

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 6th September 2018

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

COLNE AND DISTRICT COMMITTEE REPORT 06 SEPTEMBER 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

This application was deferred from August Committee for a site visit to be undertaken.

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 construction 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.
- Impact on ecology including bats.

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 5.28 ha surplus of amenity greenspace within the Waterside 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.

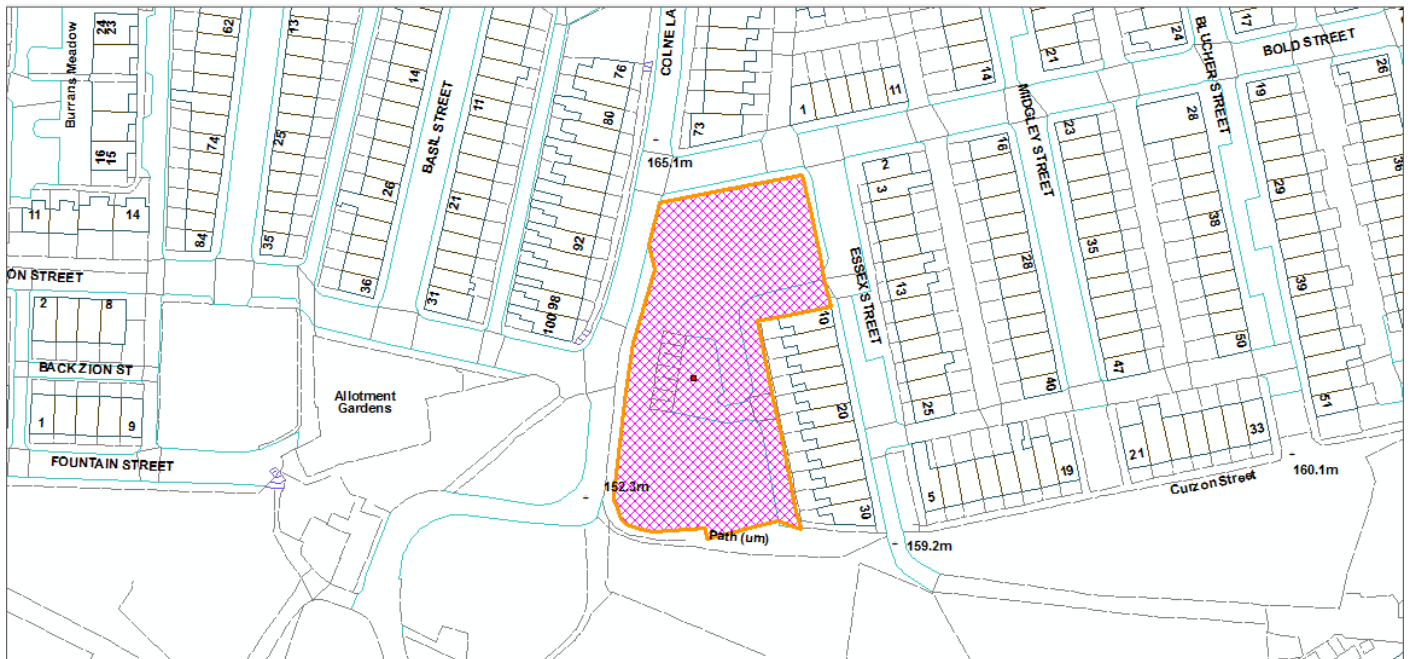
Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

- 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

REPORT TO COLNE AND DISTRICT COMMITTEE ON 06 SEPTEMBER 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

This application was deferred from August Committee to allow for discussions to take place with the applicant regarding the introduction of bungalows.

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 now for 12 houses and 3 dormer bungalows 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 roof space.

Draft proposals have been submitted for the amendment of three of the houses adjacent to the north west boundary to dormer bungalows. Full plans of the proposed bungalows are to follow prior to the Committee meeting.

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.

The trust have submitted a follow-up response noting that each application has to be considered on its own merits and is dependent on the information given at the time when the decision is made. The Trust made no consultation response on the previous application, so to say now that it is unreasonable to request because it was not included last time is irrational planning decision. Ultimately the developer may choose which application to implement.

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 plans have been amended to change those plots to dormer bungalows with ridge heights up to 1.48m lower and eaves heights 2.3m lower than the previously proposed houses.

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.

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 up to a 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).

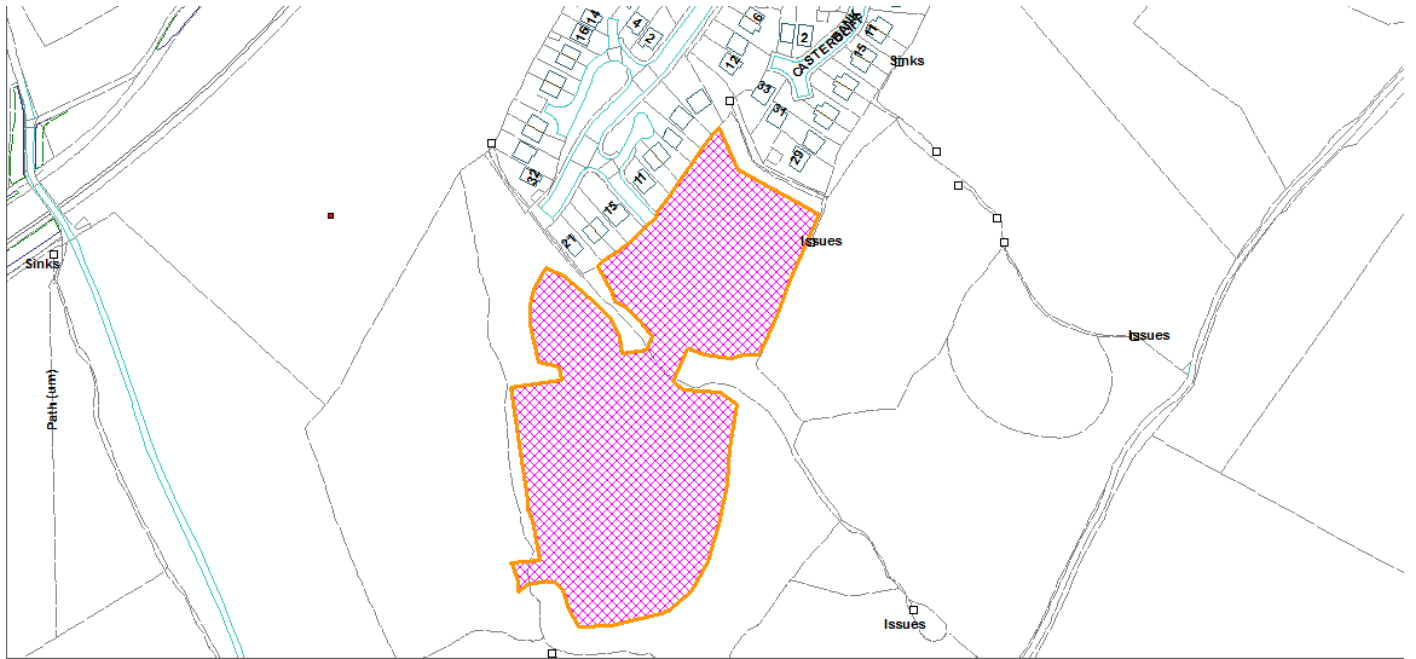
Reason: To ensure that nesting birds are not disturbed.

- 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.

- 19 Notwithstanding the provisions of Part 1, Class A of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), any openings in the north west side elevations of plots 6, 11 and 12 shall at all times be glazed in obscure glass of Pilkington Level 3 and above (or equivalent) obscurity and shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

Reason: to preserve the privacy of the occupants of adjacent dwellings.



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

REPORT TO COLNE & DISTRICT COMMITTEE 6th SEPTEMBER 2018

Application Ref: 18/0424/VAR

Proposal: Full: Major: Variation of condition: Vary conditions 5 and 10 of Planning Permission 17/0416/VAR car park layout and construction.

At: Allotment Land to the North of Argyle Street, Colne

On behalf of: Ainsworth Projects Ltd

Date Registered: 19 June 2018

Expiry Date: 18 September 2018

Case Officer: Kathryn Hughes

This application has been brought before Members due to the number of objections received.

Site Description and Proposal

The application site was a vacant and overgrown plot of land. It is located between Argyle Street and the commercial properties on North Valley Road within the settlement boundary and of no special designation in the Local Plan.

Planning permission has commenced for the erection of eleven 1 bed apartments for supported living and associated staff facilities on the 23rd March, 2016.

Planning permission was also granted in 2017 for a car park to serve this development.

This application seeks to modify condition numbers 5 and 10 of planning permission 17/0416/VAR which are listed below:

5 A car parking and manoeuvring areas as shown on approved drawing 02 B shall be laid out and made available prior to the occupation of the first unit on site. The spaces and area shall thereafter be maintained free from obstruction and available for parking and turning purposes.

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

10 The development shall be carried out in full accordance with the approved Construction Method Statement submitted to the Local Planning Authority on the 10th May, 2017.

Reason: In the interests of amenity and highway safety.

Relevant Planning History

16/0672/FUL – Full: Major: Erection of 11 no. 1 bed apartments for supported living – approved 23rd March, 2017.

17/0193/CND – Approval of details reserved by condition: Discharge conditions 4 and 10 of planning permission 16/0672/FUL – Part Discharged.

17/0220/VAR – Full: Major: Variation of condition 2 (plans) of planning permission 16/0672/FUL revised plans – Withdrawn.

17/0231/CND – Approval of details reserved by condition: Discharge conditions 6 and 7 of planning permission 16/0672/FUL – Discharged.

17/0416/VAR – Major: Variation of Condition: Vary Condition 2 of planning permission revised plans – Approved 19th October, 2017.

17/0626/FUL – Construction of car park to serve residential development – Approved 18th December, 2017.

17/0658/CND – Approval of details reserved by condition: Discharge condition 3 (Materials) of planning permission 16/0672/FUL – Discharged.

Consultee Response

LCC Highways – Condition 5 (car park layout)

For clarity we recommend that the following wording is used to vary this condition.

A car parking and manoeuvring area scheme as shown on approved drawing 160517 CP02A permitted under 17/0626/FUL shall be laid and marked out in accordance with the approved plan, and made available prior to the occupation of the first unit on site. The spaces and area shall thereafter be maintained free from obstruction and available for parking and turning purposes. Reason: To allow for the effective use of the parking areas.

Having read the Construction Management Plan – Revision D, received on 29 June 2018 in relation to the variation of Condition 10 of planning permission 17/0416/VAR, please see my comments below.

Most of the information provided is acceptable by the highways authority. However there's one minor amendment required in the section '**Current Phase**', second paragraph, regarding the loading and unloading of plant and materials. To protect the through flow of traffic, both vehicular and pedestrian, there should be no loading/ unloading carried out on Argyle Street. This should be undertaken from Bright Street. Therefore the contractor would need to ensure that contractor parking on Bright Street is away from the junction with Argyle Street.

As the applicant states further on in their CMS that a banks man will be in attendance at all times during deliveries then this should assist in ensuring safe deliveries.

We recommend the following wording:

Deliveries will be brought in via the A6068 onto New Market Street, then Argyle Street and onto Bright Street where they are either unloaded via their own mechanical means ...'

Please ask the applicant to provide an amended statement with the above revision. Subject to this being received satisfactorily then I can confirm that I would have no objection to the requested variation of Condition 10.

LLFA – No comments

Architectural Liaison Unit

Environment Agency – No comments.

United Utilities

Colne Town Council – No comment.

Public Response

Site and press notices posted and nearest neighbours notified by letter. 3 responses received objecting to the proposal on the following grounds:

- The developer is already using Argyle Street to access the new car park;
- The car park plans were approved in October 2017 so why has it taken until June 2018 to apply for these changes;
- The car park is nearly complete with numerous wagons visiting each day ignoring planning conditions and local residents;
- Our opinion is that the company should be severely fined and be made to return to the original planning and not be allowed to continue;
- The main problem with access from Argyle St is that it would increase risk of traffic accidents on a road used by pedestrian and children on bicycles;
- The turn into the car park is very narrow and potentially unsuitable for disabled drivers;
- There are few street lights on Argyle St and Mason St; and
- The actual size of the car park appears too small for the number of spaces shown on the plans.

Officer Comments

The main issue is whether the proposed variance of conditions 5 and 10 on Planning Permission 17/0416/VAR and the proposed revisions are acceptable.

Principle of the development

The principle of housing on this site has already been established under the previous permission.

It is proposed to vary condition 5 which relates to the car park layout.

The car parking and manoeuvring areas as shown on approved drawing 02 B shall be laid out and made available prior to the occupation of the first unit on site. The spaces and area shall thereafter be maintained free from obstruction and available for parking and turning purposes.

The proposal is to amend this condition to relate to the subsequently approved car park approved under application 17/0416/VAR.

This is acceptable and therefore this condition can be varied to reflect this.

It is proposed to vary condition 10 which relates to the construction methodology.

The development shall be carried out in full accordance with the approved Construction Method Statement submitted to the Local Planning Authority on the 10th May, 2017.

The proposal is amend the approved Construction Method Statement to reflect the current position on the site as access from North Valley Road is not feasible due to the higher level of the car park. The compound has been moved due to the limited space within the site area.

The development is relatively small scale and construction work is well underway. Whilst there has been complaints when officers have attended the site there has not been any evidence of deliveries and construction traffic leading to issues and Argyle Street is not well trafficked therefore conflict has been limited. It is understood the residents have raised concerns over noise and distribution but this is expected with any building site to some degree and would be for a limited period whilst the building and car park are constructed.

The proposed changes are therefore acceptable and therefore this condition can be varied to reflect this.

Summary

Variation of conditions 5 and 10 are acceptable and the wording can be amended to reflect this.

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 development is compliant with the aims of the Local Plan Part 1 and saved Policies of the Replacement Pendle Local 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: 1:1250 location plan, 02 H, 03 I, 04 F and 05 E.

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

- 3 The development shall be carried out in accordance with the samples of external materials submitted and approved by the Local Planning Authority in December, 2017.

Reason: In the interest of the visual amenity of the area.

- 4 The development shall be carried out in full accordance with the approved Phase 2 Geo-Environmental Investigation and Risk Assessment ref: LKC 160 1052 dated 5th April, 2017.

All agreed remediation measures shall be carried out in accordance with the above approved document and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

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

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

- 5 A car parking and manoeuvring areas as approved under planning application 17/0626/FUL shall be laid out and made available prior to the occupation of the first unit on site. The spaces and area shall thereafter be maintained free from obstruction and available for parking and turning purposes.

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

- 6 The development shall be carried out in full accordance with the approved drainage scheme submitted to the Local Planning Authority on the 26th May, 2017.

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

Reasons: To ensure that the proposed development can be adequately drained and to avoid flood risk.

- 7 The development shall be carried out in full accordance with the approved sustainable drainage management and maintenance plan submitted to the Local Authority on the 26th May, 2017.

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

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

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

a. the exact location and species of all existing trees and other planting to be retained;

b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;

c. an outline specification for ground preparation;

d. all proposed boundary treatments with supporting elevations and construction details;

e. all proposed hard landscape elements and pavings, including layout, materials and colours;

f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged

within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

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

- 9 Prior to the first occupation of any unit hereby approved, the external bin storage area as shown on approved drawing 02 B shall be made available for use and retained thereafter.

Reason: To ensure adequate waste storage facilities within the site.

- 10 The development shall be carried out in full accordance with the approved Construction Method Statement submitted to the Local Planning Authority on the 19th June, 2018.

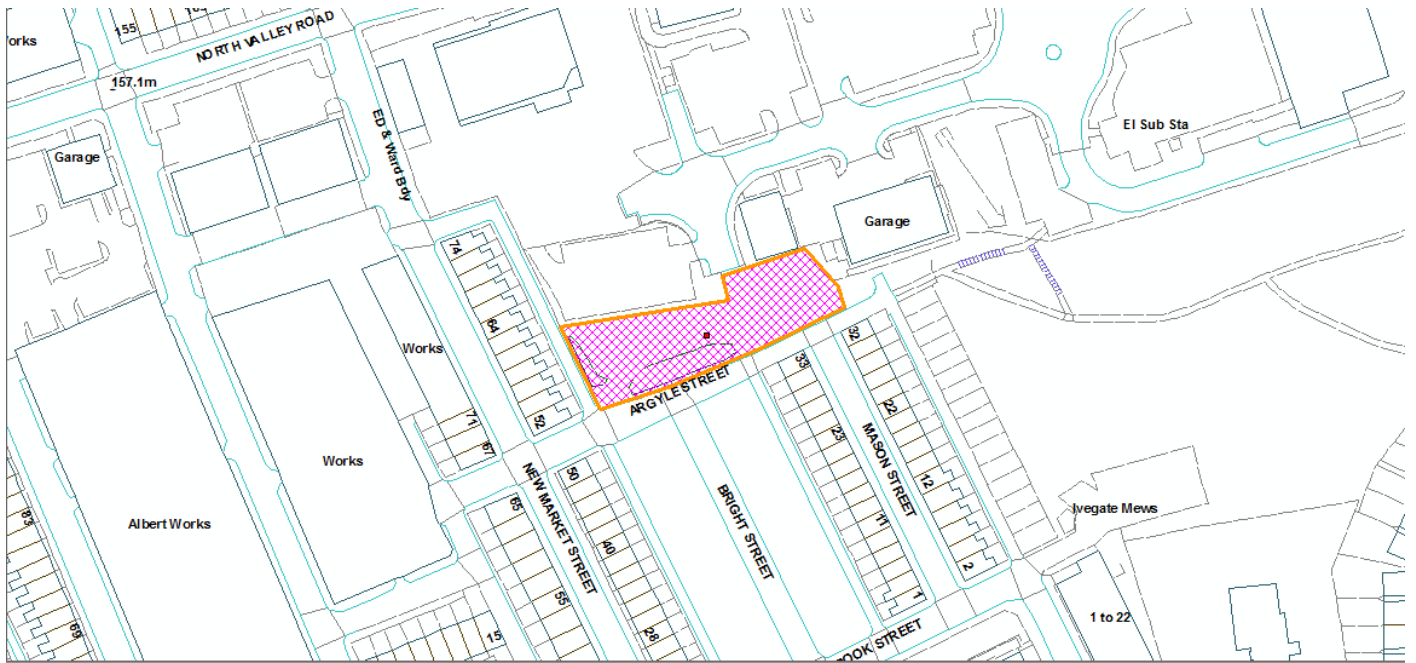
Reason: In the interests of amenity and highway safety.

11. The proposed new footways along Argyle Street and the rear of New Market Street, including a dropped pedestrian crossing, shall be constructed in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before first occupation.

Note

1. The grant of planning permission will require the applicant to enter into an appropriate Section 278 Legal Agreement, with Lancashire County Council as Highway Authority prior to the start of construction of the new footways. For the avoidance of doubt the works shall include, but not be exclusive to, the provision of full height kerbing along Argyle Street/rear New Market Street and the provision of a dropped pedestrian crossing, including tactile paving. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the county council for further information by telephoning the Development Support Section (Area East) on 0300 123 6780 or email lhscustomerservice@lancashire.gov.uk , quoting the relevant planning application reference number.



Application Ref: 18/0424/VAR

Proposal: Full: Major: Variation of condition: Vary conditions 5 and 10 of Planning Permission 17/0416/VAR car park layout and construction.

At: Allotment Land to the North of Argyle Street, Colne

On behalf of: Ainsworth Projects Ltd

REPORT TO COLNE AND DISTRICT AREA COMMITTEE ON 6TH SEPTEMBER 2018

Application Ref: 18/0439/OUT
Proposal: Outline: Erection of three dwellinghouses (Re-submission).
At: Land at Field No 6800, Hollin Hall, Trawden
On behalf of: Mr Roy Pickles
Date Registered: 26.06.2018
Expiry Date: 21.08.2018
Case Officer: Charlotte Pinch

Site Description and Proposal

This application is brought to committee as it has received more than three objections.

The site is an open field, adjacent to the residential development of Rye Croft. It is located in open countryside, just outside the settlement boundary of Trawden and is within the Trawden Forest Conservation Area.

This is an outline planning application for access and layout only for a residential development. A layout plan has been provided showing 3 dwellings, with no further details of design or materials included. These matters would be assessed at the reserved matters stage.

Relevant Planning History

13/11/0246P
Full: Re-profiling of land to the South West of site (Retrospective).
Approved with Conditions. 2011.

18/0302/OUT
Outline: Erection of four dwelling houses (All Matters Reserved).
Application Withdrawn. 2018.

Consultee Response

LCC Highways

Having considered the information submitted for the above outline application, and a site visit on 26 July, the Highway Development Support Section does not have any objections in principle regarding the proposed outline development (all matters reserved) for three houses at the above location. This is subject to the following comments being noted, and conditions and notes being applied to any formal planning approval granted.

A reserved matters application will need to be submitted covering details of access, appearance, landscaping, layout and scale. As part of any reserved matters planning application the applicant is advised to consider the following provisional comments.

New access

The formation of the new vehicle access from Rye Croft 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 radius kerbs.

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

Internal layout

Whilst the internal access drive would not be considered for adoption by Lancashire County Council, this should still be constructed to adoptable standards, including a minimum carriageway width of 4.5m. Therefore, prior to the commencement of any development, full engineering, drainage, street lighting and constructional details to adoptable standards (to the county council's specification) should be submitted to, and approved in writing by, the local planning authority, and the development constructed in accordance with the approved details.

A continuous service verge is required fronting all properties and around the turning head. A 2m wide service verge is required for locating statutory undertakers' equipment and should be provided where buildings front onto the road. The minimum width of the opposite service verge around the turning head, can be reduced to 0.5m providing there is no street lighting. If street lighting is required on the narrow service verge a minimum verge width of 0.8m is required. Please note that the car parking spaces must not be over the service verge area.

A turning head is required to allow a long wheel based transit van or a light goods vehicle to enter and leave the site in forward gear. The turning head layout should be proved by swept path analysis for the above types of vehicle. Or, alternatively, the developer should provide a prescribed 'Access Way' turning head from Lancashire County Council's 'Residential Design Guide'.

No development should be commenced until details of the proposed arrangements for the future management and maintenance of the proposed internal access drive have been submitted to and approved in writing by the local planning authority.

Parking provision

The development site does not score high in terms of accessibility and there would therefore be a reliance on the use of private vehicles. As such we recommend that maximum parking standards are applied to this development.

For properties with two to three bedrooms two adequately sized parking spaces should be provided. To count as one space a single garage should have minimum internal dimensions of 6m x 3m, which would also provide secure, covered storage for two cycles. Double garages should have minimum internal dimensions of 6m x 6m. Where garages less than 6m long are proposed, alternative secure, covered storage for a minimum of two cycles per dwelling should be provided elsewhere within their curtilage.

Driveways providing shared for both vehicles and pedestrians should be a minimum width of 3.2m. To count as one parking space driveways should be a minimum length of 6m; this should not include any service strip. Where a separate pedestrian access is provided driveways should be a minimum 2.4m wide (for a single vehicle), or 3m wide when bounded by a wall or fence.

For properties with four bedrooms and above, three parking spaces should be provided. The minimum length of all manoeuvring areas fronting off-road parking provision should be 6m long, excluding any service strip.

Public Right of Way

Public Footpath 132 (Trawden) runs adjacent to the development site and details of this application have been sent to Lancashire County Council's Public Rights of Way Section for their comment; they have been asked to respond direct to the planning authority. Nevertheless Public Footpath 132 must not be obstructed during the proposed development. It is the landowner's responsibility to ensure that the necessary procedures are followed for the legal diversion of the Public Right of Way if this should be necessary. The granting of planning permission does not constitute the diversion of a Definitive Right of Way. If it is necessary for Public Rights of Way to be temporarily diverted or temporarily closed, it is the landowner's responsibility to ensure that this is done following the appropriate legal procedures. A temporary closure will only be granted where it is the intention to re-open the right of way upon expiration of the closure on the route recorded on the Definitive Map of Public Rights of Way.

The development must not commence until the necessary procedures are in place, either allowing the development to take place without affecting the right of way as recorded on the Definitive Map of Public Rights of Way and subsequent diversion orders and side roads orders. Or, if it is necessary to divert the above listed Public Right of Way, then the necessary Orders must be confirmed prior to construction to avoid enforcement action should the above Public Footpath become affected.

General

Due to the highway network between Colne and Trawden being constrained in width and with heavy on-street parking, we recommend that a condition is applied restricting the timing of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times in and out of Hollin Hall. Given the limited on-road parking provision in the vicinity, together with a high demand for this, the developer should also provide a construction method statement.

As a refuse vehicle would not be able to manoeuvre within the site the developer should provide a bin collection point at the entrance to the site. Guidance in 'Manual for Streets' is that a resident should not be required to carry waste more than 30m to the refuse storage point, and 25m is the maximum distance a two wheeled refuse container is to be transported to the refuse wagon.

United Utilities

No objections, however the site should be drained on separate systems with foul water draining to the public sewer and surface water draining in the most sustainable way.

PBC Developments and Project Manager

There is a culverted watercourse adjacent to the proposed development which has a history of surface water flooding associated with it.

A CCTV survey shows that a repair has been done on the original culvert using a plastic pipe, to replace a clay pipe.

There is also surface water run off on Rye Croft from highway water off Dark Lane. This could easily be resolved by overlaying the existing junction table at the entrance to Rye Croft so that the road level was equal to the adjacent footway levels.

Trawden Forest Parish Council

Councillors raise an objection to the application. The proposal is located outside the settlement boundary. The site was scored in the development of the Neighbourhood Plan, in which it received

a low score and therefore was excluded. The site is predominantly greenfield on the edge of the service centre and would score very low in a sustainability appraisal, it is also very close to the SSSI. There are no services directly onto the site and there are concerns over the increase in traffic using the small road onto Rye Croft.

Public Response

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

- The site is outside the settlement boundary.
- The site is not included in the Trawden Forest Neighbourhood Plan.
- This would open up Dark Lane to further development.
- Concerns that the applicant doesn't own the land over which the site is accessed.
- The area of Rye Croft is already subjected to flooding and this would be exacerbated.
- Increase pressure on the local roads and further worsening of their condition.
- The local sewage system is at maximum capacity and requires upgrading.
- The site is within the Conservation Area and does conform to those requirements.
- Significant heavy traffic and vehicles on the roads during the construction period.
- Loss of the turning circle at Rye Croft, which will create unsafe highway access.
- Significant flood risk from surface water.
- Current public right of way through the site, which is not shown.
- Concerns over contamination of the site from its previous use linked to the mill.
- Misleading use of the term 'affordable homes'.

Officer Comments

Policy

Local Plan Part 1: Core Strategy

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 (Spatial Development Principles) sets out the roles each settlement category will play in future growth. Trawden is defined as a one of the Rural Service Centres which will provide the focus for future growth in rural Pendle.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

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

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirement for Pendle, on allocated sites within settlements.

Policy LIV5 (Designing Better Places to Live) states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

Replacement Pendle Local Plan

Policy 31 (Parking) sets out the maximum parking standards for development.

Trawden Neighbourhood Plan

Policy 1 (Location of Development) establishes the key spatial priorities for the TFNP and supports development proposals within the Trawden and Cotton Tree settlements. Development outside of settlements will only be permitted where they are allowed in other policies.

Policy 6 (Heritage Assets) advises that development should respect the setting, character and appearance of heritage assets.

Development in the Open Countryside SPG

This guidance document was published in 2002 and was prepared under previous government guidance which has since been superseded by the National Planning Policy Framework. Under previous planning policy and guidance housing development beyond settlement boundaries was generally unacceptable unless it met specific exceptions, this is no longer the case. Although the SPG is still of some weight in decision making, its weight is limited and more applicable agricultural developments etc. Its guidance holds very limited weight in determining an edge of settlement housing development such as this.

National Planning Policy Framework

Paragraph 108 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 59 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 79 of the Framework states that, 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.

Paragraph 50 of the NPPF considers situations where developments may conflict with an emerging Plan. It states:

“Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.”

Principle of Development

The application site is located within the open countryside, adjacent to, but outside the settlement boundary of Trawden.

Paragraph 50 of the NPPF states that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or in the case of a neighbourhood plan, before the end of the local planning authority publicity period on the draft plan.

The Trawden Forest Neighbourhood Plan (TFNP) reached the examination stage and the examination report was received in August 2018, therefore it should be taken into account as part of the assessment of this application.

Policy 1 of the TFNP, as amended by the Inspector, states that development of new buildings outside of a settlement will only be permitted in certain circumstances. New housing is not one of those.

This should be read in conjunction with Policy LIV1 of the Pendle Local Plan Part 1: Core Strategy, which states that where it is necessary to encourage significant and early delivery of the housing requirement, proposals for new housing development will be supported on non-allocated sites within a Settlement Boundary and sustainable sites outside but close to a Settlement Boundary.

Taking the above Policies into account, the examiner's report for the TFNP, released in August 2018 highlighted that under Policy 2 of the TFNP which deals with Housing Site Allocations, the Plan makes available sufficient opportunity for residential development within the defined settlement boundaries, to allow the strategic requirement of 39 dwellings by 2030 to be met.

As a result, in accordance with Policy 2 of the TFNP there is no requirement for further housing development outside of the allocated sites, in order to meet the areas strategic housing requirements. Therefore, no valid justification is available to develop outside the settlement boundary and therefore does not comply with Policy 1 of the TFNP or Policy LIV1. This proposal would not be acceptable in principle.

The TFNP has clear policies on developing in the open countryside. Although the TFNP has not yet been adopted it has both been publicised and gone through its examination in public. The Inspector has found that it meets the basic conditions.

In accordance with Para. 50 of the NPPF consideration can be given to the TFNP and developments on the grounds of prematurity. The development as proposed would be squarely contrary to the provisions of the TFNP on a site that has been discounted for development in the development of the TFNP.

Approving the application would be squarely contrary to the provisions of the TFNP and approving it would undermine the TFNP.

Layout

The sites levels significantly rise towards the east, leaving a flattened area to the west, adjacent to the access from Rye Croft. Only this small flat portion of the site is being utilised, with the siting of three detached dwellings.

Two dwellings are shown to the north of the site, facing south and the third on the southern boundary facing north. Each dwelling is located to provide good access to the highway and retain sufficient spacing about each dwelling. The layout of the development does not appear cramped or out of keeping with the scale of comparable developments in the area.

Impact on Amenity

No details of elevation plans or positions of windows have been submitted as part of this application. However, given the spacing of the properties and their layout within the site, it is unlikely this development will result in detrimental impacts on residential amenity.

Highways and Access

No objections have been raised to the development or the proposed access on highway safety grounds, and I concur with that view.

The access shown, linking in with the existing adopted road at Rye Croft, would be suitable. The development shows adequate space for larger vehicles to turn within the turning head and sufficient space for adequate on plot parking for each dwelling.

Contamination

Concerns were raised in relation to contamination of the site due to historical land use, linked to the local mills. An environmental survey has been submitted as part of the application, which confirms that the site is not designated contaminated land and is unlikely to have any adverse effects on the properties.

Drainage and Flooding

Concerns were raised in relation to existing flooding and drainage problems around the site. Following further investigations and assessment, it was concluded that the cause of this was a narrowed culvert at Rye Croft, adjacent to the application site, which is outside the applicant's ownership.

Adequate drainage arrangements can be secured by condition.

Summary

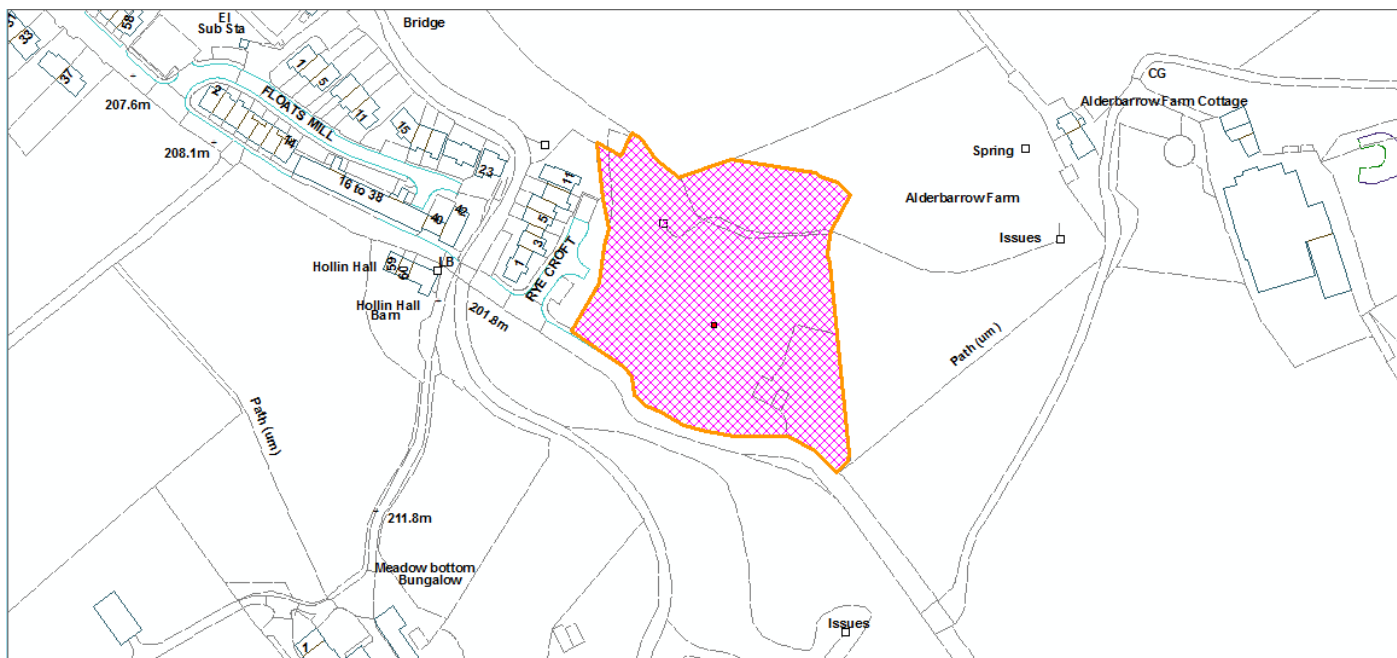
In accordance with Policy 1 of the Trawden Forest Neighbourhood Plan and LIV1 of the Pendle Local Plan Part 1, the proposal of residential development outside the settlement boundary in this location would not be acceptable in principle. However, it is acknowledged that the layout and access of the proposed properties on this site would raise no objections.

RECOMMENDATION: Refuse

For the following reasons:

1. The proposed development is located within open countryside, outside the settlement boundary of Trawden. Developing it would harm the character and appearance of the open countryside. The proposed site does not fall within an allocated site as detailed in the Trawden Forest

Neighbourhood Plan and would be contrary to the provisions of Policy 1 of the Draft Trawden Forest Neighbourhood Plan.



Application Ref: 18/0439/OUT

Proposal: Outline: Erection of three dwellinghouses (Re-submission).

At: Land at Field No 6800, Hollin Hall, Trawden

On behalf of: Mr Roy Pickles

REPORT TO COLNE AND DISTRICT COMMITTEE ON 06 SEPTEMBER 2018

Application Ref: 18/0496/AGD

Proposal: Prior Approval Notification: (Agricultural building to Dwelling Class Q):
Change of use of agricultural building to dwelling.

At: Agricultural Building, Edge End Farm, Red Lane, Colne

On behalf of: Mrs Katheryn Rutter

Date Registered: 16/07/2018

Expiry Date: 11/09/2018

Case Officer: Alex Cameron

Site Description and Proposal

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

The application site is a modern agricultural building located within the Green Belt to the south west of Edge End Farm off Red Lane. The building was granted planning permission in November 2011. It has a footprint of 22.5m x 9.1m and is finished in Yorkshire board cladding with a corrugated cement sheet roof.

This application is a permitted development notification is made under the provisions of Part 3, Class Q (a & b) of the General Permitted Development Order 2015 for change of use and external alterations to convert the building to a two bedroom dwelling.

The external alterations would involve formation of window and door openings in all elevations. The external materials of the building would be retained.

Relevant Planning History

13/11/0475P – Full: Erection of an agricultural building (22.5m x 9.1m) and associated hardcore access track. Approved.

Consultee Response

LCC Highways – No objection. There is sufficient parking and turning space on the existing hard standing. The proposal will not cause a material increase or change in vehicular movements at the existing site access and Red Lane (classified road - C681) that would result in a highway safety concern.

Colne Town Council

Public Response

Nearest neighbours notified. No response.

Officer Comments

This application is a permitted development notification, as such the Council has 56 days to determine whether prior approval is required for the following matters:

- transport and highways impacts of the development
- noise impacts
- contamination risks on the site
- flooding risks
- whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change from agricultural use to a use falling within Class C3
- the design or external appearance of the building.

If the applicant does not receive a notification response within 56 days (ending 11/09/2018) prior approval is automatically granted.

Permitted Development

Proposals within Class Q are assessed against a variety of technical criteria relating to the existing site and the proposal. Development is not permitted in the following circumstances;

- the site was not solely used for agriculture as part of an established unit on 20th March 2013.
- the cumulative floor space of the buildings to be changed would exceed 450sq m
- the number of separate dwellings created on any one unit would exceed 3
- the site is occupied under an agricultural tenancy, unless express consent of both landlord and tenant have been obtained
- if any permitted works under Classes A and B of Part 6 of the GDPO have been carried out since 20th March 2013.
- the development would result in an increase in the external dimensions of the existing building, at any given point
- would include building operations other than those listed in section (i) of Part Q
- the site is within a Conservation Area or AONB
- the site forms part of a SSSI, safety hazard area, a military explosive storage area
- the site is or contains a scheduled monument
- the building is a Listed Building

Compliance with Class Q

The applicant states that the building was erected in the spring of 2012 and there is no reason to doubt that it was in agricultural use as part of an established agricultural unit on 20th March 2013.

Based on the information provided, the application appears to meet all of the criteria detailed above and can therefore be assessed under Class Q.

Transport and Highways

The proposed dwelling would be accessed via an existing access road, this access is acceptable to accommodate the traffic generated by an additional dwelling.

A condition is necessary to ensure adequate parking and turning areas. With this condition in place the proposed dwellings are acceptable in terms of highways and transport.

Noise

The proposed use would not result in or be affected by any potentially unacceptable noise impacts.

Contamination

The site has historically been used for agriculture and there is no indication that the site contains any specific contamination.

Flood Risk

The site does not fall within any of the flood zones designated by the Environment Agency and there are no known flood risks associated with the development.

Siting

The National Planning Practice Guidance document contains specific advice on applications of this nature.

Paragraphs 108 to 109 state that such applications should not be subject to a sustainability assessment in terms of location, nor should they be refused solely on the basis that the location is not one in which the LPA would normally grant permission for a dwelling. Tests from the NPPF should therefore not be applied, except where relevant to the subject matter of prior approval.

They also define the meanings of 'impractical or undesirable' for the purposes of this Order. These are described as issues such as; no available vehicular access; lack of any available power source or other infrastructure services; incompatible neighbouring uses such as intensive farming, silage storage or use of dangerous machinery/chemicals.

The building is located adjacent to and existing equestrian use, this would not be

In this case there are no intensive or dangerous neighbouring uses or other factors that would result in the siting being undesirable.

Design

The design of the conversion would involve the formation new window and door openings but would otherwise maintain the existing external appearance of the building. The design of the proposed conversion would not be harmful the visual amenity of the area and is acceptable.

Summary

Based on the information provided, the development subject to this prior notification submission would meet the criteria detailed within Class Q of the GPDO and, subject to conditions, is acceptable with regard to highways, noise, contamination, flood risk, siting and design. Accordingly, prior approval is not required for these elements.

Reason For Decision

The design and external appearance of the building is acceptable and the use as a dwelling is acceptable in terms of transport and highway impacts, noise impacts, contamination risks and flood risks and the location and siting does not otherwise make the use as a dwelling impractical or undesirable.

RECOMMENDATION: Prior Approval Not Required

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: P1910/002, P1910/003.

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

2. The development shall include provision for two cars to park, turn and exit the site in forward gear. The dwelling shall not be occupied unless and until details of parking and manoeuvring have been submitted to and approved in writing by the Local Planning Authority and the parking and manoeuvring areas have been laid out, surfaced and made available for use in accordance with the approved details. The parking and manoeuvring areas shall thereafter remain at all times free of obstruction and available for parking and manoeuvring purposes.

Reason: To ensure adequate parking and turning areas are provided in the interest of highway safety.

3. Notwithstanding the provisions of Part 2 Class A of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no boundary treatment shall be erected or planted to the curtilage of the dwelling unless and until details have been submitted to and approved in writing by the Local Planning Authority, any boundary treatment shall thereafter be maintained in accordance with the approved details.

Reason: To ensure acceptable boundary treatments in the interest of the visual amenity of the area.



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On behalf of: Mrs Katheryn Rutter

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 28th August 2018