



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

**TO: COLNE AND DISTRICT COMMITTEE**

**DATE: 9<sup>th</sup> June 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 COLNE & DISTRICT COMMITTEE ON 9<sup>th</sup> JUNE, 2016

**Application Ref:** 16/0139/FUL

**Proposal:** Full: Major: Erection of twenty one 2 and 3 storey dwellings with two access roads off Carry Lane and associated landscaping works (revised scheme).

**At:** LAND AT PETER BIRTWISTLE CLOSE & CARRY LANE COLNE BB8 0TW

**On behalf of:** Peter Birtwistle Trust

**Date Registered:** 11 April 2016

**Expiry Date:** 11 July 2016

**Case Officer:** Kathryn Hughes

### **Site Description and Proposal**

This application seeks approval for the erection of twenty one dwellinghouses.

The application site is vacant agricultural land located to the south-east of Colne and lies outside the settlement boundary in Open Countryside.

The site is 0.114ha and slopes down to the south. It is bounded by housing on Peter Birtwistle Close to the North, Open Countryside to the East, a public footpath to the South with allotments beyond, which are protected open space, and a detached dwellinghouse and Newtown Nursery School and housing to the West.

The scheme would consist of ten three bed semi-detached units with undercroft garage, ten three bed semi-detached units with lower garden room and attached single garages to the side and one detached four bed unit with ground floor garage and lower ground living and bedroom accommodation.

Access to the twenty one dwellinghouses would be via two access roads off Carry Lane.

The twenty one dwellinghouses will be constructed in natural pitched faced coursed stone with natural blue slate roof and composite doors and white upvc windows.

All of the units would have garages and driveways to accommodate off-street parking.

### **Relevant Planning History**

13/14/0077P: Outline: Major: Erect 30 dwellinghouses (access only) (1.135ha) with access from Peter Birtwistle Close for 11 dwellinghouses and access off Carry Lane for 19 dwellinghouses - Approved 28th May, 2014.

13/16/0018P - Reserved Matters: Major: Erection of 12 dwellinghouses (Appearance, landscaping, layout and scale) – Approved 19<sup>th</sup> April, 2016.

### **Consultee Response**

LCC Highways – The Development Support Section understands planning application 13/14/0077P considered the impact on the surrounding highway infrastructure and section 106 monies were contributions and sustainable transport link/improvements were recommended and

the current planning application is concerned with the internal layout of the site and the site access.

The proposed development is to provide 21 dwellings on undeveloped land an access road is being provided to the north of the site onto Carry Lane to serve four dwellings and a southern access onto Carry Lane is being provided to serve 17 dwellings.

The Lancashire County Councils five year data base for Personal Injury Accident (PIA) was checked on the 17<sup>th</sup> March 2016. The data based indicates there has not been any reported incidents near the access to the new development.

Using the calculation from Manual for Streets a gradient of 10% and an estimated 85<sup>th</sup> percentile speed of 33mph the sight lines of 2.4 x 56m to be provided in a northern direction and 2.4 x 37m in a southern direction. The required sight line requirement may be reduced if the applicant can provide an acceptable traffic study, which indicates 85<sup>th</sup> percentile traffic speeds are less than 33mph. An acceptable traffic study to be carried out over a full week and to indicate in both directions the numbers of vehicles, types of vehicles and the speed of vehicles passing the proposed new access. The applicant should provide accurate details of the required sight line requirement, before determining the application. The "X" distance at the northern access can be reduced to 2.0m.

The applicant should provide accurate details of the required sight line requirement, before determining the application, ensuring the entire sight line requirement is fully over land within the applicants control and/or over the adopted highway and to fully show all works which would be required to provide the sight lines. The sight line splays will require walls, fences, trees, hedges, shrubs, ground growth, structures etc. to have a maximum height of 1.0m above the height at the centre line of the adjacent carriageway.

From observations on site and the information provided on the applicant's site location plan the sight line requirement is fully achievable over the applicants land and the existing adopted highway. The main issue is the ground levels and the height of the stone retaining wall at the back of the narrow footpath.

Where acceptable sight lines at the junction are not provided the Highway Development Control Section would raise an objection to the development in the interest of highway safety. The Highway Development Control Section recommends the full impact of the sight line recommendations are provided and approved before determining the application.

The Highway Development Control Section is of the opinion that the location and geometry of the two junctions onto Carry Lane are acceptable providing the recommended sight lines from the site can be provided.

The new site access for both access roads onto Carry Lane will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for 278 agreement.

The Highway Development Control Section is of the opinion that the internal layout for both internal roads are acceptable for pedestrians and all forms of transport expected on these roads, but both of these roads are not to an acceptable layout to be considered for adoption..

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 house types C and D, which will lead to on road parking causing an obstruction of adjacent drives due to the proposed highway layout.

Where the applicant would like to have the southern road considered for adoption they are advised to consider the comments below. Where the recommendations below are not implemented the highways will not be considered for adoption. Further guidelines regarding highway adoptable layout can be found on the Lancashire County Council Residential Road Design Guide and the construction of the highway to be to the Lancashire County Council Specification for Estate Roads 2011 edition:-

1. 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.

The Highway Development Control Section recommends the local planning authority attaches a condition requiring that the estate streets serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the development; and to safeguard the visual amenities of the locality and users of the highway.

The Highway Development Control Section recommends conditions relating to wheel washing, layout, estate road construction, visibility splays, car park and manoeuvring scheme, restriction on garages, highway improvements and traffic management plan are attached to any formal planning decision.

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

1. The alterations to the existing highway as part of the new works may require changes to the existing street lighting at the expense of the client/developer.
2. The applicant is advised that the new site access, will need to be constructed under a section 278 agreement of the 1980 Highways Act. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the Community Services before works begin on site. Further information and advice can be found at [www.lancashire.gov.uk](http://www.lancashire.gov.uk) and search for "278 agreement".
3. It is assumed that Lancashire County Councils Highways Maintenance will be consulted regarding the approval of street works details.

Architectural Liaison Unit - **The Crime Impact Statement is formed based on local crime figures and trends, incidents reported to the police and community knowledge gathered from local policing teams. It is with this knowledge and policing experience that the recommendations made are site specific, appropriate and realistic to the potential threat posed from crime and anti-social behaviour in the immediate area of the development.**

## Crime Risks

Within the last 12 months period, there have been 38 burglaries, auto-crime and 61 criminal damage offences committed within the area surrounding this site. The crimes indicate that a residential development at this location would be at risk of being affected by crime, specifically burglary, damage and theft from vehicles.

In order to reduce the risk of offenders targeting the proposed residential development, should planning permission be granted, I advise the following measures;

## Compulsory Security Measures

- Physical security standards for all external doors, including doors linking garages to dwellings, ground floor windows and those easily accessible at other levels will have to meet PAS 24:2012 (or an accepted alternative) in order to comply with Building Regulations Approved Document Q. This can be satisfied by achieving Part 2 (physical security) Secured by Design.
- All ground floor and easily accessible opening windows should have restrictors fitted to reduce the risk of burglary. This is necessary due to the open layout of the development and the steps to upper levels.
- Natural surveillance should be increased as much as possible within the design in order to allow views across external areas to deter crime, especially opportunists looking for circumstances to take advantage of, such as open garages, insecure vehicles and open windows.
- Access to the rear of all dwellings should be restricted as this area is most vulnerable to burglary. Boundary treatments to this space should be 1.8m minimum height and designed to deter climbing over or through. All rear access gates into should also be an effective barrier to unauthorised entry and lockable from the inside. Access down the gable elevations should be restricted as close to the front elevation as possible to restrict access to this vulnerable area – placing the gate towards the rear provides a concealed area, out of the view of neighbouring dwellings, for an intruder to take advantage of.
- Utility meters should be located on or close to the front elevation so that access is not required into private space to obtain readings.

## Advisable Security Measures

- An intruder alarm system or a 13 amp non-switched fused spur should be installed to allow the residents to add an intruder alarm at a later date.
- Where rear gardens back on to public open space or countryside, additional measures such as Hawthorn or other defensive planting is advised to reinforce the fencing.

Reason - To reduce crime and the fear of crime and create safe environments in accordance with;

## **Pendle Local plan Part 1: Core Strategy**

**8.63** Designing out crime and designing in community safety should be central to the planning and delivery of new development. Section 17 of the Crime and Disorder Act 1998 requires all local authorities to exercise their functions with due regard to their likely effect on crime and disorder, and to do all they reasonably can to prevent crime and disorder.

## **National Planning Policy Framework, Paragraph 58**

Create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion“

## **Section 17 Crime and Disorder Act 1998**

(1)Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

The above recommendations should be incorporated into the design, prior to achieving planning permission, in order to reduce the risk of crime affecting the future residents, visitors and local community thereby promoting safer Pendle communities and reducing avoidable demand on policing resources.

Natural England - No comments.

Lead Local Flood Authority

LCC Education - Requested a contribution towards 4 primary school places and 2 secondary school places.

United Utilities - No objection subject to appropriate drainage conditions.

PBC Footpaths - The site lies adjacent to public footpath 197 Colne which runs from Carry Lane to the bottom of Back Peter Street, Colne.

Planning permission should only be granted on condition that some provision is made to improve the footpath under a Section 106 Agreement or the Community Infrastructure Levy. The reason is that the footpath would provide an important transport link for pedestrian access between the new development and the south valley area of Colne. The footpath should be brought up to a fit standard for this use including ramped access from Carry Lane onto the footpath to facilitate use by pushchairs, and by the provision of a sealed surface between Carry Lane and the junction of Bold Street and Back Peter Street.

PBC Environmental Health - standard contamination land condition required.

PBC Environment Officer - To the south of the school boundary, a 'vegetated reinforced engineered slope retaining structure' is shown. Given the trees within the school grounds, it would be unacceptable to excavate and reduce levels within the root protection areas of those trees as calculated by BS 5837 (2012) to an extent where the trees are rendered unsafe. No level changes must be undertaken within the RPA of those trees and such RPA must be protected by fencing in accordance with BS 5837 (2012). A tree report has not been submitted but would have informed this.

Ecology survey acknowledges it was undertaken outside the optimum seasonal period. However, it was possible to determine that there would be no significant detrimental impact by the development on habitat or species but such habitat loss could be mitigated and biodiversity enhanced and suggestions are given to that end in section 5 of the ecology report and should be conditioned.

The landscape scheme is not acceptable. The specification refers to trees and their planting and, whilst a graphic appears to show nine trees on the scheme, no key is given for species etc. There is also opportunity for significantly more trees on the site. Specification needed for their handling, planting and staking. Such planting is supported by the ecology survey.

No other planting is shown although there is a specification for it. A more detailed scheme is required with more trees and other ornamental plants. The shapes and layout of planting beds must be shown in outline and the layout and juxtaposition of the different plants within them shown. The area for each species should be of irregular shape allowing overlap and contrast with the adjacent species.

Finally, a schedule of all the trees, shrubs and other ornamental plants should be prepared giving total numbers of each.

Colne Town Council

## **Public Response**

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

- plot 21 is exactly 33 feet from my window, the 3 storey property will totally block out all our light and we will be looking at a wall and maybe our privacy;
- we are not against houses being built but they should not affect people's life's as we have lived here for 30 years;
- the proposed three storey properties would block my view and the amount of light into my only sitting room, plot 21 would be 15 feet from the boundary wall and 31 feet from my sitting room window;
- no house should be allowed to be constructed so close to any of our homes. you may consider moving plot 21 next to plot 15 and moving the turning head as this would be approximately 73 feet from our homes;
- the drawings show seven trees or shrubs directly outside my sitting room. How tall will these grow, who will be responsible for them and these may block my view and light;
- the developer should pay for the cost of an additional window to the end elevation of the flats number 24 and 24a to allow further light to these properties;
- three storey properties do not fit in with the area;
- close to adjoining properties;
- development too high;
- loss of privacy; and
- noise nuisance from building work and people using the path late at night on their way home.

One response stating I have seen the plans and can't see where the people in Broken Banks say it will block the light off their property because there will be some landscaping on the bottom of the field so the house are below where I live and it won't affect my view or light in fact I am looking forward to see the work begin.

## **Officer Comments**

The issues for consideration are policy issues, design and impact upon Open Countryside, impact on amenity, flooding and drainage, ecology and highways issues.

- 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 ENV1 Protecting and Enhancing Our Natural and Historic Environments requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

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. The proposal's compliance with this policy is addressed in the flooding and drainage section.

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 16 ' Landscaping in New Development' requires that developments provide a scheme of planting which is sympathetic to the area.

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.

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.

Section 7 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. 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".

The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 56). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to



local character and history (para. 58). It is also proper to seek to promote or reinforce local distinctiveness (para. 60).

Para 64 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused. There is no balancing exercise to be undertaken with other sections of the Framework as poor design is not sustainable development and the requirement under paragraph 14 is to allow sustainable development to come forward.

## 1. Principle of Housing

This has been established under the outline permission (13/14/0077P) already granted in May last year.

Colne has a strategic importance that makes it a sustainable place in which to locate the additional market and affordable housing required. Furthermore the site is well related to existing shops, schools, bus routes and local employment areas and thus would represent a sustainable form of housing development in terms of travel patterns and relationship to the major settlement of Colne.

The site is previously developed land within a settlement boundary and has recently been granted outline planning permission for residential development and therefore the principle of housing development on this site has been accepted.

The provision of open market housing on this lower part of the site will allow for 12 affordable houses to be provided on the northern part of the site for the Peter Birtwistle Trust.

- Design and Impact

The application site is wholly outside the settlement boundary, however, planning permission for housing development has recently been granted on the site to the north and this site would be bounded by development to the west. An existing footpath to the south and Carry Lane to the east would create distinct boundaries to this proposed development.

The site is accessible in terms of distance from public transport routes and would continue on the existing and proposed social housing to the north and the nursery school to the west.

The land falls away substantially to the south with a distinct difference in levels from the existing housing and the public footpath which crosses the site at its southern boundary from east to west.

Plots 13 – 16 would be 2/3 split level units with two storeys to the north and three to the south in two blocks of two units. Each of these units would have a balcony to the rear (south) finished in natural pitched faced course stone with natural stone quoins, cills, lintels and mullions, natural blue slate roof, white upvc windows, brown wood effect garage doors and fascia board. The balconies to the rear would have timber deck on steel columns with toughened glass balustrade and handrail.

Plots 17-26 would be 2/3 split level units with two storeys to the north and three to the south in five blocks of two units finished in natural pitched faced course stone with natural stone cills, lintel and mullions, natural blue slate roof, white upvc windows, brown wood effect garage doors and fascia boards.

Plots 27-32 would be 2/3 split level units with two storeys to the north and three to the south in two blocks of two units. Each of these units would have a balcony to the rear (south). finished in

natural pitched faced course stone with natural stone quoins, cills, lintels and mullions, natural blue slate roof, white upvc windows, brown wood effect garage doors and fascia board. The balconies to the rear would have timber deck on steel columns with toughened glass balustrade and handrail.

Plot 33 would be a three storey unit with a terrace at ground floor to the south finished in natural pitched faced course stone with natural stone quoins, cills, lintels and mullions, natural blue stone roof, white upvc windows and doors, brown wood effect garage doors and fascia boards. The balcony above the bedroom would have a timber deck with toughened glass balustrade and handrail.

Whilst the site is not isolated it is prominent in terms of views from the southern end of Carry Lane and Carry Bridge area beyond and therefore the height, layout and design of the proposed housing is critical in terms of how this development would affect the landscape and visual amenity of the area.

Taking into account the difference in levels, amount of cut and fill proposed and retaining wall to be erected the site would effectively be split into three sections of four, ten and seven dwellings running across the site from east to west with the two access roads from Carry Lane continuing this horizontal pattern.

When viewed from Public Footpath 197 and vantage points to the south this layout would fall against the natural fall of the land which runs from north to south. The two lower sections of the site would sit quite comfortably here due to the proposed 3m reduction in land levels.

The main area of concern are plots 13-16 which would sit at the top end of this site (the middle of the overall site taking account of the approved housing units to the north). Whilst these four units would have a similar overall height as the bungalows approved on plots 7 – 12 the three storey element to the south would be prominently visible above the other plots with a difference in the finished floor level of 6.75m. These units need to be reduced in height and the agent has been requested to consider an alternative housetype for this plots.

The materials proposed are acceptable subject to samples being submitted and a sample panel of the stonework being provided.

A 2.5m retaining gabion wall is proposed to cross the site from east to west between plots 7 – 12 and 13- 16 this would be a dominant feature and needs to be treated with an appropriate finish in order to reduce its potential impact particular on the northern aspects of plots 13-16. The agent has been requested to consider a timber or shrubs to create a living wall in order to ensure a more organic finish.

In terms of boundary treatments the existing stone wall to Carry Lane would need to be altered in order to provide the two access roads and appropriate visibility splays. This would result in some of the wall being removed and some being reduced to a 1m height.

A 1.8m high timber boundary fence is proposed between and to the rear of the plots with plots 17 – 33 having a 0.9m high random rubble dry stone wall to the front gardens. This is acceptable.

Subject to an acceptable form being submitted for plots 13 -16 and an appropriate treatment for the retaining wall then the proposed development would be acceptable in terms of design and impact and accords with policies ENV1 and ENV2.

- Impact on Amenity

The nearest properties are to the development are Newtown Nursery School, 20 – 24 Broken Banks both sited to the West and 1 -3 Carry Lane to the south.

The eastern side boundary of Newtown Nursery is sited 10m from the gable end of plot 13 which is similar to other distances to residential properties and is acceptable.

The flats at 20-24 Broken Banks would be sited between 25 and 35m from the gables of plots and 27 to their rear (eastern) elevations. This is above the guidance of 21m and is acceptable.

No.'s 1-2 Carry Lane are sited on the southern side of the footpath approximately 21m from the rear elevations of plots 31- 33. This is acceptable.

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

- Flooding and Drainage

The drainage issues for the entire site was considered under the previous outline permission and conditions attached to that requiring details to be submitted. The agent has been requested to provide details of the proposed drainage system and these are expected prior to the meeting.

Provided that these plans show an acceptable drainage scheme then the development is acceptable in terms of flood risk and therefore accords with policy ENV7,

- Ecology

An appropriate ecology report has been submitted and this was satisfactory addressed at the outline stage.

- Highways Issues

The two vehicular accesses from Carry lane would be 5m wide and a 2m wide footpath would be provided on one side. The access to the northern part of the site would access four dwellinghouses whilst the lower southern would be access the remaining seventeen and have a turning head at the western end.

Appropriate visibility splays can be accommodated on the site, however, this will result in some of the existing stone wall to Carry Lane being removed and sections lowering to order to achieve this. Details of this should be conditioned to ensure that the removal of walling is kept to a minimum and that the existing coping stones are replaced after parts of the wall have be lowered to a total height of 1m.

Subject to appropriate highway conditions this proposal can achieve a suitable vehicular access from Carry Lane.

The proposed development would provide off-street car parking for cars in a combination of garages and driveways. This would provide a minimum of two off-street car parking spaces per dwelling which is in line with the car parking standards set out in the Replacement Pendle Local Plan.

This accords with policy 31.

- Contamination

This land has not been previously developed, however, a contaminated land condition has been requested by Environmental Health in order to ensure that there is no contaminants on the land or gas mitigation measures. This is acceptable.

- Open Space and Landscaping

The site lies within Waterside Ward which has a deficiency in open space. Policy LIV5 requires all proposals residential units to provide on-site open space which can take the form of Green Corridors and spacious layouts.

The site layout provides ample private amenity spaces for the plots and also some green amenity space which helps to soften the scheme and provide some visual interest in the overall layout.

A landscaping scheme has been submitted on drawing No. 210115/001/SJT rev D which is acceptable and provides information on the proposed planting schedule for trees and shrubs on the site. Some minor additions have been requested and subject to these the planting scheme will assist in screening the proposed elevations to some degree.

- Contributions

A request has been made for a contribution towards Education facilities in the area and footpath improvements.

The footpath improvements can be attached as a condition in order to ensure that an appropriate surfacing is carried out along this public right of way.

The Education facilities would amount to a total contribution of £85,632.16, however, this was based on the previous scheme for 16 units and therefore an increase to this is expected.

Taking into account that this development seeks to enable the provision of 12 affordable units it is considered that the contribution would warrant the scheme unviable and therefore it is not proposed to request the education contribution for this particular scheme.

## **Summary**

The principle of residential development in this location is acceptable and subject to appropriate housetypes for plots 13-16, appropriate landscaping and drainage proposals and a condition requiring the footpath to be improved the proposed development is acceptable in terms of design, materials and highway safety. The proposed development would not have a detrimental impact on Open Countryside or residential amenity and accords with the adopted policies of the Pendle Local Plan: Part 1.

The recommendation to approve is predicted on there being an acceptable design solution to plots 13-16. If this is not found approval of the scheme would not be supported.

## **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. Subject to amendments to plots 13-16, acceptable drainage scheme and 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:

14.149 01 H, 14.149 02I, 14.149 03D, 14.149 04E, 14.149 10B, 14.149 17B, 14.149 24, 14.149 25C, 14.149 27, 14.149 28, 14.149 29, 14.149 30B, 14.149 31, 14.149 32A, 14.149 33, 14.149 34A, 14.149 35, 14.149 37, 210115/001/SJT Rev D, 15218 C-53 & 15218 C-54.

**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. Development shall be carried out in accordance with the approved details.

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

4. Prior to the commencement of development details of the retaining gabion wall and the wall to removed and lowered on Carry Lane (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. Development shall thereafter be implemented in strict accordance with the approved details.

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

5. Prior to the commencement of development details of the improvement works to Public Footpath 197, Colne shall have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be implemented out in strict accordance with the approved details prior to occupation of the first dwelling house.

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

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

**Reason:** To enable the Local Planning Authority to assess how the development will accommodate the varied land levels and control the final form.

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

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

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

**Advisory Notes:**

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

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

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

Part 1

A) no extensions shall be erected

B+C) no alterations to the roof of the building shall be carried out

D) no porches shall be erected

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

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

9. A scheme for the disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of development. The scheme shall provide for separate systems for foul and surface waters and be constructed and completed in accordance with the approved plans before the first dwelling is occupied. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event.

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

10. Notwithstanding the provisions of the Town and 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 other device.

The visibility splay 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 southern road from the continuation of the nearer edge of the carriageway of Carry Lane to points measured 56m to the left on egress and 37m to the right on egress along the nearer edge of the carriageway of Carry Lane, 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 street junction or site access.

11. Notwithstanding the provisions of the Town and 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 other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.0m measured along the centre line of the proposed northern road from the continuation of the nearer edge of the carriageway of Carry Lane to points measured 56m to the left on egress and 37m to the right on egress along the nearer edge of the carriageway of Carry Lane, 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 street junction or site access.

12. 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.
  - e) Details of wheel-washing facilities including location
  - g) Measures related to construction waste management
  - 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.
  - 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
  - r) Noise-monitoring to be carried out for the construction period.
  - s) A Construction Waste minimisation Strategy.
  - t) A Construction-Risks Education plan/programme
  - u) Parking area(s) for construction traffic and personnel
  - v) Routeing of construction vehicles

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

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

13. The car parking areas shall be surfaced or paved in accordance with a 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.

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

14. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority

**Reason:** To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

15. No part of the development hereby approved shall be occupied until all the off-site highway works have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

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

16. Notwithstanding the provisions of the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008, or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation without the prior written approval of the Local Planning Authority.

**Reason:** In order to ensure that sufficient off-street parking can be accommodated within the site.

17. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA)( Report No. 2014-039, Flood Risk Consultancy, 25/03/14) including limiting the surface water run-off to 13.4l/s so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation in accordance with the timing/phasing arrangements embodied within the scheme unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** To reduce the risk of flooding.

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

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;

- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

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

- 19. All hard and soft landscape works shall be carried out in accordance with the recommendations of BS 4428 (1989). The works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

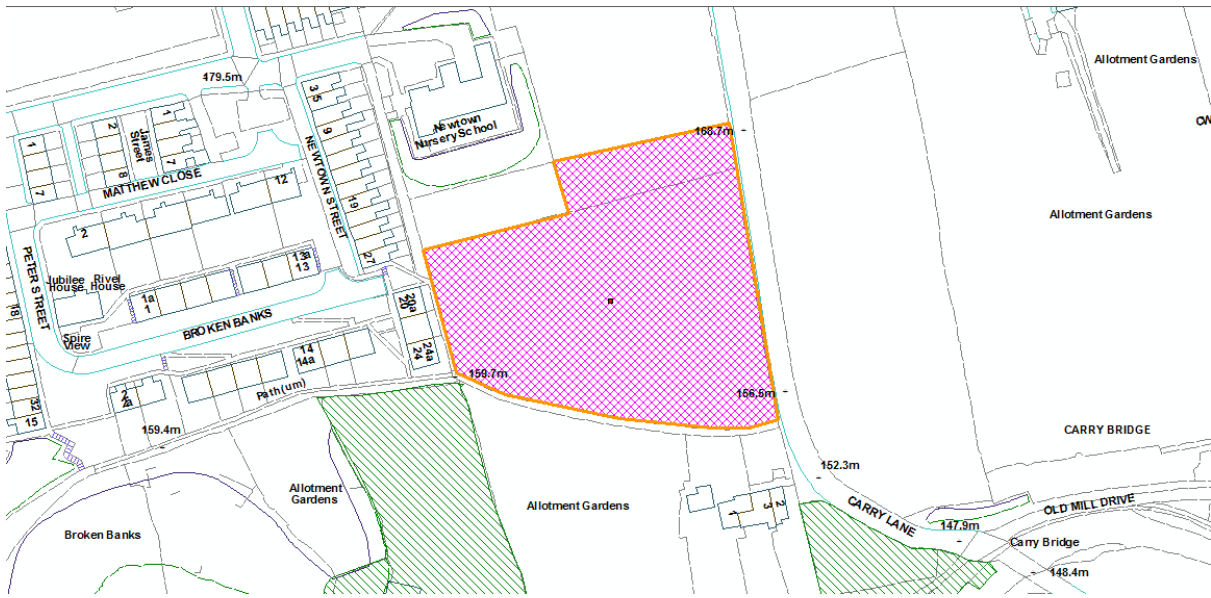
**Reason:** To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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

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

**Note:**

This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980 Section 184 the County Council as Highway Authority must specify the works to be carried out. Only the Highway Authority or a contractor approved by the Highway Authority can carry out these works and therefore before any access works can start you must contact the Customer Services at [highways@lancashire.gov.uk](mailto:highways@lancashire.gov.uk) and on 0845 0530000 or 0300 1236780.



**Application Ref:** 16/0139/FUL

**Proposal:** Full: Major: Erection of twenty one 2 and 3 storey dwellings with two access roads off Carry Lane and associated landscaping works (revised scheme).

**At:** LAND AT PETER BIRTWISTLE CLOSE & CARRY LANE COLNE BB8 0TW

**On behalf of:** Peter Birtwistle Trust

## LIST OF BACKGROUND PAPERS

Planning Applications

NPW/HW

Date: 31<sup>st</sup> May 2016