

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

**TO: WEST CRAVEN COMMITTEE**

**DATE: 4<sup>th</sup> December 2018**

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### **Former Wardle Storey Buildings Earby**

#### **PURPOSE OF REPORT**

As requested by the Committee with regards to work on the site and potential flooding issues.

#### **RECOMMENDATIONS**

- (1) It is recommended that the owner of the site is requested to regularise the external works carried out to the North Block and submit a revised application for the ground floor flat that addresses the Flood Risk issues and that the approved parking is laid out within the next 14 days to accommodate the occupiers of the South Block. All outstanding conditions should be submitted for discharge within 14 days.

#### **REASONS FOR RECOMMENDATIONS**

- (1) In order to ensure that adequate car parking is provided for the sites, that the external alterations carried out are regularised and that the ground floor flat is not occupied until the risk of flooding has been adequately addressed.

#### **Background**

Both sites are former office buildings which have permission under the prior approval scheme to be used as residential accommodation and have planning permission for external alterations.

Both lie within Earby Conservation Area and are adjacent to Earby Beck.

Both sites have a long history of planning applications which are listed below for information.

## **Relevant Planning History**

### South Block

13/13/0358N - Permitted Development Notification: Proposed change of use from offices B1(a) to 12 self-contained apartments on first and second floors – Notification Refused 3rd September, 2013.

13/13/0548P - Full: Demolition of over bridge link, layout of 18 parking spaces, erection of bin store and external alterations - Approved 31st December, 2013.

13/13/0594N - Permitted Development Notification: Proposed change of use from offices B1(a) to 18 self-contained apartments on three floors – Notification Approved 6<sup>th</sup> February, 2014.

17/0173/FUL – Full: Demolition of link bridge, layout of parking spaces, erection of bin store and external alterations to building – Approved 19<sup>th</sup> June, 2017.

17/0204/OTD - Permitted Development Notification: Proposed change of use from offices (B1a) to 18 self-contained apartments on three floors.

### North Block

13/93/0278P - Alterations to external elevation, formation of car park and landscaping – Approved.

13/07/0625P - Convert offices into four duplex apartments with parking; external alterations to fenestration - Approved 10th October, 2007.

13/10/0498P - Full: Extend time limit for implementation of planning permission – Approved 26<sup>th</sup> November, 2010.

13/13/0359N - Permitted Development Notification: Proposed change of use from offices (B1a) to 8 self-contained apartments on first and second floors – Prior Approval Refused – 3<sup>rd</sup> September, 2013.

13/14/0339N - Permitted Development Notification: Proposed change of use from offices (B1a) to 8 one bedroom apartments with parking - Approved 15th September, 2014.

13/14/0340P – Full: Replace windows and doors and alter openings, formation of bridge over stream, form vehicular access, install Juliette balconies and erect railing and gates – Approved 18<sup>th</sup> September, 2014.

18/0103/FUL - Full: Form additional ground floor apartment, formation of bridge over stream, installation of Juliette balconies, revised vehicular access and external alterations – withdrawn.

## **Issues**

Both sites have permission for residential conversion under the prior notification regime and have full planning permission for external alterations. Conditions attached to the North Block required details of stonework, windows, balconies and doors, boundary treatments, rainwater goods to be submitted for approval as well as a construction method statement. There was also a condition attached requiring the car park to be provided prior to the development being brought into use. These details have not been submitted. Breach of condition notices could be served to compel the information to be provided.

Conditions attached to the South Block required samples of materials, landscaping scheme, scheme for car parking signage, construction method statement, off-site highway works to be submitted for approval. There was also a condition attached requiring the car park to be provided and the existing wall lowered prior to the development being brought into use. These have not been submitted. Again breach of condition notices could be served to compel the information to be provided.

According to Building Regulations records the North Block was commenced around the 22<sup>nd</sup> November, 2017 and the South Block around the 15<sup>th</sup> August 2017.

### **Scaffolding**

Scaffolding was erected in the beck to the front of the North Block whilst the external work was being carried out. This was subsequently removed at the request of the Environment Agency (EA) and it is understood this issue is resolved.

### **Fire Escape**

A temporary fire escape has been erected to the gable elevation of the South Block which is temporary whilst external work is being carried out. This will be removed in due course and is being monitored by Building Control Inspectors.

### **Parking**

Both sites have provision for off-street parking. The North Block has internal parking for 8 vehicles whilst the South Block proposed an external car park for 16 vehicles. Both schemes require the parking to be provided prior to occupation. The South Block has at least two units occupied and at the last visit the car parking had not been provided and part of the site was being used for storage compound for the North Block.

This issue needs to be resolved the parking laid out as per the approved plan for the South Block.

See Appendices attached for:

**Approved parking plan for South Block.**

**North Block Approved elevation plan**

**North Block Approved layout plan for 8 flats and 9 parking spaces.**

**North Block proposed plan with 9 flats and 10 parking spaces.**

### **Flooding Issues**

The EA have reviewed and commented on the submissions and appropriate conditions were attached to both prior notifications. No submission for the discharge of these conditions has been received or approved.

The most recent application for the North Block (18/0103/FUL) was submitted in February this year and was pending until receipt of the most up-to-date flooding data for Earby was available from the EA. This was provided to the agent in July 2018 and a revised Flood Risk Assessment submitted in August. The EA responded that this was not acceptable on the 6<sup>th</sup> September and the application was subsequently withdrawn on the 20<sup>th</sup> September.

This issue needs to be resolved as the proposed ground floor flat shown on the submitted plans above does not have the benefit of planning permission and is at risk of flooding. This application has been withdrawn and therefore a revised application needs to be submitted and the flood risk addressed in order to be acceptable.

## **Recommendation**

The details required to discharge the conditions attached to these permissions have not been submitted and the external works to the North Block have been carried out including the formation of a ground floor flat without the benefit of planning permission.

It is recommended that the owner is contacted and requested to regularise the works which have been carried out and submit adequate details to allow the conditions to be discharged within an appropriate timeframe.

The car parking for the South block needs to be completed as per the approved plan as some of the units are occupied.

The ground floor flat must not be occupied until the potential for flooding has been rectified and the EA satisfied with the potential for flood risk.

## **IMPLICATIONS**

**Policy:** None

**Financial:** None

**Legal:** None arising directly from the report.

**Risk Management:** None arising directly from the report.

**Health and Safety:** None arising directly from the report.

**Sustainability:** None arising directly from the report.

**Community Safety:** None arising directly from the report.

**Equality and Diversity:** None arising directly from the report.

## **LIST OF BACKGROUND PAPERS**

None.

**NPW/KH**

**Date:** 26<sup>th</sup> November, 2018