

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 10th May 2016

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 BRIERFIELD AND REEDLEY COMMITTEE ON 10 MARCH 2016

Application Ref: 13/16/0058P

Proposal: Full: Change of use of WC building to hot food takeaway (A5) including external alterations and installation of flue.

At: PUBLIC CONVENIENCES COLNE ROAD BRIERFIELD NELSON BB9 5HW

On behalf of: Mr R Patel

Date Registered: 15 February 2016

Expiry Date: 11 April 2016

Case Officer: Neil Watson

Site Description and Proposal

The application site is a single storey stone built building under a modern profiled tiled roof. It has steel front doors with the facing material being a combination of render and stone.

The building is set back from the road. Adjacent to it on the north side is a grade 2 listed building that functions as Brierfield Town Hall.

Immediately abutting the building on the south site is a recreation area for children associated with the building on the west of the site. This area is an enclosed yard with a metal gate.

Consultee Response

Environmental Health

H34 - Sound Insulation

A scheme for the sound insulation of odour control equipment referred to in condition **H32** set out below shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full accordance with the approval scheme prior to the permitted use being commenced. The approved sound insulation works shall thereafter be maintained in efficient working order.

Note

- Regard shall be had of the following: DEFRA Guidance on the control of Odours and Noise from Kitchen Extraction Systems.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Odour

H32 - Odour Extraction

Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme (which shall incorporate grease and carbon filters and discharge at roof ridge level) to be submitted to and approved in writing by the Local Planning Authority before the use is

commenced. The approved scheme shall be fully implemented before the permitted use is first commenced and shall be maintained in efficient working order thereafter

Note

Regard shall be had of the following: DEFRA Guidance on the control of Odours and Noise from Kitchen Extraction Systems.

Reason: To ensure that odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties

Conservation Officer

The building lies immediately adjacent to the Grade 2 listed Brierfield Town Hall. Though it is well set back from the frontage of the Town Hall it can be clearly seen in views of the listed building from the main road, and therefore makes some contribution to its setting. The main heritage significance of the Town Hall lies in its imposing front elevation, which is particularly prominent and together with the landscaped frontage and civic open space adds local character and distinctiveness at the heart of the town centre.

NPPF 132 notes that significance can be harmed or lost by development within the setting of a heritage asset. Para 137 advises LPAs to look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.

The disused WC building is unsightly and run down and currently makes no positive contribution to the setting of the listed building. There would be clear benefits from some improvements to its appearance, though care would need to be taken with materials and signage. The appearance of the unit would be improved by reinstating with natural stone to match the existing stone present on the front elevation. The proposed shop windows and door if simply detailed in dark grey framing would be an improvement on the current front elevation and would improve the buildings contribution to the setting of the listed building. The flue would be better painted in a matt dark grey to reduce its visual impact.

LCC Highways

Having considered the above application the Highways Development Control Section is of the opinion that the proposal would have a detrimental impact on highway safety in the immediate vicinity of the site and, therefore, object to this application on the grounds of highways safety.

The applicant has not provided information nor indicated where customer parking would be. There's a No Waiting At Any Time restriction on Colne Road, together with bollards restricting access to the front of the site. Whilst there is the public car park to the rear customers may not wish to use this, particularly during the winter months/bad weather. This could then result in inconsiderate/unsafe parking behaviour on Colne Road itself and within the areas immediately in front and to the side of the Town Hall.

Lancashire Constabulary

Advise that security measures should be put in place including: Intruder alarm, restricted rear access, fixing of tables, CCTV etc.

Public Response

One comment has been received objecting to the application on the following grounds:

I strongly object to the Full Planning Application for the Change of use of the WC building to a hot food takeaway including external alterations and installation of flue on the grounds that it is:

- 1) immediately next to a Grade Two Listed Building and will lower the tone of the area,
- 2) it will cause parking issues in the centre of the town particularly near to the bus stop,
- 3) it will cause more detritus strewn around the town,
- 4) there are more than enough hot food takeaways in the town why do we require another.

Officer Comments

The application site lies in the retail town centre designated for Brierfield. Policy WRK 4 of the Core Strategy prioritises the location of retail uses. The first priority is for them to be located in town centres. As the development is in a town centre it is compliant with the local plan in terms of the principle of its location.

The development would improve the appearance of the run down building provided the materials to be used in the shop front are muted and reflect the traditional building materials surrounding. The application form proposes slate for the roof and stone for the walls with windows and doors being grey UPVC. The proposals for the roof and walls are acceptable but the window and door details need to be submitted for approval.

A stack is proposed to dissipate cooking smells. There are no neighbours nearby that would be affected by this. The stack however needs to be a dark grey colour and not a galvanised colour. If it is dark coloured it would blend into the background but if it is galvanised it would look garish.

The application form does not state the proposed opening times. The unit could be open during the day but its main use is likely to be in the evening. There is a children's facility adjacent. That has a gate separating it from the premises. With the main use likely to be at night there should not be a conflict of uses.

The building is in a commercial area with the nearest residential premises being at the back of the car park to the rear. The juxtaposition between the two would not be likely to cause a disturbance even if the car park was used late at night for customers. There would be no reason to restrict opening hours.

There are objections from the county council on highway grounds. The concern is that people would cause a nuisance by parking to the front. However there is a public car park that abuts the site to the rear. This would serve the unit and be accessible for customers. The use is a town centre one in a town centre. There would not be likely to be severe impacts on highway safety and with there being a car park adjacent to serve the site there are no highway grounds that would lead to the application being unacceptable.

The building is set back from the highway between two buildings. The town hall is grade 2 listed. The impact of the development of this needs to be assessed. The building is run down and improvements to its physical appearance would enhance the area. The physical works proposed would be of benefit to the heritage asset. Set against this would be the implications for the building in terms of advertisements that could be displayed. These themselves could have an impact on the area. The balance here is that the adverts would need to be below the eaves height and the building is considerably set back from the highway meaning views into it are restricted to a narrow vantage point. On balance even with the potential impacts of the adverts the impact on the heritage asset would be neutral with the external improvements that would occur to its current run down appearance.

Reason for Decision

The development lies within a town centre and complies with policy WK 4 of the adopted Core Strategy. The development would not have a detrimental impact on nearby uses or on the listed building. The development is therefore acceptable.

RECOMMENDATION: Approve

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:PC/BR, 6025/02, 6025/03,6025/04, 6025/05.

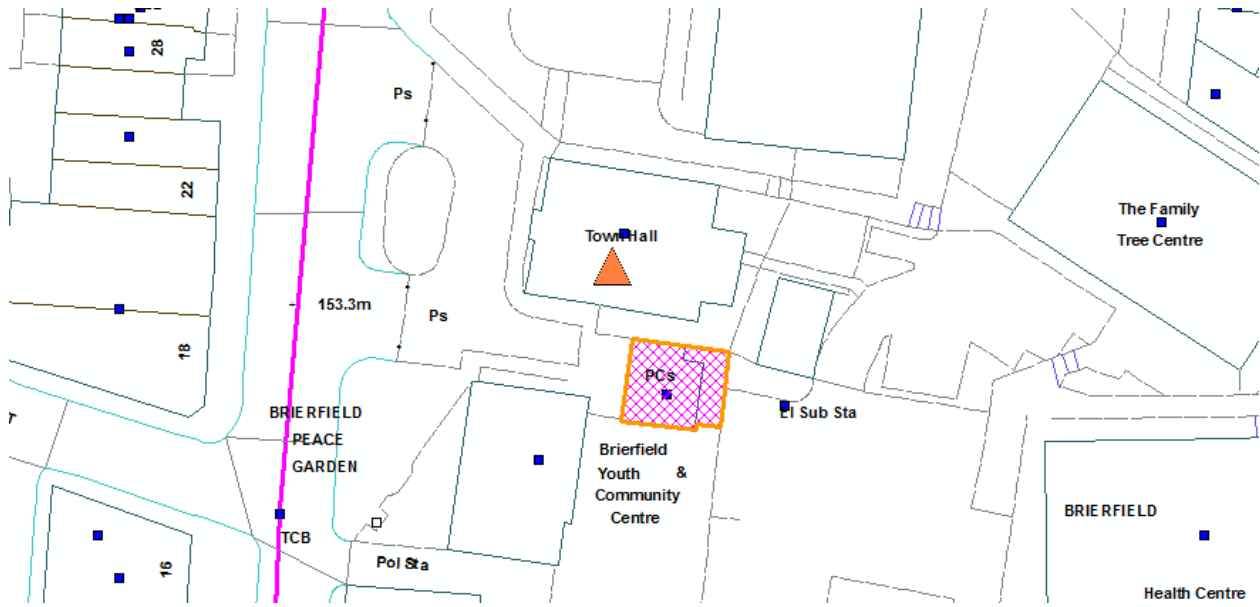
Reason: For the avoidance of doubt and in the interests of proper planning.

3. 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. This shall include details of the colour of the extraction flue which shall be coloured dark grey as well as the materials and colours proposed for the windows and doors. The development thereafter shall at all times be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the amenity of the area and the protection of the setting of the adjacent grade 2 listed building.

4. Prior to the installation of any odour control equipment a scheme detailing the proposed method of sound insulation the equipment and the proposed method of dealing with fumes, vapours and odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the system is to be maintained. Once approved only the approved equipment shall be installed and the system shall be maintained in accordance with the approved details.

Reason: Reason in order to protect the amenity of the nearby environment



Application Ref: 13/16/0058P

Proposal: Full: Change of use of WC building to hot food takeaway (A5) including external alterations and installation of flue.

At: PUBLIC CONVENIENCES COLNE ROAD BRIERFIELD NELSON BB9 5HW

On behalf of: Mr R Patel

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 10 MAY 2016

Application Ref: 13/16/0104P

Ref: 19354

Proposal: Full: Major: Amendment of house types 4-9, 11, 13, 15-31, 34-35 and relocate plot 52 of Planning Permission 13/08/0558P.

At: LUCAS SPORTS GROUND COLNE ROAD REEDLEY BURNLEY BB10 2LG

On behalf of: Ribble Industrial Estates Ltd

Date Registered: 17 March 2016

Expiry Date: 16 June 2016

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a former sports ground owned by Lucas Industries that has been disused for a number of years and has permission for a residential development comprising of 79 dwellinghouses. The remainder of the site will accommodate sporting facilities and a clubhouse.

The site lies within the settlement boundary and is an allocated housing site with a number of units which have been completed and occupied and others which are currently under construction.

There are trees on the site some of which are protected by TPO No. 8, 2002.

This application seeks to change some of the housetypes and relocate plot 52 from elsewhere within the site (see application reference 13/16/0106P elsewhere on this agenda).

The proposed amendments are:

- to change plots 4, 5, 6, 7, 8, 9, 11, 13, 18 & 19 from a C (3 bed two storey semi-detached) housetype to a E (3 bed two storey semi-detached);
- to change plot 15 from an A (3 bed two storey detached) housetype to a J1 (3 bed bungalow detached);
- to change plot 16 from a B (4 bed two storey detached) housetype to an A (3 bed two storey detached);
- to change plots 17 & 20 from an A (3 bed two storey detached) housetype to a E (3 bed two storey semi-detached);
- to change plot 21 from a B (2 bed linked detached bungalow) housetype to a E (3 bed semi-detached two storey);
- insert additional plot 52 housetype E (3 bed two storey semi-detached);
- to change plots 22 & 23 from a C (3 bed two storey semi-detached) housetype to a K2 (4 bed semi-detached three storey);
- to change plots 24, 25, 26, 27, 28 & 29 from a D (4 bed semi-detached three storey) housetype to a K2 (4 bed semi-detached three storey)

- to change plots 30 & 31 from a E to an E handed which is still a 3 bed semi-detached two storey); and
- to change plots 34 & 35 from a D (4 bed semi-detached three storey) to a K2 (4 bed semi-detached three storey).

All other matters remain as previous approval.

Relevant Planning History

13/03/0434P - Erection of 65 dwellings and creation of sports facilities – Refused by Secretary of State after call in January 2005.

13/07/0332P - Outline: Major: (Access & Siting) for residential development; office development, G.P. surgery, Childrens Nursery, live work units, reconstruct cricket circle and pavilion, construct football pitch - Referred Secretary of State - Approved 23rd November, 2007.

13/08/0558P - Full: Major: Erect 49 houses, 6 apartments, 8 live/work units, G. P. Surgery (267m²), childrens nursery (278m²), office space (588m²), retail space (145m²), football pitch, cricket pitch and club house (250m²) with associated landscaping and parking - Approved 4th February, 2009.

13/08/0558C1 - Conditions Discharge - Approval of Details Reserved by Condition: Discharge of Conditions 3, 4, 5, 13, 15, 16, 17, 26, 27 and 29 of Planning Application 13/08/0558P - Approved discharge of conditions 5 and 15; discharge conditions 4, 16, 17, 27 and 29 subject to implementation in accordance with the approved schemes and Refuse discharge of conditions 3, 13 and 26 - Split decision 23rd March, 2010.

13/10/0296P - Full: Major: Erection of twenty 2, 3 & 4 bed dwelling houses (6 detached, 6 semi-detached & 8 terraced) and associated access road - Approved 6th August, 2010.

13/08/0558M1 - Non-material minor amendment of Planning Permission 13/08/0558P - Split Decision 26th July, 2010.

13/10/0308P - Change of housetypes to Plots 47 & 48 of Planning Permission 13/08/0558P - Refused 10th August, 2010

13/11/0005P - Change of house types to plots 47 and 48 of planning permission 13/08/0558P and amend residential boundary position (re-submission) - Refused 4th March, 2011.

13/11/0006P - Reposition Plots 43 and 44, change of housetypes and re-position plots 45, 46, 49 and 50 and re-position residential boundary of Planning permission 13/08/0558P - Approved 4th March, 2011.

13/11/0157P - Reposition Plots 43 and 44, change of housetypes and re-position plots 45, 46, 49 and 50 and re-position residential boundary of Planning permission 13/08/0558P - Pending.

13/11/0176P - Full: Change of house types and reposition plots 47 and 48 and amend residential boundary position of planning permission 13/08/0538P - Approved 8th June, 2011.

13/11/0176C1 - Approval of Details Reserved by Condition: Discharge of Conditions 14, 22 and 23 of Planning Permission 13/11/0176P - conditions discharged 19th December, 2011.

13/13/0223P - Full: Erection of two garages for plots 65 and 66 of Planning Permission 13/08/0558P - Approved 5th July, 2013.

13/14/0020P – Full: Major: Variation of Condition: Vary Condition 17 of Planning Permission 13/10/0296P to amend house types and layout of Plots 52-55, 69 and 70 – Approved 7th March, 2014.

13/14/0023P – Erection of eight dwelling houses (Amended scheme) – Approved 13th March, 2014.

13/14/0129P – Erect four 2-bed semi-detached dwellinghouses with ridge height of 8.2m and for 8 car parking spaces – Approved 14th May, 2014.

13/16/0105P – Full: Erection of four dwellinghouses (amended scheme 13/14/0023P) – Pending.

13/16/0106P – Full: Major: Variation of Condition: Vary Conditions 2, 3 and 11 of Planning Permission 13/14/0020P to remove plot 52 and reposition plots 53, 54 and 55 and remove Conditions 3 (Section 106) and 11 (Affordables) – Pending.

Consultee Response

LCC Highways - The minimum internal single garage size to be 6x3m and this includes integral garages. The garage size recommendations appears to affect all of the garage shown on drawing 07.117-212 "sheet II site plan".

The minimum internal dimension for all single garages to be a minimum of 6x3m and "Individual garages, of minimum dimensions of 6 x 3m, count as one parking space. For residential parking a garage is counted as one parking space. Where constructed garages should have minimum dimensions of 6 x 3 metres. The Highway Development Control Section is therefore of the opinion that where garages are smaller than the recommended minimum internal dimension of 6 x 3m they should not be counted as a parking space and the applicant should provide an additional parking space for each garage affected.

Based on the car parking recommendations in the Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards the Highway Development Control Section is of the opinion that the applicant has not provided adequate off road parking provision for this type and size of development.

- Four to five bedroom properties to have 300% parking. This recommendation affects house type K 2
- Alternative off road parking has not been provided where the garages are below the recommended minimum dimensions of 6x3m

The development off the new road is for more than 5 properties therefore the highway should be adopted and constructed to an adoptable standard. The highway as shown is not to minimum adoptable standards and as such highway safety and future maintenance may be jeopardised. The works required to bring the highway design up to an adoptable standard are listed below: -

- A service verge is required on both sides of the new carriageway. A 2m wide service verge is required for locating statutory undertakes equipment and should be provided where buildings front onto the road. The minimum width of the remaining service verge can be

reduced to 0.5m providing no street lighting. If street lighting is required on the narrow service verge the minimum width is 800mm. From Lancashire County Council Residential Design Guide. Please note - the car parking spaces must not be over the service verge area. This affects the highway fronting plots 13 to 15

The Highway Development Control Section recommends conditions are attached to any grant of approval.

Coal Authority - Material Consideration. The site lies within the defined Development High Risk Area. However, the planning application pre-dated the 'Risk Based Approach to Development Management' and as a consequence we were not consulted. It is disappointing to note that potential stability issues associated with this coal mining hazard do not appear to have been considered as part of the determination process. However, considering that the area where the amendments are proposed is not within the high risk area a Coal Mining Risk Assessment is not proportionate to the development proposed and we do not object to this planning application.

In the interests of public safety, however, The Coal Authority would recommend that, should planning permission be granted for this proposal, then appropriate informative notes are attached to the Decision Notice.

Environment Agency - No comments.

Architectural Liaison Unit

Reedley Hallows Parish Council – The plans are confusing and it is difficult to track the changes from previous applications. RHPC would like to meet to discuss this application.

Public Response

Site and press notice posted and nearest neighbours notified by letter without response.

Officer Comments

The main issues for consideration are compliance with policy, impact on amenity, highways issues and design and materials.

1. Housing Requirements

The principle of housing development on this site for these plots has already been established under previous permissions.

2. Impact on Residential Amenity

The relationship the amended plots would have to adjoining residential properties is an acceptable one. There would be no overlooking of an unacceptable nature and the relationship between principal windows is sufficient to ensure that residential amenity is safeguarded.

The addition of Plot 52 which would be surrounded by new housing plots and the privacy distances here are acceptable.

Eight of the plots (22-29 & 34 &35)) are now proposed to be three storey semi-detached properties, six of these units were proposed to be three storey's previously and the increase in height is acceptable in this location.

There would be no overlooking of an unacceptable nature and the relationship between principal windows is sufficient to ensure that residential amenity is safeguarded.

3. Highways Issues

The proposed changes to these plots would not impact on highway safety issues. In terms of parking some garages have been removed but acceptable levels of street parking are provided except for the 8 three storey K2 housetypes which replace three storey units which had ground floor garage space and these do not provide that but have two off street parking spaces to the front of the dwelling. Whilst this is not ideal it would not be sufficient reason to resist this scheme.

4. Design and Materials

The design and materials of the amended housetypes reflect those approved elsewhere on the site and the materials remain as agreed.

Summary

The main changes involve changing the housetypes of plots 4-9, 11, 13, 15- 31, 34-35 and relocate plot 52 as detailed above.

The changes in housetypes and the relocation of plot 52 would not adversely impact on residential amenity and accords with policies ENV1 and ENV2 of the Adopted Pendle Local Plan Part 1: Core Strategy and policy 31 of the Replacement Pendle Local Plan.

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 of housing will complement the existing permission. The style and layout of the dwellings follows that already established and subject to appropriate conditions. 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 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: 07.117 212, 07.117 121 B, 07.117 190, 07.117 188.

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

3. 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 finished floor levels of the proposed dwellinghouses. 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 of the development.

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, 1995, there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or device.
The visibility splays to be the subject of this Condition shall be that land in front of a line drawn from a point 2.4m measured along the centre-line of the proposed minor roads from the continuation of the nearer edge of the carriageway of the main access road to points measured 25m in each direction along the nearer edge of the carriageway of the main access road, from the centre-line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the road junctions.

5. Before the construction work commences, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site and these facilities are to be maintained until construction is complete.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose material thus creating a potential hazard to road users.

6. The garages hereby permitted shall not be used for any purpose which would preclude the use for the parking of a motor car.

Reason: In order to ensure the provision of adequate off-street car parking, to avoid congestion of adjoining streets.

7. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and 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,B,D,E,F of Part 1 and Class 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.

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

8. The landscaping scheme shall be implemented in strict accordance with the approved drawing number 140711/011/SJT.

Reason: To ensure that the site is properly landscaped and maintained in the interest of the visual amenity of the area.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwellings or completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

10. Before a dwelling unit is occupied waste containers shall be provided on each plot.

Reason: To ensure adequate storage facilities for domestic refuse, in the interest of residential amenity

11. The phasing of the proposed development shall be implemented in strict accordance with the details submitted to and agreed by the Local Planning Authority on the 23rd March, 2010 unless otherwise agreed in writing.

The sporting facilities shall be provided in their entirety prior to the occupation of the 22nd dwelling on the site.

Reason: To secure the proper development of the site in an orderly manner in particular the provision of the agreed sporting facilities.

12. The surface water regulation system shall be implemented in strict accordance with the details submitted to and approved by the Local Planning Authority on the 23rd March, 2010. The scheme shall be completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To reduce the increased risk of flooding.

13. The foul and surface water systems shall be implemented in strict accordance with the details submitted to and approved by the Local Planning Authority on the 23rd March, 2010. The scheme shall be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To ensure a satisfactory means of drainage.

Notes:

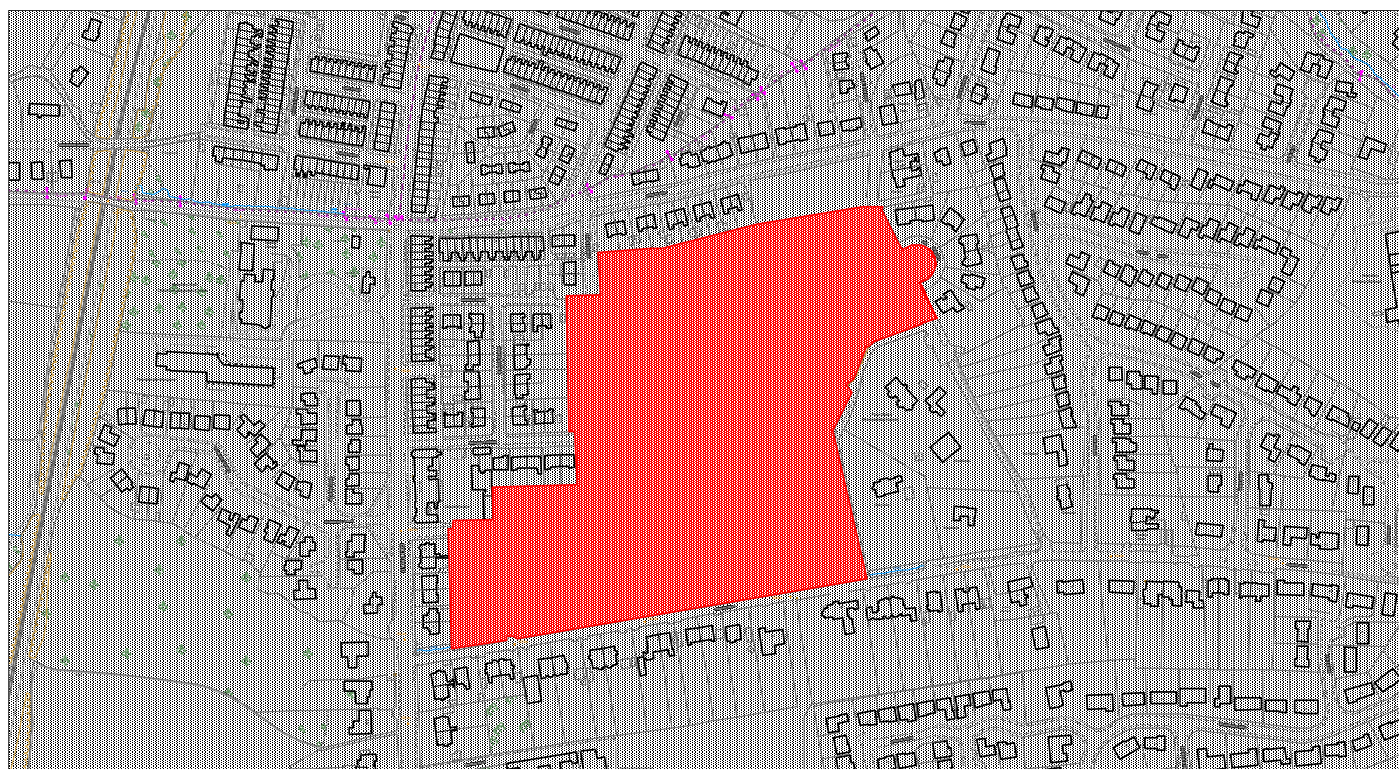
The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.gov.uk

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service at www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is available on The Coal Authority website www.coal.gov.uk



Application Ref: 13/16/0104P

Ref: 19354

Proposal: Full: Major: Amendment of house types 4-9, 11, 13, 15-31, 34-35 and relocate plot 52 of Planning Permission 13/08/0558P.

At: LUCAS SPORTS GROUND COLNE ROAD REEDLEY BURNLEY BB10 2LG

On behalf of: Ribble Industrial Estates Ltd

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 10 MAY 2016

Application Ref: 13/16/0106P

Ref: 19356

Proposal: Full: Major: Variation of Condition: Vary Conditions 2, 3 and 11 of Planning Permission 13/14/0020P to remove plot 52 and reposition plots 53, 54 and 55 and remove Conditions 3 (Section 106) and 11 (Affordables).

At: LUCAS SPORTS GROUND COLNE ROAD REEDLEY BURNLEY BB10 2LG

On behalf of: Ribble Industrial Estates Ltd

Date Registered: 17 March 2016

Expiry Date: 16 June 2016

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a former sports ground owned by Lucas Industries that has been disused for a number of years and has permission for a residential development comprising of 79 dwellinghouses. The remainder of the site will accommodate sporting facilities and a clubhouse.

The site lies within the settlement boundary and is an allocated housing site with a number of units being completed and occupied and others are currently under construction.

There are trees on the site some of which are protected by TPO No. 8, 2002.

This application seeks to reposition some of the houses and remove plot 52 and remove two conditions which relate to a s.106 and affordable housing provision.

The proposed amendments are:

- to remove plot 52;
- reposition plots 53, 54 and 55;
- remove condition 3 – Section 106 agreement and
- remove condition 11 – affordable housing provision

All other matters remain as previous approval.

Relevant Planning History

13/03/0434P - Erection of 65 dwellings and creation of sports facilities – Refused by Secretary of State after call in January 2005.

13/07/0332P - Outline: Major: (Access & Siting) for residential development; office development, G.P. surgery, Childrens Nursery, live work units, reconstruct cricket circle and pavilion, construct football pitch - Referred Secretary of State - Approved 23rd November, 2007.

13/08/0558P - Full: Major: Erect 49 houses, 6 apartments, 8 live/work units, G. P. Surgery (267m²), childrens nursery (278m²), office space (588m²), retail space (145m²), football pitch,

cricket pitch and club house (250m²) with associated landscaping and parking - Approved 4th February, 2009.

13/08/0558C1 - Conditions Discharge - Approval of Details Reserved by Condition: Discharge of Conditions 3, 4, 5, 13, 15, 16, 17, 26, 27 and 29 of Planning Application 13/08/0558P - Approved discharge of conditions 5 and 15; discharge conditions 4, 16, 17, 27 and 29 subject to implementation in accordance with the approved schemes and Refuse discharge of conditions 3, 13 and 26 - Split decision 23rd March, 2010.

13/10/0296P - Full: Major: Erection of twenty 2, 3 & 4 bed dwelling houses (6 detached, 6 semi-detached & 8 terraced) and associated access road - Approved 6th August, 2010.

13/08/0558M1 - Non-material minor amendment of Planning Permission 13/08/0558P - Split Decision 26th July, 2010.

13/10/0308P - Change of housetypes to Plots 47 & 48 of Planning Permission 13/08/0558P - Refused 10th August, 2010

13/11/0005P - Change of house types to plots 47 and 48 of planning permission 13/08/0558P and amend residential boundary position (re-submission) - Refused 4th March, 2011.

13/11/0006P - Reposition Plots 43 and 44, change of housetypes and re-position plots 45, 46, 49 and 50 and re-position residential boundary of Planning permission 13/08/0558P - Approved 4th March, 2011.

13/11/0157P - Reposition Plots 43 and 44, change of housetypes and re-position plots 45, 46, 49 and 50 and re-position residential boundary of Planning permission 13/08/0558P - Pending.

13/11/0176P - Full: Change of house types and reposition plots 47 and 48 and amend residential boundary position of planning permission 13/08/0538P - Approved 8th June, 2011.

13/11/0176C1 - Approval of Details Reserved by Condition: Discharge of Conditions 14, 22 and 23 of Planning Permission 13/11/0176P - conditions discharged 19th December, 2011.

13/13/0223P - Full: Erection of two garages for plots 65 and 66 of Planning Permission 13/08/0558P - Approved 5th July, 2013.

13/14/0020P – Full: Major: Variation of Condition: Vary Condition 17 of Planning Permission 13/10/0296P to amend house types and layout of Plots 52-55, 69 and 70 – Approved 7th March, 2014.

13/14/0023P – Erection of eight dwelling houses (Amended scheme) – Approved 13th March, 2014.

13/14/0129P – Erect four 2-bed semi-detached dwellinghouses with ridge height of 8.2m and for 8 car parking spaces – Approved 14th May, 2014.

13/160104P – Full: Major: Amendment of house types 4-9, 11, 13, 15-3, 34-35 and relocate plot 52 of Planning Permission 13/08/0558P – Pending.

13/16/0105P – full: Erection of four dwellinghouses (amended scheme 13/14/0023P) – Pending.

Consultee Response

LCC Highways - Based on the car parking recommendations in the Joint Lancashire Structure Plan and the Replacement Pendle Local Plan 2001-2016 Appendix 2: Car and Cycle Parking Standards the Highway Development Control Section is of the opinion that the applicant has not provided adequate off road parking provision for this type and size of development.

- Four to five bedroom properties to have 300% parking. This recommendation affects house type K2

With regard to the removal of condition 3, the Highway Development Control Section understands the section 106 agreement was signed on the 10th May 2011 and this condition has been completed.

The Highway Development Control Section recommends the following condition as part of the formal planning decision: -

A car park and manoeuvring scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative and permanently maintained thereafter. Reason: To allow for the effective use of the parking areas.

Architectural Liaison Unit

Reedley Hallows Parish Council – The application is confusing and difficult to track the changes from previous applications. There is no rational explanation as to why these conditions should be revoked. RHPC would like to meet to discuss this application.

Public Response

Site and press notice posted and nearest neighbours notified by letter. Without response.

Officer Comments

The main issues for consideration are compliance with policy, impact on amenity, highways issues, design and materials and protected trees.

1. Housing Requirements

The principle of housing development on this site for these plots has been established under previous permissions.

2. Impact on Residential Amenity

The relationship the amended plots would have to adjoining residential properties is an acceptable one. There would be no overlooking of an unacceptable nature and the relationship between principal windows is sufficient to ensure that residential amenity is safeguarded.

The removal of 52 from this part of the site is accepted and its relocation is addressed under application 13/16/0104P (elsewhere on this agenda).

Plots 53, 54 and 55 are located to the south of the site and back onto Reedley Drive. The privacy distances here are acceptable.

These plots when be set further away from the site boundary than the approved plots and are screened to some degree by the protected trees located along this boundary obscuring some of these plots to some degree.

A Juliet balcony is proposed to the first floor rear elevation on each of plots 52 - 55 which is acceptable.

These three plots are still proposed to be three storey properties (as approved under the last amendment) with a pair of semi-detached and a detached rather than two pair of semi-detached.

There would be no overlooking of an unacceptable nature and the relationship between principal windows is sufficient to ensure that residential amenity is safeguarded subject to a condition requiring finished floor levels to be submitted.

3. Highways Issues

The proposed changes to these plots would not impact on highway safety issues.

4. Design and Materials

Plots 53 to 55 would be four bed three storey townhouse instead of four bed detached. Only two of the properties would have garages (plots 53 and 54) instead of all four.

The materials remain as agreed.

5. Protected Trees/Landscaping

The original layout had been designed to take account of the protected trees on and around the site.

A protective fence is required to provide adequate Root Protection Area to the TPO trees.

The trees along the south boundary are important to the character of Reedley Drive as originally acknowledged in earlier approved scheme 13/08/0558P. That scheme showed an easement along the southern boundary of between 10 and 12 metres and the development was then set further back still from that thereby allowing a good separation from the trees.

This proposal shows adequate Root Protection Areas for the protection trees along this boundary. The proposal therefore accords with policy 14.

6. Condition 3 – S.106 Agreement

Under planning permission 13/10/0296P for the erection of twenty houses a condition was attached requiring a s.106 agreement to be entered into for the provision of highway improvements and open space. This agreement has not been entered into for this part of the site.

However, a s1.06 Agreement has been signed and entered into for the provision of highway improvements and for the provision of the sporting facilities and appropriate contributions and that still stands and would remain in force.

LCC Highways have responded that they have received the required contributions for highway improvements under the s106 Agreement signed and entered into under planning permission 13/08/0558P and are not seeking any further contributions from this scheme at this time.

This is acceptable and therefore this condition could be removed without affecting the existing s1.06 for the original planning permission granted under 13/08/0558P. The applicant is advised to update the original agreement to include reference to this application and any subsequent permission granted.

7. Condition 11 – Affordable Housing

Under planning permission 13/10/0296P for the erection of twenty houses an assessment was undertaken of the scheme and provision for at least five affordable dwellinghouses was required by condition.

No information has been submitted in support of removing this condition from the planning permission. The agent has been requested to submit further evidence that the viability of the site would be unable to support any affordable housing on this site.

The current planning policy for this requirement is provided in LIV 4 of the Pendle Local Plan Part 1: Core Strategy. This policy sets out the size thresholds and areas for affordable housing targets.

For Reedley this target is 0% and taking account of the current market conditions it is not requirement that would be imposed in current economic climate in this location.

Further update on this will be provided once information on this has been received and assessment from the agent.

8. Summary

The main changes involve modifying the housetypes of plots 53 - 55 as detailed above and repositioning the plots.

The changes in housetypes and the proposed siting of these plots would not adversely impact on the protected trees or residential amenity and therefore accords with the policies of the adopted Pendle Local Plan.

The removal of condition 3 relating to entering to a s.106 agreement with provision for open space and highway contributions is accepted as the original scheme sought to control this element and an agreement has been signed and entered into. The agreement will still stand.

With regard to condition 11 relating to affordable housing it is agreed that policy has changed since this was required and therefore subject to further information being provided by the agent it is feasible that this requirement can be removed from this scheme.

Other conditions have been removed and amended to take account details which have been submitted and 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 development of housing will complement the existing permission. The style and layout of the dwellings is acceptable subject to appropriate conditions. 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 and remove condition 3

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: 07.117 321, 07.117 187, 07.117 189, 07.117 188 & 07.117 190.

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

3. 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 finished floor levels of the proposed dwellinghouses. 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 of the development.

4. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

Reason: To prevent trees or hedgerows on site from being damaged during building works.

5. There shall be no direct vehicular access between the site and Reedley Drive and to that end a suitable barrier approved by the Local Planning Authority shall be erected before development commences and be permanently maintained on the highway boundary of Reedley Drive, vehicular access to the site being obtained from Colne Road.

Reason: To limit the number of access points to the highway network as an aid to road safety.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order, 1995, there shall not at any time in connection with the development

hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or device.

The visibility splays to be the subject of this Condition shall be that land in front of a line drawn from a point 2.4m measured along the centre-line of the proposed minor roads from the continuation of the nearer edge of the carriageway of the main access road to points measured 25m in each direction along the nearer edge of the carriageway of the main access road, from the centre-line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the road junctions.

7. Before the construction work commences, facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site and these facilities are to be maintained until construction is complete.

Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose material thus creating a potential hazard to road users.

8. The Root Protection Areas for the trees along the southern boundary with Reedley Drive shall be maintained at all times and no ground works shall take place within these areas.

Reason: In order to ensure the protected trees are not affected by the proposed development.

9. The garages hereby permitted shall not be used for any purpose which would preclude the use for the parking of a motor car.

Reason: In order to ensure the provision of adequate off-street car parking, to avoid congestion of adjoining streets.

10. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the second schedule of the Town and 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, B, D, E, F of Part 1 and Class 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.

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

11. The landscaping scheme shall be implemented in strict accordance with approved drawing number 140711/011/SJT.

Reason: To ensure that the site is properly landscaped and maintained in the interest of the visual amenity of the area.

12. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the dwellings or completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size or species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

13. Before a dwelling unit is occupied waste containers shall be provided on each plot.

Reason: To ensure adequate storage facilities for domestic refuse, in the interest of residential amenity

14. The phasing of the proposed development shall be implemented in strict accordance with the details submitted to and agreed by the Local Planning Authority on the 23rd March, 2010 unless otherwise agreed in writing.

The sporting facilities shall be provided in their entirety prior to the occupation of the 22nd dwelling on the site.

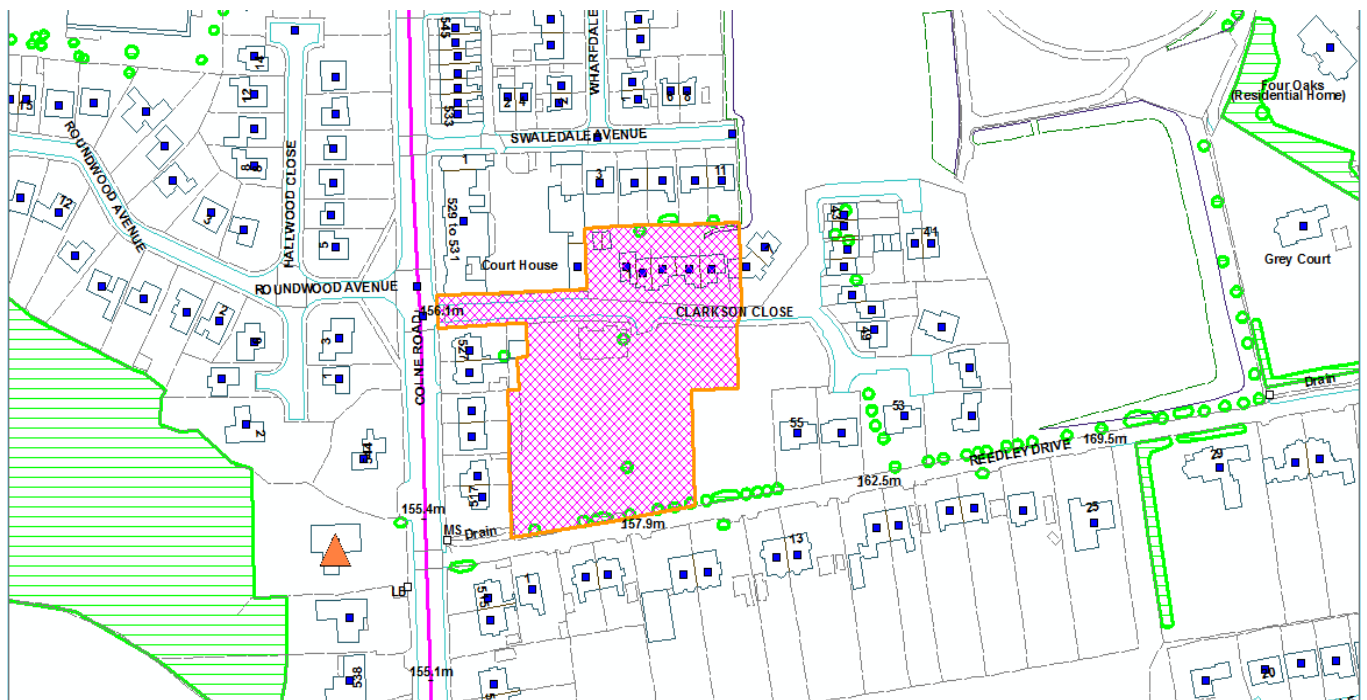
Reason: To secure the proper development of the site in an orderly manner in particular the provision of the agreed sporting facilities.

15. The surface water regulation system shall be implemented in strict accordance with the details submitted to and approved by the Local Planning Authority on the 23rd March, 2010. The scheme shall be completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To reduce the increased risk of flooding.

16. The foul and surface water systems shall be implemented in strict accordance with the details submitted to and approved by the Local Planning Authority on the 23rd March, 2010. The scheme shall be constructed and completed in accordance with the approved plans before the first dwelling is occupied.

Reason: To ensure a satisfactory means of drainage.



Application Ref: 13/16/0106P

Ref: 19356

Proposal: Full: Major: Variation of Condition: Vary Conditions 2, 3 and 11 of Planning Permission 13/14/0020P to remove plot 52 and reposition plots 53, 54 and 55 and remove Conditions 3 (Section 106) and 11 (Affordables).

At: LUCAS SPORTS GROUND COLNE ROAD REEDLEY BURNLEY BB10 2LG

On behalf of: Ribble Industrial Estates Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 20th April 2016