

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: BRIERFIELD AND REEDLEY COMMITTEE

DATE: 7th June 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO BRIERFIELD AND REEDLEY COMMITTEE ON 07 JUNE 2016

Application Ref: 16/0318/VAR

Proposal: Full: Major: Variation of Condition 21 (Access Road) of Planning Permission 13/15/0332P (Erection of 14 dwelling houses).

At: Land Behind 7-10 May Tree Close and Adjacent to Briercliffe Working Men's Club Briercliffe

On behalf of: Mr Geoff Hook

Date Registered: 13 April 2016

Expiry Date: 13 July 2016

Case Officer: Kathryn Hughes

Site Description and Proposal

The site is located within the settlement boundary for Reedley. The site is wholly within the boundary for Pendle but abuts Burnley boundary to the north, east and west. There are recently constructed residential properties on May Tree Close sited to the south and the western elevation of Briercliffe Working Men's Club runs along the eastern boundary of the site. To the north and west are open fields and part of Nelson Golf Course.

The approved development is the erection of 14 three bedroom dwellinghouses consisting of one block of five houses, one block of four, one block of three and one pair of semi-detached houses in three storey townhouse style.

This application seeks to vary condition 21 of planning permission 13/15/0332P which is listed below:

- 21.** The access and estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any other development takes place within the site, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The estate road shall have been completed in its entirety from the adopted section on Gorple Street up to and including the entire access road to the apartment block, including the wearing course, prior to the occupation of any of the dwelling units.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and to ensure the estate road is completed prior to occupation.

It is proposed to vary this condition to read:

The access and estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any other development takes place within the site, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The road within the development site shall have been completed including the wearing course, prior to the occupation of any of the dwelling units.

Relevant Planning History

13/10/0639P - Outline: Erect 9 dwellings (access and layout only) with access of May Tree Close - Approved 15th April, 2011.

13/12/0539P - Major: Outline: Erection of twelve dwelling houses and six apartments (access and layout only) - Approved 6th February 2013.

13/15/0332P – Full: Major: Erection of 14 dwelling houses – Approved 9th November, 2015.

Planning history for adjacent housing site off Gorple Street (May Tree Close)

13/04/0151P: Major: Outline: Residential Development (10 houses 0.35ha) - Approved July 2004.

13/04/0898P: Major: Full: 10 dwellings - Refused January 2005.

13/05/0146P: Major: Full: 3 pairs of semi-detached houses and 2 storey block of 4 apartments - Approved June, 2005.

13/05/0505P: Major: Erect 12 dwellings - Withdrawn September 2005.

13/05/0727P - Major: Erection of ten dwellings (Resubmission) - Approved 8th December, 2005.

13/09/0455P - Erection of two apartments in one two storey building - Withdrawn 30th November, 2009.

13/11/0213P - Full:(Major) Erection of ten dwellings (Vary Condition 8 of Planning Permission 13/05/0727P concrete bollards instead of lockable fold-down bollards) - Approved 8th June, 2011

Consultee Response

LCC Highways – The recently built highways associated with May Tree Close, as part of planning application are private roads and are not subject to any future adoption agreement. It is understood the section 38 agreement was never entered due to land ownership issues.

It is only the land owner who can offer the road for adoption, while the roads are not adopted or under any formal agreement for adoption the land owner is fully responsible for all aspects of highway safety and maintenance on the private roads.

Briercliffe Parish Council

Burnley Borough Council

Public Response

Site and press notices posted and nearest neighbours notified by letter. Publicity expires on the 27th May and any further comments will be reported to the meeting.

One comment received expressing concerns regarding access and increased traffic and reiterating comments made previously on this site for residential development.

The only issue here is the rewording of this condition regarding the access road and its construction the principle of housing on this site has been established and planning permission granted.

Officer Comments

The main issue is whether the proposed variance of condition 21 on Planning Permission 13/15/0332P is acceptable.

Principle of the development

The principle of housing on this site has already been established under the previous permissions.

Planning permission was granted initially in outline in 2010 and again in 2012 and then full permission was granted in 2015 subject to 22 conditions.

It is proposed to vary condition 21 which relates to how the access road would be constructed and includes the existing access to May Tree Close which has yet to be completed to adoptable standards.

The applicant owns the unadopted highway serving May Tree Close and it was conditioned in the previous permissions that this should be brought up to an adoptable standard as part of the highway works for this application to order to ensure that the site can be assessed and the road finished to an appropriate standard.

The proposed variation of condition 21 would not require the existing access from the adopted section on Gorple Street up to and including the entire access road to this site, to be carried out before any of the approved dwelling units were occupied.

This would mean that the occupants of the new housing would not have a made up road to an acceptable standard available to them from the public highway.

To remove the requirement of the making up of the section of access road from the public highway to the development site would leave the access to the development in an unacceptable condition this would be contrary to the National Planning Policy Framework (NPPF) para 32 which requires a safe and suitable access to sites to be provided. Therefore the condition should remain as per the original wording in order to ensure that a safe and suitable access can be achieved.

Summary

The proposed variation of condition 21 would not be acceptable as it would not require the existing access from the adopted section on Gorple Street up to and including the entire access road to this site prior to the occupation of any of the dwelling units. This would lead to unacceptable highway conditions to residents of the scheme to be able to access the site from the public highway.

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 development is acceptable and accords with the Local Plan Part 1: Core Strategy and National Planning Policy 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 with Condition 21 to remain as originally worded

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: 2015/3/2B, 2015/3/3, 2015/3/5A, 2015/3/6, 2015/3/7.

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

3. Within two weeks of the commencement of the development samples of the material and finishes to be used in the construction of the external walls and roofs development hereby permitted shall have been submitted to the Local Planning Authority for written approval. The development shall thereafter be carried out in strict accordance with the approved details.

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

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

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

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the

agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

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

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/or in order to prevent contamination of the controlled waters.

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

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

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

7. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any coal mining works which may be present on site.

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

Reason: In order to ensure the safety and stability of the proposed development.

8. No development shall commence unless and until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include, as a minimum:
 - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
 - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
 - c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - d) Flood water exceedance routes, both on and off site;
 - e) A timetable for implementation, including phasing as applicable;
 - f) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates;
 - g) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

Reason: To ensure that the proposed development can be adequately drained and that there is no flood risk on or off the site resulting from the proposed development.

9. No development hereby permitted shall be occupied until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained and that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

10. No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
- a) The arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
 - b) Arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for 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;
 - c) Means of access for maintenance and easements where applicable.

The plan shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development and to reduce the flood risk to the development as a result of inadequate maintenance.

11. No development shall commence unless and until details of the foul drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Foul shall be drained on a separate system. No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details.

This development shall be completed maintained and managed in accordance with the approved details.

Reason: To control foul water flow disposal and prevent flooding.

12. The windows in the south elevation of plot 1 and north elevation plot 5 of the development hereby permitted shall at all times be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. The windows shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: To protect the privacy of the occupants of the adjacent dwellings.

13. Prior to the occupation of the relevant dwelling privacy screens of at least 1.8m in height shall be installed to the south side of the first floor balcony of plot 1 and the north side of the first floor balcony of plot 5. Details of the screens, including their level of obscurity, shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The screens shall be installed in accordance with the approved details and retained at all times thereafter, any replacement screen shall be of an equal size and degree of obscurity to that which was first approved.

Reason: To protect the privacy of the occupants of the adjacent dwellings.

14. Within two weeks of the commencement of the development a detailed landscaping scheme shall have been submitted to the Local Planning Authority for written approval. 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 entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

15. No dwelling hereby approved shall be occupied unless and until a scheme for the provision, management and maintenance of the public open space within the site, including a timescale for its implementation, has been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be fully implemented in accordance with the agreed timescale and adhered to at all times thereafter.

Reason: To ensure that the proposed development makes provision for on-site public open space.

16. Each dwelling shall not be occupied unless and until a self-cleaning bat box has been installed in accordance with details that have been submitted to and agreed in writing by the Local Planning Authority. The bat boxes shall be retained and accessible to bats at all times thereafter.

Reason: To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

17. 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: In the interest of highway safety.

18. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

19. Prior to the occupation of each dwelling its driveway shall be laid-out, surfaced and available for parking vehicles. The driveways shall thereafter at all times remain unobstructed and available for parking vehicles.

Reason: To ensure adequate parking provision is made and retained.

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

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

21. The access and estate road for the development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level before any other development takes place within the site, details of which shall have previously been submitted to and approved in writing by the Local Planning Authority. The estate road shall have been completed in its entirety from the adopted section on Gorple Street up to and including the entire access road to the dwellings, including the wearing course, prior to the occupation of any of the dwelling units.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and to ensure the estate road is completed prior to occupation.

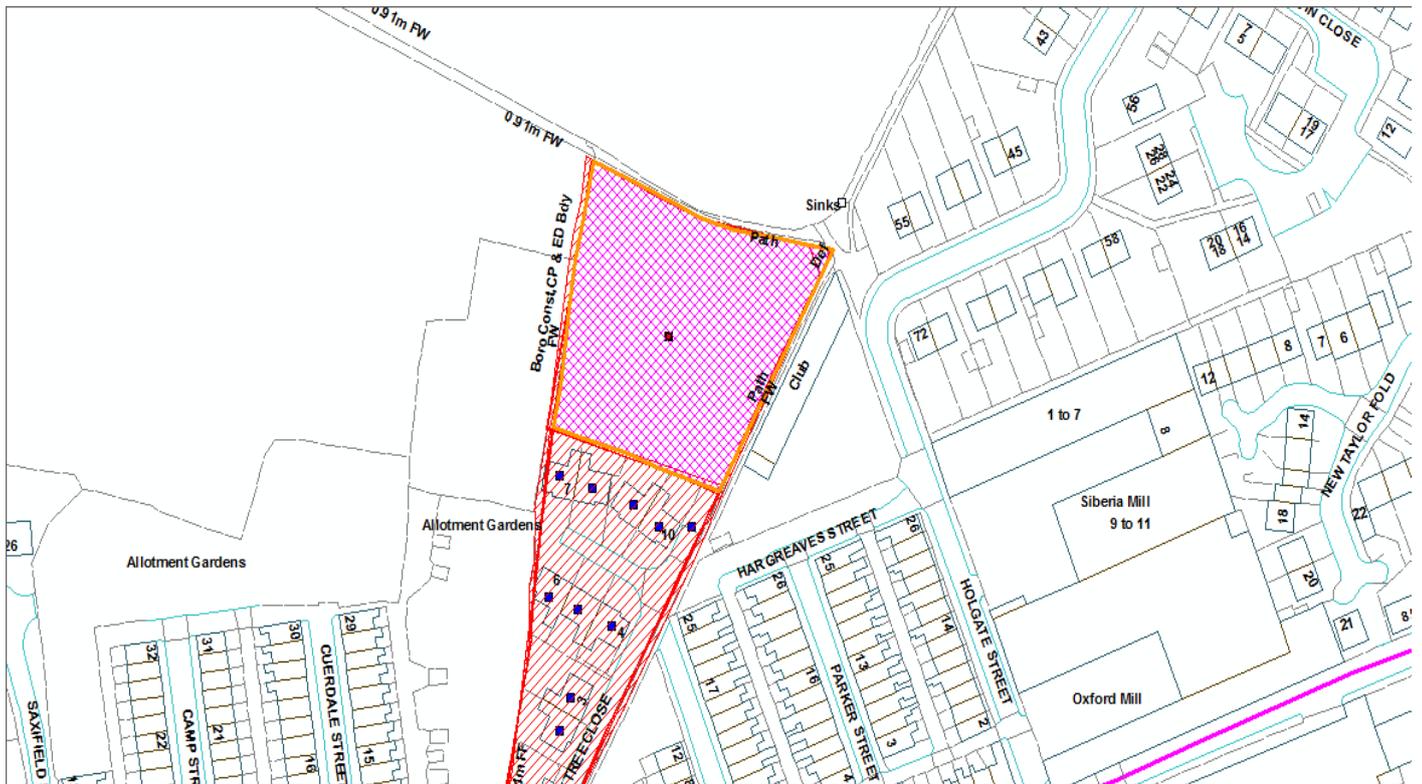
22. The estate road shall be laid out, surfaced, sealed and completed in its entirety prior to occupation of the first unit.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

Note:

Security Recommendations - 1. Physical Security - The dwellings should be target hardened to enhanced security standards. Part 2 of Secured By Design addresses the physical security of dwellings making forced entry more difficult. Front and rear doorsets and windows should be PAS 24/2012 standards. Ground floor glazing on side and rear elevations should be laminated. 2. Plans show a 1.8m high close boarded fence arrangement across the site. In addition to this, a lockable gate should be fitted as flush with the front of the building line as possible that restricts access to the rear of the properties. 3. Front and rear doorsets should be fitted with a dusk till dawn light unit and a 13 amp non switched fused spur suitable for an alarm system. Further security advice can be obtained from the above office as this scheme progresses throughout the planning process and at www.securedbydesign.com. Public Rights of Way - Public Rights of Way must not be obstructed during the proposed development. It is the responsibility of the landowner to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, this is the responsibility of the landowner to ensure that this is done following the

appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.



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Proposal: Full: Major: Variation of Condition 21 (Access Road) of Planning Permission 13/15/0332P (Erection of 14 dwelling houses).

At: Land Behind 7-10 May Tree Close and Adjacent to Briercliffe Working Men's Club Briercliffe

On behalf of: Mr Geoff Hook

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 24th May 2016