

Colne and District Committee Update 3rd October 2018

On 1st October a statutory requirement for pre-commencement conditions proposed to be imposed on planning applications (excluding outline applications) to be formally agreed by the Applicant. This involves serving a notice of intention to impose such conditions, including the exact wording of those conditions, and allowing 10 working days to respond. Where possible conditions are to be re-worded to change commencement requirements, where this is not possible recommendations are to be changed to delegate grant consent subject to the agreement of the pre-commencement conditions.

18/0361/FUL – Garage Site To The Rear Of 10 To 24, Essex Street, Colne

Conditions 8 and 19 have been amended to remove the pre-commencement requirements, conditions 5, 6, 7, 9, 10, 11, 17 and 18 remain as pre-commencement and notice of them is to be served on the applicant.

Recommendation: Delegate Grant Consent

Subject to satisfactory surface water drainage details, the imposition of any additional conditions necessary and the agreement of pre-commencement 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. For the full period of construction 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.

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.** All of the dwelling hereby approved shall be affordable dwellings in accordance with the definition of affordable housing set out in Annex 2 of the National Planning Policy Framework.

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

- 20.** No tree or vegetation clearance works shall take place between 01st March to 31st August unless and until details of a check by a suitably qualified ecologist to confirm the absence of nesting birds immediately prior to clearance works commencing have been submitted to and approved in writing by the Local Planning Authority and the absence of birds has been confirmed in accordance with the approved details.

Reason: To ensure protection of the habitat of species which are protected under the Wildlife & Countryside Act, 1981.

18/0522/VAR - Ivegate Mews, Ivegate, Colne

Conditions 3, 4 and 14 in the Committee report are pre-commencement. The development was completed over a decade ago, these conditions will have either been fully complied with or be immune from action and are therefore no longer required. It is recommended that those conditions are removed.

Recommendation: Approve

Subject to the following conditions:

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

Reason: The condition is deemed attached by virtue of Section 91 of the

Town and Country Planning Act 1990.

- 2 This consent is confined to drawing nos. 01/66/1A, 01/66/3, 01/66/2A, received on 16th May 2002; and, drawing nos. 01/67/12A and 01/67/10A, received on 20th June 2002.

Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.

- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five 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 consent to any variation.

Reason: In the interests of visual amenity.

- 4 None of the flats hereby permitted shall be occupied until the proposed car park has been constructed, laid out and hard surfaced in tarmac and is available for use. No part of the car park shall be used for the parking or keeping of caravans, trailers or anything other than private motor cars/motorcycles or bicycles.

Reason: To prevent on-street parking, in the interests of highway safety and amenity.

- 5 No dwelling hereby permitted shall be occupied until its associated driveway has been constructed and surfaced in permanent hard surfacing and is available for parking two motor cars.

Reason: To prevent on-street parking, in the interests of highway safety and amenity.

- 6 No gates shall be erected at the entrance to driveways of the proposed houses or at the entrance to the proposed car park unless set back from the edge of the footway/highway by a minimum of 5.5 metres and constructed with gates that open into the site only.

Reason: To prevent cars from obstructing the highway, in the interests of highway safety.

- 7 Full details of all the fencing, screen walls or any means of enclosure to be erected or planted on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the erection or planting thereof and this condition shall apply notwithstanding any indications as to these matters given in the application.

Reason: In the interests of visual amenity.

- 8 All rainwater and soil pipes shall be in cast iron or aluminium and painted black unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance adjacent to the Albert Road, Colne, Conservation Area.

- 9 All existing site levels shall be maintained in the development of the apartment block, car park and houses, including along all boundaries, unless otherwise indicated on the approved plans or as otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure the satisfactory implementation of the proposal.

- 10 There shall be no building within 3 metres of any public sewer which crosses the site.

Reason: To ensure adequate access to public sewers for maintenance purposes.

- 11 The non-definitive public footpath that crosses the site of the proposed car park shall be kept free of obstruction during construction and shall remain open and available for use at all times unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure access is not impeded along an established public walkway.

- 12 Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas shall be passed through trapped gullies with an overall capacity compatible with the site being drained.

Reason: To prevent pollution of the water environment.

18/0551/FUL – Land to the South West of 177 Greenfield Road, Colne

Comments received from PBC Environment Officer:

The woodland of the Nature Reserve is listed as Priority Habitat (Deciduous Woodland) on Natural England's Magic Maps and this should be taken into account when deciding the application.

The woodland fringes of the site will be foraging areas for bats as a result we should, if approved, condition limits to external lighting.

The site falls under the Industrial Foothills and Villages (6a Calder Valley) in the Lancashire Landscape Category. This highlights the following:

- Maintain consistency of building materials, details and design and avoid nondescript suburban styles.
- Encourage the restoration/repair of degraded sections of principal stone walls, giving priority to walls alongside footpaths and lanes. Around settled areas in view from the road and lane network.
- Promote shelter, screening and visual containment around settlement centres and new developments.

As a result I would be encouraging a boundary treatment of drystone walling or at the very least mixed-native hedging. I would also like to see some screening planting.

In my opinion the driveway and the garage are far too close to the boundary of the nature reserve for comfort and need a re-think. I do think that once the development is complete we will have pressure on us to carry out unnecessary works to trees neighbouring the property.

Further to comments received from the Environment Officer an additional condition is required in order to control any external lighting on the site.

Hard surfacing materials and boundary treatments are both covered in landscaping condition 11. The agent has been made aware of the concerns regarding the boundary treatments and size of the plot.

Condition 6 has been amended to remove the pre-commencement requirements, conditions 3, 4 and 11 remain as pre-commencement and notice has been served on the applicant and has been agreed.

Recommendation: Approve

Revised Condition 6:

Prior to any above ground development occurring samples of the external facing materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall 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 to the development within Open Countryside.

Additional condition 13:

No external lighting shall be erected within the site without the prior written consent of the Local Planning Authority

Reason: In order to ensure that the foraging areas for bats on the woodland fringes are not adversely affected.