

**REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER**

**TO: COLNE AND DISTRICT COMMITTEE**

**DATE: 7<sup>th</sup> December 2016**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## REPORT TO COLNE COMMITTEE ON 07 DECEMBER 2016

**Application Ref:** 16/0650/FUL

**Proposal:** Full: Major: Erection of 32 dwellings with associated works including parking, highways and landscaping.

**At:** Oak Mill, Skipton Road, Colne

**On behalf of:** Pearl 2 Pendle Enterprise and regeneration 2 Ltd

**Date Registered:** 30/09/2016

**Expiry Date:** 30/12/2016

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is the former site of Oak Mill which is now demolished. To the south are industrial buildings, to the north and east is the rear of dwellings on Varley Street, to the west are dwellings on Skipton Road.

The proposed development is the erection of 32 dwellings. The development would consist of 18 semi-detached two storey three bedroom houses, 8 semi-detached two storey two bedroom houses, 3 semi-detached three bedroom bungalows and 3 semi-detached two bedroom bungalows. The proposed development would be access from Skipton Road via an existing road to the side of No.150 Skipton Road. The materials would be stone to the elevations facing Skipton Road, brick for all other elevations, stone window surrounds, artificial slate tiles and upvc fenestration.

### **Relevant Planning History**

**13/92/0384P** - erect storage tank and structures - **Approved**

**13/92/0579P** - outline; industrial redevelopment - **Approved**

**13/96/0449P** - replace vehicular entrance with pedestrian access - **Approved**

**13/97/0379P** - new access and car park - **Approved**

**13/04/0747P** - conversion of mill to 24 apartments - **Approved**

**13/04/0746P** - outline residential development - **Approved**

**13/05/0628P** - Reserved Matters: Major: Erection of sixteen three storey town houses in four blocks of four, one pair of semi-detached houses and eighteen apartments in one three storey block - **Withdrawn**

**13/05/0964P** - Reserved Matters: Major: Erection of 18 houses and 18 apartments - **Approved**

**13/06/0494P** - Reserved Matters: Erect pair of semi-detached three storey dwellings – **Refused**

**13/13/0057P** - Demolition Determination: Demolition of vacant former mill building - **Approved**

### **Consultee Response**

LCC Education - Based upon the latest assessment, taking into account all approved applications, LCC will be seeking a contribution for 2 primary and 4 secondary school places. Calculated at the current rates this would result in a claim of £94,505.30.

United Utilities – No objection subject to foul and surface water drainage conditions. A public sewer crosses this site and we will not grant permission to build over or within 3 metres of the centre line of it.

Environment Agency – No objection subject to a contaminated land condition.

PBC Environmental Health – Noise mitigation measures specified in sections 4 and 5 of the Noise Assessment Report dated Sept 16 should be implemented. Please attach a contaminated land condition and notes relating to construction code of practice, dust control, burning on site and electric vehicle charging points.

Lancashire Constabulary Architectural Liaison – No objection to the planning application, though given the risk of crime to the housing development, it is important that crime risks are reduced where possible within the design.

Should Pendle Borough Council decide to grant planning permission, I ask that the following conditions are attached to the decision;

1. The development shall be compliant with physical security requirements of Building Regulations Approved Document Q relating to external doors and ground floor windows. Reason: to reduce burglary in new housing developments.

2. Boundary treatments are sufficient to deter intruder access. Reason: to reduce crime including those burglary targeting sheds and auto-crime.

Rear perimeter treatments on plots with parking spaces located behind rear gardens should be 1.8m tall made up of 1.5m fencing with a 300mm trellis topper to promote natural surveillance into parking spaces to deter auto-crime.

Rear perimeter treatments on plots adjoining existing domestic gardens, industrial or commercial plots, public footpaths or other public space should be 1.8m tall.

Access gates into rear gardens should be located as close to the front elevation as possible. Reason: to reduce burglary by restricting access to the side and rear elevations where most burglaries target for access.

3. External lighting should be installed at all external doors. Reason: to reduce burglary by increasing visibility of crime vulnerable areas – side and rear elevations.

Colne Town Council – Very strongly support this application.

### **Public Response**

A press and site notice has been posted and nearest neighbours notified. One response received objecting to the development on the following grounds:

- Loss of parking next to 150 Skipton Road.
- Residents are likely to use the back street to the rear of 150-158 as a rat-run.

- The proposed access dangerous and becomes impassable in winter.
- There should be another entrance to the development further down Skipton Road or onto Varley Street.

## **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 a key service centre which provide the focus for future growth and will accommodate the majority of new development.

Policy SDP3 identifies housing distribution in the M65 Corridor as 70%. The total housing requirement for Pendle at the present time is 5662. The amount of development proposed here is not disproportionate to the amount Colne could expect to accommodate over the 15 year plan period.

Policy ENV1 of the Pendle Local Plan Part 1 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 LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets targets and thresholds for affordable housing provision. For 15 or more dwellings in the M65 Corridor this is 0%.

Policy LIV5 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 for open space and/or green infrastructure should be made in all new housing developments.

#### **Replacement Pendle Local Plan**

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

#### **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 paragraphs 18 to 219 of the Framework, taken

as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

### **Principle of the Development**

The application site falls within the settlement boundary of Colne, this is a sustainable location for the proposed housing development which is acceptable in principle in accordance with the LPP1, RPLP and the Framework.

### **Visual Amenity**

The design of the proposed housing development is of good quality and would sympathetically integrate with its surroundings. It would bring a vacant former industrial site back into use substantially improve the appearance of the immediate area.

The proposed 4.5m acoustic barrier would be a tall and imposing feature, however, it would be within the site, on the boundary with the adjoining industrial site and therefore would not be prominently visible other than from within the those sites. Taking this into account the visual impact of the proposed acoustic barrier is acceptable.

The proposed development is therefore acceptable in terms of design and visual amenity in accordance with policies ENV2 and LIV5.

### **Residential Amenity**

The proposed dwellings would be sited an acceptable distance from the habitable room windows and garden boundaries of adjacent dwellings to ensure that there would be no unacceptable loss of privacy, light or overbearing impacts.

A noise assessment has been submitted with the application addressing the potential impact of noise from the adjacent industrial use on occupants of the proposed dwellings. The report recommends that a 4.5m acoustic barrier is necessary to the boundary of the site with the industrial use to acceptably mitigate the potential impact.

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

### **Highways**

Concerns were raised by LCC Highways in response to the original plans relating to the adoptability of the internal roads. Amended plans with additional services strips/pavements and showing vehicle tracking for an adoptable layout.

LCC's comments on the amended layout is awaited, however, there is no planning requirement for roads to be adopted provided that provisions for their maintenance are made. With a condition to ensure that the roads are either adopted or acceptable alternative provision for their long-term maintenance and management is put in place the proposed road layout is acceptable.

Concerns have also been raised in a notification response regarding loss of car parking for existing residents on the proposed access road, the suitability of the access to Skipton Road and cars using the back street of 150-158 as a rat-run.

Informal parking on land not in the user's ownership cannot be ensured. Recent appeal decisions in Pendle where applications have been refused on the basis of loss of informal parking land have resulted in the award of costs against the Council.

An adequate level of car parking provision is proposed and the proposed access is adequate to accommodate the increase in traffic from the proposed development.

With appropriate conditions the proposed development is acceptable in terms of parking and highway safety.

### **Drainage**

Subject to appropriate drainage conditions the proposed development is acceptable in terms of drainage and flood risk.

### **Education**

An education contribution towards 2 primary and 4 secondary school places has been requested by Lancashire County Council. The Framework states that developers should not be subject to obligations and policy burdens that threaten the financial viability of the development. This is a grant funded development any such contribution would result in the development being unviable. Taking this into account, the imposition of such a contribution would be contrary to the guidance of the Framework.

### **Open Space**

No open space is proposed within the development. The provision of open space within this development or a contribution to off-site provision would threaten the financial viability of the development. Therefore, open space provision is not required.

### **Summary**

The proposed development is acceptable in terms of policy principle, design, residential amenity and highway safety is recommended for approval.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. 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 development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Site Boundaries, Proposed Site Plan Rev2, Site Levels Plan Rev1, Site Sections Rev 1, Section & Elevation Reference Plan Rev1, B5\*-A1-20-ZZ-00-3D-001-Rev2, B5\*-A1-20-ZZ-00-P2-001-Rev1, B5\*-A1-20-ZZ-LL-3D-001-Rev2, B5\*-A1-20-ZZ-LL-E2-001-Rev2, B5\*-A1-20-ZZ-LL-E3-001-Rev2, B5\*-A1-20-ZZ-LL-E4-001-Rev1, B5\*-A1-20-ZZ-LL-S2-001-Rev1, B5\*-A1-20-ZZ-R0P2-001-Rev1, B5-A1-20-ZZ-00-3D-001-Rev2, B5-A1-20-ZZ-00-P2-001-Rev1, B5-A1-20-ZZ-LL-3D-001-Rev2, B5-A1-20-ZZ-LL-E2-001-Rev2, B5-A1-20-ZZ-LL-E3-001-Rev1, B5-A1-20-ZZ-LL-E4-001-Rev1, B5-A1-20-ZZ-LL-S2-001-Rev1, B5-A1-20-ZZ-R0P2-001-Rev1, B4-A1-20-ZZ-00-3D-001-Rev2, B4-A1-20-ZZ-00-P2-001-Rev1, B4-A1-20-ZZ-LL-3D-001-Rev2, B4-A1-20-ZZ-LL-E2-001-Rev2, B4-A1-20-ZZ-LL-E3-001-Rev1, B4-A1-20-ZZ-LL-E4-001-Rev1, B4-A1-20-ZZ-LL-S2-001-Rev1, B4-A1-20-ZZ-R0P2-001-Rev1, B3-A1-20-ZZ-00-3D-001-Rev2, B3-A1-20-ZZ-00-P2-001-Rev1, B3-A1-20-ZZ-01-3D-001-Rev2, B3-A1-20-ZZ-01-P2-001-Rev1, B3-A1-20-ZZ-LL-3D-001-Rev2, B3-A1-20-ZZ-LL-E2-001-Rev2, B3-A1-20-ZZ-LL-E3-001-Rev2, B3-A1-20-ZZ-LL-E4-001-Rev1, B3-A1-20-ZZ-LL-S2-001-Rev1, B3-A1-20-ZZ-R0P2-001-Rev1, B3\*-A1-20-ZZ-00-3D-001-Rev2, B3\*-A1-20-ZZ-00-P2-001-Rev1, B3\*-A1-20-ZZ-01-3D-001-Rev2, B3\*-A1-20-ZZ-01-P2-001-Rev1, B3\*-A1-20-ZZ-LL-3D-001-Rev2, B3\*-A1-20-ZZ-LL-E2-001-Rev2, B3\*-A1-20-ZZ-LL-E3-001-Rev2, B3\*-A1-20-ZZ-LL-E4-001-Rev1, B3\*-A1-20-ZZ-LL-S2-001-Rev1, B3\*-A1-20-ZZ-R0P2-001-Rev1, B1-A1-20-ZZ-00-3D-001-Rev2, B1-A1-20-ZZ-00-P2-001-Rev1, B1-A1-20-ZZ-01-3D-001-Rev2, B1-A1-20-ZZ-01-P2-001-Rev1, B1-A1-20-ZZ-LL-3D-001-Rev2, B1-A1-20-ZZ-LL-E2-001-Rev2, B1-A1-20-ZZ-LL-E3-001-Rev2, B1-A1-20-ZZ-LL-E4-001-Rev1, B1-A1-20-ZZ-LL-S2-001-Rev1, B1-A1-20-ZZ-R0P2-001-Rev1, B1\*-A1-20-ZZ-00-3D-001-Rev2, B1\*-A1-20-ZZ-00-P2-001-Rev1, B1\*-A1-20-ZZ-01-3D-001-Rev2, B1\*-A1-20-ZZ-01-P2-001-Rev1, B1\*-A1-20-ZZ-LL-3D-001-Rev2, B1\*-A1-20-ZZ-LL-E2-001-Rev2, B1\*-A1-20-ZZ-LL-E3-001-Rev2, B1\*-A1-20-ZZ-LL-E4-001-Rev1, B1\*-A1-20-ZZ-LL-S2-001-Rev1, B1\*-A1-20-ZZ-R0P2-001-Rev1.

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

3. Samples of external materials of the development shall be submitted to the Local Planning Authority for written approval within two weeks of the commencement of the development. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. The window openings shall be set back from the external face of the wall. The depth of reveal shall be at least 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

5. No development shall commence unless and until a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site has been submitted to and agreed in writing by the Local Planning Authority. The method statement shall detail how:-

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

and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

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

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.

6. For the full period of construction facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

7. A car parking and maneuvering scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The car parking spaces and maneuvering areas for each dwelling shall be surfaced and made available for use in accordance with the approved scheme prior to the occupation of the dwelling they serve, the car parking and maneuvering areas shall thereafter be maintained free from obstruction and available for parking and turning purposes.

Reason: To allow for the effective use of the parking areas.

8. No development shall take place unless and until details of the mechanism for the long term management and maintenance of the roads, pavements, verges and parking areas of the development have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the management and maintenance scheme shall be fully implemented in accordance with the approved details prior to the occupation of the first dwelling and thereafter the roads, pavements, verges and parking areas shall be managed and maintained in accordance with the approved scheme.

Reason: to ensure the adequate long term management and maintenance of the highway within the development.

9. No development shall commence unless and until a Traffic Management Plan for the construction works has been submitted to and approved in writing by the Local Planning Authority. The Traffic Management Plan shall include details of:-
- The parking of vehicles of site operatives and visitors;
  - Loading and unloading of plant and materials used in the construction of the development;
  - Storage of such plant and materials;
  - Wheel washing facilities;
  - Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
  - Routes to be used by vehicles carrying plant and materials to and from the site;
  - Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be carried out in strict accordance with the approved Traffic Management Plan.

Reason: to protect existing road users.

10. The mitigation measures specified in sections 4 and 5 of the Noise Assessment Report dated 28<sup>th</sup> September 2016 shall be fully implemented prior to the occupation of the relevant plots as detailed in sections 4 and 5. Prior to its erection, details of the design and materials of the acoustic barrier shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.
11. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

12. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
- a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
  - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
- The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

13. Within two weeks of the commencement of the development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a. the exact location and species of all existing trees and other planting to be retained;
  - b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
  - c. an outline specification for ground preparation;
  - d. all proposed boundary treatments with supporting elevations and construction details;
  - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
  - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

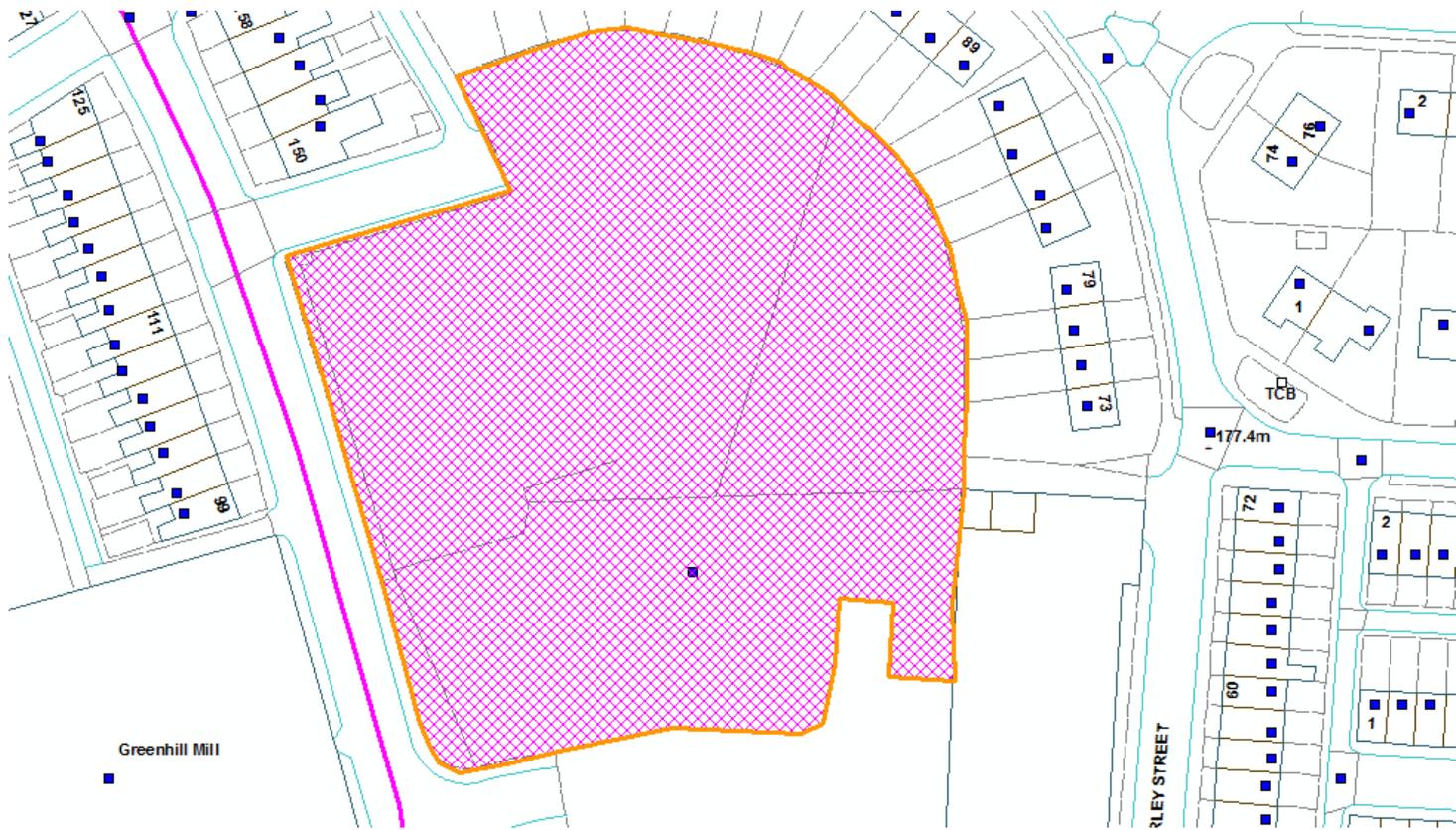
The approved scheme shall be implemented in its approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years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

14. Within two weeks of the commencement of the development a crime prevention scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of
- External lighting to be installed at all external doors.
  - Details of boundary fences/walls.

The scheme shall be implemented for each dwelling in accordance with the agreed details prior to its occupation.

Reason: to reduce risk of burglary.



**Application Ref:** 16/0650/FUL

**Proposal:** Full: Major: Erection of 32 dwellings with associated works including parking, highways and landscaping.

**At:** Oak Mill, Skipton Road, Colne

**On behalf of:** Pearl 2 Pendle Enterprise and regeneration 2 Ltd

**Application Ref:** 16/0672/FUL  
**Proposal:** Full: Full: Major: Erection of 11 No. 1 bed apartments for supported Living.  
**At:** Land at Argyle Street, Colne  
**On behalf of:** Ainsworth Projects  
**Date Registered:** 12 October 2016  
**Expiry Date:** 11 January 2017  
**Case Officer:** Lee Greenwood

### **Site Description and Proposal**

This application is brought to Committee as a Major development and seeks to erect a new part two storey, part three storey building to accommodate 11 apartments and associated staff facilities. The supporting statement advises that the units are to provide supporting living accommodation for “adults with limited mobility and mild learning disabilities to live independently but with a shared level of supportive care provided when necessary”.

The site itself comprises a vacant and overgrown plot of land located between Argyle Street and the commercial properties on North Valley Road. It is within the settlement boundary and of no special designation in the Local Plan.

### **Relevant Planning History**

N/A

### **Consultee Response**

**LCC Highways;** no objections in principle, if the development were classified as C2 (care home) the parking would comply with the associated standards. Where the development is categorised as C3, 1 parking space per apartment and staff is required.

**Natural England;** no comments to make.

**Environment Agency;** permission could be granted subject to the imposition of conditions relating to site contamination and remediation.

**United Utilities;** no objections subject to drainage conditions.

**LLFA;** object in absence of evidence and adequate information relating to higher priority discharge points for surface water run-off. Development may therefore pose a risk of flooding on and off site if this is not suitably managed.

**PBC Trees and Conservation;** arboricultural survey provided, none of the trees identified were found to be in good health. Indicative landscaping shown, suggest a condition for a detail scheme to be submitted and approved.

**PBC Environmental Health;** no objections subject to imposition of site contamination and remediation condition.

**Lancashire Constabulary;** crimes have been recorded in locality in previous 12 months, recommend incorporation of security measures (standards of windows/doors/locks/lighting/cctv etc).

**LCC Education;** education contribution not required at this stage. Re-calculation required at point of decision making.

**Colne Town Council;** no comments received at time of writing.

## **Public Response**

**Twenty eight neighbours notified, site and press notices also displayed;** two responses received at time of writing, making the following points;

- Happy for development to go ahead subject to window positions
- Support the application subject to confirmation of nature of residents; traffic route for construction vehicles and timing of works.

## **Policy**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

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 paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

### **Local Plan Part 1: Core Strategy**

The following Local Plan policies are relevant to this application:

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. The proposal's compliance with this policy is addressed in the design and amenity sections.

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 LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their

location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved policies from the Replacement Pendle Local Plan are also relevant:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP. This is addressed in the Highways Issues/Parking section.

### **National Planning Policy Framework**

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which is relevant to this proposal.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the publication of the Core Strategy. This is dealt with in detail below.

Paragraph 64 of the Framework states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

### **Principle of Development**

Policy LIV1 of the Local Plan Part 1 seeks to ensure, amongst other things, that new housing is delivered in sustainable locations. In this case the site is within the settlement of Colne, with ready accesses to existing services and facilities immediately adjacent and those in the town centre, which lies a short distance to the south.

The submission is made on a specific premise of providing supported housing. Policy LIV3 supports the provision of a range of residential accommodation, including those adapted or designed for identified needs. Paragraph 10.84 of the Local Plan cites that there is a "shortage of homes which can cater for specific needs.....such as people with a physical disability, the mentally impaired and the physically injured".

In this instance the location of the proposed development would be sustainable; the principle of living accommodation is acceptable and accords with policy LIV1.

### **Officer Comments**

The primary issues for consideration are policy issues, design, layout, access and highway safety, impact on amenity, flooding and drainage and trees.

### **Design, Layout and Amenity**

The site measures circa 1300 square metres in area and is bound by existing highways, buildings and infrastructure. It slopes downwards from Argyle Street towards North Valley with a level change of between 3-4m.

The development takes the form of a part three storey, part two storey development. Due to the aforementioned topography, it will sit below adjacent land levels, particularly those on Argyle Street. Due to this the southern elevation will require the erection of a relatively large retaining structure to facilitate development. However this will only primarily be seen from public vantage points along North Valley, where it would be set against higher land and partially obscured by the building.

The majority of the built form would be located to the western half of the site (closer to existing residential uses), with the remainder used for access, parking and landscaping. The overall design of the building contains contrasting ridge lines and gable orientations, however accounting for the mix of architectural vernacular in the immediate area, the proposed approach would not be unacceptable or appear overly incongruous in this location.

Its overall scale in the street scene is diminished slightly due the difference in land levels, appearing as part two, part single storey from Argyle St. Accounting for the layout, the properties most directly affected by the proposed development would be those on New Market Street, whose rear elevations face towards the site, separated by the back street. The elevation facing these dwellings is three storeys and due to the excavations to take place, most of the ground floor openings would be below the level of the back street. There would be separation of around 14m between the respective elevations with the first and second floors facing directly towards adjacent existing windows. This distance is substandard and the relationship raises unacceptable amenity concerns for existing residents and for future occupants of the proposed development.

This issue has been raised with the Agent who has agreed to look at possible solutions. Whilst any proposed amendments are not available at the time of writing, any changes will be reported to the Committee by way of an update.

The application forms indicate that a combination of brick and concrete tiles will be used for the walls/roof, with upvc windows and doors. The Planning Statement advises that boundary treatment will comprise a combination of walling with wrought iron railings and soft landscaping where shown. It would be prudent to condition details and samples of these materials to ensure that the finishes are suitable for the area.

A communal bin store is proposed adjacent to the car park, which would serve the residents and the staff. Pedestrian access is also provided to the rear of the site, on to Argyle Street, to provide residents a direct link in the direction of the nearby town centre.

## **Open Space**

Policy LIV5 requires all proposals for residential units to provide on-site open space.

Here the scheme includes areas of landscaping and planting but no dedicated open space. The site constraints do make provision difficult, however as apartments the occupants of the development do not have any private garden or outdoor amenity space. Again, this point has been referred back to the Agent and further comments awaited.

## **Highway Safety**

Vehicular access to the site is to be via the North Valley Road elevation, through the adjacent commercial area, using the existing highway network. This raises no undue concerns and is to the satisfaction of LCC Engineers.

On-site parking is to be provided, with 10 spaces proposed in total. Whilst this is slightly below the maximum standards (1 space per dwelling and staff in attendance) the site is within a highly accessible location and accounting for future occupants, private car ownership numbers may not be as high as a typical residential development.

Taking these factors, the development is acceptable in terms of highway safety.

## **Drainage**

No drainage information has been provided at this stage. Whilst United Utilities have raised no objections subject to separate systems for foul and surface waters, the LLFA have raised objection

due to a lack of an evidenced approach or information in relation to choice of higher priority surface water run-off destinations.

The applicant has requested that the matter be dealt with via pre-commencement condition, at which time a formal drainage scheme can be drawn up based on the hierarchy of drainage options detailed in Planning Practice Guidance. The LLFA would then be consulted for comments on the suitability of the proposed scheme.

Further comments on this point from the LLFA are awaited at the time of writing.

## **Trees**

An arboricultural survey has been undertaken which has found the trees on site to be in a generally poor condition and unworthy of retention. The Council's Environment Officer has assessed this information and raised no objections, subject to a condition for a detailed planting scheme to be submitted and approved.

## **Summary**

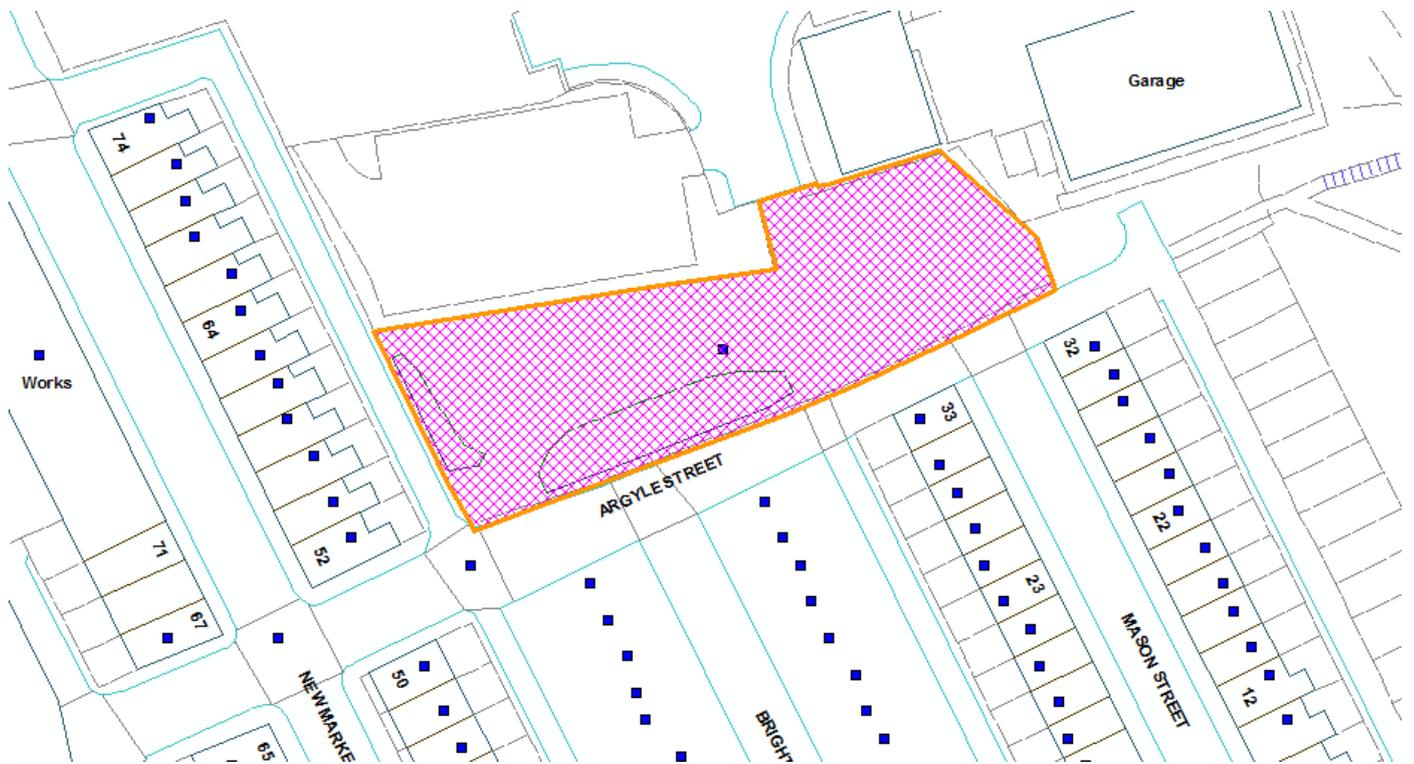
Whilst the principle of development is acceptable, there are site specific issues which need to be addressed. Subject to necessary amendments and comments from statutory drainage bodies, the development could be supported. However in the absence of such information at this stage, the application is recommended for refusal.

Should amended plans be received which suitably address the above issues, the recommendation will be revised accordingly.

## **RECOMMENDATION: Refuse**

For the following reason;

1. The proposed development, by virtue of its layout and design would have an unacceptable and adverse impact on the amenities of residents of New Market Street, owing to the proximity and position of west facing windows within the proposed apartment block. This design and subsequent relationship would result in substandard interface distances between habitable rooms, contrary to Policy ENV2 and the Design Principles Supplementary Planning Document.



**Application Ref:** 16/0672/FUL

**Proposal:** Full: Full: Major: Erection of 11 No. 1 bed apartments for supported Living.

**At:** Land at Argyle Street, Colne

**On behalf of:** Ainsworth Projects

## LIST OF BACKGROUND PAPERS

Planning Applications

**NPW/SM**

**Date: 29 November 2016**