



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE AND DISTRICT COMMITTEE

DATE: 08th March, 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT COMMITTEE 8th MARCH, 2018

Application Ref: 17/0589/FUL

Proposal: Full: Major: Demolition of health centre (Use Class D1) and construction of mixed use building comprising 4 No. retail units (Use Class A1) and 11 No. 2 and 1 bed apartments (Use Class C3).

At: Former Health Centre, Market Street, Colne.

On behalf of: Pearl 2

Date Registered: 6th November, 2017

Expiry Date: 5th February, 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The proposal is to redevelop the now empty health centre into a mixed use scheme. This will comprise of retail units at ground floor with 12 residential units above. 13 car parking spaces are proposed to the rear of the site. A revised plan has also been submitted showing bin storage to the rear.

The site lies adjacent to the Red Lion Hotel which is a grade 2 listed building and also lies within Albert Road Conservation Area. There is a public car park immediately to the east of the site which serves the town centre.

The proposal is to demolish the existing health centre which is a modern building two storeys high on the street frontage and replace with a scheme which has a two storey element and 2.5 storey element to the street frontage. The existing building to the rear is single storey.

Relevant Planning History

None relevant

Consultee Response

Colne Town Council: The scheme is an improvement on that last one. Need to work closely with the Conservation Officer. Consult Heritage England.

LCC Highways: Support the car parking to be for staff only. Does the applicant control the 4 car parking spaces adjacent.

The units should have 17 car parking spaces but due to its accessible location this could be reduced to 12 or 13.

The unit should have 50 parking spaces but as there is likely to be relatively few journeys created by car most parking would be accommodated elsewhere.

Request that details of how the premises are to be serviced. Will the existing access to the commercial properties on Richmond Court be retained?

Cycle storage units are proposed but there should be 12 (1 per unit).

No details of where bins are to be provided.

Concern about where construction vehicles will be routed.

Would like a pre-construction survey of the footway along Market Street

Conservation Officer: Comments on revised plans –

The site lies within the Albert Road Conservation Area and adjoins the Grade II listed Red Lion Hotel. The Grade II listed Colne Market Cross lies on the opposite side of Market Street. The proposed development will affect the settings of both these listed buildings, but the main impact will be on the Red Lion immediately adjacent.

The current Health Centre building dates from the 1960's/70's and because of its overtly modern style and poor quality detailing does not enhance the setting of the Red Lion, or the character and appearance of the CA at this point. With the demolition of this building comes a welcome opportunity to replace it with something more appropriate to the character and townscape of Colne town centre. NPPF 131 advises that new development makes a positive contribution to local character and distinctiveness. NPPF 137 asks LPA's to look for opportunities for new development within CA's and within the setting of heritage assets to enhance or better reveal their significance.

The Red Lion is an impressive and prominent building of 3-storeys dating from 1791. It is a reminder of the early country market town origins of Colne prior to the later and more elaborate Victorian development. Its significance derives mainly from its formal stone frontage with ranges of stone mullioned windows, and the strong architectural detailing of the roof and eaves line with stone copings, prominent kneeler stones, gutter corbels and substantial stone chimneys to each gable end. Recent work has been undertaken to rebuild and reinstate the chimneys to their original height and form, with the result that they are now obvious as a significant feature of the building, together with the substantial projecting stone kneelers at each end of the roof, when seen both from the front and from the eastern approach along Market Street. The building marks the entrance to the CA, and its strong symmetrical form is clearly seen from this side. From the western approach the building is largely screened in more distant views by the existing trees. The rear elevation of the building also has architectural merit and is clearly seen from the public car park to the rear. Again, the roofline, chimneys and kneeler stones are significant in this view.

The previous application raised concerns about the visual impact of the new building on the adjoining side gable and chimney stack of the listed building. The height of the new building adjacent to the LB was such that the roofline extended up onto the side of the chimney, with the rear roofline higher than that of the Red Lion. This would have harmed views of the LB and appreciation of the chimney and kneeler stones to both front and rear elevations of the listed building. The current application has addressed these concerns, and the section of new build adjacent to the LB has been stepped down in height in order to respect the roofline of the Red Lion. The width of this block has also been increased, allowing the building to step up in height further away from the Red Lion. The design of this block is simple and restrained, and with its relatively traditional proportions it will provide an improved setting and townscape context for the LB.

The new building would increase in height to 3-storeys along Market Street going westwards away from the Red Lion. This part of the CA is characterised by taller 3-storey buildings, and the scale and massing of the proposed new building would generally be appropriate to this context. The current health centre breaks the continuity and scale of 3-storey buildings along the northern side of the street, and the new building will line-in better with the existing 3-storey shops to the west of the site. In terms of the elevational design, the amended plans now propose a more simple and traditional approach to the westernmost block, which together with several significant improvements to the scale, proportions, positioning and design of windows and shopfronts, will

bring more consistency and coherence to the overall design. This will enable a more contextual feel to the scheme which will enhance the setting of the Red Lion, allowing it to retain its prominence in the streetscape. Improvements have also been made to the massing and design of the side (NE) elevation, which will appear less overbearing and prominent in the view from the rear car park, where it will be seen in conjunction with the LB.

As before, I would emphasise that the overall success of the building will depend crucially on the quality of detailing, materials and finishes. The detailing of the eaves/verge line is important, also roof parapets, and stone window surrounds - heads, sills and jambs. These and other elements, such as the fine detail of the shopfronts, could be resolved by appropriate conditions. The materials proposed are generally appropriate to the context and should not detract from the CA or LB provided that they are of high quality. I would suggest conditions are attached to require full details of type and samples of materials (including pointing), detailed design of windows and surrounds (including well-recessed window frames), rooflights, doors and shopfronts (including fascias and pilasters, with sectional detail), stone parapet and eaves detailing, and rainwater goods. The detailed design of the public realm is also important, and full details should be conditioned, particularly the treatment of Richmond Court.

Lancashire Constabulary: Build to Secure by Design. Comment on a number of specific design recommendations i.e. controlled access door system.

LCC Education: No education contribution required at this time.

Lead Local Flood Authority: Require further information

Environmental Protection: No objection subject to standard condition about contamination.

Public Response

Direct letters, a site notice and notice in the press have been undertaken. No comments have been received.

Officer Comments

The application site lies in the designated town centre for Colne. It adjoins a grade 2 listed building and close to a town centre car park. It is also within Albert Road Conservation Area.

The health centre has been replaced with a new facility on the opposite side of the town centre. The proposed uses are all compatible with the town centre and there are no issues with the loss of a community facility as it has already been replaced. The principal concerns here are the design of the building and how it affects heritage assets and car parking.

Land Use and Amenity

The site is situated in a mixed use area. There are residential units to the rear situated on lower ground. Adjoining and facing the site are a range of uses including retail and residential accommodation above. The proposed uses would not generate noise and are compatible with the surrounding land uses. There are no adjoining land uses that would impact on the residential enjoyment of the new facility.

There are houses to the rear of the site which are approximately one storey lower than the level of the site. Currently they face a parking area and a single storey building which is 29.6m distant. The proposal is to erect a building which has three storey elements with windows facing the existing houses. The separation distance will increase to 33m. At this distance there would not be any

adverse impact on privacy for existing residents nor would there be any adverse unacceptable impacts in terms of light. The new building would also not be overbearing on the existing houses.

Car Parking

The development lies in a town centre where parking is almost exclusively provided by either public car parks or on street parking. The existing facility is 1,021m² in area with 9 off street spaces provided to the rear. The parking needs would have been for four spaces per consulting room. Clarification has been sought on the number of consulting rooms but it is a reasonable assumption to make that it would have had a minimum of 15. That would have required parking for 60 vehicles as a minimum.

Using the adopted parking standards in the Local Plan the proposed use would require 28 spaces for the retail units and 24 spaces for the residential units. The parking required for the new development is less than for the existing use and it will provide for 4 more spaces.

The development is in a town centre location where public car parks provide spaces for both staff and shoppers to park. That would leave residents of the flats to park. The demand for residential parking would normally be most acute outside of working hours and so there is not likely to be significant competition between the needs of the retail units during the day and residents in the evening.

The development does not meet the parking standards as set out in the adopted Local Plan. However, the proposed use reduces the level of parking needed from the current lawful use and the development is located in the town centre which has the maximum accessibility for other modes of transport and which is served by town centre car parks.

Overall the development is acceptable in terms of car parking.

Construction

LCC have raised concerns about how the development will be constructed. I share those concerns as the development is in a town centre where disruption needs to be kept to a minimum. The applicant has not formulated a development proposal to manage construction. This can however be controlled by a condition requiring a construction phasing plan and methodology.

Drainage

The planning application does not require the submission of a Flood Risk Assessment. A full drainage strategy has therefore not been produced to accompany the application. The applicant has indicated that a drainage strategy is being prepared but is not available at present and has asked whether this can be covered by a condition. The Lead Local Flood Authority has asked for details at this stage and their policy is to refuse to consider details covered by a condition if information is not received at the planning application stage.

The development is to redevelop an existing town centre site. The existing development already discharges to the public foul and surface water systems. The principle of redeveloping the site is acceptable. A drainage scheme can be required to be submitted prior to development commencing and if this is inadequate those details can be refused. There is no reason here why a Grampian condition cannot be used to require a full drainage scheme, including run off rates, to be submitted and approved prior to development commencing. That is notwithstanding the objection from the LLFA who's concerns can be met with provision of details provided by condition.

Design and Impact on Heritage Assets

The site lies abutting a grade 2 listed building and is situated in a conservation area. The Market Cross is found on the opposite side of the highway and is also grade 2 listed. The development needs to compliment and not harm these heritage assets if it is to be approved.

The Red Lion Public House is a grade 2 listed building. It is a stone built three storey building with stone mullioned windows. The third floor windows are sash and sit immediately below the eaves. The remaining windows are leaded with a strong vertical emphasis. The site faces the library which is outside of the conservation area and is of low architectural value. The Market Cross in front of it is also a grade 2 listed structure.

The application seeks to erect a building which is two storey in height in the section which would join onto the Red Lion. The height then increases to three storeys. The pitch of the roof follows the line of the existing buildings but there is then a gable feature which is three storeys in height. The final section is a single storey unit that is set back from the building line of the remainder of the building.

The windows are proposed to be made from powder coated aluminium in Anthracite Grey with mock sash sliding windows. Coursed stone is proposed for the upper elevations of the walls, with smooth ashlar stone up to first floor and natural stone features such as heads, cills and quoins.

The buildings immediately before the site on the approach along the one way system are a mixture of sizes and designs. There are two storey and three storey units. These comprise of flat and pitched roofs with materials used including wood, stone and ashlar.

The building immediately to the west of the site on Richmond Court is three storey. The three storey element of the proposed building will be at the same height as that before dropping to 2 storey. It will also be set back from the pavement so will not compete as much with the building to the west which will appear higher due to it being in front of the new building.

A two storey building is proposed between the new three storey element and the Red Lion. The new structure would sit below the eaves of the Red Lion which. This is a very similar arrangement to the current situation with the existing building.

Overall the massing of the building does not compete with either the existing shops to the west or the listed Red Lion and is acceptable.

The proposed design would be traditional with stone as the overarching material that will be seen. Concerns had been raised about the height of the windows on the first floor and this has now been addressed and compliments the rhythm of the windows in the Red Lion Public House.

The development would replace a non-descript modern health centre that does not compliment the town centre or listed building adjacent. It would sit acceptably in the street scene and would not harm the conservation area. It would not adversely affect the setting and design of the listed Red Lion Public House. The development does not harm any heritage asset and is compliant with Policy ENV1 of the adopted Core Strategy and paragraph 134 of the National Planning Policy Framework.

Summary

The proposed development is acceptable in terms of impact on amenity and the conservation area in terms of design, scale and materials and therefore accords with both local and national policy subject to appropriate conditions.

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 use would be acceptable subject to appropriate conditions. The development 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: 001,002, 003, 004D, 005B, 006E & 007.

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

3. No development shall commence unless and until the applicant has submitted to the Local Planning Authority and had approval in writing 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.

Reason: In order to ensure that

4 No development shall commence unless and until a full drainage scheme has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of the current and proposed run off rates and how surface water will be attenuated. Thereafter the development shall not be occupied unless and until the drainage scheme has been provided and completed in its entirety.

Reason: In order to ensure that the site is properly drained and in order to reduce the impact of flooding resulting from climate change.

5 No part of the development hereby permitted shall be occupied unless and until the car parking shown on the approved plan has been provided and completed in its entirety. The car parking thereafter shall only be used by either people employed in the building or residents of the apartments.

Reason: In order to ensure the site is served by car parking in order to minimise parking on the public highway.

6 Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority which will set out how the site will be developed and how deliveries and site traffic will be developed. This shall include, but not be limited to, details of the hours of operation, method of wheel washing and the control and suppression of dust from the site.

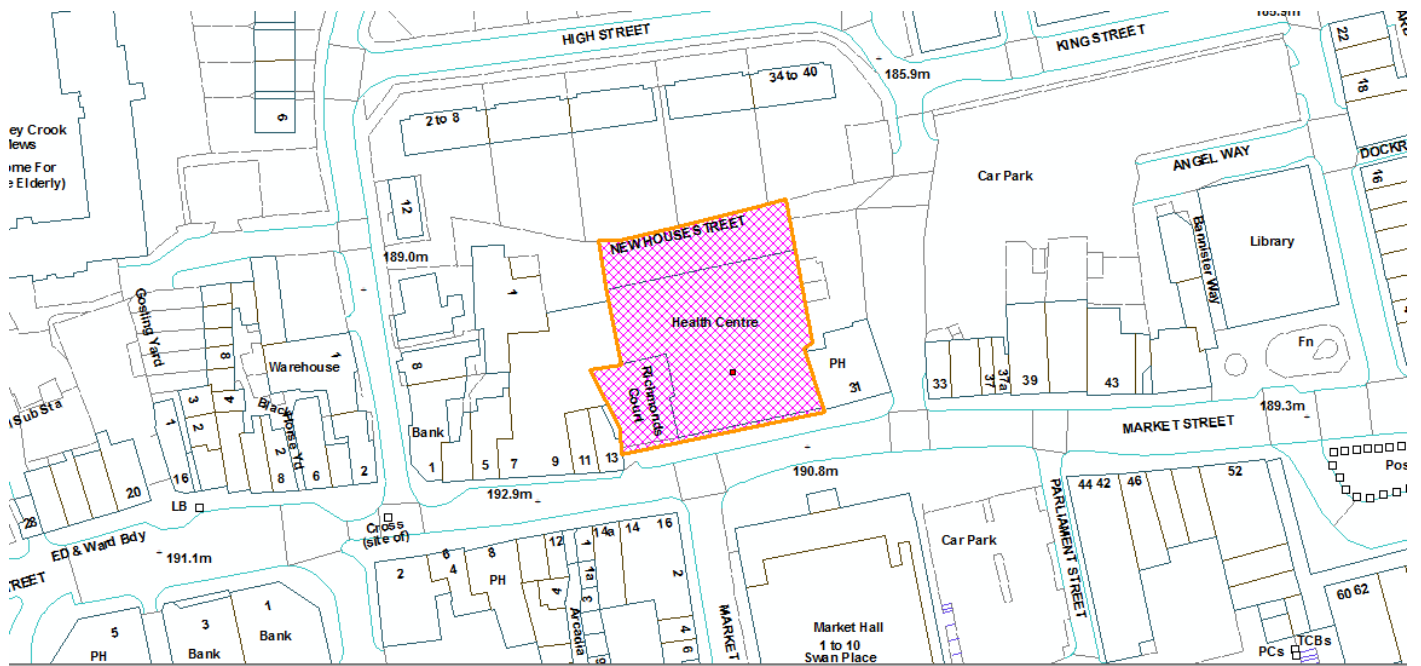
Reason: In order to control how the site will be developed in the interests of highway safety and the avoidance of nuisance to nearby residential properties.

7 Prior to any above ground construction occurring samples of all external materials to be used shall have been submitted to and approved in writing by the Local Planning Authority. All materials used thereafter shall strictly comply with the details so approved.

Reason: In order that the Local Planning Authority can assess the materials in order in the interests of co-ordinating the materials with the adjacent listed building and the preservation of the conservation area.

8 None of the building hereby permitted shall be occupied unless and until the bin storage areas shown on the approved plans have been provided and completed in their entirety.

Reason: In order to ensure the site is serviced by an adequate method of waste disposal in order to prevent pollution.



Application Ref: 17/0589/FUL

Proposal: Full: Major: Demolition of health centre (Use Class D1) and construction of mixed use building comprising 4 No. retail units (Use Class A1) and 11 No. 2 and 1 bed apartments (Use Class C3).

At: Former Health Centre, Market Street, Colne.

On behalf of: Pearl 2

COLNE AND DISTRICT COMMITTEE REPORT 08 MARCH 2018

Application Ref: 17/0655/FUL

Proposal: Full: Erection of an outbuilding to store HGV vehicles 12m x 20m and engineering operations to extend the service yard (part retrospective).

At: Northern Polytunnels, Mill Green, Colne

On behalf of: NP Structures

Date Registered: 25/10/2017

Expiry Date: 26/12/2017

Case Officer: Alex Cameron

This application has been brought before Committee at the request of a Councillor.

Site Description and Proposal

The application site is land associated with an industrial building occupied by Northern Polytunnels. The site is accessed from Waterside Road to the west, the Admiral Lord Rodney public house is adjacent to the access and there is a park opposite. To the North is Mill Green and the Grade 2 Listed Waterside Bridge crossing Colne Water, with industrial sites and dwellings beyond, there is wooded land to the north and industrial buildings to the east.

This application is for the retrospective retention of an extended yard area approximately 5m to the south, formed by reprofiling a previously tree-lined bank and erection of a 2.1m retaining wall, and the erection of a garage building for the storage of HGVs in the south west corner of the site. The proposed garage building would have a footprint of 20m x 12m and an overall height of 6m, it is would be steel tubular framed building covered/clad in green PVC.

Relevant Planning History

13/93/0150P – Clad portal frame building and single storey extension to west. Approved

13/96/0196P – New roof to part of factory. Approved

13/96/0387P – Extension to east elevation. Approved

13/97/0479P – Form storage area for gas cylinders and install oil storage tank. Approved

13/98/0130P - Erect replacement building, re-clad parts of existing building, form new covered loading dock and access ramp. Approved

13/98/0616P – Erect security fencing and gates. Approved

13/99/0558P - Certificate of lawful development for the processing of waste and associated storage and warehousing. Approved

13/00/0252P – Form windows in gable elevation. Approved

13/02/0477P - Erect extension on northern elevation and retain extended car parking/yard area. Approved

13/03/0153P - Replacement of northlight roof with new trusses and composite cladding. Approved

Consultee Response

LCC Highways – No objection.

Colne Town Council – Concern about the adverse impact to the Listed Building & The Admiral Rodney which is proposed buildings in the Colne Neighbourhood plan. The disappointment at it being a retrospective application commenced on site.

Public Response

Site and press notice posted and nearest neighbours notified – Responses have been received objecting on the following grounds:

- The felling of the mature trees that acted as a green screen and a noise buffer.
- The application is retrospective.
- The trees were felled without planning permission or environmental impact assessment.
- Visual impact of the building.
- The building would exacerbate existing noise issues.
- The area is officially classed as a mixed residential and industrial area.
- Acknowledge the employment provided by this company and the token replacement with leylandii trees, but sadly we feel this factory has outgrown its present location and can no longer co-exist within the ambience of the local residential and communal setting.
- Residents have been informed that the company intends to relocate. If this is true then why the need to extend the present site?

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability.

Principle of the development

The proposed development is on an existing industrial site and extends the facilities for that business within its current curtilage. The proposed development is therefore acceptable in principle.

Visual Amenity

The site is located in a predominantly industrial/commercial area.

The retaining wall is set behind an existing palisade fence approximately 1.5m back to accommodate space for a hedge which would screen the concrete structure.

The parking and storage at the edge of the yard is prominent, raised up over 2m above Mill Green. The proposed building would also be prominent given its proximity to the boundary and being built on raised land.

Amended plans have been submitted proposing a strip of landscaping on the raised land immediately behind the retaining wall. This proposal would soften the visual impact of the proposed building and extended yard. With a condition in place to ensure that acceptable

landscaping is implemented the development is acceptable in terms of visual amenity in accordance with policy ENV2.

Heritage Impact

The Grade 2 Listed Waterside Bridge is to the north of the site, the extended yard and proposed building would be visible in the approach to the bridge from the west and from the bridge itself.

A Heritage Statement has been submitted assessing the impact of the development upon the setting of this designated heritage asset. It concludes that the development would have no negative impact on the setting of the Grade 2 Listed Waterside Bridge, due to the intervening distance, and the highly varied nature of the bridge's existing surroundings, in which industrial uses already predominate.

I agree with the conclusions of the heritage statement that there would not be any harm to the designated heritage asset.

Residential Amenity

This is an existing industrial site, concerns have been raised that the removal of trees has resulted in greater noise impacts upon nearby dwellings. Trees do not however provide attenuation properties and so their existence, although being a visual barrier, would not have attenuated any noise from the site to any meaningful degree.. The extension of the yard by 5m to the south in itself would not have a more deleterious impact on the amenity of neighbours over and above the existing situation. The proposed garage building would also not result in any addition impact over the existing yard area, which could similarly be used for parking and manoeuvring of vehicles.

The proposed building is a sufficient distance from nearby dwellings to ensure that it would not be likely to result in any unacceptable residential amenity impact. The proposed development is therefore acceptable in terms of residential amenity in accordance with policy ENV2.

Trees

The development involved the removal of a number of trees, however, the trees were not protected and therefore no permission was required for their removal. Adequate landscaping of the building can be ensured by condition.

Highways

The yard has been extended onto land previously covered with trees and therefore the proposed building would not adversely impact upon parking and manoeuvring provision within the site. A condition is necessary to ensure that the building is used solely for parking to ensure that it is not used for any purpose that would increase the sites parking requirements. With this condition in place the proposed development is acceptable in terms of highway safety.

Other issues

It has been indicated in the Town Council's response that the building could impact on proposals for the Admiral Rodney public house in the Colne Neighbourhood Plan. The Colne Neighbourhood Plan is at a very early stage and holds no weight in the determination of this application.

Summary

With appropriate conditions the proposed development is acceptable in terms of visual amenity and would not result in unacceptable impacts upon the adjacent Listed bridge, residential amenity or highway safety. The development is therefore recommended for approval.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in terms of design, amenity and highway safety. 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: MA-MS-12MTD-001, MA-MS-12MTD-004, MA-MS-12MTD-007.

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

3. The garage building hereby approved shall not be erected unless and until a sample of the colour and finish of the external cladding material has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity.

4. Within one month of the date of this permission a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

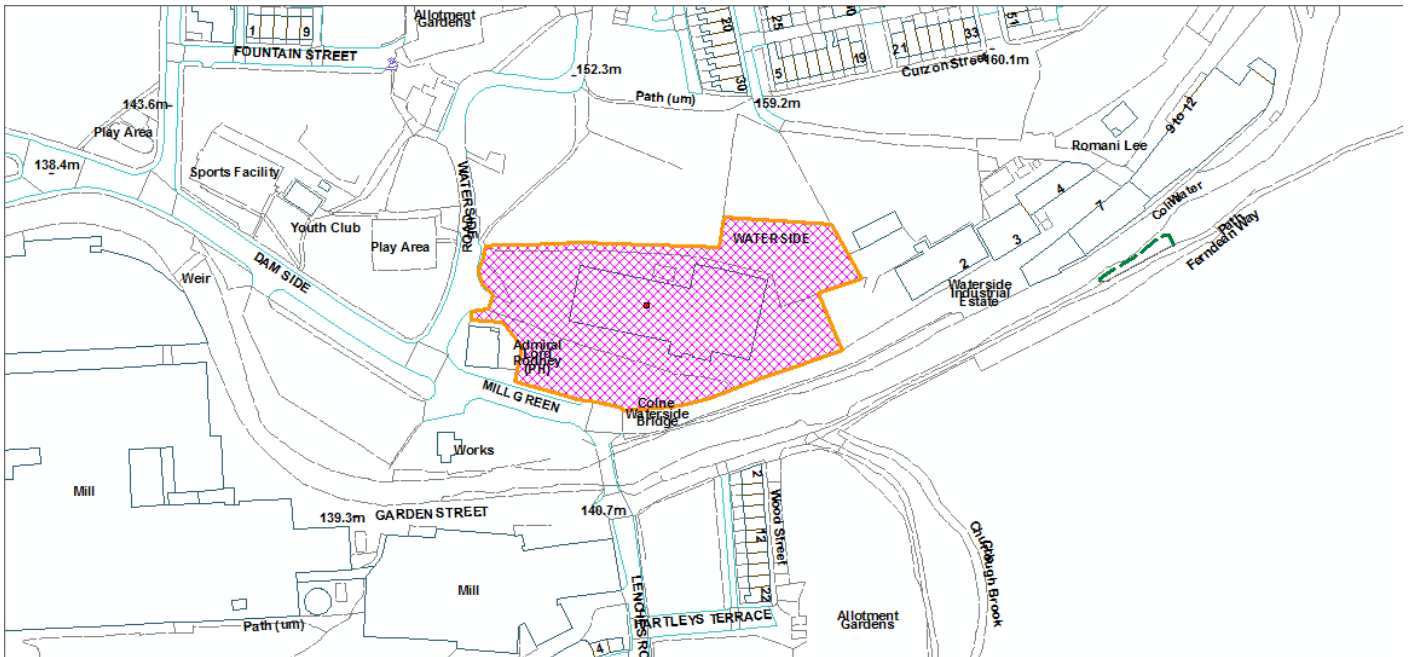
- a. proposals for new planting to the south and west boundaries of the site and to the edge of the raised yard indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- b. an outline specification for ground preparation;
- c. the proposed arrangements and 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 its approval. 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 and preserve the setting of the adjacent Listed Building.

5. The building hereby approved shall be used only as a garage for the parking of vehicles and for no other purpose including any other use falling within Use Classes B1 (Business), B2 (General Industry) or B8 (Storage and Distribution) of the Town and Country Planning (Use Classes) Order 1987 (as amended) without the express written permission of the Local Planning Authority.

Reason: To ensure that an adequate level of parking provision is maintained in the interest of highway safety.



Application Ref: 17/0655/FUL

Proposal: Full: Erection of an outbuilding to store HGV vehicles 12m x 20m and engineering operations to extend the service yard (part retrospective).

At: Northern Polytunnels, Mill Green, Colne

On behalf of: NP Structures

REPORT TO COLNE AND DISTRICT COMMITTEE ON 08 FEBRUARY 2018

Application Ref: 17/0736/OUT

Proposal: Outline: Use of land for residential development (0.35ha) for up to 9 dwellinghouses (Access only).

At: The Vicarage, Skipton New Road, Foulridge, Colne

On behalf of: Blackburn Diocese Board of Finance

Date Registered: 08/12/2017

Expiry Date: 02/02/2018

Case Officer: Alex Cameron

Site Description and Proposal

The application site is a parking area and garage colony to the rear of St Michael's Vicarage in Foulridge. To the north is the rear garden of Lea Bank, to the east is the end of Burwains Avenue, and to the south is St Michael's Church. The site includes an area of hardstanding used as a car parking area by the church.

This application is for outline planning permission for access only for a residential development of 9 dwellings accessed from Skipton New Road. The design, scale, layout and landscaping are matters which would be considered in a reserved matters application, however, the indicative plans show 5 detached houses and two pairs of semi-detached houses, the indicative layout also includes 8 car parking spaces to be formed within the site for church parking.

Relevant Planning History

13/14/0080P - Outline: Erection of 9 dwellings with access from Burwains Avenue (Access Only). Refused.

13/15/0187P - Outline: Erection of 9 dwellings with access from Burwains Avenue (Access only). Refused.

Consultee Response

Yorkshire Water – no comments.

United Utilities – no objection, please attach foul and surface water drainage conditions.

PBC Environmental Health - Please attach contaminated land condition.

Canal and River Trust – no comment.

LCC Highways – There has been a previous application submitted for 9 residential dwellings on the site with a sole access from Burwains Avenue. The application was refused by Pendle Borough Council on highway safety grounds however this was not supported by the Highway Authority and would still be the preferred means of access to the site.

The nearest NB bus stop is located adjacent to the site access on Skipton Road and has a simple flag pole and sign. The provision of a quality bus stop standard arrangement will be necessary.

The provision of quality bus stop passenger provision will support travel by sustainable modes in accordance with the NPPF and DDA.

These off-site highway works should be conditioned on any approval and delivered via a S278 agreement with the Highway Authority.

Due to the movements of vehicles and pedestrians associated with the School, the movement of large construction and delivery vehicles should be prohibited during drop off and collection (8.30 – 9.00am and 3.00-4.00pm).

The site access and works to the shared access road should be completed prior to the commencement of any building works for the dwellings. This will ensure that there is adequate provision for the safety of the parishioners and other users on the car park and access road.

The site access work on Skipton Road should be delivered via a S278 agreement with the Highway Authority. This can be combined with the off-site highway works for the bus stop on Skipton Road.

Speed data at a position 200 metres south of the site access has been collected in 2011 which recorded 85%ile speeds of 36mph NB and 37mph SB. The higher speeds should be used to set the visibility splay, alternatively new data should be collected at the site access to determine the accurate speeds.

The visibility splay appears achievable on Skipton Road with the likelihood of minor boundary wall lowering on Skipton Road to the north and south.

The marking out of the bus stop on Skipton Road would protect the visibility splay to the south in part. The parking generated by the Church on Sundays and the very short time period during school term time, that the on-street parking exists, does not conflict with the peak residential periods and is unlikely to cause a highway safety concern.

The proposed widening of the existing access to allow 2 way vehicle movements is necessary. The provision of a separate footway is also considered necessary given the shared use of the access and that the potential for conflict between users will be greater. The proposed footway width of 1.2 metres over a distance of 55 metres is not considered acceptable. A separate footway should be provided along the entire length of the shared access, the proposed site plan shows the new parking bays close to the Church intersecting the pedestrian route which raises a concern and requires amendment.

The road narrowing with a carriageway width of 3.2 metres is considered acceptable subject to the footway being widened. The carriageway width will allow the passage of an emergency vehicle and this width is considered the minimum allowable given that a wall forms the northern edge, rather than a kerb. The proposed priority give way signage is not acceptable however and would require amending to ensure that drivers give way to vehicles entering the site from Skipton Road. The position of the parking bays will prevent the location of the priority give way sign associated with the give way markings which is a concern and requires amendment.

The provision of street lighting and surface water drainage will be necessary on the shared access road.

The proposed parking bays on the north side of the access road have insufficient reversing space and intersect the pedestrian route. An amendment is required.

The westerly most proposed parking bays obstruct the existing pedestrian walkway which provides access to the graveyard to the west of the Church.

Public Response

Nearest neighbours notified - Responses have been received objecting to the proposed development on the following grounds:

- Adverse highway safety impact of increase in traffic accessing the A56 from the church access road.
- Concerns relating to existing parking issues on the highway around the junction of eth access road.
- The path from Burwains Avenue into the churchyard should be retained.
- The land should be retained as a car park.

Officer Comments

As this is an outline application for access only, just the principle of the development and proposed access arrangements are considered in this application. Design, layout and landscaping are to be considered at a later stage in a reserved matters application.

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 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.

National Planning Policy Framework

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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

Pendle Local Plan Part 1: Core Strategy (LPP1)

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability.

Policy ENV4 (Promoting Sustainable Travel) states that proposals should follow the settlement hierarchy approach in Policy SDP2 and minimise the need to travel by ensuring they are developed in appropriate locations close to existing or proposed services. Consideration should be given to locating new housing, employment and service developments near to each other to give people the opportunity to live and work within a sustainable distance.

Policy LIV1 (Housing Provision and Delivery) states that until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA) will be supported.

Policy SDP2 (Spatial Development Principles) states that new development should be within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1. The site is located within the settlement of Foulridge which is defined as a Rural Service Centre in policy SPD2.

Policy LIV4 (Affordable Housing) requires that all housing development of 5 houses or more in Rural Pendle provide 20% affordable housing, unless it is demonstrated with the submission of a financial viability appraisal that it would not be viable to do so.

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.

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 14 (Trees, Woodland and Hedgerows) states that the Council recognises the importance and amenity function of trees, woodlands and hedgerows, and will protect them. Development proposals where trees are growing on, or in close proximity to the development site will be required to submit a specialist Tree Survey. Planning conditions will be used to protect trees, woodland and hedgerows.

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.

Principle of the development

The site falls within the settlement boundary of Foulridge, it is in a sustainable location within walking distance of shops, services and public transport. Therefore, the principle of residential development of the site is acceptable.

Visual Amenity

The detailed design, scale and layout of the development has not been submitted at this stage. Indicative plans have been submitted and these acceptably demonstrate that a development of up to 9 dwellings could be accommodated on the site without unacceptable visual amenity impacts.

Residential Amenity

The submitted indicative details of layout and scale acceptably demonstrate that a development of up to 9 dwellings could be accommodated on the site without unacceptable impacts upon the residential amenity of surrounding properties.

Highways

Two applications for housing developments on this site, accessed from Burwains Avenue have previously been refused due to concerns of adverse highway safety impact of additional traffic using Burwains Avenue. This application instead proposes the use of the existing access road to the church.

It is proposed to widen the access road to allow two cars to pass for the first 27m with give way signage where it would narrow passing the church. The proposal would also involve removing three protected lime trees and a section of wall to the south of the access to improve visibility, the acceptability of the tree removal is addressed in the Trees and Ecology section below.

A transport statement has been submitted with the application and this demonstrates that, with conditions to ensure adequate sightlines the use of this access by the proposed development would not result in a detrimental highway safety impact.

The indicative layout shows that an acceptable level off-street car parking provision in-line with the guidance set out in the Local Plan could be provided within the curtilage of each property and this would adequately mitigate the potential for on-street parking on surrounding roads resulting from the development.

Concerns have been raised regarding the loss of the existing car parking on the site. The existing garages on the site are rented to their users and this agreement could be ended by the owner of the land irrespective of this proposed development. The use of the church land for car parking is on an informal basis, which could also be ended at any time irrespective of this proposed development.

Notwithstanding this, the indicative layout plan shows spaces for eighteen cars being provided to serve the church. The final details of this parking layout would be determined at the reserved matters stage, and may need to be reduced as some concerns have been raised by LCC Highways in relation to conflict with the pedestrian route to the housing site. However, this demonstrates that an adequate level of car parking can be ensured for the church.

Concerns have also been raised regarding the loss of a footpath crossing the site. There is no formal public right of way across the site. To maintain pedestrian links through to Skipton Road, from Burwains Avenue it is necessary to condition that a pedestrian and cycle access is provided.

Amended plans have been received increasing the width of the proposed footway from Skipton Road along the access road to 2m. This narrows to 1.2m passing the graveyard, taking into account that this is a short section and there is an alternative route available round the graveyard this is acceptable.

The proposed development is acceptable in terms of highway safety in accordance with policies ENV4 of the LPP1 and 31 of the RPLP.

Trees and ecology

There are trees and shrubs dotted around the site and boundaries of the proposed housing. These trees are not protected and as such could be removed at any time without the need for permission. A tree survey has been submitted to assess the impact of the development on the trees. The survey recommends the removal of trees within the site to make way for the development. Due to their poor condition and limited amenity value, the removal of the trees is acceptable.

There is a line of protected trees to the boundary of the vicarage and church with Skipton New Road. The trees in the garden of the vicarage to the north of the access would not be affected by

the proposed development, however, three lime trees are proposed to be removed to the south of the access road to allow it to be widened. It is proposed to replace these trees with three lime and two oak trees on the southern boundary of the church land. The trees should ideally be replaced closer to the site of the existing trees next to the access road, an acceptable scheme can be ensured at the reserved matters stage.

There is also a section of hedgerow to the south boundary of the site that would be removed to accommodate the proposed access road. A hedgerow assessment has been carried out on this section and it not considered to be of conservation priority under the hedgerow Regulations 1997. However it is species rich and of ecological value and therefore it is advised that it should be replaced within the site.

With a condition to ensure that acceptable replacement trees and hedge are planted the removal of the trees and section of the hedgerow is acceptable and the proposed development would result in any unacceptable ecology impacts.

Drainage

Adequate foul and surface water drainage could be required by condition and therefore the proposed development is acceptable in terms of drainage.

Affordable Housing

Policy LIV4 of the LPP1 requires the provision of affordable housing at a level of 20% for all housing developments of 5 houses or more in Rural Pendle, unless it is demonstrated that this would result in an unacceptable impact upon the financial viability of a development. The site is located within Foulridge, which is defined as being within Rural Pendle by policy SDP2.

The applicant advises that due to the small scale of the development on-site provision would be prohibitive. Whilst on-site is the preferred method of supply, LIV4 also states that a financial contribution to the acquisition and refurbishment of redundant and empty homes may also be made. This is the applicant's preferred approach and would need to be controlled by planning obligation.

Summary

The proposed development addresses the highway safety issues relating to access from Burwains Avenue which resulted in refusal of the previous application, with condition to ensure that acceptable visibility is provided at the access the proposed development is acceptable in terms of highway safety. The development is also acceptable in terms of its impact on trees and ecology and would raise no unacceptable amenity or visual impact issues in principle. The access and principle of the development are therefore acceptable and the application is therefore recommended for approval.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is compliant with policy, the principle of residential development is accepted in this location and the proposed access is acceptable in terms of highway safety. 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. An application for approval of the reserved matters (namely the appearance, layout, scale and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, landscaping, layout and scale (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Proposed Site Plan Rev A received 21/02/2018.

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

4. Prior to the commencement of any development, foul and surface water drainage schemes and means of disposal, based on sustainable drainage principles with evidence of an assessment of the site conditions (inclusive of how the scheme shall be managed after completion) shall be submitted to and approved in writing by the Local Planning Authority. Foul water shall be drained on a separate system and the surface water drainage scheme must be restricted to existing runoff rates and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

No building shall be occupied until the approved foul drainage scheme has been completed to serve that building, in accordance with the approved details. The development shall be completed, maintained and managed in accordance with the approved details.

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

5. The development shall be carried out in strict accordance with the recommendations set out in the Habitat Survey ref: BOW17.897 Received 06/02/2018. Any additional survey required in accordance with those recommendations shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant works. The development shall thereafter be carried out in strict accordance with any mitigation measures set out in the approved report.

Reason: To ensure protection of species protected under the Wildlife & Countryside Act, 1981.

6. The development hereby approved shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning

Authority. The approved statement shall thereafter be adhered to at all times during the construction period.

The Statement/s shall provide for:

1. the parking of vehicles for site operatives and visitors
2. loading and unloading of plant and materials
3. storage of plant and materials used in constructing the development
4. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing (if appropriate)
5. wheel-washing facilities
6. measures to control the emission of dust and dirt during construction
7. a scheme for re-cycling/disposing of waste resulting from construction works.
8. A Traffic Management Plan for the construction vehicles and staff accessing the site during the construction works

Reason: In the interest of amenity and highway safety

7. Before work commences on the site and until completion of the development, facilities shall be provided and retained within the site, by which means the wheels of vehicles may be cleaned before leaving the land. All vehicles associated with the works shall thereafter use the facilities.

Reason: In the interest of highway safety.

8. Before any other development takes place on site that part of the access extending from the highway boundary for a minimum distance of 10m into the site shall be completed in its entirety including wearing course in accordance with the Lancashire County Council Specification for Construction. That part of the access extending from the highway boundary for a distance of 10m into the site shall remain unobstructed at all times thereafter. Before the commencement of the construction of each dwelling the estate road linking to that unit shall be constructed to at least base course level and shall be completed in its entirety including wearing course in accordance with the Lancashire County Council Specification for Construction prior to the occupation of each unit.

Reason: To ensure that satisfactory access is provided to the site before any other construction of the development hereby permitted commences.

9. Prior to the commencement of development, a scheme for the construction of a footpath / cycle path between the site and Skipton Road shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development hereby approved shall be occupied unless and until the approved scheme has been constructed and completed in accordance with the details agreed and the path shall remain unobstructed and available for use by pedestrians / cyclists at all times thereafter.

Reason: To ensure adequate pedestrian / cycle access from the development to Skipton Road.

10. Prior to the commencement of development, a scheme for the construction of the off-site works of highway improvement to provide passing places along Burwains Avenue and Alma Avenue shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development hereby approved shall be occupied unless and until the approved scheme has been constructed and completed in accordance with the details agreed.

Reason: To satisfy the Local Planning Authority that details of the highway scheme/works are acceptable before work commences.

11. Before work commences on the site, facilities shall be provided and retained within the site, by which means the wheels of vehicles may be cleaned before leaving the land. All construction vehicles shall thereafter use the facilities.

Reason: In the interest of highway safety.

12. 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.

13. No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision

equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for a contribution to the provision of affordable dwellings.

Reason: In order to ensure that adequate provision is made for affordable housing.

14. No part of the development commence unless and until a scheme of off-site highway works has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the upgrade of the nearest north bound bus stop on Skipton Road to a quality bus stop and a timetable for those works. The works shall be carried out in accordance with the approved scheme and timetable.

Reason: In the interest of highway safety and to ensure adequate public transport provision is available to the development.

15. No dwelling hereby approved shall be occupied unless and until all structures and foliage greater than 0.9m in height above the nearside carriageway edge of Skipton Road within the visibility splays shown in the approved Proposed Site Plan Rev A have been reduced to a height of not more than 0.9m. All structures and foliage within the visibility splays shown in the approved Proposed Site Plan Rev A shall thereafter be maintained at a height no greater than 0.9m above the nearside carriageway edge of Skipton Road.

Reason: In the interest of highway safety.

16. No dwelling hereby approved shall be occupied unless and until the one way priority signage and road markings have been displayed/marked out in accordance with the approved Proposed Site Plan Rev A or an alternative scheme to be submitted to and agreed in writing by the Local Planning Authority. The signage and road markings shall be maintained at all times thereafter.

Reason: In the interest of highway safety.

17. The first submission of reserved matters shall include details of a pedestrian and cycle access to Burwains Avenue.

Reason: To ensure that adequate pedestrian and cycle links are provided / maintained.

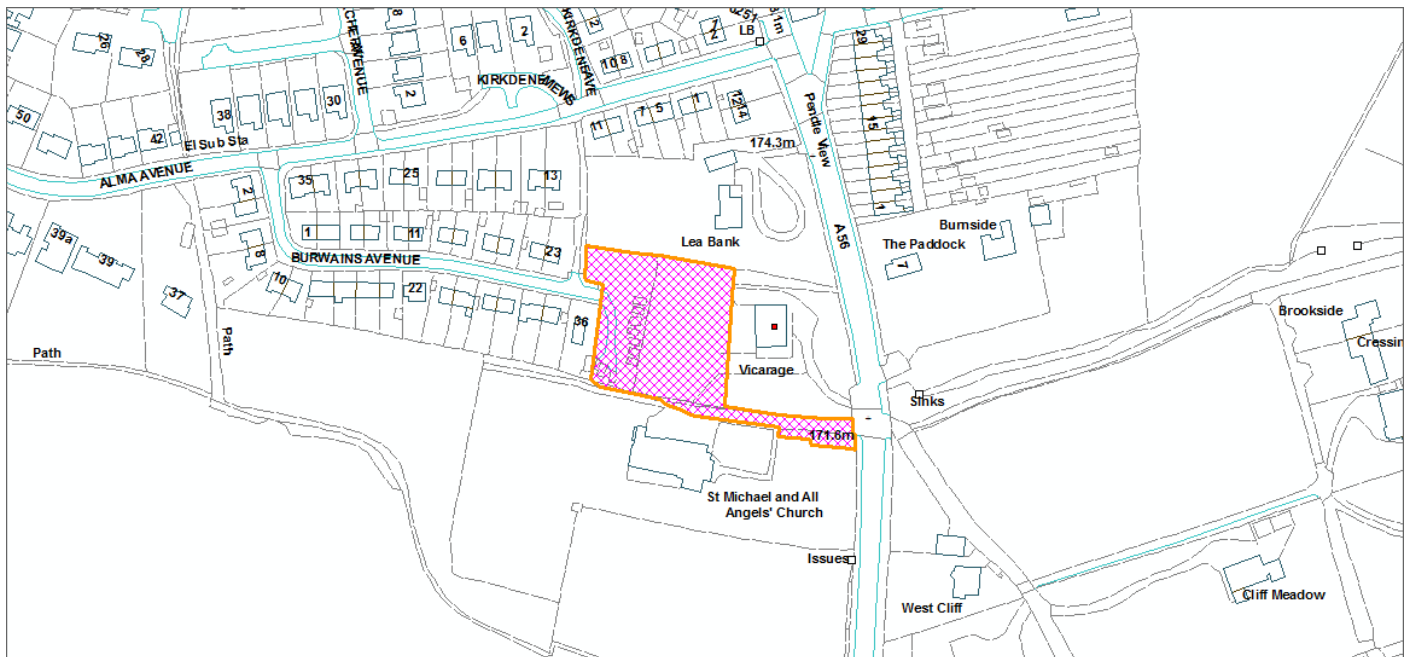
18. The first submission of reserved matters shall include details of replacement tree and hedgerow planting. Unless otherwise agreed in writing by the Local Planning Authority no protected trees or hedgerow shall be removed prior to the approval of all reserved matters.

Reason: To ensure that the protected trees and species rich hedgerow are adequately replaced in the interests of public amenity and ecology.

19. Unless and until approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land. No work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To protect trees and shrubs as essential elements in the development.



Application Ref: 17/0736/OUT

Proposal: Outline: Use of land for residential development (0.35ha) for up to 9 dwellinghouses (Access only).

At: The Vicarage, Sipton New Road, Foulridge, Colne

On behalf of: Blackburn Diocese Board of Finance

REPORT TO COLNE AND DISTRICT COMMITTEE ON 08 FEBRUARY 2018

Application Ref: 18/0039/VAR

Proposal: Full: Variation of Conditions: Variation of Condition 2 (Plans) of the Planning Permission 13/15/0610P.

At: Former Cement Works, Knotts Lane, Colne

On behalf of: Lancaster Homes Ltd

Date Registered: 16/01/2018

Expiry Date: 22/03/2018

Case Officer: Alex Cameron

Site Description and Proposal

This application has been brought before committee at the request of a Councillor.

The application site is a former cement works located within the settlement boundary of Colne. To the north is Knotts Farm farmhouse and rows of terraced houses beyond, Knotts Lane runs to the east with stables on the opposite side, to the south is raised land with a dense belt of trees and to the west is open land. Planning permission was granted for five houses on the land in 2016.

This is a variation of condition application to vary the plan numbers of the planning permission for five houses on the site to amend the approved plans. The proposed amendment would replace the attached garage of plot 4 with a garden room, study and store. The depth of the 'garage' would be increased by approximately 2m and its ridge height by approximately 0.5m.

Relevant Planning History

13/15/0610P - Full: Erection of five detached dwelling houses with garages. Approved.

18/0045/NMA - Non-Material Amendment: Amend Planning Application 13/15/0610P to reposition and vary the sizes of windows for Plots 1, 2, 3 and 5. Approved.

Consultee Response

LCC Highways - The developer seeks to substitute the approved plan with one showing an amended footprint for Plot 4 and the removal of the garage from Plot 4, which would require Condition 12 to also be amended.

Whilst the revised floor layout plan indicates three bedrooms, the Highway Development Support Section is of the opinion that other rooms on the ground floor could be used as a bedroom, and therefore considers this to be a four bedroom property. Pendle Borough Council's Parking Standards recommend that three parking spaces should be provided for properties with four bedrooms.

The amended garage shown is too small to accommodate a motor car and therefore cannot be considered as one parking space. Furthermore, there is insufficient room within the hardstanding/driveway to accommodate three vehicles and provide an adequate manoeuvring area.

The developer needs to show adequate off-road parking for three vehicles and manoeuvring area. From the plan submitted there is sufficient area within the plot curtilage to provide these. The

developer should be asked to provide a further amended plan taking into account the above comments.

Therefore the Highway Development Support Section objects to the requested variations as submitted.

Coal Authority – No objection.

Colne Town Council - Opposed to this application as it increases the parking requirement but reduces the parking provision.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability.

Policy ENV4 (Promoting Sustainable Travel) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Replacement Pendle Local Plan (RPLP)

Policy 31 (Parking) requires that new developments provide car and cycle parking in line with the levels set out in Appendix 1 of the RPLP.

Visual Amenity

The proposed amendments to the plans would result in only a minor change to the appearance of the proposed house and would not result in an adverse visual amenity impact. The proposed variation is therefore acceptable in terms of visual amenity.

Residential Amenity

The proposal amendment would introduce a study window in the site elevation less than a metre from the boundary with plot 5 facing the side elevation of that property. Plot 5 originally had a kitchen window in proposed the side elevation of the approved plans, this was removed in a recently approved non-material minor amendment (ref: 18/0045/NMA), however, either the original or amended plan with the window could be implemented. Therefore, an additional condition is necessary to ensure that the window is either obscure glazed or a 1.8m fence is erected and maintained between the two properties. With this condition in place the proposed development is acceptable in terms of residential amenity.

Highways

LCC Highways have objected to the application on the basis that there is inadequate parking and manoeuvring provision for three cars within the curtilage of the dwelling. LCC Highways have advised that, although the proposed house has three bedrooms, ground floor rooms could be used as bedrooms and therefore for the purposes of parking requirements the dwelling should be considered a four bedroom house. This would require a maximum of three spaces rather than two for a three bedroom house.

The Council's established practice is to consider only upper floor rooms of houses as bedrooms for establishing parking requirements. The house has three upper floor bedrooms and therefore requires a maximum of two off-street car parking spaces.

The proposal would result in the loss of the garage for car parking, however, the proposed layout has been revised to provide adequate space to park two cars on the driveway in front of the house and for those cars to turn and exit the site in forward gear.

Condition 12 restricts the use of garages to car parking only. This condition should also be amended to reflect the removal of the garage parking provision of plot 4. This is acceptable for the reasons given above. The provision and retention of the parking and manoeuvring area for plot 4 can be ensured by the existing condition 9 which requires the submission and provision of car parking and manoeuvring areas prior to occupation.

The proposed amendments to the plans are therefore acceptable in terms of highway safety and parking provision in accordance with policies 31 & ENV4.

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 in terms of design, amenity and highway safety. 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

- 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: 15/150/3A, 15/150/5, 17/053/2a, 17/053/4, 17/053/5.

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

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

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 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.

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

6 No works shall commence on the site 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 approved 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/or in order to prevent contamination of the controlled waters.

7 The development shall be carried out in accordance with the recommendations set out in the Bat Survey Report dated 17/09/2013.

Reason: To ensure protection of the habitat of bats and barn owls which are protected

under the Wildlife & Countryside Act, 1981.

- 8 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 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.

- 9 The car parking areas shall be surfaced or paved in accordance with a scheme to be approved in writing by the Local Planning Authority and the car parking spaces and manoeuvring areas for each plot shall be marked out in accordance with the approved plan before its occupation. The parking spaces and manoeuvring areas shall thereafter always remain unobstructed and available for parking and manoeuvring purposes.

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

- 10 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.

- 11 The new 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 up to the entrance of the site compound before any other development takes place within the site and shall be further extend before any development commences fronting the new access road.

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

- 12 The garages of plots 1, 2, 3 and 5 shall not at any time be used for any purpose which would preclude their 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.

- 13 No part of the development hereby approved shall commence unless and until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to and in writing approved by the Local Planning Authority. Thereafter, no part of the development hereby approved shall be occupied until the approved scheme has been constructed and completed in accordance with the details agreed.

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

- 14 No works 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. This shall include:-

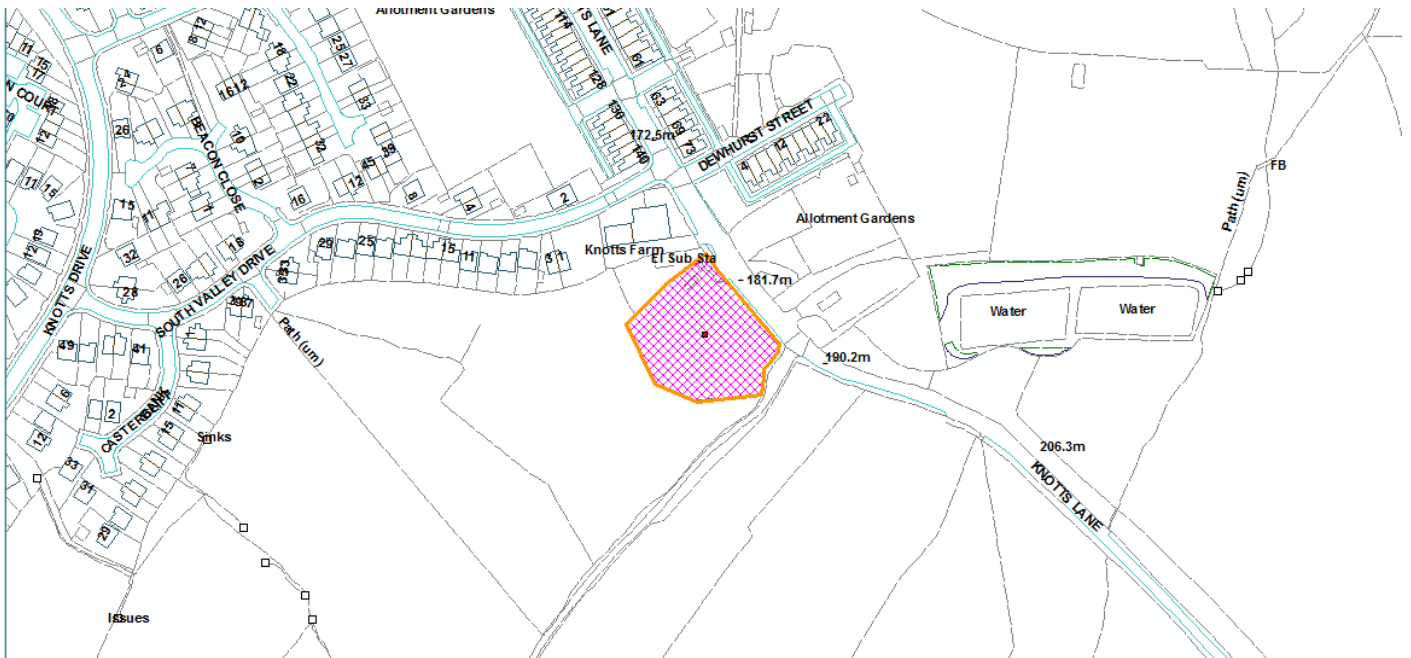
- a) The parking of vehicles of site operatives and visitors;
- b) Loading and unloading of plant and materials used in the construction of the development;
- c) Storage of such plant and materials;
- d) Wheel washing facilities;
- e) Periods when plant and materials trips should not be made to and from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

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

Reason: In the interest of highway safety.

15. Plot 4 shall not be occupied unless and until either the study window in the north side elevation of plot 4 has been obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its installation, the window shall also be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening, or a solid fence or wall of not less than 1.8m in height has been erected along the boundary with plot 5 from the front to rear elevation of plot 4. The fence/wall or obscure glazing shall be maintained at all times thereafter.

Reason: In order to ensure an adequate level of privacy for occupants.



Application Ref: 18/0039/VAR

Proposal: Full: Variation of Conditions: Variation of Condition 2 (Plans) of the Planning Permission 13/15/0610P.

At: Former Cement Works, Knotts Lane, Colne

On behalf of: Lancaster Homes Ltd

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 23rd February 2018