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| **Report to be read in conjunction with the Decision Notice.** |
| **Signed:** | **Officer:** | **KH** | **Date:** | **09/08/24** | **Manager:** | **LH** | **Date:** | **9/8/24** |
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| **Application Ref:** | 2024/0327 |  |
| **Date Inspected:** | 20/06/24 | **Site Notice****Expired:** | 11/07/24 |
| **Officer:** | Kathryn Hughes |
| **DELEGATED ITEM FILE REPORT:**  | **APPROVAL** |
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| **Development Description:** | Outline application for demolition of existing buildings and erection of a care home (Use Class C2) with access, appearance, layout and scale applied for. |
| **Site Address/Location:** | Pendle Mill, Pendle Road, Clitheroe BB7 1JQ |
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| **CONSULTATIONS:**  | **Parish/Town Council** |
| No objections. |
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| **CONSULTATIONS:**  | **Highways/Water Authority/Other Bodies** |
| **LCC Highways:** | No objections subject to conditions relating to structural report, site access and off-site highway works, full travel plan, construction management plan, reinstatement of footway, access arrangements, visibility splays, parking and turning facilities, cycle parking, The LHA are satisfied that the access width and kerb radii is safe and suitable to serve the proposal and provide visibility splays of 2.4m x 43m in both directions.28 parking spaces are proposed to be provided as well as 4 electric charging points, 10 cycle spaces and 2 disabled spaces. The site is served by regular hourly bus services. A framework travel plan has been submitted. |
| **LCC Archaeology:** | We commented on an earlier application for this site (3/22/0632) which was granted permission with a requirement for a programme of archaeological works conditioned. Our comments and advise on the revised application remain the same and I re-iterate them below.  The original buildings at Pendle Mill were built as a brewery in c 1788 and the site was converted to a printworks in 1809 then became a sizing works after 1826 (Rothwell 1992). Some eight years later, in 1834, Benjamin Bulcock and James Smith purchased the site and by 1837 had erected a seven-storey spinning mill and weaving shed, known as Brewery Mill. The 1st edition Ordnance Survey maps of 1844 show a long range of buildings along the front edge of the site with a further block lying obliquely and attached to the main range at the northwestern corner. The mill is shown on the Ordnance Survey 1:10560 map of 1884 (Yorkshire, sheet CLXXII) with buildings covering most of the existing site, most likely the historically recorded seven-storey spinning block, fronting Pendle Road, with the weaving shed to the rear, and a large mill pond to the south-east. The spinning block was destroyed entirely by fire in March 1896, although the weaving shed, containing 500 looms, was saved. The mill was reconstructed as a weaving mill after the fire and re-equipped with 412 looms. A new 350hp steam engine manufactured by William Roberts & Sons of Nelson was installed in 1902.The 25 inch to 1 mile series map of 1910 (Lancashire sheet XLVII.14) shows the site in much the same configuration as the 1880s map but the site is named "Claremont Mill" Later maps show the site in the same overall configuration but named “Pendle Mill”.Textile manufacture at the site ended in 1966.The plans of the premises currently occupying the site appear to incorporate some significant elements of the different phases of the mill which are recorded both in historical documents and on the successive editions of the Ordnance Survey maps. There is also the possibility that remains of the early use as a brewery, and the early phases of the site's use as a textile works as the printworks and size works will have required significant water supplies and facilities for handling quantities of chemicals and dyestuffs (a "printworks" was a factory where coloured patterns were printed onto cotton cloth while "sizing" involved dipping spun threads into vats of a thin paste of starch with various other ingredients to strengthen the threads before they were used in weaving looms).  We would advise therefore that prior to their demolition, if the decision is made to allow this application, that the buildings on the site be the subject of detailed archaeological survey and analysis prior to their demolition and that the analysis should provide an assessment of the potential for the survival of below ground remains with proposals for a further phase of archaeological excavation and recording if this is deemed necessary by the assessment. This can be achieved by a suitably worded condition in accordance with NPPF Para 205.  |
| **Environment Agency:** | We have reviewed the report: - Pendle Mill, Pendle Road, Clitheroe, Lancashire Report Title Phase 1 - Preliminary Risk Assessment Report Status Final Report No BEK-22051-1, prepared by BEK ENVIRO LIMITED, May 2024.  Our comments are:  The previous use of the proposed development site as a cotton Mill (with landfill site adjacent) presents a medium risk of contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are particularly sensitive in this location because the proposed development site is: - * Adjacent to Shaw Brook watercourse
* located upon a secondary aquifer A

 The application demonstrates that it will be possible to manage the risks posed to controlled waters by this development. Further detailed information will however be required before built development is undertaken.  In light of the above, the proposed development will be acceptable if a planning condition is included requiring the submission of a remediation strategy. This should be carried out by a competent person in line with paragraph 189 of the National Planning Policy Framework.  Without this condition we would object to the proposal in line with paragraph 180 of the National Planning Policy Framework because it cannot be guaranteed that the development will not be put at unacceptable risk from, or be adversely affected by, unacceptable levels of water pollution. The phase 1 contamination report by BEK ENVIRO LIMITED, referenced above, satisfies part 1 of the above planning condition.  To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with paragraph 180 of the National Planning Policy Framework and to prevent deterioration of a water quality element to a lower status class in the adjacent watercourse.  There are no flood risk objections to the outline development as proposed.  The planning application is accompanied by a Flood Risk Assessment (FRA) prepared by BEK Geo-Environmental Consulting, referenced Report Ref: BEK-22035-3-RevA and dated May 2024. We have reviewed the FRA in so far as it relates to our remit, and we are satisfied that the development would be safe without exacerbating flood risk elsewhere if the proposed flood risk mitigation measures are implemented. The proposed development must proceed in strict accordance with this FRA and the mitigation measures identified as it will form part of any subsequent planning approval. Any proposed changes to the approved FRA and / or the mitigation measures identified will require the submission of a revised FRA.  Shaw Brook is a designated statutory main river and runs in culvert along the northern boundary of the site.The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:  * on or within 8 metres of a main river (16 metres if tidal)
* on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)
* on or within 16 metres of a sea defence
* involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert

in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission.Based on our knowledge of the site, we believe that it is not clear that the unit calculations for the culverted watercourse are correct in the BNG calculator and we strongly recommend that this is taken into account when the application is considered for approval.  |
| **Lead Local Flood Authority:** | The Lead Local Flood Authority has no objection to the above application subject to the inclusion of appropriate conditions relating to the submitted FRA, Final Surface Water Sustainable Drainage Strategy to be submitted, Construction Surface Water Management Plan, Sustainable Drainage System Operation and Maintenance Manual and Verification Report of Constructed Sustainable Drainage System.  |
| **United Utilities:** | Following our review of the submitted Drainage Strategy, we can confirm the proposals are acceptable in principle to United Utilities and should planning permission be granted we request an appropriate condition attached to the Decision Notice to ensure the development is carried out in accordance with the submitted Foul & Surface Water Drainage Design Drawing 2022-02501, Dated 26.05.2022 by BEK Environmental.  |
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| **Neighbour Notifications:**  | **Additional Representations.** |
| Five responses received raising the following concerns:* I have concerns over the height of the building;
* Concerns over parking and access issues;
* The latest plans extend over land they do not own as this was sold off and classed as green land;
* The street drainage is piped down this lane and the surface water;
* If the water can not go down then I get flooded;
* Concerned about dust and noise and potentially damage during the demolition phase;
* Post demolition I need a 1.5m fence erecting until the planned hedges have grown to 1.5m;
* Why do we need another care home?
* Part of the mill surely has a preservation order on it? and
* Bats were living in part of the office building.
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| **RELEVANT POLICIES AND SITE PLANNING HISTORY:** |
| **Ribble Valley Core Strategy:**Key Statement DS1: Development StrategyKey Statement DS2: Sustainable DevelopmentKey Statement EN3: Sustainable Development and Climate ChangeKey Statement EN4: Biodiversity and GeodiversityKey Statement EC1: Business and Employment DevelopmentKey Statement DMI2: Transport ConsiderationsPolicy DMG1: General ConsiderationsPolicy DMG2: Strategic ConsiderationsPolicy DMG3: Transport & MobilityPolicy DME1: Protecting Trees & WoodlandPolicy DME3: Site and Species Protection and ConservationPolicy DME4: Protecting Heritage AssetsPolicy DME6: Water ManagementPolicy DMB1: Supporting Business Growth and the Local EconomyNational Planning Policy Framework (NPPF) |
| **Relevant Planning History:**2022/0632 – Demolition of existing buildings and erection of a care home (Use Class C2) of up 70 beds. All matters reserved apart from access – Approved.2023/0377 – Non-Material amendment to outline planning permission 3/2022/0632 involving retention of the electricity substation – Approved.2023/0378 – Reserved matters application relating to appearance/landscaping/layout/scale following outline planning permission 3/2022/0632 – Approved. |
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| **ASSESSMENT OF PROPOSED DEVELOPMENT:** |
| **Site Description and Surrounding Area:**The site area is 0.40ha with the application site consisting of an existing two storey stone building located within the settlement of Clitheroe and is split into numerous units. Not all of the units are occupied. The largest building is a warehouse and a smaller building is occupied by a school wear mail order business with a retail sales counter.The building has been in use as a commercial building with unrestricted operating times for some years and is served by two established accesses off Pendle Road.Contamination of the site is likely due to the sites former use of the mill as a textile works and brewery.There are known bat roosts within the site and trees adjacent to the site which are protected by Tree Preservation Order 7/19/3/67 1982. |
| **Proposed Development for which consent is sought:**The proposed development is an outline application for the construction of a care home with details of access, appearance, layout and scale applied for. A new vehicular access is proposed to be formed from the western side of the site frontage.The building will be three storeys in height with 3954sq.m gross internal floor area. This is an increase of 733 sq.m. on the existing internal floorspace of the buildings and will provide 75 bedrooms.Some internal configuration has been undertaken in order to accommodate five additional bedrooms to the scheme previously approved and this has result in the loss of some lounges, café/bistro elements. This application is in outline with matters reserved for later consideration for landscaping. |
| **Principle of Development:**The application site lies within the defined settlement limits of Clitheroe (Tier 1 Settlement) where Key Statement DS1 directs the majority of new development (alongside Longridge and Whalley). The development of the site for a care home does not raise any strategic conflicts with the development strategy for the borough subject to other policy requirements being met. The site has an existing unrestricted commercial use, although is not a designated employment site. The principle of a case home on the site has been established by the approval of outline and reserved matters applications (see history).The differences between this scheme and that already approved are:* The number of bedrooms has increased from 70 to 75;
* On the north facing elevation at the eastern end of the building is a change to the fenestration at lower ground level. A pair of double doors and windows serving a lounge have been replaced to two single doors and windows to serve two bedrooms;
* The footprint of the building in the northeastern corner has increased by moving the northern wall and south eastern gable by approximately 500mm.

This results in an increase in the external area from 4112 sq.m. to 4120 sq. an increase of 8sq.m. approximately 0.2%.Policy DMB1 of the Ribble Valley Core Strategy requires proposals involving the redevelopment of sites with employment generating potential for alternative uses to be assessed against a number of criteria. The proposed C2 care home use does not fit the term ‘employment use’ and so the policy is still relevant to apply albeit the applicant claims 70 full time equivalent (FTE) jobs will be created, which does carry some weight. Criteria 1 and 2 requires the proposal to be compatible with other relevant local plan policies including policy DMG1 in terms of design, access, amenity and environment. This will be considered in subsequent sections of this report. Criteria 3 requires environmental benefits to be gained by the community. This is considered satisfied as the proposal will require large-scale demolition of existing dilapidated buildings and will be a more compatible use with surrounding residential properties. Criteria 4 requires the economic and social impact caused by the loss of employment opportunities to the borough to be considered. The existing site does not operate at full capacity and the existing premises are said to currently provide less than 10 FTE jobs, The applicant claims the existing businesses within the mill site are proposed to be relocated within the Borough although there is no evidence to support this and therefore there could be some impact. Criteria 5 requires evidence submitted demonstrating attempts made to secure alternative employment generating uses. No such evidence has been submitted.Whilst the proposal cannot be said to be fully compliant with policy DMB1 because of the potential loss of existing business on the site and the lack of efforts to secure an alternative employment use, when weighed against the benefits to development including the environmental benefits of removing dilapidated buildings, the social benefits of providing older persons accommodation in a sustainable location, and the economic benefits of creating up to 70 FTE jobs, this policy conflict is not in itself a reason to refuse the application.  |
| **Impact Upon Residential Amenity:**This was considered as part of the previous approvals and was accepted subject to a condition requiring the overall building height not to exceed the existing ridge height of no. 25 Pendle Road and an interface distance of not less than 21 with no.’s 25 to 33 Pendle Road. This has been shown to be achievable.The existing maximum ridge height would be 12.14m with an interface distance of 21.384m. This is acceptable and even with the changes in levels and three storey elements would not result in any unacceptable impacts on privacy and interlooking or unacceptable overbearing / loss of daylight impacts.  |
| **Visual Amenity/External Appearance:** The design of the external envelope reflects similar properties in the area with a mixture of building forms and materials.Proposed materials include buff brickwork, cream render, reconstituted stone window surrounds, plinths and quoins with artificial slate roof tiles. White upvc windows and doors and black rainwater goods and fascias are proposed as well as a 1.8m high glass balustrade to the north (rear elevation).A number of fake windows at first floor are proposed with louvre timber details to provide additional privacy to adjacent properties. As these windows would serve an assisted bathroom, store, comms room and female changing room this has been accepted.Subject to conditions requiring appropriate window reveals and submission of chimney details these would be acceptable. |
| **Highways and Parking:**The access into the site from Pendle Road, C classified road subject to 30mph speed limit, as well as the impact of traffic generated by the development on the local highway network, were fully considered and approved as part of the previous outline application and therefore subject to appropriate conditions being attached there would be no change to the principle of this scheme.Appropriate visibility splays and adequate turning facilities will allow vehicles including refuse vehicles and ambulances to enter, turn and exit the site in forward gear.A structural report for the changes to the retaining structures along Pendle Road will be requires as well as Improvements to bus stops and reinstatement of the footway will also be required.The proposed development will lead to the provision of 28 general parking spaces including 2 accessible parking spaces, covered cycle store with provision for up to 10 bicycles and four electric vehicular charging points.There is a regular bus service along Pendle Road which serves the proposed development with an hourly service.The car and cycle parking and internal turning areas should be provided prior to the first use of the development and this can be controlled by appropriate conditions. |
| **Landscape/Ecology:**Landscaping has been reserved for later consideration and therefore will need to be submitted as a Reserved Matter.No details of boundary treatments have been submitted and therefore this would need to be controlled by an appropriate condition.Bat surveys were submitted as part of the previous approved schemes with an update from the ecologist to confirm that the situation remains the same. This stance is considered to be acceptable.Details of biodiversity net gain have been submitted with a BNG Design Stage Report upon which it has calculated that a BNG of 113% could be achieved. Whilst this assessment is sufficient for the purposes of the deemed BNG condition and is acceptable, as bat roosts have been confirmed on the site and a license from Natural England would be required, which was not the case at the previous stage therefore a full assessment is now required. As such, the proposals could only be carried out under a relevant Natural England (NE) Protected Species Mitigation license.In order for the NE license to be granted, NE requires 3 tests for the development to be met: (a) Preserving public health or public safety or other imperative reasons of overriding public interest; (b) there is no satisfactory alternative; and (c) the action will not be detrimental to maintaining the population of the species concerned at a favourable conservation status in its natural range. As competent authority the Habitats Directive places a duty on local planning authorities to consider whether there is a reasonable prospect of a license being granted and apply the three tests. In terms of the first test, the proposal would not preserve public health or public safety. Although there would be benefits in the provision of jobs during construction and the provision of 75 residential care rooms, this has some weight and could be considered an imperative reason of overriding public interest particularly as a permission for 70 residential care home has been established and is still extant on the site. In terms of the second test, a satisfactory alternative would not be possible without the demolition of the existing buildings. The final test is an ecological one, which the submitted ecology survey says will be met as appropriate compensation/mitigation is possible on the site. Therefore, all three tests have been met and there would be a reasonable prospect that NE would grant a license for this development. Therefore the proposal would accord with policy DME3 of the Ribble Valley Core Strategy which seeks to resist development proposals likely to have an adverse effect on protected species unless it can be clearly demonstrated that the benefits outweigh the local and wider impacts. Conditions requiring by the protective fencing to be erected, provision of both bat and bird boxes sited nearby prior to demolition as well as the provision of a bat roost located within the building would assist in mitigating the scheme. |
| **Drainage**In relation to drainage issues no concerns have been raised subject to the details required as part of the conditions to attached outline application being submitted and agreed. |
| **Other Matters:**There are appropriate conditions attached to address the drainage concerns and temporary hoarding will be in place during demolition and construction phases which will require the submission of further detailed information for consideration. The main issues relate to visual amenity, residential amenity, design and materials and internal highway layout. In relation to the proposed building, it would be consistent in terms of design, materials and scale with the adjacent residential buildings.Whilst a concern regarding land ownership is raised and noted, this is not a material planning consideration to the application, with the red edge remaining unchanged from the outline/Reserved Matters applications.In addition, the existing premises has bat roosts and it is considered a reasonable prospect of a NE license being granted having regard to the three tests. Subject to appropriate conditions relating to drainage, highways, materials, window reveals, chimney details, parking and turning provision, cycle provision and EVCP. |
| **Observations/Consideration of Matters Raised/Conclusion:**As such, for the above reasons and having regard to all material considerations and matters raised that the application is recommended for approval. |
| **RECOMMENDATION**: |  |
| That planning consent be granted subject to the imposition of conditions. |