

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE AND DISTRICT COMMITTEE

DATE: 28th March 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT COMMITTEE 28th MARCH, 2018

Application Ref: 18/0011/VAR

Proposal: Variation of condition: Removal of condition 4 of Planning Permission 13/14/0077 (Contribution towards public open space and footpaths/cycleway improvements).

At: Land at Peter Birtwistle Close and Carry Lane, Colne

On behalf of: Campbell Driver Partnership

Date Registered: 9 February 2018

Expiry Date: 11 May 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is a 1.03ha piece of land off Carry Lane in Colne. The site has permission for residential development.

This application seeks to remove condition 4 which requires a S.106 Agreement for a contribution towards public open space and footpath/cycleway improvements.

Relevant Planning History

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

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

16/0139/FUL - Full: Major: Erection of twenty one 2 and 3 storey dwellings with two access roads off Carry Lane and associated landscaping works (revised scheme) – Approved.

17/0723/NMA - Non-Material Amendment: Reposition of 10 plots approved under Planning Permission 16/0139/FUL - Approved.

18/0112/FUL – Non-Material Amendment: Removal of Public Open Space Area from the Planning Permission 16/0139/FUL – Pending.

Consultee Response

LLFA – No comments.

The Coal Authority – Standing Advice.

PBC Footpath Officer – Objects to this application on the grounds that the condition is still relevant. There are four public footpaths which start within 150m of the site. These footpaths provide pedestrian access to the Waterside area of Colne, streets in the Colne Lane area, Winewall and the wider network of countryside paths south of Colne. Any one of these footpaths could be improved

to help achieve the aims of Condition 4. The improvements would serve the needs of residents in the houses to be built as well as the wider population.

The public footpath which would be most appropriate is footpath 203 which leads from the bottom of Carry Lane to Winewall. This path gives access to the facilities at Ball Grove Park including a play area. The footpath is muddy for much of the year and this would act as a disincentive for making journeys on foot. In 2015 the costs for making improvements for half the footpath (phase 1 of 2 phases) were estimated at £18,000. Therefore, a rough estimate would be £36,000 for improving the path as a whole.

Colne Town Council – Concerns as there should still be a contribution to public space. There is surely still a need for a revised Section 106 agreement for footpath/cycleway improvements even if the open space part of the condition is lifted.

Public Response

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

Officer Comments

The only issue for consideration here is the requirement for the developer to contribute towards public open space and footpath/cycleway improvements within the area. All other matters are as approved for the Outline and Reserved Matters applications.

1. Compliance with Policy

The relevant adopted Pendle Local Plan policies for this proposal are:

Policy SDP3 sets out the location of new housing in the Borough in conjunction with policies SDP2 and LIV1.

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 encourages and supports a range of residential accommodation and together with policies LIV4 and LIV5 has regard to the size, type and tenure of housing to meet an identified need.

Policy LIV4 sets out the relevant targets for contributions.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved Replacement Pendle Local Plan policies are also relevant to this application:

Policy 16 'Landscaping in New Development' requires all development proposals to include a scheme of landscaping sympathetic to the site's character and vicinity. This issue is addressed under the Landscaping/Protected Trees section.

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

The National Planning Policy Framework (NPPF) provides guidance on housing requirements, design, sustainable development and viability which are relevant to this proposal.

S.106 Contributions

The site lies within Waterside Ward which has a deficiency in open space. Policy LIV5 requires provision for open space and/or green infrastructure should be made in all new housing developments.

The original application (13/14/0077P) sought planning permission for 11 houses in full and then a further 19 units in outline. The 11 houses were to be developed for social housing in conjunction with the Peter Birtwistle Trust. A condition was put in place to provide open space and footpath improvements via a section 106 agreement.

A subsequent planning application (16/0139/FUL) sought permission in full to develop the land where the 19 units were approved in outline. Planning permission was granted with an area of open space shown on the west of the site but with no requirement for a financial contribution for open space.

In effect therefore the requirement for open space for the outline application now only relates to the 11 units as a separate planning application is now in place for the remainder of the site. It would now be disproportionate to ask for public open space to be provided via a contribution for part of a site that is no longer part of the outline planning application and it is recommended that the requirement for a contribution be removed. A separate application has been submitted to look at the issue of the need for the open space on the full application. This will be considered on its own merits.

There is however a need to ensure that the site is adequately serviced by a public footpath network in the area. A condition requiring an appropriate provision of footpaths to the site was attached to 16/0139/FUL on the adjoining site. It is important to link this site into that network and that part of the condition requiring footpath improvements is still relevant and necessary.

Para 205 of the National Planning Policy Framework states that where obligations are being sought or revised Local Planning Authorities should take account of changes in market conditions and where appropriate be sufficiently flexible in order to prevent planned development from being stalled.

Based on the above it is therefore recommended that condition 4 requiring the public open space and footpaths improvements contribution be varied to require the footpath improvements only and not the public open space.

Summary

The removal of the requirement to provide a contribution towards public open space would not now be necessary as planning permission for the adjoining site has dealt with that. However the site still needs to be serviced by a footpath network to provide a sustainable development and this element of the condition should remain.

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. 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 hereby permitted shall be carried out in accordance with the following approved plans:

Location plan, 141/02 and 141/04.

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

2. No part of the development shall take place 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 improvements to the footpath network in the locality.

Reason: In order to provide a choice of sustainable transport modes.

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

Part 1

A) no extensions shall be erected

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

D) no porches shall be erected

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

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

4. The scheme for the disposal of foul and surface water shall be implemented in full accordance with the details approved on the 3rd January, 2018.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land hereinafter defined any building, wall, fence, hedge, tree, shrub or other device.

The visibility splay to be the subject of this condition shall be that land in front of a line drawn from a point 2.4m measured along the centre line of the proposed road from the continuation of the nearer edge of the carriageway of Carry Lane to points measured 56m to the left on egress and 38m to the right on egress along the nearer edge of the carriageway of Carry Lane, from the

centre line of the access, and shall be constructed and maintained at footway/verge level in accordance with a scheme to be agreed by the Local Planning Authority.

Reason: To ensure adequate visibility at the street junction or site access.

6. The development shall be implemented in full accordance with the Construction Code-of-Practice approved on the 3rd January, 2018.

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

7. The car park shall be surfaced or paved in accordance the scheme details approved on the 3rd January, 2018.

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

8. The development shall be implemented in accordance with the highway works approved on the 3rd January, 2018.

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

9. The development shall be implemented in accordance with the off-site highway works approved on the 3rd January, 2018.

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

10. The development hereby permitted shall be implemented in accordance with the approved Flood Risk Assessment (FRA)(Report No. 2014-039, Flood Risk Consultancy, 25/03/14) including limiting the surface water run-off to 13.4l/s.

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

Reason: To reduce the risk of flooding.

11. The development shall be implemented in accordance with the landscaping scheme approved on the 3rd January, 2018.

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.

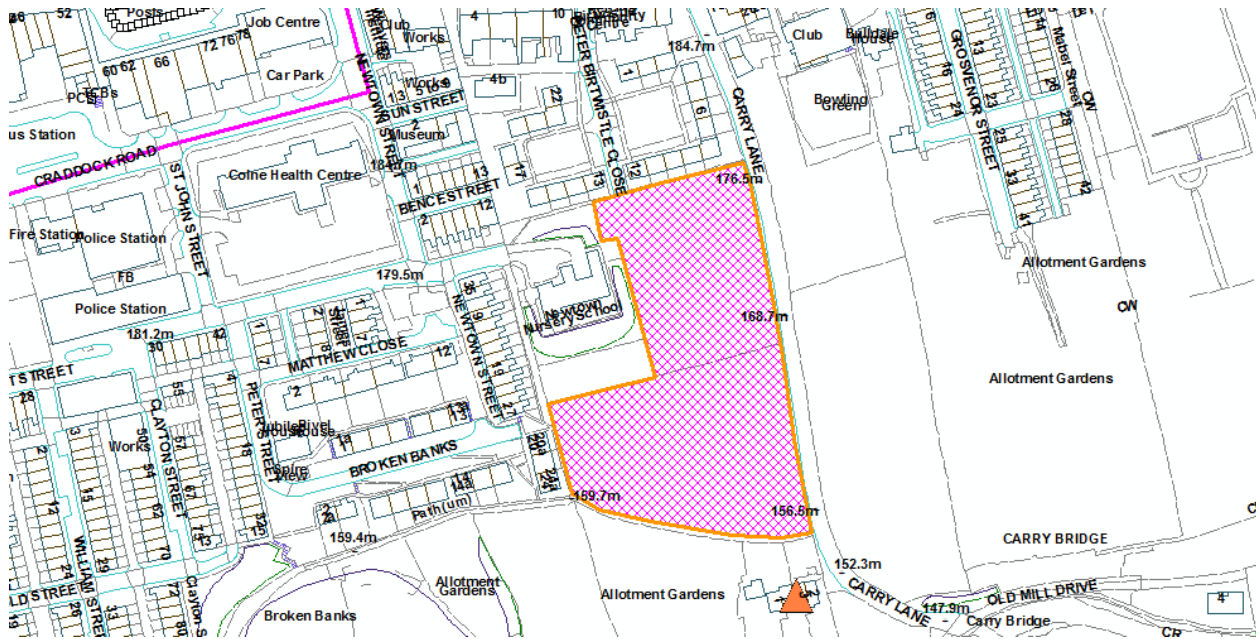
12. All hard and soft landscape works shall be carried out in accordance with the recommendations of BS 4428 (1989). The works shall be carried out prior to occupation of any part of the development or in accordance with a timetable to be agreed in writing by the Local Planning Authority. Any trees or plants that within a period of five years after planting, are

removed, die or become seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season thereafter.

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

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

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



Application Ref: 18/0011/VAR

Proposal: Variation of condition: Removal of condition 4 of Planning Permission 13/14/0077 (Contribution towards public open space and footpaths/cycleway improvements).

At: Land at Peter Birtwistle Close and Carry Lane, Colne

On behalf of: Campbell Driver Partnership

COLNE AND DISTRICT COMMITTEE REPORT 28 MARCH 2018

Application Ref: 18/0043/FUL

Proposal: Full: Retention of a single storey agricultural workers dwelling (Retrospective).

At: Cowfield Farm, Burnley Road, Trawden

On behalf of: Mr Robert Airey

Date Registered: 09/02/2018

Expiry Date: 06/04/2018

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 agricultural land located within the open countryside and Trawden Forest Conservation Area. The site sits on a valley side to the east of farm buildings at Cowfield Farm. Public Footpath No. 40 runs along the access track and immediately past the building, Public Footpath No. 48 runs past the beck to the south and Public Footpath No. 57 runs from there to Burnley Road, from where it meets the road the site is prominently visible.

This is a retrospective application for the retention of an unauthorised agricultural worker's dwelling for a temporary period of three years. The building has a footprint of 20m x 6.8m and is of timber construction, with horizontal timber cladding, a concrete tile roof and black uPVC window and door frames.

A Stop Notice requiring works on the building to cease and an Enforcement Notice requiring the landowner to remove the building have been served.

Relevant Planning History

13/87/0145P - Outline: Erection of an agricultural workers dwelling – Approved, 30/11/1987.

13/88/0166P - Reserved Matters - Erection of agricultural workers dwelling – Approved, 25/04/1988.

13/13/0535P - Full: Removal of Condition 2 of Planning Permission 13/87/0145P - Relating to agricultural worker – Refused, 23/12/2013.

13/14/0301P - Full: Removal of Condition 2 of planning permission 13/87/0145P relating to agricultural worker – Approved, 13/08/2014.

Consultee Response

LCC Highways – No objection.

Coal Authority – No objection. Please attach a note to any permission relating to potential coal mining hazards.

Trawden Forest Parish Council – The Parish Councillors question the viability of the business. The numbers don't appear to stack-up, and they feel that the applicant is exploiting a loop-hole in the Local Plan that states that agricultural dwellings are permitted outside the settlement boundary. The design of the structure and materials are not in keeping with its surroundings or the Conservation area.

Public Response

A site press and notice have been posted and neighbours notified –

Officer Comments

Policy

National Planning Policy Framework (The Framework)

Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. These circumstances include the essential need for a rural worker to live permanently at or near their place of work in the countryside.

Pendle Local Plan Part 1: Core Strategy (LPP1)

ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that proposals in the designated open countryside should have regard to the Development in the Open Countryside SPG.

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, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

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.

Replacement Pendle Local Plan

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

Paragraph 55 of the Framework states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. The application site is located approximately 550m from the settlement boundary of Trawden, 1km from the nearest bus stop on foot via unmade public footpaths, or 2km via Burnley Road which has no footway for most of its length. It is an isolated location that would leave occupant reliant on private motor vehicles to access essential facilities and services.

Therefore, to meet the requirements of paragraph 55 it must be demonstrated that the dwelling meets an essential need for a rural worker to live permanently at or near their place of work in the countryside. There are two elements to assessment of this, firstly whether there is a functional need for an agricultural worker to live on site and secondly whether the agricultural business is financially viable to sustain that need in the long term.

Functional need

The current farming operation of relatively small scale, with the applicant working part time on the land and traveling from his home in Brierfield. The existing farmhouse is owned and occupied by the Applicant's sister, who is a partner in the farming business but the application states is not involved in the farming operations.

The justification statement submitted with the application states the intention from the applicant to acquire his sister's share of the business and increase the scale of the farming operation to a point where it requires a full time agricultural worker resident on the land.

The application proposes a three year temporary permission with the intention to expand the farming operation to the point where it requires a full time agricultural worker present on site.

The building was constructed on site and has not be constructed in such a way that it could feasibly be loaded onto a trailer and moved from the site, it is a permanent building rather than a temporary structure and would need to be demolished to be removed from site.

National Planning Guidance states that "a condition requiring the demolition after a stated period of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness."

However, in this case, as the building has already been externally completed and the alternative to this proposal would be the demolition of the building, which a enforcement notice served requiring that, it would be reasonable and necessary in this case to attached such a condition should it be determined that an acceptable justification has been made for the temporary retention of the building.

It is of relevance that until late 2014 there was an additional agricultural worker's dwelling associated with Cowfield Farm at Clough View, Colne Road, Trawden. This was occupied by the Applicant and his family, an application was made and granted for removal of the condition tying that dwelling to use as an agricultural worker's dwelling (ref: 13/14/0301P) and it was sold by the Applicant.

It was demonstrated in that application that the dwelling was no longer required by the holding as it had reduced in size and the Applicant lived at the farmhouse at Cowfield Farm which would continue to serve as the primary dwelling for the farm.

Details submitted with that application stated that the Applicant lived at the farmhouse at Cowfield Farm, it was stated that if he were to leave the farmhouse for any reason he would try to purchase

a terraced house in Trawden Village. If the applicant could not continue farming he would sell or rent the buildings and land he owns to his sister.

It has therefore been stated previously by the applicant that an additional agricultural worker's dwelling on this farm is not necessary, that the needs of the Applicant's agricultural holding can be met by the existing farmhouse or dwellings in Trawden Village.

Financial viability

The special circumstance in paragraph 55 specifically relates to a permanent need, it must therefore be demonstrated that the agricultural holding can viably sustain a full time agricultural worker in the long term.

The planning statement submitted with the application states that "the application is for a temporary period in order for the applicant to expand and diversify the existing livestock enterprises undertaken on the holding and to prove the financial viability of the proposed farm business". This indicates that the existing agricultural business is not currently in a position to viably sustain a full-time agricultural worker.

Projected accounts have been submitted in order to demonstrate that should the farming business expand as intended it would provide a sufficient income to support a full-time agricultural worker.

Agricultural planning consultants ADAS have been consulted for an expert assessment of the proposal in relation to functional need and financial viability. Their response may not be available before the Committee meeting. The final conclusion in relation to these matters is subject to the receipt of that report and consideration of it.

Landscape and Conservation Area Impact

The building is sited in a highly prominent location, particularly viewed from Burnley Road and the surrounding public footpath network. Whilst on plan it appears as a continuation of the existing line of buildings at Cowfield Farm, these are well screened from the south and south east by a dense belt of trees. The dwelling subject to this application is located beyond the belt of trees and as such appears as a prominent isolated feature in the landscape.

The building is sited on a hillside, erected on a raised level base, the proposed hedgerow would be planted on land 1-2m or more below the ground level of the building and could not offer sufficient screening to offset its impact. Native species trees similar to the woodland which screens the adjacent buildings would take decades to become established to the point where they could effectively screen the building.

The location of the building results in harm to quality of the landscape and the character and appearance of the Conservation Area. This harm is further exacerbated by the design and materials of the building, its utilitarian design, timber boarded walls, concrete tile roof and upvc windows are not characteristic of or appropriate for a new dwelling within the Conservation Area where the vernacular is simple, robust buildings with stone walls, blue or grey slate roofs and painted timber fenestration.

The harm to the significance of the Conservation Area is less than substantial and therefore should be balanced against the public benefits of the proposal. Whilst there could be public benefits in terms of supporting farming, the harm resulting from the building's prominence in the landscape, inappropriate design and materials would not be outweighed by those public benefits were they to be demonstrated.

Residential Amenity

The proposed dwelling would raise no unacceptable residential amenity issues.

Highways

The access to the site is acceptable for an agricultural worker's dwelling and an adequate level of car parking is proposed.

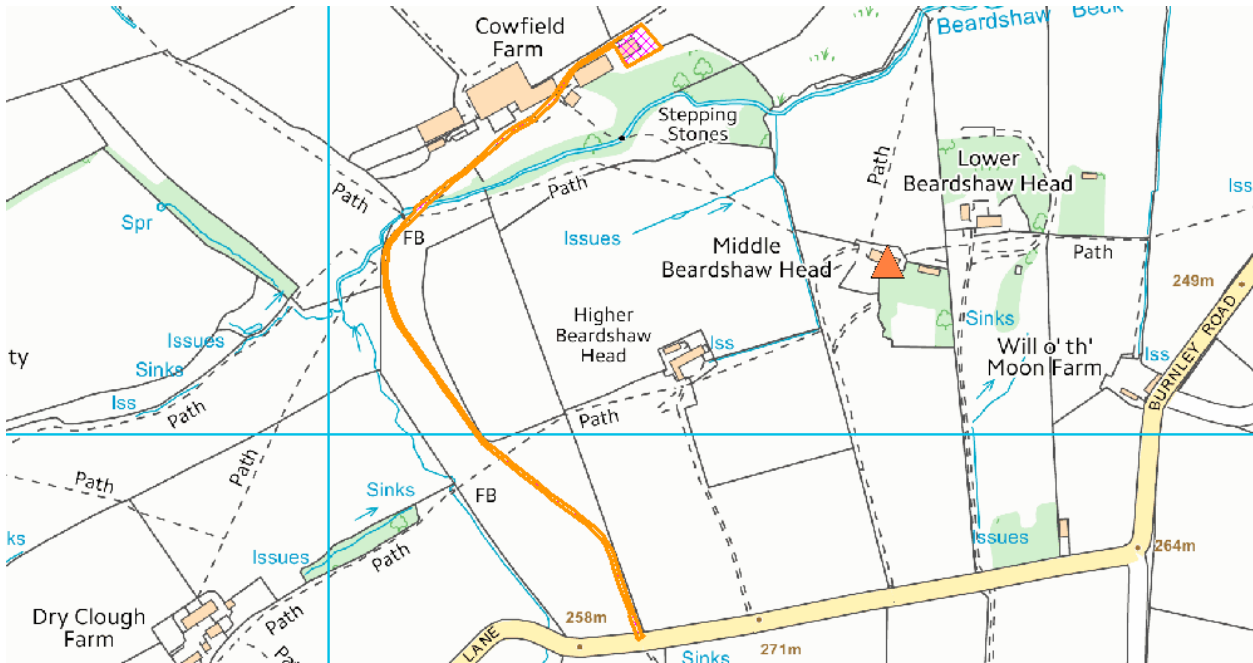
Summary

The response of agricultural planning consultants ADAS is awaited before reaching a conclusion in relation to the justification for an agricultural worker's dwelling. However, irrespective of whether an agricultural worker's dwelling is justified the siting, design and materials of the building result in harm to the significance of the Conservation Area which would not be outweighed by public benefits. It is therefore recommended that the Planning Building Control & Licensing Services Manager be given delegated authority to refuse the application due to the unacceptable impact on the designated heritage asset and to make a decision on whether there is or is not a justification for the dwelling in terms of a functional and financial agricultural need.

RECOMMENDATION: Refuse

For the following reasons:

1. The siting, design and materials of the building result in harm to the character and appearance, and therefore the significance, of Trawden Forest Conservation Area. Whilst the harm to the significance of the heritage asset would be less than substantial the public benefits would not outweigh that harm and thus the development would be contrary to Policies ENV1 and ENV2 of the Pendle Local Plan Core Strategy and paragraph 134 of the National Planning policy Framework.



Application Ref: 18/0043/FUL

Proposal: Full: Retention of a single storey agricultural workers dwelling (Retrospective).

At: Cowfield Farm, Burnley Road, Trawden

On behalf of: Mr Robert Airey

REPORT TO COLNE & DISTRICT COMMITTEE 28th MARCH, 2018

Application Ref: 18/0089/VAR

Proposal: Variation of condition: Variation of conditions 2, 7, 8, 11 and 13 of Planning Permission 16/0650/FUL

At: Site of former Oak Mill, Skipton Road, Colne

On behalf of: Pearl 2

Date Registered: 6 February 2018

Expiry Date: 8 May 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is the former Oak Mill sited in Colne. The site has permission for residential development.

This application seeks to vary conditions 2, 7, 8, 11 and 13 to allow for changes to the layout and levels on the site.

Condition 2 relates to the approved plans, condition 7 relates to the car parking scheme, condition 8 relates to maintenance and management of roads etc., condition 11 relates to drainage systems and condition 13 relates to landscaping.

Relevant Planning History

13/92/0384P - erect storage tank and structures – Approved.

13/92/0579P - outline; industrial redevelopment – Approved.

13/96/0449P - replace vehicular entrance with pedestrian access - Approved.

13/97/0379P - new access and car park – Approved.

13/04/0747P - conversion of mill to 24 apartments – Approved.

13/04/0746P - outline residential development – Approved.

13/05/0628P - Reserved Matters: Major: Erection of sixteen three storey town houses in four blocks of four, one pair of semi-detached houses and eighteen apartments in one three storey block – Withdrawn.

13/05/0964P - Reserved Matters: Major: Erection of 18 houses and 18 apartments – Approved.

13/06/0494P - Reserved Matters: Erect pair of semi-detached three storey dwellings – Refused.

13/13/0057P - Demolition Determination: Demolition of vacant former mill building – Approved.

16/0650/FUL - Full: Major: Erection of 32 dwellings with associated works including parking, highways and landscaping – Approved 12th December, 2016.

Consultee Response

LCC Highways – This application seeks to vary Conditions 2 (approved plans), 7 (car parking and manoeuvring scheme), 8 (long-term management and maintenance of internal roads and footways etc), 11 (internal drainage scheme) and 13 (landscaping) of Planning Permission 16/0650/FUL; only Conditions 2 and 7 are highway-related.

Condition 2 – approved plans

We would agree to the variation in terms of the carriageway and footway layout and widths. We would not, however, support the proposed location of the bus stop.

Drawing reference A1614-LIB-S1-A1 01-ZZ-LL-P2-001 Rev 4 (Proposed site plan with bus stop detail) shows that the developer is proposing to re-locate the existing bus shelter outside the development site on Skipton Road to outside Plots 26 and 27. This would necessitate the removal and re-location of the Quality Bus Shelter, provision of associated footway works and carriageway lining, together with the reinstatement of the footway at the existing location and the removal of the carriageway lining.

The footway at the proposed location is too narrow to accommodate the existing shelter whilst leaving adequate residual width at the front of the footway. A cantilever style shelter would, therefore, have to be installed.

Following discussions with our Traffic Section we recommend that the bus stop remains in its current location but set within the adopted footway. The current shelter should be removed for use elsewhere and replaced with a three bay cantilever style shelter. The current bus box lining prevents vehicles from parking near the access to the adjacent industrial unit, and also protects the visibility splay.

Consequently, the pedestrian access points for Plots 31 and 32 onto Skipton Road may need to be amended.

Works to amend the bus stop would need to be carried out under a Section 278 legal agreement with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, removal of the existing shelter for use elsewhere; reinstatement of the back of the footway; erection of a three bay cantilever bus shelter and any re-lining of the bus box needed.

Condition 7

We agree to the variation of the car parking and manoeuvring scheme as submitted. Given the above comments we would ask that a condition and note are applied to any formal planning approval granted.

LLFA – Thank you for consulting the Lead Local Flood Authority (LLFA) on the above application. Whilst the LLFA has not previously assessed or commented on the suitability of the associated development proposal, it is recognised that the principles of development have already been agreed with the Local Planning Authority through the grant of planning permission 16/0650/FUL. With this in mind, the LLFA has considered the revised proposals in relation to the already approved details and has no objections to make.

This would however be subject to conditions 11 and 12 of planning permission 16/0650/FUL being transferred over to the new decision notice in their entirety. This is because matters relating to the design and future maintenance of the final surface water drainage scheme for the site are yet to be satisfied.

The LLFA would also like to take the opportunity to remind the applicant that they will need to obtain land drainage consent from Lancashire County Council prior to commencing any works to an existing ordinary watercourse (either open or culverted). Further information regarding the land drainage consenting process can be found via the following link:
<http://www.lancashire.gov.uk/flooding/drains-and-sewers/alterationsto-a-watercourse.aspx>

Colne Town Council – No Comment.

Public Response

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

Officer Comments

The main issues for consideration are policy issues, principle of housing, impact on amenity, design and materials, drainage, protected trees and landscaping and highway issues.

- **Compliance with Policy**

The relevant adopted Pendle Local Plan policies for this proposal are:

Policy SDP3 sets out the location of new housing in the Borough in conjunction with policies SDP2 and LIV1.

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 encourages and supports a range of residential accommodation and together with policies LIV4 and LIV5 has regard to the size, type and tenure of housing to meet an identified need.

Policy LIV4 sets out the relevant targets for contributions.

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

The following saved Replacement Pendle Local Plan policies are also relevant to this application:

Policy 16 'Landscaping in New Development' requires all development proposals to include a scheme of landscaping sympathetic to the site's character and vicinity. This issue is addressed under the Landscaping/Protected Trees section.

Policy 31 'Parking' supports car parking in new developments in line with the Maximum Car and Cycle Parking Standards. All new parking provisions should be in line with these standards unless this would compromise highway safety.

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development which are relevant to this proposal.

- Housing Requirements

The application site falls within the settlement boundary of Colne, this is a sustainable location for the proposed housing development which is acceptable in principle in accordance with the LPP1, RPLP and the Framework. The site is located within the settlement boundary of Colne and has an extant permission for housing.

- Impact on Amenity

The amended scheme submitted seeks to update the design, position and levels of plots 21-32, including changes to the proposed levels and site drainage layout as well as amendments to the position and orientation for plots 13-20 and changes in levels for plots 1-4 and amended road widths.

The revised plans indicate two rows of four dwellings and two pairs of semi-detached fronting on Skipton Road rather than six pairs of semi-detached for plots 21 – 32.

The site levels for plots 1-4 and plot 21 -32 have also been amended to slightly increase the floor level of the units. The finished levels of the front gardens and driveways have also increased slightly to correspond with this. This slight increase is acceptable and will not result in any adverse impacts to adjacent properties.

These changes are to enable the site to accommodate the existing water main on the site.

The proposed dwellings would be sited an acceptable distance from the habitable room windows and garden boundaries of adjacent dwellings to ensure that there would be no unacceptable loss of privacy, light or overbearing impacts.

A noise assessment has been submitted with the application addressing the potential impact of noise from the adjacent industrial use on occupants of the proposed dwellings.

The report recommends that a 4.5m acoustic barrier is necessary to the boundary of the site with the industrial use to acceptably mitigate the potential impact.

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

- Design and Materials

The design of the proposed housing development is of good quality and would sympathetically integrate with its surroundings. It would bring a vacant former industrial site back into use substantially improve the appearance of the immediate area.

The proposed 4.5m acoustic barrier would be a tall and imposing feature, however, it would be within the site, on the boundary with the adjoining industrial site and therefore would not be prominently visible other than from within the those sites. Taking this into account the visual impact of the proposed acoustic barrier is acceptable.

The proposed development is therefore acceptable in terms of design and visual amenity in accordance with policies ENV2 and LIV5.

- Drainage

The site has an existing permission for housing subject to details of an appropriate drainage scheme being submitted as per the attached conditions. Subject to these conditions being attached to any new permission this is acceptable.

- Highways Issues

Concerns have been raised by LCC Highways in response to the proposed bus stop location. However, this has been raised with LCC Highways who have confirmed the details submitted have been accepted and will be implemented in due course.

An adequate level of car parking provision is proposed and the proposed access is adequate to accommodate the increase in traffic from the proposed development.

Subject to appropriate conditions the development is acceptable in terms of parking and highway safety.

Summary

The principle of residential units is acceptable in this location and the proposal would not adversely impact on residential amenity and is acceptable in terms of material and parking provision. Subject to appropriate conditions the revised scheme accords with policies SDP3, SDP2, ENV1, ENV2, LIV1, LIV3, LIV4, LIV5 of the Local Plan Part 1: Core Strategy.

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 beginning with the date of this permission.

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:

Location Plan, Site Boundaries S1-A1 00-ZZ-LL-P2-002, Existing Site Plan S1-A1 00-ZZ-LL-P2-003, Proposed Site Plan Rev2, Site Levels Plan S1-A1 01-ZZ-LL-P2-004 Rev3, Site Sections Rev 1, Section & Elevation Reference Plan Rev1, B5*-A1-20-ZZ-00-3D-001-Rev2, B5*-A1-20-ZZ-00-P2-001-Rev1, B5*-A1-20-ZZ-LL-3D-001-Rev2, B5*-A1-20-ZZ-LL-E2-001-Rev2, B5*-A1-20-ZZ-LL-E3-001-Rev2, B5*-A1-20-ZZ-LL-E4-001-Rev1, B5*-A1-20-ZZ-LL-S2-001-Rev1, B5*-A1-20-ZZ-R0P2-001-Rev1, B5-A1-20-ZZ-00-3D-001-Rev2, B5-A1-20-ZZ-00-P2-001-Rev1, B5-A1-20-ZZ-LL-3D-001-Rev2, B5-A1-20-ZZ-LL-E2-001-Rev2, B5-A1-20-ZZ-LL-E3-001-Rev1, B5-A1-20-ZZ-LL-E4-001-Rev1, B5-A1-20-ZZ-LL-S2-001-Rev1, B5-A1-20-ZZ-R0P2-001-Rev1, B4-A1-20-ZZ-00-3D-

001-Rev2, B4-A1-20-ZZ-00-P2-001-Rev1, B4-A1-20-ZZ-LL-3D-001-Rev2, B4-A1-20-ZZ-LL-E2-001-Rev2, B4-A1-20-ZZ-LL-E3-001-Rev1, B4-A1-20-ZZ-LL-E4-001-Rev1, B4-A1-20-ZZ-LL-S2-001-Rev1, B4-A1-20-ZZ-R0P2-001-Rev1, B3-A1-20-ZZ-00-3D-001-Rev2, B3-A1-20-ZZ-00-P2-001-Rev1, B3-A1-20-ZZ-01-3D-001-Rev2, B3-A1-20-ZZ-01-P2-001-Rev1, B3-A1-20-ZZ-LL-3D-001-Rev2, B3-A1-20-ZZ-LL-E2-001-Rev2, B3-A1-20-ZZ-LL-E3-001-Rev2, B3-A1-20-ZZ-LL-E4-001-Rev1, B3-A1-20-ZZ-LL-S2-001-Rev1, B3-A1-20-ZZ-R0P2-001-Rev1, B3*-A1-20-ZZ-00-3D-001-Rev2, B3*-A1-20-ZZ-00-P2-001-Rev1, B3*-A1-20-ZZ-01-3D-001-Rev2, B3*-A1-20-ZZ-01-P2-001-Rev1, B3*-A1-20-ZZ-LL-3D-001-Rev2, B3*-A1-20-ZZ-LL-E2-001-Rev2, B3*-A1-20-ZZ-LL-E3-001-Rev2, B3*-A1-20-ZZ-LL-E4-001-Rev1, B3*-A1-20-ZZ-LL-S2-001-Rev1, B3*-A1-20-ZZ-R0P2-001-Rev1, B1-A1-20-ZZ-00-3D-001-Rev2, B1-A1-20-ZZ-00-P2-001-Rev1, B1-A1-20-ZZ-01-3D-001-Rev2, B1-A1-20-ZZ-01-P2-001-Rev1, B1-A1-20-ZZ-LL-3D-001-Rev2, B1-A1-20-ZZ-LL-E2-001-Rev2, B1-A1-20-ZZ-LL-E3-001-Rev2, B1-A1-20-ZZ-LL-E4-001-Rev1, B1-A1-20-ZZ-LL-S2-001-Rev1, B1-A1-20-ZZ-R0P2-001-Rev1, B1*-A1-20-ZZ-00-3D-001-Rev2, B1*-A1-20-ZZ-00-P2-001-Rev1, B1*-A1-20-ZZ-01-3D-001-Rev2, B1*-A1-20-ZZ-01-P2-001-Rev1, B1*-A1-20-ZZ-LL-3D-001-Rev2, B1*-A1-20-ZZ-LL-E2-001-Rev2, B1*-A1-20-ZZ-LL-E3-001-Rev2, B1*-A1-20-ZZ-LL-E4-001-Rev1, B1*-A1-20-ZZ-LL-S2-001-Rev1, B1*-A1-20-ZZ-R0P2-001-Rev1.

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

3. No development comprising of the above ground construction of any dwelling shall commence unless and until samples of the proposed external material have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter 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 of each dwelling and 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 comprising of the above ground construction of any dwelling 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. 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.

7. 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 and in the interests of highway safety.

8. No development comprising of the above ground construction of any dwelling shall commence unless and until details of the mechanism for the long term management and maintenance of the roads, pavements, verges and parking areas of the development have 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.

9. No development comprising of the above ground construction of any dwelling shall commence unless and until 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.

10. The mitigation measures specified in sections 4 and 5 of the Noise Assessment Report dated 28th September 2016 shall be fully implemented prior to the occupation of the relevant plots as detailed in sections 4 and 5. Prior to its erection, details of the design and materials of the acoustic barrier shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the residential amenity of occupants of the dwellings are not harmed by the adjacent existing commercial use.

11. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards 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. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

12. No development comprising of the above ground construction of any dwelling shall commence unless and until a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:

- a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
- b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, 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.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.

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. Within two weeks of the commencement of the development a crime prevention scheme shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of

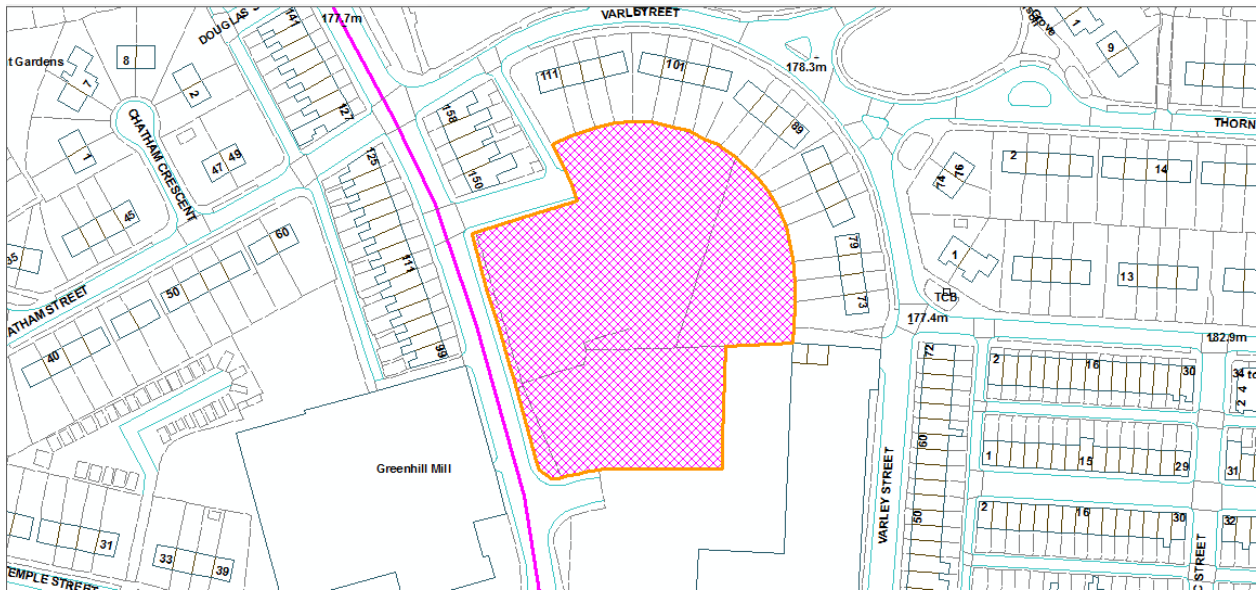
- External lighting to be installed at all external doors.
- Details of boundary fences/walls.

The scheme shall be implemented for each dwelling in accordance with the agreed details prior to its occupation.

Reason: In order to promote crime prevention.

Note

1. The grant of planning permission will require the applicant to enter into an appropriate Section 278 Legal Agreement, with Lancashire County Council as Highway Authority. For the avoidance of doubt works shall include, but not be exclusive to, removal of the existing shelter for use elsewhere; reinstatement of the back of the footway; erection of a three bay cantilever bus shelter and any re-lining of the bus box needed. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.
2. A water main and public sewer cross the site.
3. Construction shall be carried out in accordance with the Council's 'Code of Practice for Construction and Demolition.'
4. A vehicle charging point should be provided for each dwelling.



Application Ref: 18/0089/VAR

Proposal: Variation of condition: Variation of conditions 2, 7, 8, 11 and 13 of Planning Permission 18/0089VAR.

At: Site of former Oak Mill, Skipton Road, Colne

On behalf of: Pearl 2

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/CPB

Date: 20th March 2018