

Colne Committee Update Report – 6th September 2018

18/0412/FUL – Land Off Knotts Lane, Colne

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

Representatives of the Applicant met with Councillors and Officers on 29th August. The Applicant agreed to submit additional plans showing proposed cross sections of the site in relation to the existing properties and a comparison of the proposed dormer bungalow heights in relation to the previously approved bungalows.

A site section plan, plans of the proposed dormer bungalows and a comparison to the height of the previously approved bungalows has been submitted.

The comparison plans show that the proposed dormer bungalows would have eaves heights equal to that of the previously approved bungalows and ridge heights just 0.6m higher.

The proposed site section acceptably demonstrates that the proposed development would not result in any unacceptable overbearing impact or loss of light to adjacent properties.

Legal advice has been taken that the Airedale NHS Trust contribution can be considered, the Applicant has agreed to the contribution.

It is 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 and provision of a Section 106 agreement for the requested Airedale NHS Trust contribution.

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, 30039/400, 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, The Gilby.

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.

**18/0424/VAR – Allotment Land to the North of Argyle St Colne
Full: Major: Variation of condition: Vary conditions 5 and 10 of
Planning Permission 17/0416/VAR car park layout and construction.**

A revised construction method statement has been submitted which is acceptable and incorporates the changes requested by LCC Highways.

Revised condition 10:

- 10 The development shall be carried out in full accordance with the approved Construction Method Statement submitted to the Local Planning Authority on the 13th July, 2018.

Reason: In the interests of amenity and highway safety.

**18/0439/OUT – Land at field No 6800, Hollin Hall, Trawden
Outline: Erection of three dwelling houses (All Matters Reserved) (Re-Submission).**

A letter was received from the applicant on 3rd September 2018, in response to the committee report and recommendation.

The letter refers to and draws comparisons with an approved application 18/0319/FUL, for the erection of two dwellinghouses. However, this site is located within Laneshawbridge and is not within the Trawden Forest Neighbourhood Plan Area. Therefore, the policy considerations for this site, in comparison to the application site, were not the same.

It is acknowledged that the Trawden Forest Neighbourhood Plan has not been adopted. However, the applicant's letter makes no reference to Paragraph 50 of the NPPF. This highlights the issue of 'prematurity' for which a neighbourhood plan may be considered provided it has gone through the local planning authority publicity period on the draft plan.

The Trawden Forest Neighbourhood Plan (TFNP) has reached the examination stage and the examination report was received in August 2018. Therefore, it has far exceeded the point stipulated in Para.50 at which it can be considered and as a result should be taken into account as part of the assessment of this application.

The recommendation to refuse still stands.