



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

**TO:** COLNE AND DISTRICT COMMITTEE

**DATE:** 11<sup>th</sup> MAY, 2017

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

## REPORT TO COLNE COMMITTEE ON 11 MAY 2017

**Application Ref:** 17/0176/VAR

**Proposal:** Full: Major: Variation of Condition: Vary conditions 2 (Plans) and 14 (Road adoption/management) of Planning Permission 16/0459/FUL to raise the floor levels of the bungalows and alter the timescale for submission of details of road adoption/management.

**At:** White Grove Garage Site, Harrison Drive, Colne

**On behalf of:** Cawder Construction

**Date Registered:** 30/03/2017

**Expiry Date:** 29/06/2016

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a former garage colony site located to the rear of White Grove, within the settlement boundary of Colne. To the north is Colne & Nelson Rugby Club, to the west is open parkland and to the south and east are dwellings. Planning permission was granted on the site in 2016 for the erection of 12 dwellings in the form of one row of six attached two bedroom bungalows, one row of four attached three bedroom two storey houses and one pair of semi-detached two storey two bedroom houses.

This application is to vary conditions 2 (plans) and 14 (road adoption/management scheme).

The variation of condition 2 would change the plan numbers to amend the approved plans. The proposed amendment the proposed amendments to the plans would involve raising the level of the row of bungalows by 0.5m and providing an access ramps to the front and rear and footway to the front.

The variation of condition 14 proposes to alter the working of the condition to change the timescale of submission and agreement of details from pre-commencement to pre-occupation.

### **Relevant Planning History**

16/0459/FUL - Major: Full: Erection of 12 dwellings with access from Harrison Drive. Approved.

## **Consultee Response**

LCC Highways

Lancashire Constabulary Architectural Liaison

Lead Local Flood Authority

United Utilities

Colne Town Council – No comment.

## **Public Response**

A press and site notice has been posted and nearest neighbours notified. No response.

## **Officer Comments**

The main considerations in this application are the impacts of the proposed amendments on the visual amenity of the area and residential amenity of adjacent dwellings and the acceptability of the variation of the wording of condition 14.

## **Policy**

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

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

### **Replacement Pendle Local Plan**

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

## **Visual Amenity**

The increase in height of the bungalows would be a minor amendment which would not result in an unacceptable visual impact. The proposed alterations to incorporate a

ramps and footway to the front would also be acceptable in terms of visual amenity in accordance with policies ENV2 and LIV5.

### **Residential Amenity**

The ground level of the line of bungalows, plots 7-12, would be increased by 0.5m. These plots face the rear of 2-10 White Grove separated by 10m from the boundary and 24m from the habitable room windows in the rear of those properties. These distances are adequate to ensure that the increase in the height of the bungalows would not result in any unacceptable impact in terms of loss of privacy, light or overbearing impact upon these or any other any adjacent property. The proposed amendments are therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

### **Highways**

The proposed alteration of the wording of condition 14 to pre-occupation would continue to ensure that adequate long term provision is made for the management and maintenance of the road within the development prior to it being occupied. The proposed variation of condition is therefore acceptable.

### **Reason for Decision**

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed housing development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

Subject to the following conditions:

- 1 The development must be begun not later than the expiration of three years from 6<sup>th</sup> October 2016.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 03-(OS)-7899 Rev A, 002-(BR)-7899 Rev B, 100-(PL)-7899 Rev C, 200-(PL)-7899 Rev C, 203-(BR)-7899 Rev B, 202-(PL)-7899 Rev B.

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

- 3 Samples of external wall and roofing materials shall be submitted to and approved in writing by the Local Planning Authority within two weeks of the commencement of the development. The development shall be carried out using only the agreed materials.

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

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

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

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

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

**b)** a comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

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

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

**Advisory Notes:**

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to

applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

(ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.

(iii) This condition is required to be fully complied with before development is commenced.

Failure to comply with the condition prior to commencement of work may result in legal action being taken.

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

6 No development shall commence unless and until a Traffic Management Plan for the construction works has been submitted to and approved in writing by the Local Planning Authority. The Traffic Management Plan shall include details of:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

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

**Reason:** To protect existing road users.

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

**Reason:** To prevent stones and mud being carried onto the public highway to the

detriment of road safety.

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

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

- 9 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 + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), 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 5 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment/relocation 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 prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is

not detrimentally impacted by the development proposal.

- 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 to and approved in writing by the Local Planning Authority. Those details shall include, as a minimum:
- 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, to reduce the flood risk to the development as a result of inadequate maintenance, to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

- 11 No development shall take place unless and until further investigations are carried out to establish the location, capacity and condition of the intended surface water discharge point (culverted watercourse). The surface water drainage strategy should be revised to accommodate findings as appropriate. The development shall not be commenced unless and until a revised surface water drainage strategy has been submitted to and approved by the Local Planning Authority. The development shall be carried out in strict accordance with the approved surface water drainage strategy.

**Reason:** To ensure that the watercourse does not pose a flood risk, on-site or off-site.

- 12 The development shall be carried out in strict accordance with the recommendations set out in the submitted Extended Phase 1 Habitat Survey.



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

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

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

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

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

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

- 15 Within two weeks of the commencement of the development a scheme for the provision of a footpath from Harrison drive to the parking bays to the front of plots 7-12 and for the full frontage from plot 12 into the site with a crossing point to align with the parking bays footpath shall be submitted to and approved in writing

by the Local Planning Authority. No dwelling shall be occupied unless and until the footpath has been completed in accordance with the approved scheme.

**Reason:** In the interests of highway and pedestrian safety.

- 16 All glazing installed in the elevations facing north and those facing east shall be in accordance with the specifications set out in the noise assessment ref: LG0408163NR dated 26/09/2016.

**Reason:** In the interest of the residential amenity of occupants of the dwellings.

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/SM**

**Date: 2<sup>nd</sup> May, 2017**