



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 9th August 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT AREA COMMITTEE ON 9th AUGUST 2018

Application Ref: 18/0319/FUL
Proposal: Full: Erection of two detached dwelling houses.
At: 18-19 School Lane, Colne
On behalf of: Mr and Mrs Hartley
Date Registered: 18.05.2018
Expiry Date: 13.07.2018
Case Officer: Charlotte Pinch

Site Description and Proposal

The application site is an existing disused greenfield site, with terraced residential properties directly to the west. The site is located within the Trawden Forest Conservation Area and the Open Countryside.

The application is for the erection of two detached dwellings, accessed off school lane, with separate parking and garden areas.

Dwelling one is of a traditional design, constructed of natural stone and tiles, comprising of three bedrooms.

Dwelling two is a modern agricultural style building, set down into the land. It is to be constructed of metal sheet roof and cladding, comprising of four bedrooms.

Relevant Planning History

None relevant.

Consultee Response

United Utilities

No objection, subject to suitable foul and surface water drainage conditions.

PBC Conservation Officer

The site is within the Trawden Forest CA, and the development has potential to affect the setting of the Grade II LB Rye Flatt Farmhouse opposite.

Dwelling 1 proposed for the front of the site is a stone and stone slate cottage in a traditional style. It respects the building line of the adjacent cottages and would be appropriate in design and materials for the CA and LB setting.

Dwelling 2 is more contemporary in design. The CA SPD (2.31-2.35) encourages modern designs that are clearly of their time, but also respect their CA context in terms of local materials, building forms and detailing. The building would have potential to be seen in longer distance views from the approach along School Lane to the east, and an additional visual would assist in assessing the extent of visibility of the building as seen within the landscape. The east elevation with a row of

four individual gables would be visible to this side and has potential to appear over-complex in design, which could be at odds with the simpler forms of the surrounding vernacular buildings. There might therefore be scope to look at simplifying the design to this elevation, also using more stonework here in place of metal cladding, which would assist in assimilating the building into its context.

LCC Highways

Having considered the information submitted, together with observations during a site visit on 20 June 2018 we have the following initial comments to make regarding the above application.

The applicant has not provided visibility splay details at the site entrance and should be asked to submit an appropriately scaled plan showing a visibility splay of 2.4m x 43m. If this cannot be achieved over land within the applicant's ownership and/or the public highway then we would object to this application on highway safety grounds.

The applicant has indicated that a drystone wall will be provided along the boundary of Dwelling 1 with School Lane. What height will this be? Nothing over 0.9m in height above the crown level of School Lane should be within the visibility splay.

Likewise any boundary treatment between the proposed access and 18-19 School Lane should not be higher than 0.9m. Details on Levels Diagram (P08) appear to show that the stone boundary wall separating these does not extend to the highway boundary. If this is the case, the applicant should provide details of how they intend to prevent overrun of the existing drive to 18-19 by vehicles turning left onto School Lane, as there is the potential for conflict between vehicles. These may also drag loose surface material onto the carriageway, so posing a hazard to other highway users. We noted loose material from the existing drive is already being carried onto School Lane.

On the Proposed Site Plan (Drawing P03) the applicant has shown two parking spaces for Dwelling 2. However, as this site has a low sustainability score, with limited access to local amenities and facilities, there is likely to be a reliance on the use of private vehicles, and we recommend that maximum parking standards are applied to this site. Therefore the applicant should provide three parking spaces for Dwelling 2 to ensure that the turning area is kept free to enable vehicles to manoeuvre wholly within the site, and enter and leave in forward gear, as vehicles reversing onto the highway are a hazard to other highway users.

During the site visit we noted what appears to be a drain/culvert on the carriageway edge next to the landscaped area to the east of the existing drive. The creation of the proposed access would be over this drain/culvert. The applicant should submit full engineering details of the new access construction, including how this drain/culvert will be engineered.

The formation of the new vehicle access from School Lane 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 4.5m, and re-location of any highway gullies.

As School Lane is classed as a secondary distributor road, and given the development site's proximity to the junction with Keighley Road, a strategic route, the applicant should provide a Construction Method Statement.

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

Following the submission of amended site plans on 16th July 2018, the visibility splays, off road parking spaces and manoeuvring areas were acceptable.

Public Response

Three letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- Proposal is not in keeping with the local plan policies.
- Large modern detached property, next to period terraced cottages, not in keeping with historical and architectural considerations.
- Materials of the second dwelling are not in keeping with the conservation area.
- Elevation position would impact on neighbouring properties.
- Overlooking directly into Ryeflatt Farm and block views.
- Excavation required for the construction will cause drainage problems.
- Increase highway safety issues on School Lane, which is a busy and fast road.
- Noise and disruption from construction.
- Light spillage from vehicles will disrupt neighbours.
- Significant loss of light during early mornings.
- Dwelling 2 would block views from Carriers Row, due to its elevation position.
- The siting of the dwellings would result in an overbearing impact.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) sets out the presumption in favour of sustainable development which runs through the plan.

Policy SDP2 (Spatial Development Principles) states that new development within settlement boundaries unless it is an exception outlined in the Framework or elsewhere in the LPP1.

Policy LIV1 (Housing Provision and Delivery) sets out the Council requirement to deliver new housing at a rate of 298 dwellings per annum.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) states that the historic environment and heritage assets of the borough (including Listed Buildings, Conservation Areas, Scheduled Monuments, non-designated assets and archaeological remains), including and their settings, will be conserved and where appropriate should be enhanced.

Policy 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.

Replacement Pendle Local Plan

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

National Planning Policy Framework

Paragraph 32 of the Framework states that decisions should take account of whether safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

Paragraph 49 of the Framework states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The site is located outside of a settlement boundary. Paragraph 55 of the Framework states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

Conservation Area Design and Development Guidance Supplementary Planning Document (SPD) 2008.

Principle of Development

Paragraph 55 of the NPPF highlights that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. New isolated homes in the countryside should be avoided.

Policy LIV 1 deals with housing provision and delivery. Although it aims to encourage significant and early delivery of the housing requirement, proposals for new housing development will also be supported where they are current non-allocated sites, however they must be within or close to a Settlement Boundary, are sustainable and make a positive contribution to the five year supply of housing land.

The application site is located directly adjacent to the edge of the Laneshawbridge settlement boundary. The site is surrounded by existing dwellings and is within close proximity of local amenities.

Furthermore, it is noted that permission was granted for the erection of two dwellings in 2016, adjacent to Rye Flat Barn, which is directly opposite the application site. This application was also located within Open Countryside and the principle of this development was also deemed acceptable.

Furthermore, the application site is located directly on an existing access road to neighbouring properties and would contribute two additional properties to the five year supply of housing land within the borough.

As a result, the principle of new housing development on this site is therefore acceptable.

Impact on the Conservation Area

The application site is a vacant area of land, adjacent to residential dwellings, which is within the Trawden Forest Conservation Area and within close proximity of Rye Flatt Farmhouse, which is a Grade II Listed Building.

The Conservation Area Design Guide SPD states that proposal for new development should always seek to preserve or enhance the character of the conservation area. Successful developments will relate well to the geography of the site, respect the scale and materials of neighbouring buildings and create new views which add to the variety and texture of the setting.

Dwelling 1 to the front of the site is of a traditional style, which reflects the existing terraced and detached dwellings within the vicinity, in scale and design.

Dwelling 2, although of a modern design would be acceptable in this setting, as it utilises contemporary architectural features and materials in a sympathetic manner. This is supported under section 2.3 of the Conservation Area SPD.

Paragraph 132 of the NPPF states that the impact of proposed development on the significance of the designated heritage assets should be assessed. The proposal would lead to a less than substantial harm in relation to the heritage asset.

In this case Paragraph 134 of the Framework states that the harm to the designated heritage asset should be weighed against the public benefits provided, including the optimum viable use of the site.

This proposal would result in less than substantial harm, given its appropriate siting, scale and design, providing two additional residential units, which would be of benefit to the public.

Design and Materials

Paragraphs 47 through to 68 of the NPPF contains guidance on providing a wide variety of homes and requiring good design. Policies ENV2 of the Local Plan Part 1 reiterates these points and are relevant in the determination of this application.

The Conservation Area SPD highlights that both traditional and contemporary designs can be accommodated within the Conservation Area, however the materials must be appropriate in the context of the surrounding area. Commonly this means matching natural stone and slates, however other materials such as timber, metals, render or glass can be accommodated.

Dwelling 1 is of a traditional design, with a symmetrical frontage, simple pitched roof design and constructed of coursed natural stone, stone slate roof and timber windows. This will create a very sympathetic appearance in relation to existing dwellings and of an appropriate scale in relation to the context of the surrounding area.

However, Dwelling 2 would be of a contemporary design, set down within the site, reducing its bulk and visibility. It would be constructed of metal cladding to the walls and roof, with a natural stone plinth to the lower storey. There is existing boundary screening along the eastern boundary of the site, further obscuring views of the proposed dwelling. The multiple pitch roof gable elements would be an unusual feature, however they would not be at odds or harmful to the appearance of the area.

Details of the materials, windows and surfacing materials will be controlled by a condition. As a result, the development would not result in an unacceptable impact on the character and visual amenity of the area in accordance with policy ENV2.

Residential Amenity

A number of concerns have been raised with regards to the impacts on residential amenity as a result of this development, including disruption from vehicles, loss of light and views and overbearing impacts due to the elevated position.

Amended plans were received during the lifetime of the application which relocated Dwelling 2 further north east within the plot. As a result, this would assist in reducing direct views of the dwelling from 'The Old Church'.

Dwelling 1 and Dwelling 2 would be located over 8 metres from any neighbouring properties, Dwelling 1 would be 17 metres from 'Rye Flatt Farm' to the northeast and Dwelling 2 would be 21 metres from 'The Old Church' to the west. These are considerable separation distances which would not result in any loss of light or detrimental impacts from overlooking.

It is acknowledged that Dwelling 2 is at a much higher land level than 'The Old Church'. However, given the reasonable separation distance between the two dwellings and the single storey appearance of the proposed dwelling, it would not result in an overbearing impact on neighbouring occupiers.

Furthermore, Dwelling 1 would not have any side facing windows, looking west towards 18/19 School Lane. In addition, Dwelling 2 would have one door and two small windows at ground floor level facing north west. Given the size of the windows and separation distances with neighbouring properties, this would not result in detrimental impacts from overlooking.

Concerns were raised in relation to a loss of views from Carriers Row, however this is not a material planning consideration. Equally, significant disruption from the use of vehicles for domestic purposes on the site is unlikely and would not warrant refusal of this application.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with policy ENV2.

Highways and Parking

Amended plans were received during the lifetime of the application, altering the access points and visibility splays, to ensure safe access to and from the site.

The proposal comprises of one 4 bedroom dwelling and one 3 bedroom dwelling, therefore in accordance with Policy 31, a total of 5 on plot parking spaces would be required.

The submitted plans show two parking spaces to the rear of Dwelling 1 and three parking spaces to the front of Dwelling 2, with a turning area to the south west of the site. As a result, sufficient parking and manoeuvring space has been provided, therefore no objections are raised.

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:

P03 RevA, P06 RevA, P05 RevA, P01 RevA, P04, P07, P08, P09, P10.

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

3. Prior to the commencement of development samples of all the external materials of both dwellings to be used in the construction of the roofs, walls, boundary/retaining walls and rainwater goods together with samples of the colour and finish of windows and doors of the development hereby approved, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter at all times be carried out in strict accordance with the approved materials and details.

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area and to respect the character of the conservation area.

4. The existing dry stone wall to the front of the site, adjoining School Lane must be preserved in situ.

Reason: To ensure the retention of important features of the site.

5. Plans and particulars showing a scheme of foul sewers and surface water drains, shall be submitted to, and approved in writing by the Local Planning Authority, and the development shall not be commenced before these details have been approved, unless otherwise agreed in writing. Such works shall be carried out in accordance with the approved details and shall be finished before the dwellings are occupied.

Reason: In order that the Local Planning Authority may be satisfied with the details of the proposal and to avoid flooding.

6. No development shall take place, including any works of clearance, until a construction code-of-practice method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition/clearance and construction works

- viii) Details of working hours
- ix) Routing of delivery vehicles to/from site.

The construction code-of-practice should be compiled in a coherent and integrated document and must 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 statement. All works agreed as part of the plan shall be implemented during an agreed timescale.

Reason: To protect existing road users and the amenity of neighbouring residents.

7. No part of the development hereby approved shall commence unless and until a scheme for the construction of the site access has been submitted to and approved in writing by, the Local Planning Authority. Thereafter, the access must be constructed in strict accordance with the approved scheme.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

8. The car parking spaces shall be laid out, in accordance with the approved plans, and surfaced in a bound material, before first occupation of the premises hereby permitted. Thereafter, they shall be permanently retained for parking of vehicles.

Reason: To allow for the effective use of the car parking areas and ensure materials are not transferred onto the highway, causing a hazard for vehicles.

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

- a. the exact location and species of all existing trees and other planting to be retained;
- b. the exact location and species of replacement trees;
- c. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours.

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.

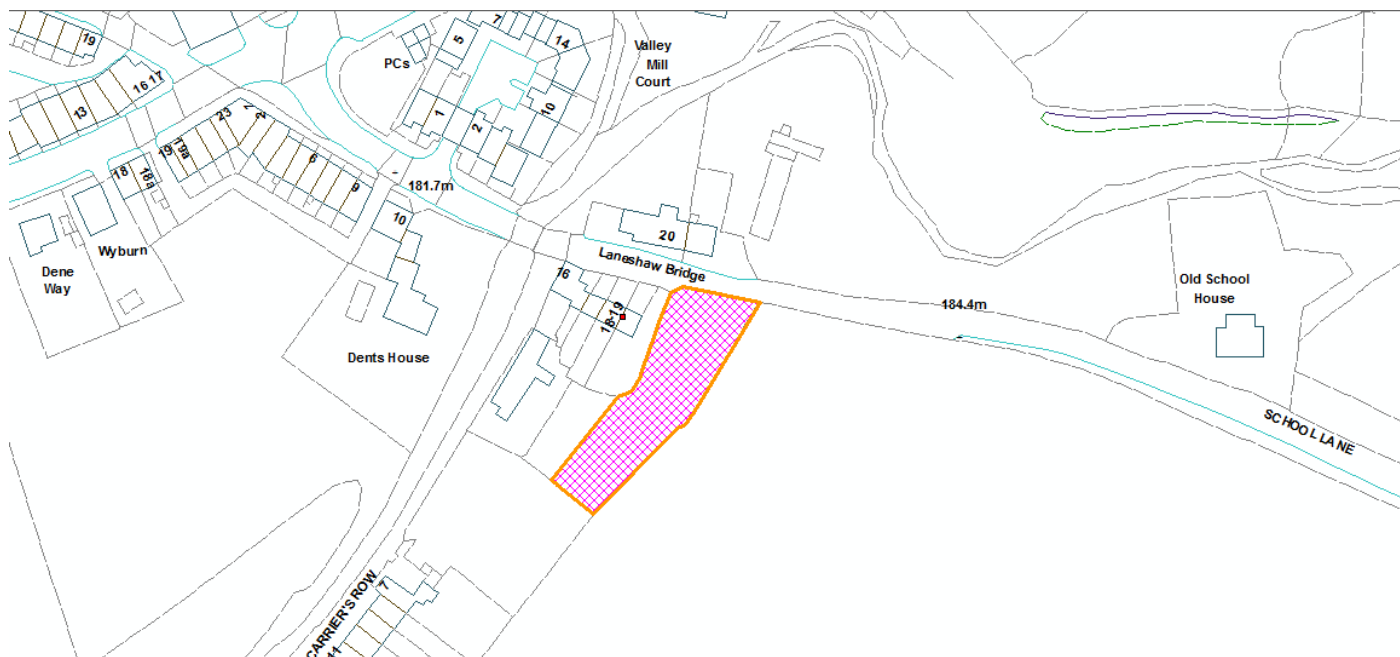
Reason: To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

10. No part of the development hereby permitted shall be commenced until the land between the existing highway boundary and the visibility splays indicated on the approved plan (P03 Rev A 13th July 2018) has been cleared of all obstructions exceeding 0.9 metres in height above road level. The land shall be so maintained permanently thereafter at all times.

Reason: To ensure adequate visibility at the site access and in the interests of highway safety.

INFORMATIVE

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 4.5m, and re-location of any highway gullies. 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, 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.



Application Ref: 18/0319/FUL

Proposal: Full: Erection of two detached dwelling houses.

At: 18-19 School Lane, Colne

On behalf of: Mr and Mrs Hartley

COLNE AND DISTRICT COMMITTEE REPORT 09 AUGUST 2018

Application Ref: 18/0358/FUL

Proposal: Full: Change of use from Industrial to Mixed Use with Office (Use Class B1), Storage and Distribution (Use Class B8) and Assembly and Leisure (Use Class D2).

At: Unit 5A The Foundry, Riverside Mill, Greenfield Road, Colne

On behalf of: Mr P. Robinson

Date Registered: 17/06/2017

Expiry Date: 11/09/2018

Case Officer: Alex Cameron

Site Description and Proposal

The application site is an industrial premises within the former Riverside Mill. The unit subject to this application is at first floor and comprises approximately 500 square metres divided into a central circulation area three rooms of approximately 90 square metres each and four smaller rooms. The site is located within Greenfield Conservation Area and on land designated as a Protected Employment Area. The previous use of the unit was as a karate school but this appears to have been unauthorised and for less than 10 years and so it appears that the authorised use of the unit is general industrial use.

This application is for the retrospective change of use of the unit to arts centre. The proposed use falls within use class D2 (assembly and leisure), although office and storage and distribution uses have also been specified on the forms these would be ancillary to the main D2 use. The details submitted with the application state that the use would involve:

- Hiring rooms out to community groups/wellbeing groups as meeting/workshop space;
- Hiring equipment storage space out to bands, artists and musicians;
- Enabling workshops for the community in relation to community radio, cooking, music, stage building, performing arts, well-person clinics and a Cinema Club;
- Storage area for food bank/food collections.

Relevant Planning History

None.

Consultee Response

LCC Highways – The Highway Development Support Section does not have any objections regarding the proposed change of use at the above location. This site has good links to the local public transport network and in our opinion it is unlikely to have a negative impact on highway capacity in the immediate vicinity of the site.

Lancashire Constabulary Architectural Liaison - In relation to the above planning application, it is important that crime and security measures be considered at an early stage of the design phase to mitigate crime risks. I would recommend that the scheme is designed to Secured By Design 'Commercial 2015' security specifications.

National grid – Please attach a note relating to in relation to gas pipelines identified on site.

Colne Town Council - The information provided is not sufficient to define which uses are intended for which areas and we are concerned that multipurpose permission will provide scope for conversion into single use leisure purpose that may not be appropriate for nearby residential properties.

Public Response

Nearest neighbours notified and press notice published. No response.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy 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.

Policy ENV2 (Achieving Quality in Design and Conservation) states that 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) requires new development to have regard to potential impacts that may be caused on the highway network. Where residual cumulative impacts cannot be mitigated, permission should be refused.

Policy WRK2 (Employment Land Supply) states that within the Protected Employment Areas only employment generating development proposals falling within Use Classes B1, B2 and B8 will be permitted, with the exception of a small allowance for the provision of public open space, shops and leisure facilities to serve the immediate needs of the area and reduce the need to travel.

Policy WRK4 (Retailing and Town Centres) states that applications for retail and main town centre uses, should identify sites or premises that are suitable, available and viable by following the sequential approach, which requires them to be located in order of priority:

1. Town and local shopping centres, where the development is appropriate in relation to the role and function of the centre.
2. Edge-of-centre locations, which are well connected to the existing centre and where the development is appropriate to the role and function of the centre.
3. Out-of-centre sites, which are well serviced by a choice of means of transport and have a higher likelihood of forming links with a nearby centre.

Replacement Pendle Local Plan

Policy 22 (Protected Employment Areas) states that within the Protected Employment Areas (mixed use) planning permission will be granted for B2 development. Permission will be granted for B1 development provided this does not result in an excess of 25% of total floorspace in the Protected Area at any one time. Planning permission will be granted for B8 use provided this does not result in an excess of 10% of total floorspace in the Protected Area at any one time.

Proposals for development other than for business or general industry (B1, B2 or B8) will be resisted. However, all developments will be considered suitable if they meet the requirements of all other Policies and where:

1. The premises can be shown to be obsolete for industrial, business AND storage use, and
2. Evidence demonstrates that the premises have remained vacant for over four years (continuous);
3. There would be a significant benefit to the local economy.
4. The proposal is for the sale of goods manufactured or related to the manufacture of goods on the site and would be ancillary to any B1/B2/B8 activity (Policy 25).

Principle of the development

Town Centre Impact

The proposed assembly and leisure use is a main town centre use as defined in Annex 2 of the Framework. For such a use to be acceptable in an out of centre location such as this it must be demonstrated that there are no suitable available sites in sequentially preferable locations, with the Colne town centre being the highest priority followed by any edge of centre sites.

A sequential assessment has been submitted, this discounts a number of properties. Amongst the properties discounted is 22 Keighley Road. This is a prominent town centre building with retail at ground floor currently available and marketed. This property has been discounted because it is stated to be too large for proposed use and accommodation across three floors would be difficult to operate for elderly and disabled community members. However the building at 733 square metres of floorspace is only marginally larger than the 500 square metres. It should be noted that the arts centre has also been using the unit immediately to the south of 5A, comprising approximately 250 square meters floorspace, as a storage area/workshop and so the 500 square metres unit 5A does not comprise the entirety of the their use. This property cannot be discounted as being too large for the proposed use.

It should also be noted that unit 5A is at first floor level accessed via a staircase, 22 Keighley Road would allow for ground floor uses and therefore would have greater potential for access to elderly and disabled community members.

The reasons given for discounting 22 Keighley Road are not acceptable. This is an available property within the Town Centre with no specific planning policy restrictions affecting it that would preclude its change of use to a use such as this.

45 Market Street has been discounted because the property is not available through any local agents. No sales board etc. Access and parking is a problem for disabled users and no funds are available to renovate the building.

The owners could be identified via a land registry search and contacted, access and parking are not an issue given its town centre location and lack of funds for renovation are not sufficient reason to discount this town centre property.

Therefore there appear to be at least two vacant / available two centre properties which could potentially accommodate the proposed use. If the proposed use were to be approved rather than bringing vacant premises in the town centre back into use it would harm the vitality and viability of Colne town centre contrary to policy WRK4.

Protected Employment

The site is located within a Protected Employment Area, policy 22 of the RPLP states that development other than for business or general industry (B1, B2 or B8) will be resisted in Protected Employment Areas. Although the application forms propose small elements of those uses, these are ancillary to the main D2 assembly and leisure use.

Such a use would only be acceptable in a circumstance where it has been demonstrated that the premises have been shown to be obsolete for B1, B2 or B8 uses and they have remained vacant and been actively marketed for over four years. The unit was used as a karate/dance school between 2011 and 2017, it has not been vacant for over four years.

The use would not result in economic benefits at a level that would outweigh the harm of the loss of this employment premises. The proposed use would therefore result in unacceptable detriment to the Borough's supply of employment sites contrary to policies 22 and WRK2.

Residential Amenity

Although not referred to in the statement submitted with the application night time music events have been hosted at the premises while it has been in operation, such events could potentially continue as part of an assembly and leisure use.

There are residential properties immediately opposite the site on Greenfield Road. Which could potentially be affected by noise and disturbance from such night time events. This could be acceptably controlled with a condition limiting hours of operation.

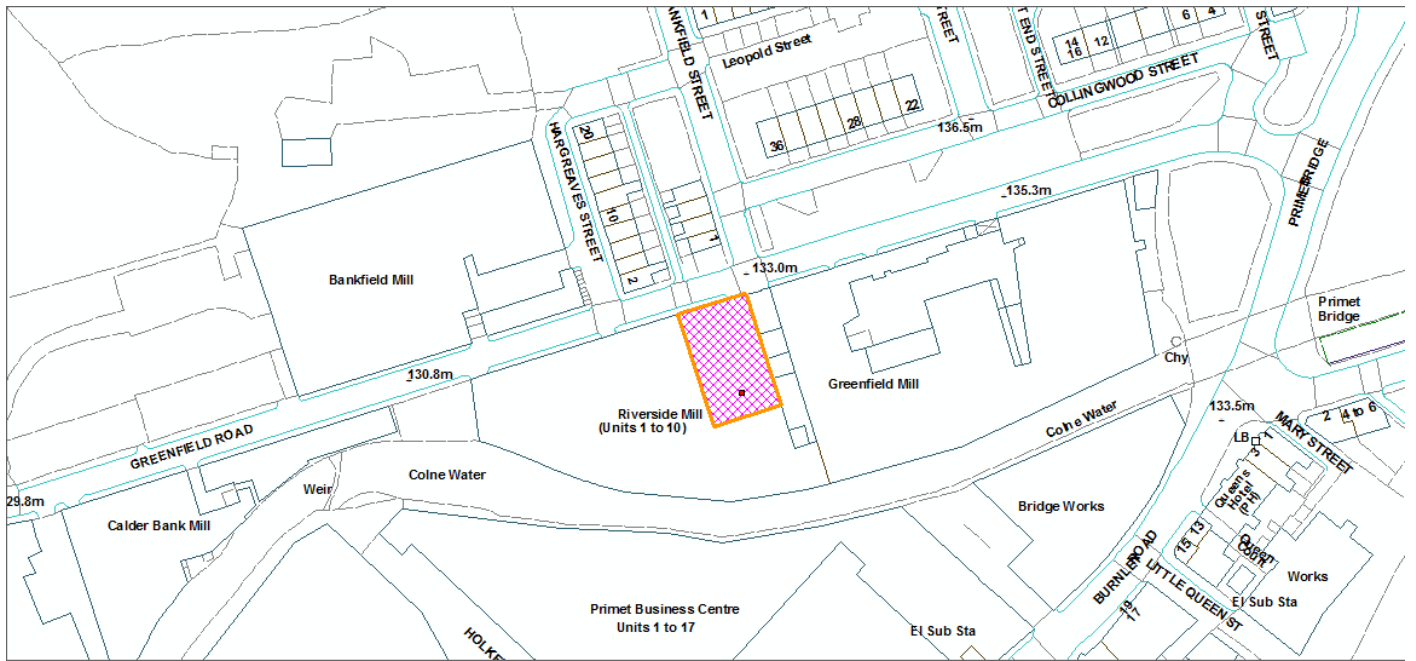
Highways

There is adequate public parking in the vicinity to serve the proposed use. The proposed use raises no unacceptable highway safety impacts.

RECOMMENDATION: Refuse

For the following reasons:

1. The applicant has failed to demonstrate that there is no suitable alternative site available within Colne town centre, the development would be detrimental to the vitality and viability of the town centre contrary to policy WRK4 of the Local Plan Part 1: Core Strategy.
2. The proposed use would result in the change of use of employment premises within a designated Protected Employment Area to a non-employment use (use classes B1, B2 and B8), this would detrimentally impact upon the availability of premises for such uses within the Borough contrary to policy 22 of the Replacement Pendle Local Plan and WRK2 of the Local Plan Part 1: Core Strategy.



Application Ref: 18/0358/FUL

Proposal: Full: Change of use from Industrial to Mixed Use with Office (Use Class B1), Storage and Distribution (Use Class B8) and Assembly and Leisure (Use Class D2).

At: Unit 5A The Foundry, Riverside Mill, Greenfield Road, Colne

On behalf of: Mr P. Robinson

COLNE AND DISTRICT COMMITTEE REPORT 09 AUGUST 2018

Application Ref: 18/0361/FUL

Proposal: Full: Major: Erection of 15 residential units including 9 dwelling houses and 6 apartments with 29 car parking spaces.

At: Garage Site To The Rear Of 10 To 24, Essex Street, Colne

On behalf of: Cawder Construction

Date Registered: 21/05/2018

Expiry Date: 21/08/2018

Case Officer: Alex Cameron

Site Description and Proposal

The application site is land a garage colony and open land between Essex Street, Bold Street and Colne Lane. The site is within the settlement of Colne and designated as public open space.

The proposed development is the erection of 15 residential units comprising 9 houses and 6 apartments. The development would take the form of a row of 7 two storey terraced houses, a pair of semi-detached houses adjacent to the boundary with Colne Lane and a two storey block of apartments on the corner of Bold Street and Essex Street. The buildings would have reconstituted stone walls, concrete roof tiles and upvc fenestration.

Relevant Planning History

None

Consultee Response

LCC Highways – No objection in principle subject to the following comments being noted:

Refuse collection - The applicant should provide a swept path analysis showing how a refuse wagon would be able to turn within the site as we do not consider the proposed turning head at the site entrance to be adequate. The applicant may wish to contact the borough council's refuse section for details of current waste collection arrangements on Essex Street and how those for the proposed development could be accommodated.

Further details regarding the proposed use of the strip of land to the rear of Essex Street.

A 278 Agreement is required for the construction of the access.

Due to the increase in pedestrian movements the footways along the development site frontages on Essex Street and Bold Street should be widened to a minimum width of 2m.

The internal road and footways should be constructed to adoptable standards and management details submitted prior to commencement.

The applicant should provide a section plan through the site showing the new building at its closest point to the site boundary with Colne Lane, the retaining wall and carriageway on Colne Lane with details of ownership.

Conditions: construction management, road construction details, site access, road management and maintenance details, turning space, car parking, cycle storage, electric vehicle charging points.

Lead Local Flood Authority – Insufficient details submitted to provide a substantive response.

United Utilities

Colne Town Council - In noting the removal of an area of trees, in supporting this application, we would wish to see some greening within the development or a contribution obtained toward replacing the loss of trees within the immediate vicinity.

Public Response

Site and press notices posted and nearest neighbours notified. Responses received objecting on the following grounds:

- The site floods in heavy rain.
- The surrounding roads are inadequate to accommodate the additional traffic.
- Highway safety impact.
- Noise from construction and restriction traffic.
- Impact in views.
- Impact on local services.
- Loss of open space.
- Loss of mature trees.
- Vacant houses and/or brownfield sites should be developed first.
- What will the tenure of the properties be?
- Impact on local landlords.
- Insufficient time to comment on the proposal.
- Bats are often seen in the trees.

Officer Comments

Policy

The following Local Plan policies are relevant to this application:

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments. In circumstances where a development proposal would result in the loss of open space or sports and recreational buildings and land, the applicant must comply with the criteria and requirements of paragraph 74 of the Framework.

Policy ENV2 seeks to encourage high standards of 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 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 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.

Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan details the current parking standards for new development.

National Planning Policy Framework (Revised July 2018)

Paragraph 97 of the Framework as revised states that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Principle of Housing

This site is located in a sustainable location within the settlement of Colne. The principle of housing is therefore acceptable and accords with policy LIV1.

Design

The design and layout of the proposed development would generally reflect the character of the surrounding area, which is characterised by terraced houses of simple form with limited detailing and predominantly fronting directly onto the street. Amendments have been made to the original plans to add sills and lintels to the windows and increase the window reveals, with these amendments the design of the proposed development is acceptable and would not harm the visual amenity of the area in accordance with policies ENV2 and LIV5.

Residential Amenity

The proposed dwellings facing the rear of Essex Street would be separated by over 21m and therefore would not unacceptably impact upon the privacy of those properties.

The proposed dwellings fronting Essex Street and Bold Street would be separated from facing dwellings by 11-13m. This is identical to the existing relationship at the southern end of Essex Street and such close relationships are characteristic of the terraced rows in the vicinity. Taking this into account this separation distance between habitable room windows is acceptable.

The proposed development would not result in any other potentially unacceptable privacy impacts and would not result in any unacceptable loss of light or overbearing impacts upon any surrounding residential property.

Noise and disturbance during construction could be controlled under by conditions and Environmental health legislation.

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

Open Space

The land is designated as public open space, it is defined as amenity greenspace in a parcel together with the green space to the south west to the sides of Waterside Road and has a quality score of 24 out of 49 in the Open Space Audit. The site's value as open space stems from its character as open green space, its relatively small size and undulating nature makes it of limited recreational value. Whilst the space does have amenity value it is not of high value. The Open Space Audit identifies a surplus of amenity greenspace within the Walverden ward. Taking this into account, and weighed against the social and economic benefits of the provision of affordable housing, the loss of this open space is acceptable.

The layout of the development does not allow for the provision of public open space. Taking into account that this is an affordable housing development and that the provision of open space would be likely to result in the development being unviable, the provision of public open space is not required.

Highways

LCC Highways have requested that electric vehicle charging points are installed for each dwelling. This is unlikely to be feasible for many of the properties due to separate parking provision, however, a condition is necessary to require a scheme for the provision of charging points where possible.

Contamination

A phase 1 contamination survey has been submitted this concludes that the risk of contamination on the site is low-medium. Further intrusive investigations are necessary to establish whether contaminants are present and whether any remediation is required. It is necessary to attach a condition to require that further survey work is carried out prior to the commencement of the development.

Drainage

Additional details are required by the Lead Local Flood Authority to fully assess the surface water drainage of the development, this includes intrusive investigations to establish whether the site could be drained to a soakaway within the site, these are to be submitted. Should it be established that a soakaway is not viable the applicant has provided details of a proposed drainage scheme with attenuation to drain to a surface water drain at the existing greenfield runoff rate.

Trees and Ecology

There are six mature trees on the site all of which are proposed for removal and the density of the development would make replacement of the trees unviable. Whilst the loss of the trees is not desirable, balanced against the social and economic benefits of the provision of affordable housing the loss of the trees is acceptable.

Concerns have been raised that bats use the trees within the site. Ecology survey has been requested to establish whether the development would impact upon any protected species.

Summary

It is recommended that the approval of the application and imposition of any additional conditions necessary is delegated subject to the receipt of satisfactory surface water drainage details and ecology survey/s.

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. Taking into account all material considerations the proposed development would not result in any unacceptable impacts. 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: Delegate Grant Consent

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: P 6554 L(00)22 REV 4, P 6554 L(00)20 REV 2, P 6554 L(2-)20 REV 5, P 6554 L(2-)21 REV 5, P 6554 L(2-)22 REV 4, P 6554 L(2-)23 REV 4, P 6554 L(2-)24 REV 4, P 6554 L(2-)25 REV 4, Sketch Sections.

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

3. Prior to the commencement of the erection of the external walls of the development samples of the external materials and finishes of the walls, roof, windows and doors and external hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

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

Reason: To ensure a satisfactory appearance to the development.

5. The development hereby permitted shall not be commenced until a detailed landscaping scheme, including the provision of two replacement trees, has been 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.

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

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

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

- 7. The development hereby approved shall not commence unless and until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall thereafter be adhered to at all times during the construction period.

The Statement/s shall provide for:

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

Reason: In the interest of amenity and highway safety and residential amenity.

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

Reason: To ensure that dirt and debris from construction is not carried onto the highway in the interest of highway safety.

9. Prior to commencement of any development full engineering, drainage, street lighting and constructional details to adoptable standards (to Lancashire county Council's specification) of the internal road have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the internal roads and footpaths are constructed to an acceptable standard in the interest of highway safety.

10. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

11. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed internal road, footways and communal parking areas within the development have been submitted to and approved by the local planning authority. The road, footways and parking areas shall thereafter be maintained in accordance with the approved management and maintenance details until such time as a private management and maintenance company has been established.

Reason: To ensure that the internal road parking and footpaths are adequately maintained.

12. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning spaces shall be laid out and be available for use before the development is brought into use and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users.

13. Prior to the occupation of each dwelling the car parking spaces and manoeuvring area for that dwelling shall be surfaced or paved and marked out in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling and maintained free from obstruction and available for parking an manoeuvring purposes thereafter.

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

14. Prior to the occupation of the first dwelling a scheme for the provision of secure cycle storage facilities shall be submitted to and agreed in writing by the Local Planning Authority. The cycle storage facilities shall thereafter be installed and made available for use prior to the occupation of the dwelling/s they serve.

Reason: To ensure that adequate provision is made for more sustainable modes of transport.

15. Prior to the occupation of the first dwelling a scheme for the provision of electric vehicle charging points, where feasible, shall be submitted to and agreed in writing by the Local Planning Authority. The electric vehicle charging points shall thereafter be installed and made available for use prior to the occupation of the dwelling they serve.

Reason: To ensure that adequate provision is made for more sustainable modes of transport.

16. Before any other development takes place on site that part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be completed in its entirety including wearing course in accordance with the Lancashire County Council Specification for Construction. That part of the access extending from the highway boundary for a distance of 5m into the site shall remain unobstructed at all times thereafter. Before the commencement of the construction of each dwelling the estate road linking to that unit shall be constructed to at least base course level and shall be completed in its entirety including wearing course in accordance with the Lancashire County Council Specification for Construction prior to the occupation of each unit.

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

17. Prior to the commencement of development, a scheme for the construction of the off-site works relating to the junction of the site and widening of footways on Essex Street and Bold Street shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter, no part of the development hereby approved shall be occupied unless and until the approved scheme has been constructed and completed in accordance with the details agreed.

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

18. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-

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

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

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

Advisory Notes:

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

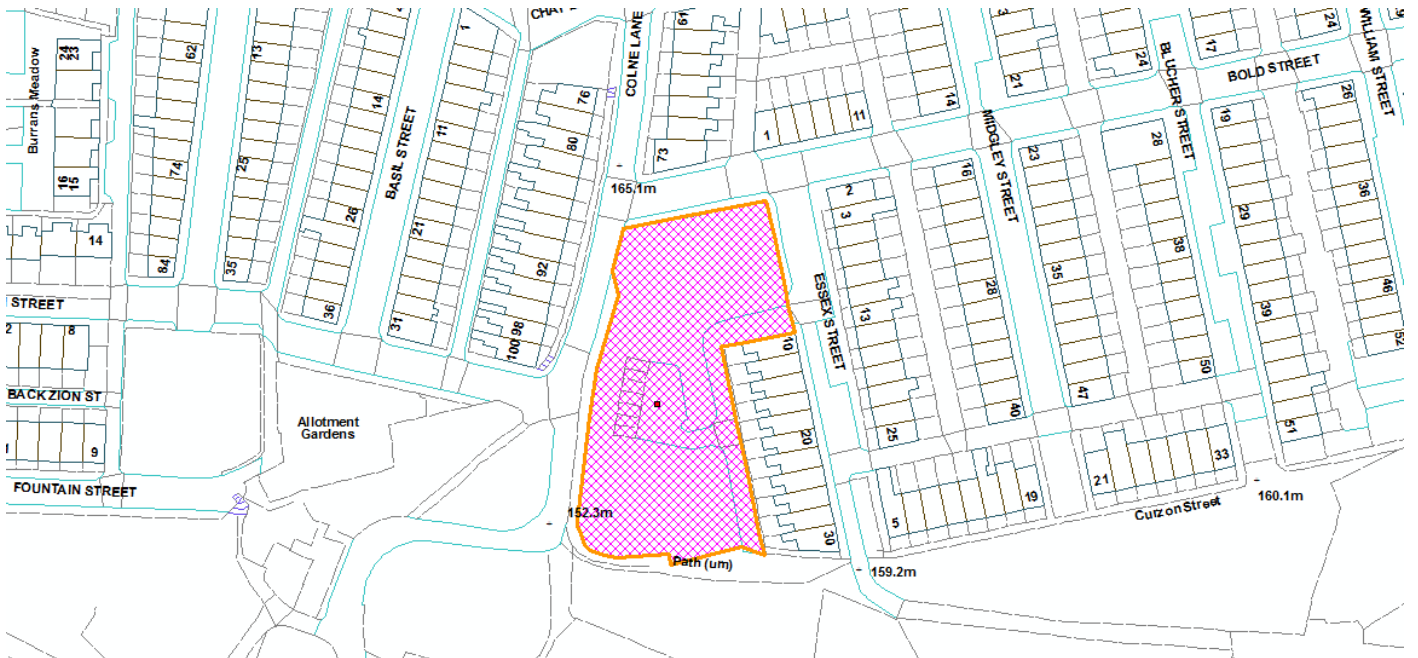
Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

- 19.** No part of the development commence unless and until a Planning Obligation pursuant to section 106 of the Town & Country Planning Act, 1990 (or any subsequent provision equivalent to that section) has been made with the Local Planning Authority. The said obligation shall provide for the 100% provision of affordable dwellings.

Reason: The public benefits of affordable housing provision offsets the loss of trees and open space.

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 Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to, the construction of the access to an appropriate standard, radius kerbs, tactile paved dropped pedestrian crossings on Essex Street and either side of the junction of Bold Street with Colne Lane, the re-location of the highway gully on Essex Street and a street lighting assessment. Due to the increase in pedestrian movements the footways along the development site frontages on Essex Street and Bold Street should be widened to a minimum width of 2m. The developer 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 , 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.



Application Ref: 18/0361/FUL

Proposal: Full: Major: Erection of 15 residential units including 9 dwelling houses and 6 apartments with 29 car parking spaces.

At: Garage Site To The Rear Of 10 To 24, Essex Street, Colne

On behalf of: Cawder Construction

COLNE AND DISTRICT COMMITTEE REPORT 09 AUGUST 2018

Application Ref: 18/0388/FUL

Proposal: Full: Change use of car park to a B1a (Office) and B8 (Storage and Distribution) use and erection of a single storey extension to an industrial building (Use Class B1a – Floor Area 25 SQMs, Use Class B8 – Floor Area – 246 SQMs).

At: Sefton Works, Shed Street, Colne

On Behalf of: Unique Clean Ltd

Date Registered: 26 June, 2018

Expiry Date: 21 August, 2018

Case Officer: Christian Barton

Referral to Committee: Application site partly owned by PBC

Site Description and Proposal

The application seeks to convert and extend an existing building and adjacent car park to a B1a (Office) and B8 (Storage and Distribution) use.

The site is a two-storey stone built building with a walled courtyard to the north. The proposal is to utilise the car park situated to the west which is separated from the building by a highway. The site is surrounded by residential properties to two sides with commercial units located to the south and east.

The proposed extension would have an irregular footprint. It would have a total length of 33.5m with a width of 10m. It would have a slate pitched roof of varying heights. It would have natural stone elevations, 5 roller shutters doors in the south elevation and rooflights.

Stone built boundary walls with metal railings are also proposed for the south and west boundaries. These, with the building, would surround a courtyard to be used for storage and vehicle parking.

The site is within the settlement boundary of Colne and has no special designations in the Pendle Local Plan.

Relevant Planning History

No relevant planning history.

Consultee Response

LCC Highways – The developer states on their application form that there would be 28 full-time and 10 part-time employees. Parking for 9 cars and 5 LGVs/public carrier vehicles is also proposed.

Given the loss of public off-road parking we consider that this parking provision is too low, as we would not wish to see parking associated with the proposed development displaced onto the surrounding highway network. The applicant has also not shown parking details on the proposed

site plan. Designated staff parking should be provided, which for the use classes proposed we calculate to be 17.

The developer has also not provided details of the type and size of vehicles that would be using the proposed development, how these would be able to safely manoeuvre internally and how these would be able to enter and leave the site in forward gear.

Please ask the developer to provide a revised site layout plan and further information taking the above into account.

The unnamed back street would need to be stopped up under the appropriate legal process (Section 247 of the Town & Country Planning Act) in consultation with the local planning authority and highway authority.

The existing vehicle access to the site on Harold Street would need to be physically and permanently closed and the footway re-instated to the county council's specification. This would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. In addition, as part of this agreement, details of how the new development would tie into the adopted footways on Knotts Lane, Harold Street, Thomas Street and Shed Street would need to be provided.

Lancashire Constabulary – Multitude of recommendations received in the way of site security and crime prevention measures;

- A need to avoid roof recesses as part of the roof design
- Applying effective roof design to prevent climbing/forced entry
- Use of square/rectangular down pipes to prevent climbing
- A need for perimeter treatments at least 2m in height
- Use of lockable vehicle gates
- Use of HD digital colour CCTV system, installed to BS EN 62676 series with times and dates as part of the imagery.
- The external lighting scheme should be sufficient to cater for lawful after dark activity within the site and comply with BS 5489-1:2013.
- A need to reinforce walls and install barriers to prevent 'ram raids'
- The installations of a bespoke wireless or hardwired and monitored Intruder Alarm system installed to EN50131 (Grade 1-4)
- All external door sets and those high-risk internal doors e.g. storerooms housing valuable items
- CCTV equipment or cash etc. should be PAS24/2012/2016 certificated or LPS 1175: Issue 7, SR2 or STS 201 or STS 202: Issue 3, BR2.
- Ground floor and other easily accessible windows should also meet the requirements of PAS 24:2012/2016
- The roof light apertures must be protected by roof lights certificated to LPS 1175: Issue 5 or above, Security Rating 2 or 3, or STS 202.
- Use of access control arrangements for staff entrances
- Prevention of landscaping obscuring CCTV systems
- Roller shutters should comply with security certification to LPS 1175: Issue 7 Security Rating 1.

Colne Town Council - No comment.

Public Response

Comments have been received from neighbours objecting to the application on the following grounds;

- Concerns regarding noise and disruption from business activities
- Implications of adjacent properties from the massing of the extension
- Site is not an allocated employment area
- Sale of the public car park and loss of parking spaces locally
- Loss of trees
- Noise effects of existing businesses and associated vehicle traffic
- Current operations of the Applicants business
- Use of the site for large vehicles/plant machinery
- Effects on external lighting.

Officer Comments

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 (NPPF) 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 main considerations for this application are the principle of the development, impacts on residential amenity, design and materials, highways and parking, trees and landscaping.

1. The relevant Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) policies are:

- CS Policy ENV1 seeks to protect and enhance the natural and historic environment and sets out the requirements for development proposals.
- CS 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.
- CS Policy WRK1 deals with strategies to strengthen the local economy, in particular promoting the re-use of existing buildings within rural Pendle.
- CS Policy WRK2 seeks to protect employment land and premises, ensuring the right forms of employment are encouraged in Pendle to support the local economy.

Other policies and guidance's are also relevant:

- Saved Replacement Local Plan Policy 16 (Landscaping in New Development) developments which involve new build or re-build should include a scheme for landscaping sympathetic to the site's character and vicinity.
- Saved Replacement Local Plan Policy 31 that sets out the parking standards for developments.

2. Principle of the Development

The application site is located within Colne, which is designated as a Key Service Centre as part of the M65 Corridor within Pendle. The site is not allocated as a protected employment site. In this instance, Policy WRK2 specifies that new employment sites should be located within high accessibility corridors. This is provided from the location with a number of regular public transport links offered in the vicinity.

Both Policy WRK1 and WRK2 aim to support new employment and economic expansion along the M65 Corridor. The re-use of existing buildings is encouraged and provided the change remains within the scale and character of the area, development will be supported. This proposal would re-use the existing Sefton Works building which was previously used for general industrial purposes. A proportionate extension to the building is proposed to accommodate the new use.

Furthermore, this change of use would ensure a local business continues to operate within Colne, helping support the local economy. There are no in principle objections to the scheme based on this.

3. Residential Amenity

The main issues here are the effects on aural amenity, domestic privacy and living environments. The closest residential properties are located on Thomas Street and Harrold Street. These are terraced properties separated by circa 12m and a highway. The extension proposed does not contain any windows; as such the domestic privacy of the immediate neighbours would not be affected it.

The courtyard of the site is to be bounded by stone walls with railings and planting. This area is to be used in support of business activities with the main operations to be conducted within the buildings. The use of this area by staff would therefore have a negligible impact on the privacy of neighbours.

Concerns have been raised relating to the effects the extension would have on the living environments of immediate neighbours. The extension is single-storey and 12m from the nearest dwellings. The single-storey design and 12m distance would mean that direct impacts on neighbouring houses would not cause a loss of living conditions that would merit refusing the application.

Concerns have been raised about the way the business would operate, in particular concerns about creating noise and disruption. Concerns have also been raised about external lighting. The site compound would be used for the storage and parking of vehicles. There would be movement surrounding this but these activities in themselves would not result in nuisance or undue disturbance to neighbours.

The Applicant has proposed operating times of 8:00am to 17:30 Monday to Friday and Saturday morning. These are daylight hours and are not times when people will generally be sleeping. There would not therefore be activates on site in sensitive time periods.

The Agent has been asked if there are to be other proposed activities in the yard e.g. cleaning, servicing vehicles. If other activities are proposed further consideration of those will be needed. The lighting of the site could cause disturbance to neighbours. A condition requiring a lighting scheme to be submitted would address those concerns.

The development is therefore acceptable in relation to the effects on the amenity of adjacent occupants and it complies with Policy ENV2.

4. Design and Materials

Policy ENV2 specifies that new developments should seek to deliver high standards of design. The use of materials common to the existing appearance of the area is promoted. The site is set amidst traditionally built stone housing with former mill buildings also in proximity built from the same materials. These establish the main setting for the site.

The extension proposed is to have natural stone elevations under a slate roof. The perimeter walls are also to be built from natural stone with metal railings. Sectional steel shutter doors are proposed as part of the new openings. This style of shutter is a regular feature as part of the commercial premises in the area. As such the design proposed is acceptable for the site and the scheme complies with Policy ENV2.

5. Highways and Parking

Concerns have been raised from neighbours relating to the loss of a public car park and the likely effects on on-street parking. A recent survey of the car park conducted by Pendle Borough Council highlighted a very limited use of it with an average usage of 1 bay of the 11 bays available. The survey was conducted over a normal working week and it established the car park was often not used and therefore ineffectual. Loss of the car park would therefore have a negligible effect on the on-street parking levels of the area.

LCC Highways have raised concerns regarding the off-street parking provisions put forward. The Agent has submitted a Parking Plan showing 7 spaces in the courtyard. A further 5 internal spaces for fleet vehicles are also provided. The site is to be used by 28 full-time and 10 part-time staff. The total floor area of the extension is 295 SQMs. The floor area of the existing Sefton Works building is 838 SQMs.

Both are to be used for B1a and B8 purposes however the Agent been asked to clarify further the exact internal arrangements of the Sefton Works building. It is likely there is a lack of overall parking. The level put forward however is an improvement to the current, private off-street parking situation provided from the Sefton Works building. The Agent has been requested to submit a revised Parking Plan with further parking however, the level of off-street parking provided is not grounds for refusal in itself.

A Stopping-Up Order is required as a public highway currently spans the site. The highway does not directly serve any of the adjacent buildings. LCC Highways have raised no objections to the Order and I concur with their findings. It would have a negligible effect on the safety of the local road network along with how it functions.

The scheme would increase the number of vehicle movements associated with the site from staff and fleet vehicles. Given the scale of the commercial unit proposed however these increases would be slight. The development would therefore have a negligible impact on the highway safety of the local road network and is acceptable with that regard.

6. Trees and Landscaping

Policy 16 specifies that new-build schemes should be landscaped in a manner that reflects the sites existing character. The scheme involves the removal of a number of mature trees within an existing car park. The trees are not protected under any local designations. Replacements are proposed as part of the boundary treatments to a level that far surpasses the current quantities of trees in situ.

A suitable condition is to be attached to any approval requesting the submission of a full Landscape Scheme in order to further control the landscaping of the development. From

compliance of conditions, the development would be suitable in terms of landscaping and it complies with Policy ENV1 and Policy 16.

7. Summary

The application involves changing the lawful use of the site from a car park to a B1a and B8 use. It also involves the erection of a single-storey extension for the same use. It would have no detrimental impacts on the living environments, domestic privacy or aural amenity of the immediate neighbours. The scheme is also acceptable in terms of the principle of the development, design and materials, highways and parking, trees and landscaping.

The development is therefore acceptable for the site and it complies with Policies ENV1, ENV2, WRK1 and WRK2 of the Pendle Borough Council Local Plan Part 1: Core Strategy (2011 – 2030) and Policies 16 and 31 of the Saved Replacement Local Plan.

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 proposal is acceptable in terms of design and materials and would not unduly adversely impact on amenity. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

The development hereby permitted shall be carried out in strict accordance with the following approved plans: Proposed Site Plan and Floor Plan (Drawing Number 18/11/05A) and Proposed Elevations (Drawing Number 18/11/06A).

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

2. Prior to the commencement of any development on site, samples of all the external materials to be used in the construction of the roofs and walls of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter, at all times be carried out in strict accordance with the approved materials and details.

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

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- a. The parking of vehicles of site operatives and visitors

- b. The loading and unloading of plant and materials
- c. The storage of plant and materials used in constructing the development
- d. The erection and maintenance of security hoarding
- e. Wheel washing facilities
- f. Measures to control the emission of dust and dirt during construction
- g. A scheme for recycling/disposing of waste resulting from demolition and construction works
- h. Details of working hours
- i. Routing of delivery vehicles to/from site.

Reason: In the interest of highway safety.

4. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site.

5. Before the access is used for vehicular purposes, the part of the access extending from the highway boundary for a minimum distance of 5m into the site shall be appropriately surfaced in a bound porous material.

Reason: To prevent loose surface material from being carried on to the public highway thus causing a potential source of danger to other road users.

6. The development hereby approved shall not be used unless and until the proposed parking spaces within the curtilage of the site, have been constructed, surfaced and laid out in accordance with a scheme to be approved in writing by the Local Planning Authority. These spaces shall at all times remain unobstructed and available for parking thereafter.

Reason: In the interests of highway safety and to provide suitable off-street parking provision.

7. Prior to the commencement of any development on site, a scheme for the disposal of foul and surface waters shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall provide for separate systems for foul and surface waters and is must be constructed and completed in accordance with the approved plans before the extension is used for commercial purposes.

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

8. Prior to the commencement of any development on site, a detailed Landscaping Scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

Application Ref: 18/0388/FUL

Proposal: Full: Change use of car park to a B1a (Office) and B8 (Storage and Distribution) use and erection of a single storey extension to an industrial building (Use Class B1a – Floor Area 25 SQMs, Use Class B8 – Floor Area – 246 SQMs).

At: Sefton Works, Shed Street, Colne

On Behalf of: Unique Clean Ltd

REPORT TO COLNE AND DISTRICT COMMITTEE ON 09 AUGUST 2018

Application Ref: 18/0412/FUL

Proposal: Full: Major: Erection of 33 No. dwelling houses (Amended Scheme)

At: LAND OFF KNOTTS LANE COLNE

On behalf of: Persimmon Homes Lancashire

Date Registered: 13/06/2018

Expiry Date: 14/09/2018

Case Officer: Alex Cameron

Site Description and Proposal

The application site is the north east corner of an existing housing development site of 182 dwellings to the south of Knotts Drive.

The proposed development is a revised layout and design for this area of the approved development. The site consists of two parcels, separated by a green habitat corridor. As approved the northern parcel comprised 12 bungalows, the revised proposal is for 15 houses on that area. The southern parcel as approved comprises a small area of public open space to the north end and 24 houses to the south, the revised proposal is for 18 houses concentrated at the northern end of the parcel and for the public open space to be relocated to a larger area to the south. The proposed revisions would reduce the overall number of dwellings within the development from 182 to 179.

The design of the dwellings proposed are a mixture of house types already approved in the existing development comprising 3-5 bedroom, townhouse, semi-detached and detached dwellings, all are two storeys with the exception of a row of three townhouse which has a second floor in the rood space.

Relevant Planning History

13/00/0073P - Erection of 198 dwellings - **Appeal Dismissed**

13/00/0537P - Erection of 101 dwellings - **Appeal Withdrawn**

13/01/0149P - Erection of 101 dwellings - **Refused**

13/12/0397P - Major: Erection of 212 dwellings - **Appeal Dismissed**

13/15/0178P - Major: Erection of 182 dwellings with associated highway, landscaping and drainage works – **Approved**

17/0403/VAR - Variation of condition 16 of application 13/15/0178P to allow working on remediation only between 07:30 hrs and 18:30 hrs Monday to Friday (inclusive) - **Refused**

Consultee Response

United Utilities – The proposals are acceptable in principle. Please attach the following conditions: drainage in accordance with the flood risk assessment, drainage management and maintenance.

Lead Local Flood Authority – The flood risk assessment must be updated to take account of any changes to the level of flood risk within the site since the original report was prepared in 2015. The drainage layout plan does not reflect the recent changes made to the layout of the site.

LCC Highways – Raises concerns relating to adoptability of the proposed roads and turning for refuse vehicles. No objection subject to the following conditions: road construction, management and maintenance, car parking, electric vehicle charging points, interim travel plan.

Coal Authority – No objection subject to a condition requiring further intrusive investigations and remediation if necessary.

LCC Education – Object to the application, a contribution of 4 secondary school places would overcome the objection.

Airedale NHS Trust – Request a contribution to provide additional facilities to meet patient demand. Object to the application if this is not provided because of the direct and adverse impact of it on the delivery of health care in the Trust's area.

Colne Town Council – Concern about the change from bungalows to two storey houses, and the loss of the bungalows from the scheme. Also, there is a concern about possible over development of the site.

Public Response

Press and site notices posted and nearest neighbours notified. Responses received objecting on the following grounds:

- Visual, privacy and overbearing impacts of houses, replacing bungalows in the approved development, on occupants of adjacent dwellings.
 - The development is contrary to the NPPF, the scheme is failing to provide a mix of housing for older or disabled people.
 - There has been no consultation with local residents.
 - The previous history of the site should be taken into account and the developer should not be allowed to increase the number of dwellings beyond what has previously been dismissed at appeal. The proposed development is also similar to that which was previously dismissed.
- Impact of additional traffic resulting from the development.
- Impact of construction traffic on the condition of surrounding roads.
 - Surface water flooding of adjacent properties.
 - Inadequate visual impact assessment.
 - Lack of cross-sectional drawings showing the relationship with adjacent dwellings.
 - Concerns relating to compliance with conditions of the existing development.
 - Ecology impact.
 - New ecology surveys should be undertaken.
 - Children's play facilities should be provided for the proposed family homes.
 - Loss of green fields.
 - Enough houses have been built on the site and it would not be appropriate to build more.
 - Potential ground stability issues from former mine works.
 - Additional strain on public infrastructure and services.
 - Additional visual impact mitigation should be provided for Knotts Drive.
 - The number of affordable homes should not be reduced from the original scheme.

Officer Comments

Policy

The following Local Plan policies are relevant to this application:

Pendle Local Plan Part 1: Core Strategy

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

Policy ENV2 seeks to encourage high standards of 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 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 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.

Replacement Pendle Local Plan

Policy 31 of the Replacement Pendle Local Plan details the current parking standards for new development.

Principle of Housing Development

The acceptability of housing development on this site has been established by the existing planning permission. This application is simply for a revised layout and design of part of the site, the revisions result in an overall reduction in the total number of dwellings proposed from 182 to 179 and therefore would not result in any material change to the principle of the acceptability of the development.

Concerns have been raised regarding the reduction in the housing mix with the replacement of bungalow with houses. The development would retain an acceptable mix of housing types and sizes, the removal of the bungalows does not affect the acceptability of the development.

Design and Landscape Impact

The design of the proposed house types are taken from those already approved in the development. The proposed layout is acceptable and would allow for a larger area of public green space to the south, at the highest point of the site and therefore reduce the visual impact of the development in views of the valley side.

Residential Amenity

Concerns have been raised regarding the impacts of houses, rather than bungalows, on the existing dwellings to the north and west due to the difference in levels. The ground floor level of the proposed dwellings would be approximately equivalent to the height of the ridges of the properties to the west separated by approximately 18m from the main rear walls of those dwellings and 9m from the boundaries of their gardens privacy.

The proposed dwellings would be side-on to those properties and therefore, subject to a condition to require obscure glazing of any side windows, the proposed development would not result in an unacceptable privacy impact from the windows of the dwellings. The garden areas of the dwellings would be materially no different to those approved under the previous permission and due to the distance of the raised land from the boundaries would not result in unacceptable loss of privacy.

The Design Principles SPD gives guidance on acceptable spacing between dwellings, this is intended for extensions but can also be relevant to new housing developments. This advises that a minimum distance of 12 metres between a principal window and a two storey blank wall of a neighbouring property, it notes that this will need to take into account any significant change in levels which may result in, for example, principal windows to single storey extensions having the same effect as a two storey extension. For example, in the relationship between a two storey and a three storey building/extension, the above distances should be increased by 3m.

Taking into account the difference in height, would be similar to the relationship between a two and four storey house, in such a case the SPD advises that the 12 metre spacing should be increased to 18m. The proposed dwellings would meet this separation distance in relation to the existing adjacent dwellings and taking this into account would not result in an unacceptable overbearing impact upon or loss of light to those properties.

Plots 12-15 would be a sufficient distance from the properties to the north to ensure that they do not result in unacceptable loss of privacy, light or overbearing impacts upon those properties.

The layout of the proposed development would also allow adequate levels of privacy, light and amenity space to all dwellings within the proposed development.

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

Open Space

It is proposed to relocate an area of public open space from the north to the south of the site. This would increase the size of the public open space provision, allow for better passive surveillance of the play area in the centre of the development from properties facing it and better integrate with the area proposed for ecological improvement. The proposed revision to the open space provision is therefore acceptable.

Highways

Concerns have been raised by Lancashire County Council relating to the adoptability of the highway. These are issues relating to the Section 38 adoption process for the whole development, as there is already a permission in place it would be unreasonable to attach conditions to this revised part of the development that do not apply to the rest of the development.

An acceptable level of car parking provision is proposed and taking into account that the proposed development would result in a reduction of the overall number of dwellings, it would not result in any greater highway impacts and is acceptable in terms of highway safety.

Drainage

Concerns have been raised regarding drainage and flooding from surface water and the Lead Local Flood Authority have requested that the flood risk assessment is updated from that submitted with the previous application. This has been requested from the applicant and any revised comments will be reported to Committee. However, taking into account that this is merely a revised scheme to part of a development and would not fundamentally change anything in relation

to the drainage of the site it would not be reasonable to require this. Adequate drainage can be ensured by the same condition attached to the existing permission for the site.

Contributions

Requests have been made for contributions towards school places and health services. Taking into account that there is an extant permission in place for a greater number of dwellings which does not include these contributions it would be unreasonable to require them from this revised proposal.

The existing Section 106 agreement for the whole development will need to be amended to refer to the revised plans.

Summary

The proposed development is a revision to an existing approved scheme, the proposed revision would reduce the overall number of dwellings by 3 and increase the public open space provision on the site. The proposed revisited development would not result in any unacceptable impacts and is in accordance with the Development Plan, it is therefore recommended that the approval of the application is delegated to the Planning, Licencing and Building Control Manager subject to the amendment of the existing Section 106 agreement.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in accordance with the policies of the Pendle Local Plan Part 1: Core Strategy and saved policies of the Replacement Pendle Local Plan. 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: Delegate Grant Consent

Subject to the following conditions:

- 1 The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 038.L01, KDC/ JB/PL01, KDC/IS/ENG01 Rev A, KDC.302 Rev F, KDC.303 Rev G, KDC.306 Rev F, PH105/T00B, 30039/1 REV M, 30039/10 REV A, 30039/2 REV A, 30039/4 REV A, 30039/9 REV A, The Hanbury House Type, The Chedworth Hipped House Type, The Hatfield Clayton Semi, The Hatfield, The Clayton Corner, The Chedworth, The Kendal, The Moseley, The Roseberry, The Rufford, The Winster.

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

- 3 The development hereby approved shall not commence unless and until samples of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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

- 4 The development hereby approved shall not commence unless and until a scheme providing full details of the public open space shown on approved plans, to include the timing of provision and a schedule of maintenance, has been submitted to and approved in writing by the local planning authority.

The approved scheme shall thereafter be completed in accordance with the agreed timing of provision, and the areas shall thereafter be maintained in accordance with the approved schedule.

Reason: To ensure that the open space is provided and suitably maintained.

- 5 The development hereby approved shall not commence unless and until full details of the proposed foul and surface water drainage, including;

- i) confirmation of surface water run off rates which shall not exceed pre-development greenfield rates;
- ii) a scheme for future maintenance of the drainage infrastructure and implementation of sustainable urban drainage measures;
- iii) confirmation of any improvement works to existing watercourses on site, the provision of temporary storage facilities, means of access for future maintenance and means of restricting flooding and pollution during construction;
- iv) the provision of overland flow routes and flood water exceedance routes, directed away from dwellings and other critical infrastructure, within the application site;
- v) confirmation of any proposed means of enclosure to the attenuation ponds adjacent to the northern boundary of the site;
- vi) confirmation of any additional measures required in relation to surface or foul water discharge subsequent to the aforementioned assessments;

shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the drainage system to that property has been provided in its entirety

Reason: In order to prevent flooding and to ensure that the site is properly drained.

- 6 The scheme of off-site highway works agreed under condition 5 of planning permission 13/15/0178P shall be implemented in strict accordance with the approved details prior to completion of the first 15 dwellings in total within this site and that of planning permission 13/15/0178P. In addition, the pelican crossings at Albert Road and Queen Street and Burnley Road, near to Phillips Lane, shall be upgraded to a puffin crossing, and a toucan crossing shall be provided on the A56 between Knotts Lane and Greenfield Road, prior to completion of the 75th dwelling in total within this site and that of planning permission 13/15/0178P

Reason: In the interests of highway safety

- 7 The car parking shown on each plot shall be provided prior to occupation of the dwelling it relates to. This shall include surfacing of the driveway in accordance with the materials to be submitted to and agreed in writing by the local planning authority. The spaces shall thereafter be retained at all times for the parking of cars in association with the occupants of the dwelling

Reason: In the interests of highway safety and to ensure adequate on-site parking.

- 8 The estate roads into the site shall be constructed in accordance with the Lancashire County Council specification for the construction of estate roads. The estate roads shall be completed to base course level to each plot before any work is commenced on that plot. The estate roads and footpaths on the site shall be completed in their entirety for each phase of the development (as set out under condition 11) within 3 months of the completion of that phase, or within 30 months of the commencement of the construction of any house in a phase.

Reason: In order to ensure that the development is served by an adequate highway network.

- 9 The development hereby approved shall not 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 approved in writing by the local planning authority. The method statement shall detail how:-

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

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

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

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

Advisory Notes:

(i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.

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

(iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken. Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

- 10 The development hereby approved shall not commence unless and until a site investigation of the nature of land stability and extent of former coal mine workings has been carried out in accordance with a methodology which shall previously have been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If the requirement for any remedial work is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

Reason: In order to prevent land stability issues in relation to historic mine workings at the site.

- 11 The development hereby approved shall not commence unless and until a plan and written statement detailing the proposed phasing of the site has been submitted to and approved in writing by the local planning authority. The plan 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. The plan shall also include details of the number of units in the phase that shall be completed prior to the commencement of the next phase of the development. The approved scheme shall thereafter be carried out in strict accordance with the approved plan and statement.

Reason: To ensure that the site is developed in an orderly manner.

- 12 The development shall not be commenced unless and until full details of any retaining structures on the site have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure a satisfactory appearance and finish to the development.

- 13 The development hereby approved shall not commence unless and until details of the proposed levels on site and how the ground modelling will take place have been submitted to and approved in writing by the local planning authority. Thereafter, for each phase, the finished floor levels of all dwellings in that phase, shall be submitted to and approved in writing by the local planning authority, prior to construction of any dwelling in that phase. Development shall be carried out in strict accordance with the approved details.

Reason: In order that the Local Planning Authority can assess and control the height of the development in the interests of the visual amenity of the area.

- 14 The development hereby approved shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include:

- i) The exact location and species of all existing trees and other planting to be retained;
- ii) An outline specification for ground preparation for landscaped areas outside of the ecological areas;
- iii) All proposals for new planting and turfing, indicating the location, arrangement, species, size, specifications, numbers and planting densities;
- iv) All proposed boundary treatments with supporting elevations and construction details;
- v) All proposed hard landscaping elements and paving, including layout, materials and colours;
- vi) 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 agreed form prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

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

- 15 The development hereby approved shall not commence unless and until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and unloading of plant and materials
- iii) storage of plant and materials used in constructing the development
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v) wheel washing facilities
- vi) measures to control the emission of dust and dirt during construction

Reason: In the interests of residential amenity.

- 16 No construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

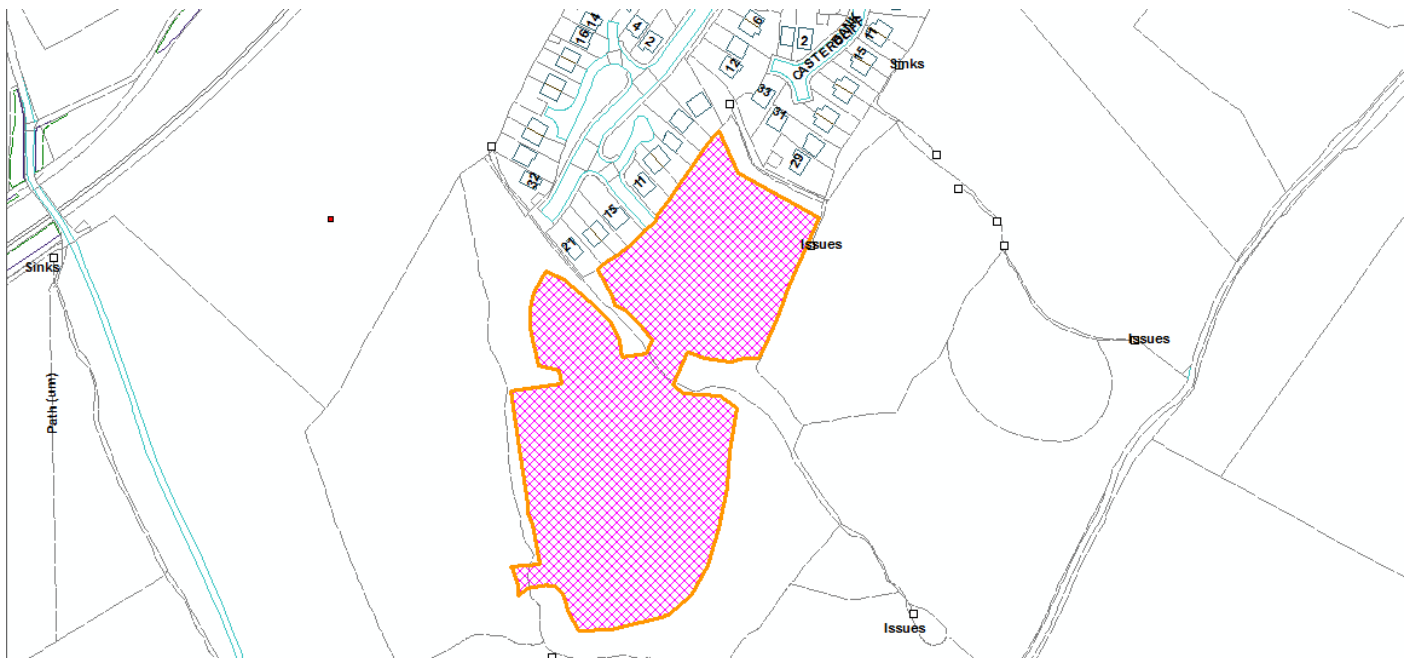
Reason: In the interests of residential amenity.

- 17 No vegetation clearance shall take place during the optimum period for bird nesting (March to July inclusive).

Reason: To ensure that nesting birds are not disturbed.

- 18 The development hereby approved shall not commence unless and until a scheme for the use of sound insulation mitigation measures in the construction process including but not exclusively; glazing, ventilation and fencing details shall be submitted to and approved in writing by the Local Planning Authority. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the local planning authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: In the interests of residential amenity.



Application Ref: 18/0412/FUL

Proposal: Full: Major: Erection of 33 No. dwelling houses (Amended Scheme)

At: LAND OFF KNOTTS LANE COLNE

On behalf of: Persimmon Homes Lancashire

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 26th July, 2018