



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

**TO:** COLNE & DISTRICT COMMITTEE

**DATE:** 5<sup>th</sup> JULY 2018

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications

## REPORT TO COLNE AND DISTRICT COMMITTEE 5<sup>th</sup> JULY, 2018

**Application Ref:** 18/0199/OUT

**Proposal:** Outline: Major: Residential development of land 0.25ha for ten dwellinghouses (Access only).

**At:** Land to the North West of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge.

**On behalf of:** John Kay

**Date Registered:** 21 March 2018

**Expiry Date:** 20 June 2018

**Case Officer:** Kathryn Hughes

This application was deferred from the previous meeting to allow for further information on drainage to be submitted.

### ***Site Description and Proposal***

Outline planning permission is sought (access only) for the erection of 10 dwellinghouses on land to the north west of the Methodist Church in Colne. The site is located within the settlement boundary and of no special designation in the Local Plan.

The proposal is for access only off Keighley Road. Whilst an indicative layout plan has been submitted consideration of details such as appearance, landscaping, layout and scale are reserved at this stage and will be subject to a future application should outline permission be granted.

### ***Relevant Planning History***

17/0726/FUL – Full: formation of new access from Keighley Road and parking area to serve existing Church – Approved 24<sup>th</sup> January, 2018.

13/93/0097P – Extend premises - Refused 21<sup>st</sup> June, 1993.

13/93/0299P – Erect 5 dwellings – Refused 9<sup>th</sup> August, 1993.

### ***Consultee Response***

LCC Highways – Further to our response dated 17 April 2018, and our conversation on 24 April, regarding the above outline planning application for access only, please find below our further comments.

The developer should provide an amended plan with amended visibility splays of 2.4 x 43m in both directions. As the visibility splay to the east of the access is not wholly within the adopted highway no structure or vegetation more than 0.9m in height above the crown level of Keighley Road should be allowed within this splay in perpetuity. A condition should be applied to protect this visibility splay.

The amended plan should also provide a carriageway width of a minimum 5.5m for a minimum distance of 10m into the site to allow vehicles to pull clear when entering from Keighley Road. 2m

wide footways on both sides should also be provided and include the further following features, as appropriate.

The formation of the new vehicle access from Keighley Road to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 5.5m for a distance of 10m into the site, 6m radius kerbs, tactile paved pedestrian crossings, a street lighting assessment and the re-location of any highway gullies affected by the creation of the new access.

As this site has a low sustainability score, with limited access to local amenities and facilities, improvements to the bus stops outside the Emmott Arms pub and on Keighley Road opposite Kingsley Road - to include DDA compliant bus border kerbs – would be necessary to improve the site's sustainability and maximise potential usage. These improvement works would need to be carried out under a legal agreement (Section 278) with Lancashire County Council.

Given the site's location immediately adjacent to a pedestrian crossing, together with the limited on-road parking available in the vicinity, the developer should submit a construction method statement prior to the start of any works on site.

As Keighley Road is classed as a strategic route and the development site is close to the primary school on Emmott Lane we would ask that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

If the local planning authority is minded to approve this application we ask that conditions are attached to any grant of permission relating to off-site highway works, internal estate road to adoptable standards, management and management of estate road, construction method statement and visibility splays.

LCC Education – No contribution required.

#### **LLFA – Lead Local Flood Authority (LLFA) Position**

The Lead Local Flood Authority has **no objection** to the proposed development subject to the inclusion of the following conditions:

#### **Condition 1:**

**Reserved Matters to include surface water drainage scheme to be agreed** - As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority:

- a) A detailed surface water drainage strategy for the development proposal;
- b) Information about the lifetime of the development, the design storm period and intensity (1 in 1, 1 in 30 and 1 in 100 year + allowance for climate change), final surface water discharge rates and volumes, temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, and details of flood levels in AOD;
- c) Demonstration that surface water run-off from the application site will not exceed 5l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- d) Flood water exceedance routes, both on and off site;

- e) A timetable for implementation, including phasing where applicable;
- f) Site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via a surface water body will only be considered where infiltration is proved to be unsuitable.
- g) Details of water quality controls, where applicable.

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

**Reasons:**

1. To ensure that the proposed development can be adequately drained.
2. To ensure that there is no flood risk on or off the site resulting from the proposed development
3. To ensure that water quality is not detrimentally impacted by the development proposal

**Flood vulnerability:**

It is evident that the proposed development will result in a change in Flood Risk Vulnerability Classification from Less Vulnerable to More Vulnerable under Paragraph: 66 of the Planning Practice Guidance.

**Sustainable Drainage Systems:**

Paragraph 103 of the National Planning Policy Framework (NPPF) and Written Statement on Sustainable Drainage Systems (HCWS161) requires that surface water arising from a developed site should, as far as it is practical, be managed in a sustainable manner to mimic surface water flows arising from the site prior to the proposed development, whilst reducing flood risk to the site itself and elsewhere, taking climate change into account.

The Lead Local Flood Authority encourages that site surface water drainage is designed in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems and Planning Practice Guidance, including restricting developed discharge of surface water to greenfield runoff rates making suitable allowances for climate change and urban creep, managing surface water as close to the surface as possible and prioritising infiltration as a means of surface water disposal where possible.

Regardless of the site's status as greenfield or brownfield land, the Lead Local Flood Authority encourages that surface water discharge from the developed site should be as close to the greenfield runoff rate as is reasonably practicable in accordance with Standard 2 and Standard 3 of the Non-Statutory Technical Standards for Sustainable Drainage Systems.

Sustainable drainage systems offer significant advantages over conventional piped drainage systems in reducing flood risk by attenuating the rate and quantity of surface water run-off from a site, promoting groundwater recharge absorbing diffuse pollutants and improving water quality. Ponds, reedbeds and seasonally flooded grasslands can be particularly attractive features within public open space.

The wide variety of available sustainable drainage techniques means that virtually any development should be able to include a scheme based around these principles and provide multiple benefits, reducing costs and maintenance needs.

Prior to designing site surface water drainage for the site, a full ground investigation should be undertaken to fully explore the option of ground infiltration to manage the surface water in preference to discharging to a surface water body, sewer system or other means. For example,

should the applicant intend to use a soakaway, they should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

The LLFA also strongly encourages that the developer should take into account designing drainage systems for exceedance working with the natural topography for the site. Should exceedance routes be used, the applicant must provide a site layout plan with these displayed, in line with Standard 9 of DEFRA's Technical Standards for SuDS.

Flow balancing SuDS methods which involve the retention and controlled release of surface water from a site may be an option for some developments at a scale where uncontrolled surface water flows would otherwise exceed the pre-development greenfield runoff rate. Flow balancing should seek to achieve water quality treatment as part of a treatment train and amenity benefits as well as managing flood risk.

It should be noted that some SuDS features, for example rainwater harvesting and permeable paving used on driveways, must not be included as part of the hydrological calculations for the development proposal. This is because occupants may change or remove these features in the future - this could have the potential to increase surface water runoff which was previously unallocated for in the design of the sustainable drainage system. Where SuDS features such as rainwater harvesting and permeable paving are included in the hydrological calculations of a development proposal, the local planning authority is advised to consider the removal of permitted development rights for permeable paving.

### **Designation of Flood Risk Features**

As a LLFA, Lancashire County Council has the power to formally designate a structure or feature which it believes may have an effect on flood or coastal erosion risk. A designation acts as a form of legal protection for structures and features which have been identified as presenting a flood or coastal erosion risk. Schedule 1 of the FWMA, Paragraph 5(1) prohibits any person to: '*alter, remove or replace a designated structure or feature without the consent of the responsible authority.*'

Following a review of the indicative site layout, the LLFA feels that the wall facing the elevated land towards the north of the development has the potential to contribute to flooding should it be altered or removed in the future. This structure will therefore be considered further by the LLFA at Reserved Matters stage in order to determine whether formal designation is required.

### **Other advice:**

**Comment 1:** Although the LLFA is satisfied at this stage that the proposed development could be allowed in principle, the applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk on or off site. The applicant would be expected to provide a detailed surface water drainage strategy as part of any reserved matters application and prior to the commencement of any development. This must comply with Paragraph 103 of the National Planning Policy Framework and Standards 2, 4, 7, 8 and 9 of the non-statutory technical standards for sustainable drainage systems; March 2015.

**Comment 2:** Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the local highway authority. For the avoidance of doubt, the LLFA does not comment on the suitability for future highway adoption under Section 38 of the Highways Act 1980. This is for the Local Highway Authority to comment on.

Natural England – No comments.

United Utilities

Laneshawbridge Parish Council – There are currently only four parish councillors and three of us have, to a greater or lesser degree, a pecuniary interest in the site. Consequently it is not possible to give an official response. At the last meeting approximately thirty village residents attended and nearly all of them expressed their opposition to the proposed site and indeed any development which exacerbates the already congested and often dangerous junctions of School Lane and Emmott Lane with Keighley Road. There are a number of cars which speed along this section with frequent accidents and mishaps on this section of the road at present.

## ***Public Response***

Site and press notices posted and nearest neighbours notified by letter. A total of 43 letters/emails/webcomments received objecting on the following grounds:

- A conservatory has been omitted from the site layout and the visibility splay;
- The applicant has recently been granted planning permission to create a car park to serve the existing chapel;
- The site layout suggest 11 houses and the plans to convert the chapel would bring the total to 13;
- Access from and to this site is very dangerous with a blind bend and in close proximity to the puffin crossing. Traffic speeds through the village and heavy plant use this to gain access on to the M65;
- The visibility splay is not adequate enough;
- Parking is already a huge issue in the village with on road parking;
- This development covers both overdevelopment and garden grabbing being effectively the village green with cottages surrounding the park and playing fields;
- New build properties would be out of character for the area;
- The development will cause noise and loss of gardens for the residents as well as being overlooked and loss of privacy;
- It is said that there is no right to a view – but the enjoyment of the view is an important part of residential amenity and has been for over 100 years for these properties. The view from the park and playing fields will be adversely affected if this plan goes ahead;
- There are no amenities in the village only one pub and no shops or community centre;
- The visibility splay cuts across my front garden and I have no intention of giving up my rights to put whatever I want in my front garden;
- No provision for visitor parking would result in parking on the main road where resident parking is already at a premium;
- In wintery conditions residents park on Keighley Road overnight;
- Although there is a speed camera near the Emmott Arms drivers speed up at the blind bend and can travel in excess of 50mph;
- The applicant does not have vacant possession of the land;
- The proposed development is to be built over a public footpath which villagers and school children have used for years;
- Drainage problems;
- Lack of light and open space;
- Down valuation of existing properties; and
- The Pennine Ecological report recommended that removal of any trees and shrubs should take place outside of the breeding season – I am dismayed that the developer has removed the trees with a mechanical digger.

## **Policy**

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant.

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

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

The following Local Plan policies are relevant to this application:

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

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

Policy ENV4 advises that development should have regard to the potential impacts they may cause to the highway network. Where these impacts are severe, permission should be refused.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV3 provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds required to contribute towards the provision of affordable housing.

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

The following saved Replacement Pendle Local Plan policies are also relevant here:

Policy 31 – Parking sets out the requirements for on-site parking for housing developments.

### **National Planning Policy Framework**

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development.

Of particular relevance to this proposal, seeking approval of access only, is paragraph 32. This states that planning decision should take account of whether safe and suitable access can be

achieved for all people. Development should only be refused where residual cumulative impacts of the development are severe.

## **Officer Comments**

The primary issues for consideration in this proposal are highway safety, trees, ecology and drainage. Matters of appearance, layout, landscaping and scale are reserved at this stage. Indicative plans have been provided, however detailed analysis of these would be assessed as part of any future submission.

### **1. Principle of Housing**

The site is located within the settlement boundary. Policy LIV1 of the Plan states that to encourage the delivery of housing, proposals for new development will be supported on non-allocated sites within a settlement boundary where they are sustainable.

In this instance the site is within a short distance of facilities within Laneshawbridge which include public houses and a primary school. The mainline bus services run along Keighley Road to Colne and Keighley which provide a larger range of services.

In light of these factors, the location of the site is sustainable in principle and the provision of new housing in line with the requirements of Policy LIV1. This position is however subject to site specific assessments, which are detailed below.

The primary issues for consideration in this proposal are highway safety, trees, ecology and drainage. Matters of appearance, layout, landscaping and scale are reserved at this stage. Indicative plans have been provided, however detailed analysis of these would be assessed as part of any future submission.

There is a requirement for 20% affordable housing on the site.

### **2. Highway Safety**

A single site access is proposed from Keighley Road which is an adopted highway.

The test for whether as development is or is not acceptable in highway terms is whether the development would lead to a cumulative severe highway impact. The development would be served off the main road which is a 6m wide highway.

The proposed visibility splays are acceptable. There is a small section of pier which protrudes into the splay from No. 6 Keighley Road but this is limited in impact and does not make the access on its own dangerous. The horizontal and vertical alignment of the access is acceptable and there are no other physical constraints that would lead to the conclusion that this access is dangerous.

The development would lead to a limited amount of extra traffic using the highway. This would have no material impact on overall traffic flows.

LCC Highways have confirmed that the previous applications in 1993 would have been assessed according to Design Manual for Roads and Bridges (DMRB) so the visibility requirement would have been 70m instead of the 43m required here. As the 70m could not be achieved that resulted in an objection and subsequently refusal for the scheme. LCC Highways have also confirmed that the solid whist lines will be re-instated and surface dressing is scheduled for the beginning of August subject to weather work loads permitting.



On-site parking should be provided in line with the requirements of policy 31 and secured bicycle storage provided as well as electric vehicle charging points. This can be achieved at the reserved matters stage.

Footways will be required either side of the access which will allow for safe pedestrian movement to the footways on the public highway.

The limited scaled of the development and the low level of impact on the highway would not justify the provision of the new highway infrastructure set out by LCC. The legal test is that such contributions must be necessary to make the development acceptable which in this case they would not be.

LCC have asked for a condition to require details of construction times and how the development would be carried out. This is an appropriate condition to attach.

Overall the development would have a limited impact on the highway network. It would not be severe and as such the development complies with the requirements of the National Planning Policy Framework.

### **3. Drainage and Flood Risk**

Details have been submitted and assessed by the Lead Local Flood Authority who have raised no objections to the proposal subject to an appropriate condition requiring further details to be submitted at reserved matters stage. This would accord with paragraph 103 of the Framework and paragraph 80 of the National Planning Practice Guidance.

The details submitted are sufficient to satisfy the requirements above as well as those of Policy ENV7.

### **4. Ecology**

An initial ecological assessment has been submitted as part of the application.

The assessment advises that further surveys are not required and that the ecology significance is low.

Some vegetation has been removed from the site. That does not require any consent from Pendle. A landscaping conditions would require and future development to be suitably landscaped.

The development thereby accords with Policy ENV1.

### **5. Other issues**

Comments have been made regarding house values, loss of views, impact on privacy and overdevelopment of the site. House values and loss of private views are not material planning considerations and as the proposal has been submitted in outline then any impact on privacy or considerations of overdevelopment fall to be considered at the Reserved Matters stage.

The issue of the existing church was also raised in terms of its existing and potential future uses. As this site lies outside of the application red edge any proposed use does not form part of this application process.

Comments have been made regarding the site being a village green and querying ownership. There is no evidence that disputes the applicant's ownership. The site is not a registered village green and as there is now a planning application for its development it cannot now be registered as one. As with the ownership issue there is no evidence that a right of way exists through the

site. That needs to be established separately and is not a matter that can be considered through this planning application.

There is public footpath adjacent to the site which would not be affected by the proposed development.

There is a requirement for 20% affordable housing on the site and the applicant has been made aware of this.

## 6. Summary

The proposed outline scheme for up to 10 dwellinghouses is acceptable in terms of housing requirements, highway safety, drainage, trees and ecology.

### ***RECOMMENDATION: Approval***

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, landscaping, layout and scale 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:

ADM18/12/02 & ADM/18/12/01A.

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

4. Prior to commencement of development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall not commence unless and until the scheme has been submitted and approved. Such detailing shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads, building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

**Reason:** To secure the proper development of the site in an orderly manner.

5. The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
  - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [ or the management of the affordable housing] (if no RSL involved);
  - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason:** To ensure the provision of a mix of tenure on the site appropriate for the requirements of the area.

6. 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.

**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. No part of the development shall be commenced unless and until a Construction Code-of-Practice method statement has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during

construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
- h) Location and details of site compounds
- i) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
- j) Noise-monitoring to be carried out for the construction period.
- k) Parking area(s) for construction traffic and personnel
- L) Details of the provision and use of wheel washing on the site
- M) Site security

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

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

8. No development shall commence unless and until all the site access and all off-site highway works to have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority. Off-site highway works shall include improvements to the bus stops outside the Emmott Arms pub and on Keighley Road opposite Kingsley Road, to include DDA compliant bus border kerbs. These works shall be implemented before first occupation of any dwelling.

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

9. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

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

10. The access shall be constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access 2.4m distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at edge of the adjoining carriageway and 43m distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter shall be permanently retained.

**Reason:** In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

11. Prior to first occupation each dwelling shall have an electric vehicle charging point.

**Reason:** To ensure that the development provides for sustainable modes of travel.

12. Before a dwelling unit is occupied waste containers shall be provided on each plot.

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

13. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority, in consultation with the Lead Local Flood Authority:

a) A detailed surface water drainage strategy for the development proposal;

b) Information about the lifetime of the development, the design storm period and intensity (1 in 1, 1 in 30 and 1 in 100 year + allowance for climate change), final surface water discharge rates and volumes, temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, and details of flood levels in AOD;

c) Demonstration that surface water run-off from the application site will not exceed 5l/s. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing where applicable;

f) Site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via a surface water body will only be considered where infiltration is proved to be unsuitable.

g) Details of water quality controls, where applicable.

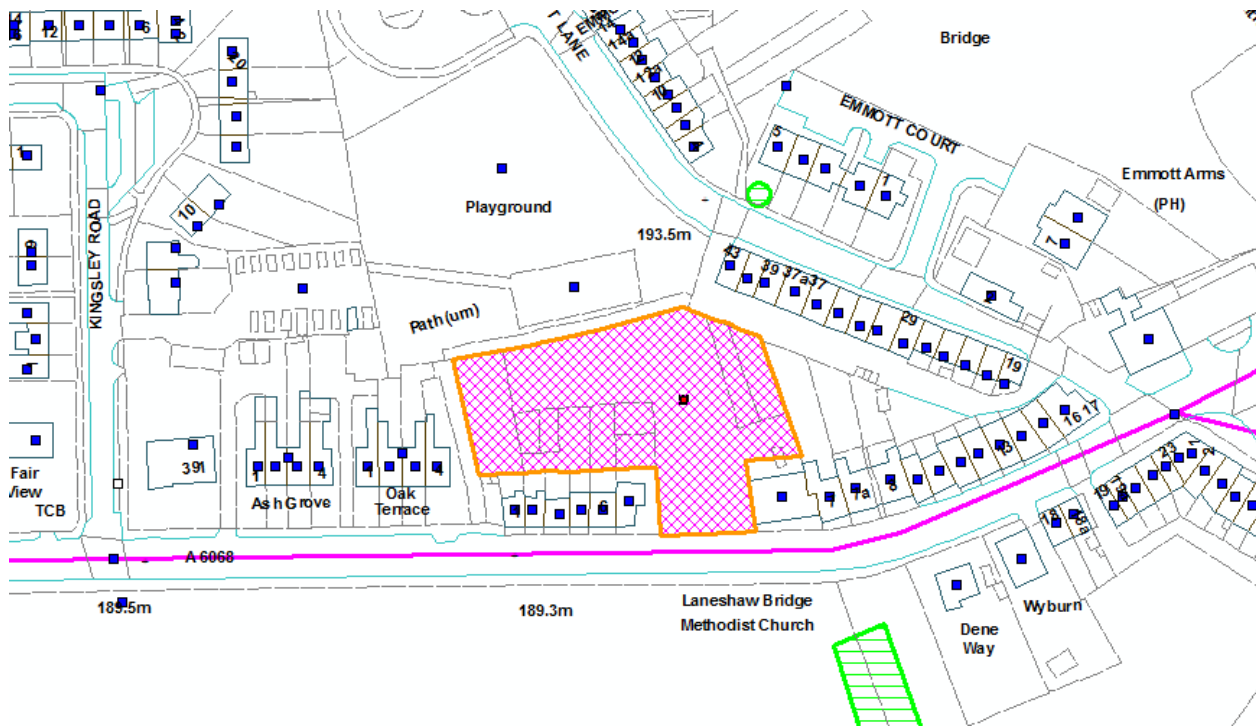
The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

**Reasons** To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development and to ensure that water quality is not detrimentally impacted by the development proposal

## Notes

1. The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. 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 [developeras@lancashire.gov.uk](mailto:developeras@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. This consent does not give approval to a connection being made to Lancashire County Council's highway drainage system.



**Application Ref:** 18/0199/OUT

**Proposal:** Outline: Major: Residential development of land 0.25ha for ten dwellinghouses (Access only).

**At:** Land to the North West of Laneshawbridge Methodist Church, Keighley Road, Laneshawbridge.

## REPORT TO COLNE AND DISTRICT AREA COMMITTEE ON 5<sup>th</sup> JULY 2018

**Application Ref:** 18/0292/VAR

**Proposal:** Full: Variation of Conditions: Variation of Conditions 1, 2 and 3 of Planning Permission 13/15/0451P to alter parking layout and allow valeting.

**At:** The Annex, Vivary Mill, Vivary Way.

**On behalf of:** W18 Cars Ltd.

**Date Registered:** 23.04.2018

**Expiry Date:** 04.07.2018

**Case Officer:** Charlotte Pinch

### Site Description and Proposal

The application is brought to Committee as it was called in by a Councillor.

This application seeks to vary conditions 1, 2 and 3 of planning permission 13/15/0451P which granted retrospective consent for the change of use to car sales office with external car display area.

Condition 1 states the following;

There shall be no more than 27 vehicles for sale at the site at any one time and those vehicles shall be laid out in accordance with the details shown on the approved 1:500 site plan at all times.

**Reason:** In the interests of highway safety and to ensure the effective use of the parking area.

Condition 2 states the following;

No vehicular repairs, valeting or car washing shall take place on the premises at any time without the prior written consent of the Local Planning Authority.

**Reason:** In order to protect the visual amenity of the area that the Local Planning Authority can control the activities taking place on the site and prevent pollution of the surface water drainage system.

Condition 3 states the following;

The parking areas for staff and customers as shown on the approved 1:500 site plan shall remain available for those purposes at all times.

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

### Relevant Planning History

13/02/0412P

Use for manufacturing, showroom and gymnasium.  
Approved with Conditions. 2002.

13/15/0451P

Full: Change of use to car sales office with external car display area (retrospective).  
Approved with Conditions. 2015.

17/0682/VAR

Full: Variation of Condition: Vary conditions 2 and 3 of Planning Permission 13/15/0451P to alter the parking layout and allow valeting.  
Refused. 2018.

## **Consultee Response**

### LCC Highways

Following the receipt of an amended plan drawing: VTC/P811.1/jcc RevA, dated 11.06.2018, comments are as follows;

The disabled parking bay and three staff parking bays are acceptable, subject to appropriate on ground markings.

In response to the my previous comments regarding cars parked near the site entrance, the applicant has shown the proposed introduction of double yellow lines around and into the site entrance to prevent vehicles parking here. However these have been extended into the adjacent adopted highway which Lancashire County Council, as the highway authority, would not accept. Nevertheless we would not object to these markings wholly within the applicant's site, that is, up to but not beyond the site gates. The applicant should revise the proposed site layout taking this final comment into account.

A further revised drawing: VTC/P811.1/jcc RevB dated 14.06.2018, was received showing the double yellow lines wholly within the applicant's site.

## **Public Response**

No comments.

## **Officer Comments**

### **Justification**

The application seeks to vary conditions 1, 2 and 3, to remove the restriction on the number of cars for sale at any one time, to allow the valeting of sales vehicles on site and update the location of the staff and customer parking provision on the site.

The applicant has stated that a restriction on the number of cars for sale, as opposed to a sales 'area', currently affects the viability of the business.

### **Policy**

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

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

ENV2 (Achieving Quality in Design and Conservation) 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.



## Replacement Pendle Local Plan

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

## 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.

### **Highways and Parking**

No objections have been raised by LCC Highways in relation to the revised scheme. The customer and staff parking provision is satisfactory and the installation of parking restrictions at the site entrance, would mitigate any encroachment on the access.

The original application 13/15/0451P specified a maximum of 27 cars can be for sale on the site at any one time, located within a designated area to the west of the site. Although it is proposed that the specific number of cars is removed from the condition, the area that is designated for the sale of cars remains similar to that approved under the original application. There would be no harm as a result of varying the condition, provided the sales area specified on the approved plan is adhered to.

It is requested that valeting of vehicles is allowed on the site, solely in connection with the sale of the vehicles, ancillary to the main business. No request has been made to allow any vehicle repairs or car washing on the premises.

The proposed site layout has allowed for two polytunnels, adjacent to the entrance and staff parking, to provide a covered area for valeting. Given the siting of the polytunnels does not remove the provision of any staff or customer parking, valeting would be acceptable, provided it is restricted to being an ancillary function.

Furthermore, the original application commented that the provision of 3 employee parking spaces and 4 customer parking spaces was appropriate; subject to conditions and that the site operates in accordance with the layout indicated.

Although the site has undergone a reconfiguration as part of this proposal, it still proposes a total of 3 staff parking bays, 4 customer parking bays and one disabled parking bays. Therefore, the provision of parking exceeds what was previously approved under 13/15/0451P, which is acceptable.

### **Residential Amenity**

Taking into consideration the reasonable separation distance of residential properties from the site and the commercial use of adjacent units, the proposed addition of car valeting on the site would not have a detrimental impact on amenity of neighbouring occupiers.

### **Other Considerations**

Two polytunnels are proposed on the site, to allow for covered valeting of vehicles. These were not included in the previous permission 13/15/0451P. However, based on the details provided in

Appendix 5 of the submitted Planning and Highways Report, the structure of the polytunnels have a low level of permanence and attachment and therefore would fall outside the definition of 'operational development'. As a result, they do not require planning permission.

## **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 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 hereby permitted shall be carried out in accordance with the details shown on the approved site layout plan, Drawing No: VTC/P811.1/jcc RevB dated 14.06.2018.

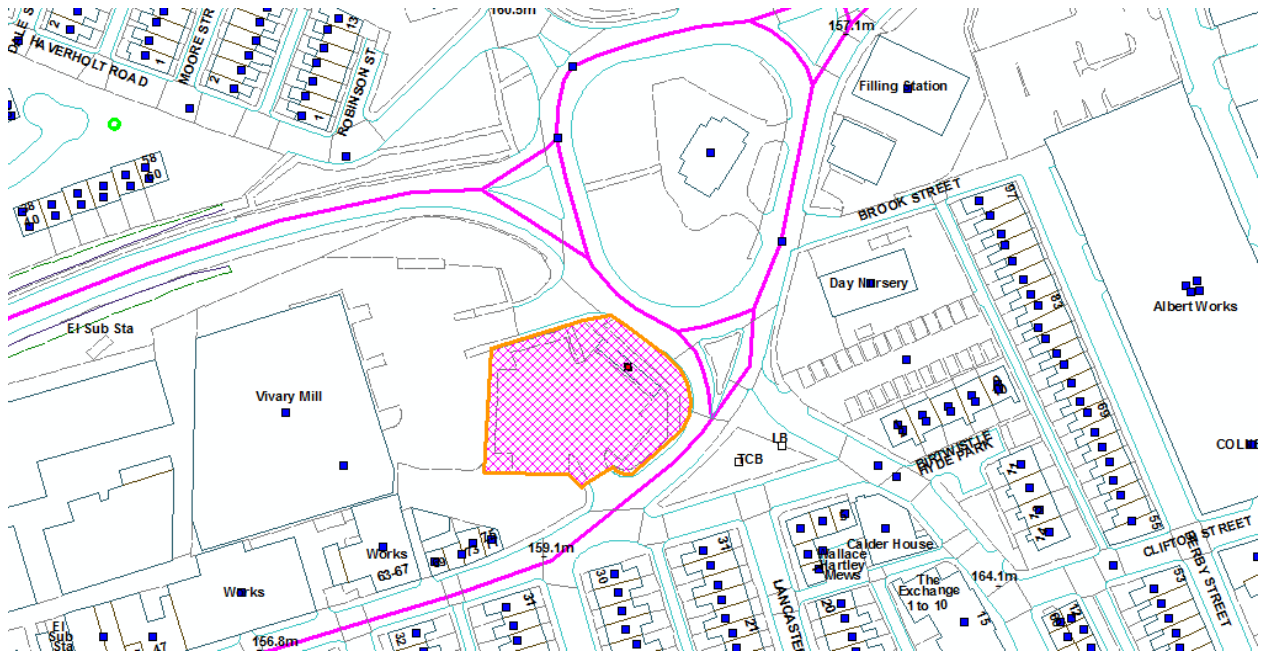
**Reason:** In the interests of highway safety and to ensure the effective use of the parking area.

2. No vehicular repairs or car washing shall take place on the premises at any time without the prior written consent of the Local Planning Authority.

**Reason:** In order to protect the visual amenity of the area that the Local Planning Authority can control the activities taking place on the site and prevent pollution of the surface water drainage system.

3. The parking and manoeuvring areas for staff and customers as shown on the approved site layout plan, Drawing No: VTC/P811.1/jcc RevB dated 14.06.2018, shall remain available at all times for those purposes.

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



**Application Ref:** 18/0292/VAR

**Proposal:** Full: Variation of Conditions: Variation of Conditions 1, 2 and 3 of Planning Permission 13/15/0451P to alter parking layout and allow valeting.

**At:** The Annex, Vivary Mill, Vivary Way.

## REPORT TO COLNE AND DISTRICT COMMITTEE ON 05 JULY 2018

**Application Ref:** 18/0374/FUL

**Proposal:** Non-Material Amendment: Alteration of facing materials to parts of the south, east and north elevations of Planning Permission 18/0167/HHO from self-coloured render to natural stone.

**At:** 14 Moorhead Street, Colne

**On behalf of:** Mrs Shirley Gillett

**Date Registered:** 13/04/2018

**Expiry Date:** 15/05/2018

**Case Officer:** Alex Cameron

This application has been brought before Committee as it has been made by Councillor Paul Foxley.

### **Site Description and Proposal**

The application site is a terraced house located within the settlement of Colne surrounded by similar properties. The building is constructed from stone with a slate roof and upvc fenestration.

Planning permission was granted in April of this year for demolition of an existing single storey outrigger and erection of single storey rear extension.

This application is for a non-material minor amendment to change the external materials of the rear and part of the site elevations from render to natural stone.

### **Relevant Planning History**

18/0167/HHO - Full: Erection of single storey rear extension. Approved.

### **Officer Comments**

The Non-Material Minor Amendment Practice Note states that all of the following criteria must be met for amendments to be approved:

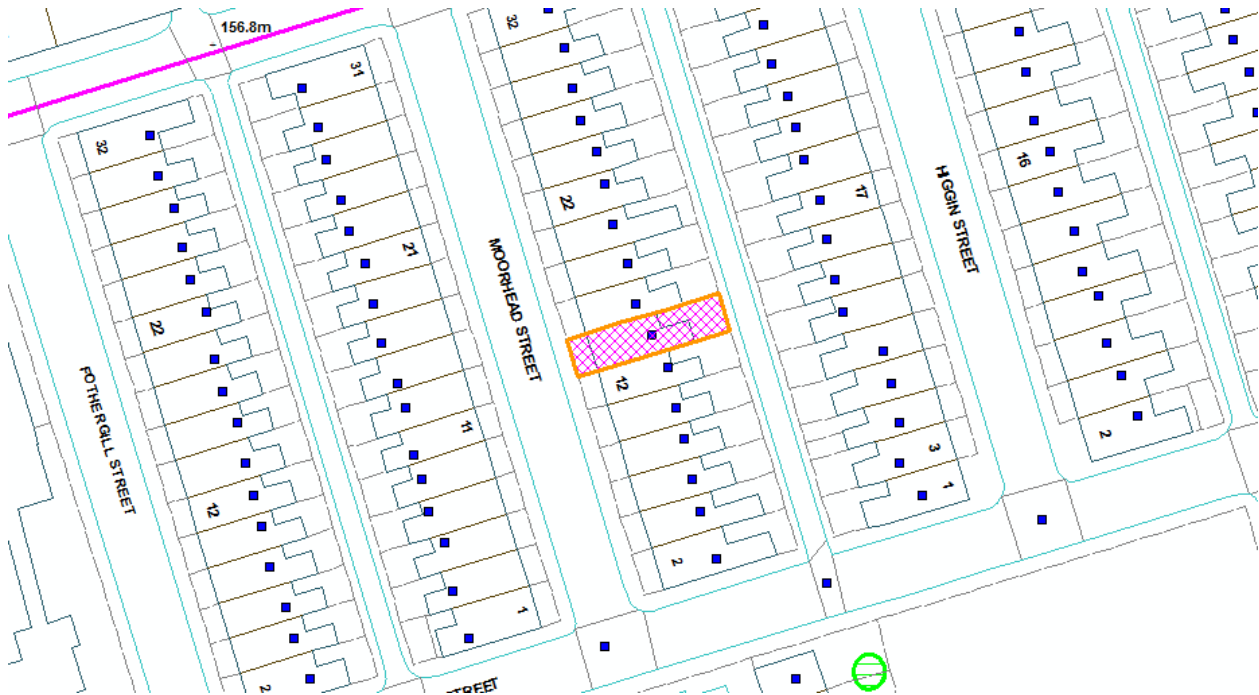
1. There would be no alteration to the application site boundary.
2. The amendment would not conflict with Development Plan Policies.
3. There would be no conflict with any conditions of the planning permission.
4. There would be no conflict with any comment expressed by any party on the planning application.
5. No external wall will be moved outwards by more than 1 metre.
6. The height of the building or extension would not be increased.
7. The amendment would not result in any potential overlooking of any neighbouring property.
8. There are no other circumstances that would warrant refusal of the request.
9. The amendments must not result in a fundamental change in the design of the building.

The proposed alterations to the materials would be minor and acceptable in terms of design and visual amenity. They would not result in a fundamental change to the design of the extension or conflict with any other criterion of the Non-Material Minor Amendment Practice Note.

## Reason for Decision

The proposed amendments shown in drawing Nos. 06 Rev A and 07 Rev A' meet the criteria of the Non-Material Minor Amendment Practice Note and are therefore acceptable as a non-material minor amendment.

## RECOMMENDATION: Approve



**Application Ref:** 18/0374/FUL

**Proposal:** Non-Material Amendment: Alteration of facing materials to parts of the south, east and north elevations of Planning Permission 18/0167/HHO from self-coloured render to natural stone.

**At:** 14 Moorhead Street, Colne

## LIST OF BACKGROUND PAPERS

Planning Applications

NPW/CPB

Date: 25<sup>th</sup> July 2018