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the signage on highway safety grounds. The signage would not impact on highway safety and would conform to Policy ENV2 and the Design Principles SPD.

Flood Risk

The signage is located within flood zone 2, here the proposal is for an advertisement located on the side elevation of Primet Business Centre which would be 1.85m above ground level and the signage would have no illumination. If a flood did occur the advertisement would not be adversely affected.

Reason for Decision

The advertisement is acceptable in terms of design and material, amenity and highways safety.

RECOMMENDATION: Approve

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: Location Plan, Drawings 20231109_125643, Elevation Plan - Proposed

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

3. Any illuminated advertisement shall be designed so that:

- No part of the source of the illumination shall at any time be directly visible to users of the adjacent adopted highway;
- Static illumination is provided and the sign shall not feature intermittent or flashing lights;
- The level of illuminance shall not exceed the maximum level found within the Institution of Lighting Engineers (ILE) document PLG 5 Brightness of Illuminated Advertisements or its equivalent in any replacement guide;
- Moving features are not provided.

Reason: In the interest of highway safety to avoid glare, dazzle or distraction to passing highway users.

4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations

5. No advertisement shall be sited or displayed so as to –
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Condition imposed by the Regulations.

6. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

Reason: Condition imposed by the Regulations.

7. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Condition imposed by the Regulations.

8. Where an advertisement is required under these Regulations to be removed, the site shall be left in condition that does not endanger the public or impair visual amenity.

Reason: Condition imposed by the Regulations.

Application Ref: 23/0750/ADV

Proposal: Advertisement Consent: Display of 1 no. fascia sign.

At: Primet Business Centre, Burnley Road, Colne.

On behalf of: Mr James Knowles.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 09TH JANUARY 2025

Application Ref: 24/0306/FUL
Proposal: Full (Major): Erection of 11 no. dwellings.
At: Land To The North Of Hargreaves Street Colne
On behalf of: Mr S. Hilton
Date Registered: 09/09/2024
Expiry Date: 02/12/2024
Case Officer: Alex Cameron

This application was deferred from the previous meeting.

Site Description and Proposal

The application site an area of vacant land within the settlement boundary of Colne on which terraces of houses previously stood. The site comprises two separate plots, a larger plot to the north, and a smaller plot to the south adjacent to No. 7 Bankfield Street. The smaller plot falls within the Primet Bridge Conservation Area, the larger plot does not.

The proposed development is the erection of eleven two storey dwellings, two on the smaller plot and nine on the larger plot. The dwellings would all be three bedroom and would be four pairs of semi-detached and one block of three. The proposed materials are natural stone to the front elevations and render to the side and rear, slate roofs with stone coping and upvc windows.

Relevant Planning History

13/12/0063P - Full: Major: Erection of 30 dwellings mixed house types of 2 and 3 bedrooms and access. Approved

Consultee Response

LCC Highways – No objection, requests conditions for construction management plan, off-site highway works, highway survey and post development repair works, parking, cycle storage and electric vehicle charging.

LCC Education – An education contribution is not required.

PBC Environmental Health – Please attach a construction method statement condition and contaminated land informative.

Lead Local Flood Authority – Object. In the absence of an acceptable surface water sustainable drainage strategy to assess the principle of surface water sustainable drainage associated with the proposed development, we object to this application and recommend refusal of planning permission until further information has been submitted to the Local Planning Authority.

United Utilities – The drainage strategy is not acceptable because it does not contain robust evidence that the drainage hierarchy has been investigated. If planning permission is granted

please attach conditions for a scheme of foul and surface water drainage and management and maintenance.

Natural England – No objection.

Lancashire Fire and Rescue – Comments relating to Building Regulations.

Colne Town Council – This site is adjacent to the master planned site within the Colne Neighbourhood Development Site. The Town Council feels that this development is very limited and would prefer to see a joint scheme brought forward for the whole area as this would be the most efficient and effective use of the land. The Borough Council should expedite the remedial work required to their land in order to facilitate this concept.

Public Response

Site and press notices posted and nearest neighbours notified by letter. Response received objecting on the following grounds:

- Inadequate parking provision that would lead to parking on surrounding streets
- Disruption during construction from noise, dust, vibrate and restriction of access
- Loss of green space
- Loss of wildlife habitat

Officer Comments

Policy

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. Colne is defined as a one of the Key Service Centres which will provide the focus for future growth in the borough and accommodate the majority of new development.

Policy SDP3 identifies housing distribution for the M65 Corridor as 70%, the amount of development proposed here is not disproportionate to the level of housing development Colne would be expected to provide, as a minimum, over the plan period.

Policy ENV1 of the Replacement Pendle Local Plan 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 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

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

Policy ENV4 seeks the promotion of sustainable patterns of travel.

Policy ENV 5 considers pollution and unstable land. Emissions and public exposure to pollution are required to be minimised.

Policy ENV7 considers water management. It sets out a sequential approach to site selection for flooding and the use of sustainable urban drainage systems. Surface water run off systems have to mimic the natural discharge process.

Policy LIV 1 sets out the minimum level of housing the Borough should achieve over the life of the Plan. It states that until such time as the Council adopts the Pendle Local Plan Part 2 (new Local Plan as it will now be) new housing development will be supported on sustainable sites outside but close to the settlement boundary which make a positive contribution to the five year supply of housing land.

Policy LIV 4 sets out affordable housing targets. There is no requirement of affordable housing in the M65 corridor.

Policy LIV 5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision should be made for open space or green infrastructure.

Replacement Pendle Local Plan

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

Colne Neighbourhood Development Plan

Policy CNDP3 (Design in Colne and the Colne Design Code) states that the design of high quality, beautiful and sustainable buildings and places will be supported. Development should be designed to incorporate the Design Code elements for the settlement area (SFA F). As appropriate to their scale, nature and locations developments should use traditional local materials, where appropriate recycled, that make a positive contribution to the character and quality of the area.

Policy CNDP6 (Future Housing Growth) States that new housing development will be supported within the settlement boundary and allocates this site for residential development as part of the wider Bunker's Hill site.

Policy CNDP13 (Conserving and Enhancing Landscape Features) States that development should conserve and where practicable enhance the landscape in the area. It identifies significant viewpoints which proposals should respond to.

Principle of the Development

This site is in a sustainable location within the settlement of Colne, in the M65 corridor within accessible walking distance of public transport and essential services and facilities. It is a sustainable site which is allocated for housing in the CNDP and would make a positive contribution to the five year supply of housing land in accordance with policy LIV1 and SDP2. Policy CNDP6 states that new housing development is supported within settlement boundaries.

Concerns have been raised that the wider Bunkers Hill site should be brought forward as a single development, however, this is not something that can be required or the principle of this development be resisted on.

The proposed development is therefore acceptable in principle in this location.

Design and Heritage

The site is located partially within Primet Conservation Area and the remaining area within the setting of the Conservation Area. The Grade II Listed Primet Foundry Mill is also located to the south.

The site would not adversely impact upon any significant viewpoints identified in the CNDP and would sit in the context of a mixture of traditional terraced, post war and modern housing.

The design of the dwellings are of good quality, with natural stone to their front elevations and slate roofs with feature stone copings, which would be complementary to the Conservation Area. Only the two dwellings to the south fall within the Conservation Area and the rendered side and rear elevations would not be prominent.

The proposed developemnt would preserve the character and appearance and thus the significance of the Conservation Area.

The proposed development is acceptable in terms of design and heritage impacts.

Residential Amenity

The rear elevations and windows of plots 1 and 2 in the amended plans would be approximately 11m from facing habitable windows in the rear of Hargreaves Street. This is less than the 21m window and 12m two storey elevation separation distances typically required. However, this mirrors the relationship with the adjacent remaining dwellings at 1-7 Bankfield Street and such relationships are characteristic of the terraced streets in the vicinity. Taking that into account, plots 1 and 2 would not result in an unacceptable loss of privacy or overbearing impact upon the adjacent dwellings.

Windows in the front elevations of the proposed dwellings facing the side elevations of dwellings on Leopold Street and Collingwod Street would face windows separated by less than 21m. The windows appear to be to non-habitable rooms, however, taking into account that those views would be across a public highway they would not result in any unacceptable impacts if they were to be habitable room windows.

The development would provide an acceptable living environment for its residents and would not result in any unacceptable impacts upon surrounding dwellings in terms of privacy, loss of light or overbearing impacts.

Concerns have been raised regarding residential amenity impacts from construction, these can be acceptably controlled by condition.

The proposed development is acceptable in terms of residential amenity impacts.

Landscaping and Open Space

Due to the constrained nature of the site it is accepted that it would not be possible for open space provision to be made on-site, therefore a contribution to off-site provision will be necessary to meet the requirements of policy LIV5.

Ecology and Biodiversity

An ecological appraisal has been submitted and this acceptably demonstrated that the development would preserve or enhance the limited ecology of the site and not result in unacceptable impacts on protected species.

A biodiversity metric and reports have been submitted, these demonstrate that a 10% uplift in biodiversity could not viably be achieved on-site, off site provision is therefore necessary, a planning obligation is required to secure this and monitoring costs for 30 years.

Drainage and Flood Risk

The submitted details are inadequate to assess the principle of surface water sustainable drainage associated with the proposed development, the necessary details have been requested.

Highways

The proposed development would not raise any unacceptable highway safety or capacity impacts and would provide an adequate level of on-site car parking.

LCC Highways have requested a pre and post development condition survey of the privately maintained highway and any repairs necessary to be made by the development, this condition would not meet the test of reasonableness and relation to the permission as it could not be known whether damage or deterioration is as a direct result of the development.

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

Conclusion

It is recommended that the approval of the application, and any additional or revised conditions necessary, is delegated to the Assistant Director Planning, Building Control and Regulatory Services subject to the withdrawal of the UU and LLFA objections.

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 development is acceptable in all relevant regards in accordance with the Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Delegate Grant Consent

Subject to 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: 23.182.01_002 Rev C, 23.182.02_002 Rev C, 23.182.02_003 Rev D,

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 samples of external materials / finishes of the walls and roofs shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development.

4. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

5. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) The parking of vehicles of site operatives and visitors
- b) The loading and unloading of plant and materials
- c) The storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) Measures to limit noise and vibration
- h) A scheme for recycling/disposing of waste resulting from demolition and construction works
- i) Details of working hours
- j) Details of hours of deliveries
- k) Routing of delivery vehicles to/from site
- l) Restriction of burning on-site

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect residential amenity and highway safety during construction.

6. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Works shall include, but not be exclusive to:

- the construction of the dropped vehicle crossings to the highway authority's specification;

- the re-construction of the section of footway outside units 10 and 11 (approx 12m in length) to the highway authority's specification including full height kerbs;
- a short extension of the footway outside Unit 1 to the highway authority's specification, including a buff coloured, tactile paved dropped pedestrian crossing;
- the extension of the existing footway on Cross Street West to the highway authority's specification, including a buff coloured, tactile paved dropped pedestrian crossing. This would require the re-location of the post box and adjacent grey metal box;
- improvements to the existing dropped pedestrian crossings at the junction of Bankfield Street with Greenfield Road to include buff coloured, tactile pavings;
- the re-location of any highway gullies within the dropped crossings;
- a street lighting assessment, which may include the re-location of lighting column 2.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

7. The approved development should not be brought into use unless and until the parking areas shown on the approved plans have been constructed, laid out and surfaced in bound porous materials or drained to an internal outfall. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings.

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

8. Prior the occupation of each dwelling a secure, covered cycle storage for at least two cycles shall be provided for that dwelling in accordance with a scheme that has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development supports sustainable forms of transport.

9. Prior the occupation of each dwelling an electric vehicle charging points for that dwelling shall be provided in accordance with a scheme that has been submitted to and approved in writing by the Local Planning Authority. Charge points must have a minimum power rating output of 7kW and be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure that the development supports sustainable forms of transport

10. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority. All agreed remediation measures

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

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

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced.

Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

11. The development shall be carried out in strict accordance with the recommendations of the Ecological Appraisal RHE4106. Prior to the occupation of the first dwelling a scheme for ecological mitigation and enhancement, including timescales for implementation, shall have been submitted to and approved in writing by the Local Planning Authority and it shall thereafter be implemented in accordance with approved timescales and maintained thereafter.

Reason: To order to ensure that the ecology of the site is preserved and enhanced by the development.

- 12 Prior to the occupation of the first dwelling a detailed landscaping scheme shall be submitted to the Local Planning Authority and approved in writing. The scheme shall include the following:
- a. all proposed boundary treatments with supporting elevations and construction details;
 - 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 hard landscape elements and pavings, including layout, materials and colours;
 - e. the proposed arrangements and specifications for initial establishment maintenance of all planted or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a

period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

13. 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 obligation shall provide for the provision or enhancement of off-site open space and for 10% Biodiversity Net Gain and monitoring for a 30 year period.

Reason: To provide for the impact of the development on local secondary school provision and to support the implementation of the Travel Plan.

Biodiversity Net Gain Condition:

1. The development may not be begun unless—
 - (i) a biodiversity gain plan has been submitted to the planning authority and
 - (ii) the planning authority has approved the plan

Phase plan

- (b) the first and each subsequent phase of development may not be begun unless—
 - (i) a biodiversity gain plan for that phase has been submitted to the planning authority and
 - (ii) the planning authority has approved that plan

Reason: In order to fulfil the obligations for Biodiversity Net Gain, in accordance with the Environment Act 2021, Schedule 14

Notes:

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to: • the construction of the dropped vehicle crossings to the highway authority's specification; • the re-construction of the section of footway outside units 10 and 11 (approx 12m in length) to the highway authority's specification including full height kerbs; • a short extension of the footway outside Unit 1 to the highway authority's specification, including a buff coloured, tactile paved dropped pedestrian crossing; • the extension of the existing footway on Cross Street West to the highway authority's specification, including a buff coloured, tactile paved dropped pedestrian crossing. This would require the re-location of the post box and adjacent grey metal box; • improvements to the existing dropped pedestrian crossings at the junction of Bankfield Street with Greenfield Road to include buff coloured, tactile pavings; • the re-location of any highway gullies within the dropped crossings; • a street lighting assessment, which may include the re-location of lighting column
2. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on developer@lancashire.gov.uk, in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number. 2. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.

Application Ref: 24/0306/FUL

Proposal: Full (Major): Erection of 11 no. dwellings.

At: Land To The North Of Hargreaves Street Colne

On behalf of: Mr S. Hilton

REPORT TO COLNE AND DISTRICT COMMITTEE ON 09 JANUARY 2025

Application Ref: 24/0648/VAR

Proposal: Variation of Condition: Remove Condition 4 (Affordable Housing) of Planning Permission 20/0758/FUL.

At: Weston Electric Units Ltd Station Road Foulridge Lancashire

On behalf of: Sutton Family Trust

Date Registered: 24/09/2024

Expiry Date: 19/12/2024

Case Officer: Alex Cameron

This application has been brought before Committee due to the number of objections received.

Site Description and Proposal

This application site is a former industrial site, now demolished, with planning permission for 13 dwellings granted in 2021.

This application is to remove condition 4 of the planning permission which requires the provision of affordable housing.

Relevant Planning History

20/0758/FUL - Full: Major: Demolition of existing disused B2/B8 units and erection of 13 No. 3 and 4 bedroomed dwellings, new access road and associated landscaping works. Approved

Consultee Response

Foulridge Parish Council – Object to removal of the condition.

Public Response

Site and press notices posted and nearest neighbours notified – Responses received objecting on the following grounds:

Site and press notices posted and nearest neighbours notified – No response

- There is a real need for affordable properties in the village.
- Houses in Foulridge are the 7th most expensive of Pendle's 19 area.
- Young people from the village deserve to have the opportunity to buy a house where they grew up. Affordable housing should be part of the housing mix in the village to enable this to happen. Pendle isn't known for its well-paying entry level jobs, if we don't provide affordable housing for those starting out in life, the village will eventually resemble a retirement village instead of the vibrant community it is now.

- As this is a brownfield site in a residential area and perfect for the provision of affordable housing
- Housing in the village is out of reach to first time buyers

Officer Comments

Policy LIV4 of the Core Strategy requires that affordable housing provision is made at a level of 20% for developments of 5 or more dwellings in Rural Pendle.

Where up to date policies set out required contributions they are assumed to be viable, however, paragraph 58 of the National Planning Policy Framework allows for the submission of a viability appraisal by an applicant to demonstrate whether such contributions would result in an individual development being unviable. If that is the case an affordable housing contribution cannot be required.

The applicant has submitted a viability appraisal which concludes that the cost of delivering the affordable housing provision would result in the development not being viable.

National Planning Guidance advises that a 15-20% profit over gross development value may be considered a suitable return for developers, viability appraisals apply that profit and calculate a residual land value.

the submitted appraisal applies a 17.5% developer profit which results in a negative residual land value of -£173,333.

Even if the lower end of 15% profit were applied, this would still result in a negative residual land value of -£54,033.

The submitted appraisal has been assessed by the Council's surveyors, additional clarifications required and provided by the applicant. It is clear from the viability appraisal the requirement for any affordable housing would result in the development not being financially viable.

It has been robustly demonstrated that the affordable housing requirement would jeopardise the viability of the development, the Framework is clear that planning contributions cannot be required in such that circumstance. It is recommended that the removal of the affordable housing requirement condition is approved.

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 removal of condition is acceptable in all relevant regards. 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 23rd September 2021.

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

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

15.108.02P, 15.108.03A, 15.108.05A, 15.108.06A, 15.108.12C, 15.108.14D, 15.108.01B, 21126-PWA-00-XX-RP-C-1000 P01, 21126-PWA-00-XX-DR-C-1000 P01, 21126-PWA-00-XX-DR-C-1001 P01, 21126-PWA-00-XX-DR-C-1002 P01, 21126-PWA-00-XX-DR-C-1003 P01, 21126-PWA-00-XX-DR-C-1004 P01, D & A Rev B and Tree Report updated July, 2021.

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

- 3 Prior to the commencement of development a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (or any subsequent provision equivalent to that Section) relating to the land has been made and lodged with the Local Planning Authority and the Local Planning Authority has notified the person(s) submitting the said planning obligation in writing that it is to the Local Planning Authority's approval. The said planning obligation will provide for contributions towards education provision.

Reason: In order for the development to contribute towards education provision in the area.

- 4 Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and

b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

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

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation

and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

- 5 The development permitted by this planning permission shall be carried out in accordance with the principles set out within the submitted flood risk assessment (September 2020, Ref: 20123-PWA-00-XX-RP-C-1000, Paul Waite Associates). 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 in consultation with the lead local flood authority.

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

- 6 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 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;

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

details.

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.

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

- 7 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.

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.

Reason: 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.

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

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

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant

with and subsequently maintained.

- 9 No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
- e) Details of wheel-washing facilities including location
- f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
- g) Measures related to construction and demolition waste management
- h) Pollution prevention to include odour suppression, temporary drainage measures and measures such as cut-off trenches to control gas migration.
- i) Soil resource management including stock-pile management
- j) Compliance with BS5228: Part 1 1997 to minimise noise
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- l) Measures to ensure that there is no burning of waste.
- m) Demolition Management Plan/Programme
- n) Location and details of site compounds
- o) Hoarding details during construction
- p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- q) Vibration monitoring to be carried out for the construction period.
- r) Noise-monitoring to be carried out for the construction period.
- s) A Construction and Demolition-Waste minimisation Strategy.
- t) A Construction-Risks Education plan/programme
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

- 10 The accesses shall be completed to base course level, including visibility splays, to the satisfaction of the Local Planning Authority prior to the commencement of any other works. The estate roads shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up the entrance of the site compound before any other development takes place. The estate roads shall be laid out, surfaced, sealed and completed in its entirety prior to occupation of the first unit on

each phase.

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

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

For the avoidance of doubt works shall include, but not be exclusive to:

Station Road:

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

Whitemoor Road:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 18 The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

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

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

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

The development shall be carried out in accordance with the approved details.

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

- 20 Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A, E(a) & (b), F of Part 1 and Classes A & B of Part 2 of Schedule 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

Part 1

A) no extensions shall be erected

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

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

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

Part 2

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

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

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

- 21 The garages hereby permitted shall not at any time be used for any purpose which would preclude its use for the parking of a motor car.

Reason: To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking that would be inimical to highway safety.

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

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

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

Reason: To enable the Local Planning Authority to assess how the development will

accommodate the varied land levels and control the final form.

- 24 The development shall be carried out in accordance with the mitigation plan for bat boxes set out in the Site Specific Bat Survey dated September 2020 and the mitigation proposed in the updated Ecology Report Paragraph 5. The development shall be completed in strict accordance with these details.

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

- 25 The development shall be carried out in strict accordance with the Tree Report 27 November 2020. The development shall then only commence and be completed in accordance with the agreed details. No vegetation shall be removed during February to September unless a report detailing pre-checks for nesting birds by a qualified ecologist has been submitted to and agreed in writing by the Local Planning Authority. Any trees to be removed shall be pre-checked for habitation prior to removal. All trees to be removed shall be replaced as part of the proposed landscaping scheme.

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

- 26 Before the footpath is first brought into use details of a suitable handrail shall have been submitted to and approved in writing by the Local Planning Authority. The details shall also include the timing of the provision of the handrail. The handrail shall thereafter be installed in strict accordance with the approved details and timing of provision.

Reason: In order to ensure the footpath is useable to all.

Application Ref: 24/0648/VAR

Proposal: Variation of Condition: Remove Condition 4 (Affordable Housing) of Planning Permission 20/0758/FUL.

At: Weston Electric Units Ltd Station Road Foulridge Lancashire

On behalf of: Sutton Family Trust

REPORT TO COLNE AND DISTRICT COMMITTEE ON 09 JANUARY 2025

Application Ref: 24/0828/FUL
Proposal: Full: Erection of 4 no. dwellings and associated works.
At: Land To The South Of, Green Meadow, Trawden
On behalf of: Mr C Foster
Date Registered: 28/11/2024
Expiry Date: 27/01/2024
Case Officer: Alex Cameron

Site Description and Proposal

The application site is a triangular 0.2 hectare field located to the south of a cul-de-sac of bungalows at Green Meadow in Trawden. The site is located within the settlement boundary of Trawden and within Trawden Forest Conservation Area. The site abuts the settlement boundary to the north, to the west is a detached house 'Long Green' and to the south and east is open land.

In 2013 planning permission was granted for six houses on part of this site, two of which have been built and therefore that permission is extant.

In 2016 a revised scheme for the rest of the site, proposing five dwellings in two pairs of semi-detached and one detached house and incorporating an additional strip of land to increase the overall number of dwellings to seven the west was approved at appeal and identical permission was granted again in 2020.

In 2023 a revised proposal for five detached dwellings was refused by the Council and an appeal dismissed. The reasons for refusal of that application were the design of the development not being reflective of the character of the Conservation Area and that no provision had been made for affordable housing. The appeal was dismissed only on the basis of the design of the development.

This is a revised proposal for four detached dwellings with four bedrooms and integral garages. The proposed finishes would be natural stone walls, blue slate roofs and timber windows and doors.

Relevant Planning History

13/88/0332P - Erection of two dwellings. Approved.

13/88/1035P - Outline application for residential development. Refused and Appeal Dismissed.

13/97/0388P - Outline application for residential development. Refused and Appeal Dismissed.

13/13/0427P - Erection of 6 dwellings (3 pairs of semi detached houses). Approved.

13/15/0273P - Erection of 6 dwellings (3 pairs of semi-detached houses). Refused.

13/15/0361P - Full: Erection of 5 dwellings (2 Pairs of semi-detached and 1 detached). Appeal Allowed.

13/15/0420P - Full: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 13/13/0427P to amend the approved plans. Approved.

19/0750/FUL - Full: Erection of 5 dwellings (2 pairs of semi-detached and 1 detached). Approved.

23/0043/FUL - Full: Erection of 5 detached houses and associated works. Refused and Appeal Dismissed

24/0069/FUL - Full: Erection of 4 no. dwellings and associated works. Withdrawn

Consultee Response

LCC Highways – No objection subject to conditions for wheel washing and road sweeping, accordance with the traffic management plan, management and maintenance of roads and footways, estate road construction and car parking

Cadent - Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

United Utilities – Comments in relation to building near UU assets and provision of foul and surface water drainage.

Environmental Health – Please attach a construction management condition and contaminated land note.

Trawden Forest Parish Council –

Public Response

A press and site notice have been posted and nearest neighbours notified – No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy (LPP1)

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

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

Policy LIV4 (Affordable Housing) requires that development of over five houses in Rural Pendle provide 20% affordable housing.

Replacement Pendle Local Plan (RPLP)

Policy 31 (Parking) requires a maximum parking provision of three spaces for a 4 or more bedroom dwelling.

Trawden Forest Neighbourhood Plan (TFNP)

Policy 1 states that development proposals within the Settlement Boundaries of Trawden and Cotton Tree will be supported provided that they are appropriate in scale, massing, and character.

Policy 3 states that within settlement boundaries proposals for residential development which comprise nine or fewer net additional dwellings will be supported, provided their design accords with the following principles. They 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;
- 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).

Policy 4 states that developers will be required to provide appropriate car parking for new residential developments. As a minimum developers must comply with the parking standards set out in the adopted Pendle Local Plan, but they are also encouraged to reflect the parking guidelines set out in Appendix 4 of this neighbourhood plan, to help reduce the future potential for on-street parking and congestion.

New developments should incorporate appropriate facilities for charging plug-in electric and hybrid vehicles.

Policy 6 states that development should respect and where possible enhance the setting, character and appearance of Heritage Assets.

National Planning Policy Framework (The Framework)

Paragraph 139 states that development that is not well designed should be refused.

Paragraph 212 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 215 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Principle of the development

The principle of residential development of this site has been established by the previous extant permission and allowed appeal, since those decisions the land has been included within the settlement boundary of Trawden. This is a sustainable location for the proposed development in accordance with the Framework, LPP1 and the Neighbourhood Plan.

Affordable Housing

Policy LIV4 of the LPP1 and Policy 3 of the TFNP require that affordable housing is provided at a level of 20% for development of 5 or more dwellings. The proposed development is for four dwellings and therefore is below the threshold, furthermore, the recent appeal decision determined did not support the Council's reason for refusal of the previous application for five dwellings due to there being no affordable housing contribution.

Therefore, there is no requirement to provide for affordable housing.

Design and Heritage Impact

The adjacent residential area is largely characterised by traditional terraced houses of simple vernacular design in a layout following the roads and lanes, with larger cottages and farm houses of varying design organically dotted around the land to the west of the site. There are also some unsympathetic modern buildings, built before the designation of the area, such as the cul-de-sac of bungalows at Green Meadow. However, they are not characteristic of the area.

The proposed dwellings are of a standard homogenous design. Other than the use of natural materials and mullioned windows the design of the dwellings does not reflect the character of the Conservation Area, the design of the dwellings have the appearance of a standard house type that could be seen in housing developments across the country, and there is no variety in the design to reflect the variety in the streetscene of the Conservation Area.

The design of the development clearly does not address the reason for refusal and dismissal of the appeal of the previous application and would harm the character and appearance and thus the significance of the Conservation Area.

There would be public benefits in, the provision of housing which would contribute to the supply in the Borough and would bring a currently vacant and overgrown site back into an efficient use. However, this is a small scale development and therefore these benefits would only carry moderate weight. Taking into account the great weight that must be given to the conservation of the heritage asset, the harm to the significance of the conservation area substantially outweighs the public benefits.

The development is therefore contrary to policies ENV1, ENV2 and LIV5 of the LPP1 and policies 3 and 6 of the TFNP.

Residential Amenity

Upper floor windows in the rear elevation of plot 2 would face the boundary of Long Green separated by approximately 5.5m. Long Green does have a hedge adjacent to the boundary,

however, the proposed windows would have views over the hedge into the garden of that property. A relationship of 4.5m was approved in the previous approvals, taking into account that long green sits within a large plot and the relationship would be with a far end of its garden, this would not result in an unacceptable loss of privacy to that property.

With a condition to ensure that side windows are obscure glazed the development would not result in any unacceptable loss of privacy or any other unacceptable impact upon No. 3 Green Meadow or any other surrounding property.

The proposed development raises no unacceptable residential amenity impacts in accordance in accordance with Policies ENV2 and LIV5.

Highways

The application plans proposes an acceptable highway layout and acceptable level of off-street car parking for each plot.

The proposed development is acceptable in terms of highway safety in accordance with policies 31 and ENV4.

Drainage

A drainage strategy has been submitted with this application and acceptably demonstrates that the development would not result in an unacceptable increase in the risk of off-site flooding in accordance with policy ENV7.

Biodiversity Net Gain

This development is required to provide biodiversity net gain (BNG) of at least 10%. An assessment of biodiversity impact has been submitted with the application, it is accepted that off-site provision or credits will be necessary to provide the require uplift. This can be controlled by the standard BNG condition and a condition for a section 106 agreement to provide for monitoring.

RECOMMENDATION: Refuse

For the following reason:

The design of the development is not reflective of the character of the location and Conservation Area and represents poor design which would cause harm to the visual amenity of the area and significance of the Conservation Area, whilst the harm to significance would be less than substantial it would not be outweighed by the public benefits of the development. The development is therefore contrary to Policies ENV1, ENV2 and LIV5 of the adopted Pendle Local Plan Part 1: Core Strategy, Policies 3 and 6 of the adopted Trawden Forest Neighbourhood Plan and paragraphs 139, 212 and 215 and 202 of the National Planning Policy Framework.

Application Ref: 24/0828/FUL

Proposal: Full: Erection of 4 no. dwellings and associated works.

At: Land To The South Of, Green Meadow, Trawden

On behalf of: Mr C Foster

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 03rd December 2024