

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 06 December 2018

Report Author: Neil Watson
Tel. No: 01282 661706
E-mail: neil.watson@pendle.gov.uk

PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT COMMITTEE 6th DECEMBER, 2018

Application Ref: 18/0587/FUL

Proposal: Full: Major: Erection of 10 dwellinghouses with associated bin storage and parking.

At: Site of Former 1 to 34 Bright Street Colne.

On behalf of: WayMoor Ltd

Date Registered: 26 September 2018

Expiry Date: 26 December 2018

Case Officer: Kathryn Hughes

Site Description and Proposal

Planning permission is sought for erection of 10 one bedroomed dwellinghouses on the site for former 1-34 Bright Street in Colne. The site is within the settlement boundary with no designation in the Local Plan.

The proposal is for vehicular access off either side of Bright Street. The proposal also includes public open space and car parking.

A Planning Statement, Design and Access Statement, Geo-Environmental Site Assessment, Flood Risk Assessment and Drainage Strategy have been submitted with the application.

Relevant Planning History

13/05/0830P – Full: Environmental improvements including new front gardens and widened footpaths at Mason Street, extended rear yards/gardens to Mason St and New Market St houses, new back street and paths and formation of communal garden, all after demolition of Bright Street – Approved 9/12/2005.

13/05/0831P – Outline: Two blocks of houses with integral garages – Approved 9/12/2005.

13/09/0096P – Advertisement Consent: erect free standing information panel sign – Approved 9/04/2009.

Consultee Response

LCC Highways – Having considered the information submitted for the above application, together with observations during the site visit on 25 October 2018, the Highways Development Support Section does not object to the development in principle, subject to the following comments being taken into consideration, and the following conditions and note being applied to any formal planning approval granted.

Parking provision

The proposed development is for a supported living scheme and we consider that Parking Standards for sheltered housing would apply in this case, that is, one parking space per three dwellings. Mobility parking should be provided at a minimum level of one per ten car parking

spaces. We therefore consider that the proposed level of off-road parking is acceptable for the size and type of development proposed, subject to the following comment being noted.

Guidance for the design and layout of disabled parking bays states that an additional width of at least 1200mm along each side should be provided. Where bays are adjacent the same 1200mm space can serve both sides. There should also be a 1200mm wide safety zone at the vehicle access end to provide boot access or for use of a rear hoist. As such, the proposed layout for the disabled parking bays (bays 6 and 7) does not comply with current guidance and requires amendment.

If the developer wants to provide two correctly sized and laid out disabled parking bays this would result in the loss of bay 5. If the developer only wants to provide one disabled parking bay (bay 7) there appears to be sufficient area to provide one correctly laid out space and also retain bay 6.

The developer should provide a revised parking layout plan taking the above into account.

Highway works

The formation of the new vehicle access from Bright Street to the proposed car park 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; radius kerbs; buff coloured tactile paved dropped pedestrian crossings either side of the entrance; and the re-location of any highway gully.

Other highway improvement works should include:

- a street lighting assessment;
- construction of buff coloured tactile paved dropped pedestrian crossings at the junction of Argyle Street/Bright Street, including an extended dropped crossing to facilitate the use of the bin store;
- improvements to the existing dropped pedestrian crossings on Bright Street/Rook Street and Rook Street/Rear New Market Street, to include buff coloured tactile paving;
- improvements to the existing dropped pedestrian crossings on Rook Street near the junction with New Market Street, to include buff coloured tactile paving.

Any re-instatement works/repairs to the carriageways/footways on Bright Street, Argyle Street, Rook Street and Back New Market Street (see below) should be agreed as part of any Section 278 works.

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

General

We note that the development's bin store is more than 30m from the majority of dwellings, which is not in line with guidance in Manual for Streets.

As the development site is surrounded by residential streets and on the pedestrian route to the North Valley Retail Park, prior to the start of any works the developer should submit a Construction Method Statement, in the interest of residential amenity and highway safety.

Any ramps to the properties should be within their curtilage and not within the adopted footway.

To ensure that any construction works do not have a detrimental impact on the construction of the carriageways and footways on Bright Street, Argyle Street, Rook Street and Back New Market Street a pre-commencement survey should be undertaken.

A similar survey should be carried out once a month for the duration of the development and temporary repairs made as necessary. Within one month of the completion of the development the developer shall make good any damage to the carriageways and footways on Bright Street, Argyle Street, Rook Street and Back New Market Street to return these to a standard agreed with the highway authority.

If the local planning authority is minded to approve this application we recommend that conditions relating to site access, construction method statement, joint survey and parking provisions should be attached to any grant of permission.

LLFA – Comments provided in this representation, including conditions, are advisory and it is the decision of the Local Planning Authority (LPA) whether any such recommendations are acted upon. It is ultimately the responsibility of the Local Planning Authority to approve, or otherwise, any drainage strategy for the associated development proposal. The comments given have been composed based on the current extent of the knowledge of the LLFA and information provided with the application at the time of this response.

Lead Local Flood Authority Position

The LLFA has **no objection** to the proposed development, subject to the inclusion of a condition relating to the final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme to be submitted approved.

Reason for the pre-commencement condition:

Drainage is not only a material consideration but an early and fundamental activity in the ground construction phase of any development and it is likely to be physically inaccessible at a later stage by being buried or built over. It is of concern to **all** flood risk management authorities that an agreed approach is approved before development commences to avoid putting existing and new communities at risk.

The revised National Planning Policy Framework considers sustainable drainage systems to be important and states that they should be incorporated unless there is clear evidence that this would be inappropriate and, as such the LLFA needs to be confident that flood risk is being adequately considered, designed for and that any residual risk is being safely managed. To be able to do this the LLFA requires an amount of certainty either by upfront detail or secured by way of appropriate planning condition(s).

The proposed pre-commencement condition allows for the principle of development to be granted and detailed drainage designs to be conditioned for approval via a discharge of condition application which could be more favourable to developers in terms of less delay and less financial outlay early in the process. Non-acceptance of the pre-commencement condition could lead the LLFA to object to the principle of development until all residual risk issues are safely managed.

LCC Education – No contribution required at this time.

UU – In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We request the drainage conditions are attached to any subsequent approval relating to foul and surface water being drained on separate systems and surface water drainage scheme based on

the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions.

A public sewer crosses this site and we may not permit building over it. We will require an access strip width of six metres, three metres either side of the centre line of the sewer which is in accordance with the minimum distances specified in the current issue of "Sewers for Adoption", for maintenance or replacement. Therefore a modification of the site layout, or a diversion of the affected public sewer at the applicant's expense, may be necessary. To establish if a sewer diversion is feasible, the applicant must discuss this at an early stage with our Developer Engineer at wastewaterdeveloperservices@uuplc.co.uk as a lengthy lead in period may be required if a sewer diversion proves to be acceptable.

Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems.

Management and Maintenance of Sustainable Drainage Systems

Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the Local Planning Authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact.

We therefore recommend the Local Planning Authority include a condition in their Decision Notice regarding a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.

For schemes of 10 or more units and other major development, we recommend the Local Planning Authority consults with the Lead Local Flood Authority regarding the exact wording of any condition.

Water Comments

A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines'.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

Environmental Health – Standard land contamination condition required.

Colne Town Council – Strongly support this application.

Public Response

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

- Bright Street consists of simple tracts of low maintenance grassed over open space on either side of a cobbled road. To me and others it has a pleasant amenity value which this plan would remove;

- Providing accommodation to 10 people who will not be restricted in their mobility could take up less space than 10 bungalows. One or two buildings consisting of single person accommodation would serve the same purpose;
- The inclusion of designated parking space is surely not needed since the site has the pre-existing cobbled road and the adjacent Argyle and Rook Streets have parking space in the ordinary way;
- Such modifications would preserve some of the amenity value of the present open space;
- The parking and turning area would be located directly to the rear of our property and there is potential for disturbance to our property particularly as the bungalows are for supported living there could be visitors during the night such as carers and medical staff. We therefore ask for consideration to a boundary treatment to shield our property from any excessive noise and reduce headlights shining into our property. Low level planting would also be beneficial;
- There is a significant number of vulnerable people living in the area surrounding Bright Street with consequences for anti-social behaviour, domestic violence, drug abuse, litter, neglected wheelie bins, pavement slab thefts, etc. Introducing people with learning difficulties will exacerbate the problems that already exist. I think the neighbourhood is ill suited to the development and I am concerned the Council is using a policy of containment to restrict vulnerable people to certain neighbourhoods;
- The Argyle Street development is under construction and the care company has yet to show results that they are capable of running an assisted living facility in the neighbourhood with the problems listed above;
- The provision for private off-road parking spaces for tenants not expected to drive is unreasonable. Current residents and visitors park on the street;
- Each bungalow has a garden yet the plans will deprive neighbours in terraced housing access to green space. The grassy area is a feature for all residents in Colne and is used frequently by them. There is not enough public green space in the plans. A better layout would have a public community garden for everyone to enjoy;
- Fewer bungalows and more green space, especially trees, would be welcome; and
- At the public meeting a communal area for wheelie bins was discussed. I strongly object to that idea as it will be abused and used for fly-tipping.

Officer Comments

1. Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework (the Framework) must be given full weight in the decision making process. Other material considerations may then be set against the Local plan policies so far as they are relevant. The Framework has been replaced by a revised version and the following comments relate to that revised version.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are objectives to achieving sustainable development: economic, social and environmental.

Local Plan Part 1: Core Strategy

The following Local Plan policies are relevant to this application:

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 places Colne as a Key Service Centre where the majority of new housing should be located.

Policy ENV2 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 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 ENV5 seeks to minimise air, water, noise, odour and light pollution and to address the risks arising from contaminated land, unstable land and hazardous substances.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

Policy LIV4 sets out the requirements for affordable housing in the Borough. No requirement is needed for this site.

National Planning Policy Framework

In national terms the National Planning Policy Framework ("the Framework") provides guidance on housing requirements, design and sustainable development.

2. Principle of Housing

The site is located within the settlement boundary for Colne. The site previously had 34 terraced properties which were demolished around 2006 and therefore is acceptable for housing development.

3. Impact on Residential Amenity

The nearest residential properties are those on Mason Street and New Market Street with the flats at Ivegate and Church Meadows further away. The flats at Argyle Street are also nearby and close to completion.

1 - 33 Mason Street are located to the east of the site and have rear elevations backing onto the site.

18 – 50 New Market Street are located to the west of the site and have rear elevations backing onto the site

Both of these are separated by the existing back street with the bungalows set back a further 5/6m this allows approximately 14m from the rear elevations of two storey terraces to the rear of the bungalows which is acceptable particularly when taking into account the previous two storey houses on the site and their relationship.

The partially completed flats on Argyle Street are at least 16.5m away and separated by Argyle Street, the car parking and amenity space or the Bin Store which is acceptable.

Therefore the limited impact on residential amenity is acceptable.

4. Layout, Design and Materials

The proposed layout consists of five pairs of semi-detached one bed bungalows with six parking spaces and some amenity space within the site. This gives a more spacious layout for the development than the previous 34 terraced properties as well as allowing for more modern day living with on-site amenity area and off-street parking.

The bungalows are of fairly simple design a roof canopy to the front elevations and patio doors to the rear.

The materials proposed are Forticrete Artificial stone with Monarch artificial stone and Marley Edgemere smooth grey slates with Dark Grey upvc windows and coloured feature entrance doors. A 1.2m high hit and miss timber fencing is proposed to the rear along Mason Street and New Market Street. This needs to be a higher more solid construction to the rear of the car park and bin store to provide adequate screening.

The proposed scheme is acceptable and would create a layout with appropriate parking and open space within the site.

The palette of materials and designs of the housetypes are acceptable in this location and accords with policies ENV2.

5. Highway Safety

LCC have no objections to the proposed scheme as amended subject to conditions.

Mobility parking should be provided at a minimum level of one per ten car parking spaces. The developer could provide two correctly sized and laid out disabled parking bays although this would result in the loss of bay 5. The developer could provide one disabled parking bay (bay 7) and retain bay 6.

The developer has provided a revised parking layout plan taking the above into account.

The formation of the vehicle access from Bright Street to the proposed car park would need to be carried out under a legal agreement (Section 278). Additional highway improvement includes construction of buff coloured tactile paved dropped pedestrian crossings at the junction of Argyle Street/Bright Street, including an extended dropped crossing to facilitate the use of the bin store; improvements to the existing dropped pedestrian crossings on Bright Street/Rook Street and Rook Street/Rear New Market Street, to include buff coloured tactile paving and improvements to the

existing dropped pedestrian crossings on Rook Street near the junction with New Market Street, to include buff coloured tactile paving.

The bin store is more than 30m from the majority of dwellings which is not in line with guidance in Manual for Streets.

On-site parking would be provided on site and some alterations to the parking has been requested to ensure these are in line with the requirements of policy 31.

The development is therefore acceptable in terms of highway impacts.

6. Ecology/Amenity Space

The site has been previously development land with the terraced houses demolished and the site grassed over and therefore raises no ecology issues.

The site is not open space or amenity space and has not been designated as such.

7. Landscaping and Trees

The proposed open space within the site should have appropriate tree/shrub planting as well as appropriate treatments along the boundaries and front garden areas. The boundary fence should be higher and more solid to the car park and bin store areas.

Subject to a detailed landscaping condition including appropriate boundary treatments this is acceptable.

8. Drainage and Flood Risk

The site raises no flood risk issues and an appropriate drainage scheme can be controlled by condition.

The proposal therefore meets the requirements of Policy ENV7.

9. Contributions

No contributions are required.

10. Summary

The proposed scheme is for a residential scheme of 10 dwellinghouses which is acceptable in terms of impact on residential amenity, highway safety, landscaping, drainage, design and materials subject to appropriate conditions.

RECOMMENDATION: Approval

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:

18-107 SP01, 18-107 SP02A, 18-107 SP03A, 18-107 PL01, 18-107 EL01, 18-107 EL02 & 18-107 EL03.

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

3. 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 in order to prevent contamination of the controlled waters.

4. No development shall commence until the final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to, and approved in writing by, the Local Planning Authority. These details shall include, as a minimum:

- a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
- b) The drainage strategy should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
- c) A site layout plan showing overland flow routes and flood water exceedance routes, both on and off site – these must be directed away from property and critical infrastructure;
- d) Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

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.

Reason: To ensure that the proposed development can be adequately drained, that there is no flood risk on or off the site resulting from the proposed development, to ensure the water quality is not detrimentally impacted by the development proposal and to reduce the flood risk to the development as a result of inadequate maintenance.

5. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:

- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
- b) The areas and methods of loading and unloading of plant and materials.
- c) The areas for the storage of plant and materials.
- e) Details of wheel-washing facilities including location
- k) Measures to ensure that vehicle access of adjoining access points are not impeded.
- n) Location and details of site compounds
- o) Hoarding details during construction
- u) Parking area(s) for construction traffic and personnel
- v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. All works agreed as part of the plan shall be implemented during an agreed timescale and where appropriate maintained as such thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phases.

6. No part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

7. 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.

These works shall include (but are not limited to):

- a street lighting assessment;
- construction of buff coloured tactile paved dropped pedestrian crossings at the junction of Argyle Street/Bright Street, including an extended dropped crossing to facilitate the use of the bin store;
- improvements to the existing dropped pedestrian crossings on Bright Street/Rook Street and Rook Street/Rear New Market Street, to include buff coloured tactile paving;
- improvements to the existing dropped pedestrian crossings on Rook Street near the junction with New Market Street, to include buff coloured tactile paving.

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.

8. The car parking spaces shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, prior to occupation of the first unit and maintained thereafter.

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

9. Notwithstanding the submitted landscaping plan, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
 - 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 hard landscape elements and pavings, including layout, materials and colours;

- e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas;
- f. all boundary treatments between properties and to the boundary of the site including fencing, walls and hedgerows.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and retains existing trees and hedgerows where possible.

- 10.** Prior to the commencement of above ground works samples of all materials to be used on the external elevations including window, doors, surfacing and rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved materials.

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

- 11.** The windows and doors shall be set back from the external face of the walls by at least 75mm in depth.

Reason: To ensure the continuation of a satisfactory appearance to the development.

- 12.** Prior to first occupation the parking areas shall be constructed in a bound porous material and made available for use and maintained for that purpose for the as long as the development is occupied.

Reason: To ensure satisfactory off street parking arrangements do not lead to an increase in flooding.

- 13.** A scheme for the management (including maintenance) of the open space area shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved scheme shall be carried out in full accordance with the agreed scheme before the first dwelling is occupied.

Reason: To ensure the site is properly maintained and managed in the interests of visual amenity.

- 14.** Prior to first occupation of each dwelling unit a scheme for electric charging points or appropriate alternative shall be provided in accordance with a scheme to be submitted and approved in writing by the Local Planning Authority.

Reason: To ensure that the development provides for sustainable modes of travel.

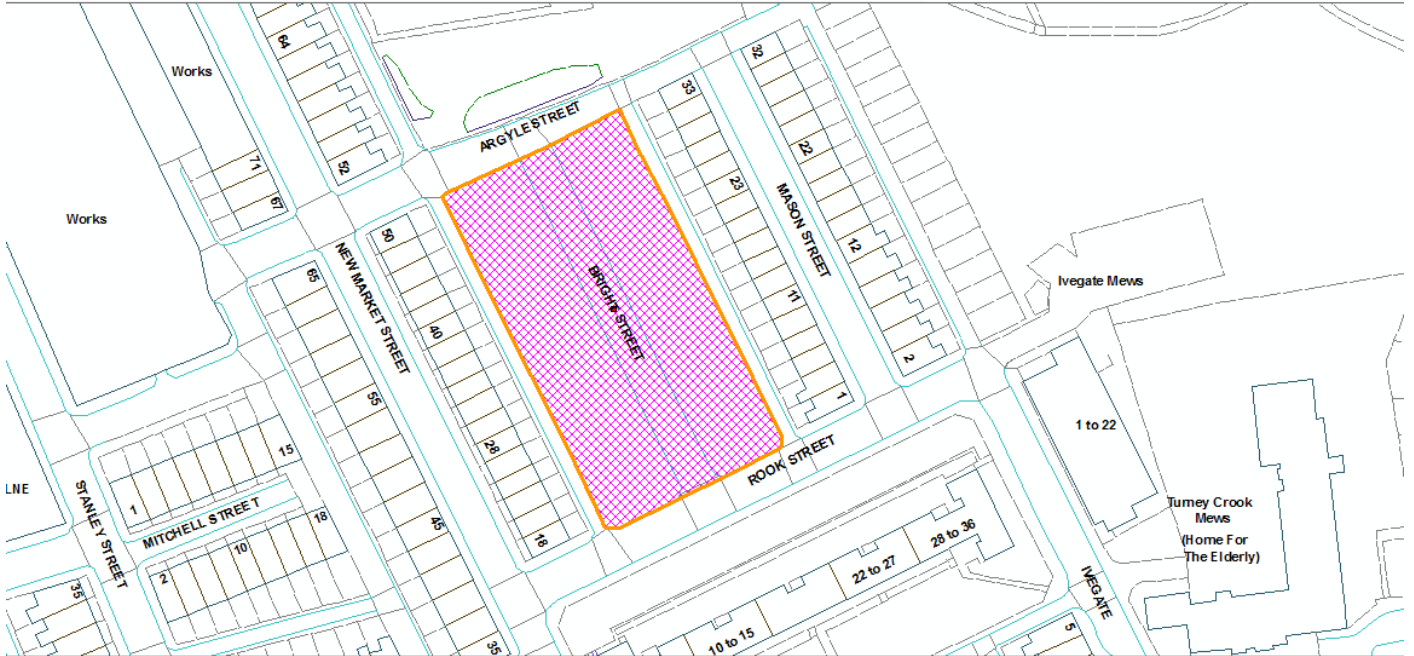
- 15.** Before a dwelling unit is occupied waste containers shall be provided on each plot.

Reason: To ensure adequate provision for the storage and disposal of waste.

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.

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 by email on 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: 18/0587/FUL

Proposal: Full: Major: Erection of 10 dwellinghouses with associated bin storage and parking.

At: Site of Former 1 to 34 Bright Street Colne.

On behalf of: WayMoor Ltd

REPORT TO COLNE & DISTRICT COMMITTEE 6th DECEMBER, 2018

Application Ref: 18/0613/FUL

Proposal: Demolition of modular classroom and erection of a two storey education building (Use Class D1) Floor Area 396 sq.m.), provision of a Multi-Use Games Area (MUGA) pitch and associated landscaping works.

At: CHRIST CHURCH C OF E SCHOOL BENT LANE COLNE BB8 7AA

On behalf of: The School Governors

Date Registered: 4 September 2018

Expiry Date: 30 October 2018

Case Officer: Kathryn Hughes

This application has been brought before Committee as three objections have been received.

Site Description and Proposal

The application site is part of the school playing field located to the rear of 297-301 Keighley Road associated with Christ Church School (located 25m to the East). The site is located on the edge of the settlement boundary of Colne and within the Lidgett and Bents Conservation Area.

To the north of the site is open land and dwellinghouses on Bent Lane, to the south and west are detached houses and to the east is the existing school building.

The proposed development is to remove the existing temporary classroom building in the north east corner of the field and erect a two storey modular building which can accommodate four classrooms to the north west of the site.

The classroom unit would be sited to the west of the existing school and would measure 22.2m (plus 1.7m overhang) x 9.4m (with 2m overhang) x 7.5m maximum height. It would comprise Natural Western Red Cedar at the upper level with a soft grey render as a plinth and retaining walls formed in gabions using local stone and aluminium frames.

The Multi Use Games Area would be sited to the east of the site and feature an under 8's all-weather pitch measuring 26m x 35m.

Relevant Planning History

13/10/0403P - Formation of hard surfaced area, erection of 1.8m high fence and levelling of ground - Approved 05/11/2010.

13/12/0021P - Erection of a single storey extension to the front of school - Approved 15/03/2012.

13/14/01090P –Siting of temporary classroom building comprising 2 classrooms, WC and store room – Approved (temporary permission of five years or one month after the use of extension approved under 13/12/021P) 27/06/2014.

Consultee Response

LCC Highways - No objection.

Sport England – No objection due to replacement playing field provided by way of a small sided artificial pitch.

UU – In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. We request a drainage condition is attached to any subsequent approval to reflect this approach.

Water Comments

A water main crosses the site. As we need unrestricted access for operating and maintaining it, we will not permit development over or in close proximity to the main. We require an access strip as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', a copy of which is enclosed.

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the water network is required to meet the demand, this could be a significant project and the design and construction period should be accounted for.

To discuss a potential water supply or any of the water comments detailed above, the applicant can contact the team at DeveloperServicesWater@uuplc.co.uk.

Supporting information - Drainage

If the applicant intends to offer wastewater assets forward for adoption by United Utilities, the proposed detailed design will be subject to a technical appraisal by an Adoptions Engineer as we need to be sure that the proposal meets the requirements of Sewers for Adoption and United Utilities' Asset Standards. The detailed layout should be prepared with consideration of what is necessary to secure a development to an adoptable standard. This is important as drainage design can be a key determining factor of site levels and layout. The proposed design should give consideration to long term operability and give United Utilities a cost effective proposal for the life of the assets. Therefore, should this application be approved and the applicant wishes to progress a Section 104 agreement, we strongly recommend that no construction commences until the detailed drainage design, submitted as part of the Section 104 agreement, has been assessed and accepted in writing by United Utilities. Any works carried out prior to the technical assessment being approved is done entirely at the developers own risk and could be subject to change.

PBC Conservation Officer - Christ Church School is a prominent and attractive traditional building within the Lidgett and Bents CA. The CA Character Appraisal notes that 'Christ Church and the School building dominate the junction of Keighley Road and Bents Lane. At the south end of Bents Lane, Christ Church and the School create a simple, robust and bold character which is very Victorian.'

The general pattern of development along this part of Keighley Rd comprises varied individual buildings set well back from the road frontage on rising land, set behind mature trees and greenery. The attractive stone frontage of the school, with its tall arched windows and prominent gables, can be seen from the road, rising above the playground. Together with the church it forms a distinctive building group and focal point marking the narrow entrance to Bents Lane. The buildings together create a prominent and locally distinctive townscape feature along Keighley Road.

The open fields of the Lidgett Triangle extend uphill behind the school and its playing fields. The CA Appraisal notes the open and attractive views from the elevated public footpath running through the fields, where trees provide a green foil for the surrounding buildings. These mainly comprise more recent linear development lining the sides of the Triangle.

Various options in respect of the siting of the proposed new accommodation were considered prior to the submission of this application, including the development of the playground fronting the school adjacent to Keighley Road. However the siting and design of a new building prominently located at the junction of Bents Lane and Keighley Rd, and within the immediate setting of the two distinctive and interrelated church and school buildings, proved to be difficult. The resulting truncated views of the historic school building would have been likely to cause harm to the character and appearance of the CA at this point.

The proposed siting of the accommodation on the playing fields to the rear of the school is much preferable in terms of potential impact on the character and appearance of the CA. It would preserve views of the existing school and church buildings at the entrance to Bents Lane. The building would be partially seen from Keighley Road, but would not be prominent in these views. Amended plans include a reduction in the overall height, further reducing the visual impact when seen from the road.

Whilst the building would be visible from the public footpaths across the open fields of the Lidgett Triangle, it would be sited within the existing development 'envelope' around the edge of this open space, together with the other varied buildings already visible amongst trees around the perimeter. The building would be seen within this semi-rural landscape, and the design and materials would accordingly need to respect this context. The Council's CA Design and Development Guidance SPD emphasises the need for simple and robust forms, good quality and predominantly natural building materials, for buildings to be well detailed and to respect local character and distinctiveness.

The relatively simple form and lines of the building would generally be appropriate; however more modelling to the facades is suggested to add visual interest, stronger verticality and detailing, and to break down the bulk of the building. Windows and doors need to be sufficiently recessed to create strong shadow lines and definition. Natural materials should be used rather than artificial weatherboarding, to bring more quality and texture to the contemporary design. Natural toned render and timber boarding in darker and more recessive colours would assist the building to bed into the semi-rural context when seen from the public footpaths to the rear. There is scope for tree planting and landscaping along this boundary which would also help to soften the outline of the building. Additionally, the surfacing of paths and the pitch should be in textures and colours appropriate for the semi-rural setting.

PBC Environment Officer - No objection. The trees have been identified as being low quality and removal has been kept to a minimum. Some trees on the eastern edge of the site would help to screen and reduce noise to the neighbours.

Colne Town Council – We are concerned that the orientation, height and mass of the proposed building, in a conservation area, will have significant impact on the amenity of adjoining residential properties. Given its height and position, the proposed building will be clearly visible from the conservation area, including Keighley Road, which will have a detrimental impact on the conservation area.

We question whether all alternative avenues have been explored for the provision of additional classroom accommodation.

Public Response

Site and press notices posted and nearest neighbours notified by letter.

Three responses received objecting to the proposed development on the following grounds:

- The plan did not give the following information such as overall building dimension, dimensions to boundaries and distance of building from back garden, height and type of fencing around the proposed MUGA and car parking provision and access to proposed building from school;
- The height and size of this building will affect our bungalow, blocking light and sun from the property and garden and have an overbearing impact;
- The design of the building is unattractive with modular, flat-roofed, cladded design and not consistent with other buildings in this conservation area. This building will be seen from Bent Lane, Keighley Road (as it will be above the height of our bungalow) and the fields above the playing area in the “Lidgett Triangle”;
- Road traffic problems: we regularly see “near misses” along Keighley Road and the extra traffic involved in the construction of this building will be a danger to children/parents/other traffic. Bent Lane is also a bottleneck at school start and finish times;
- Drainage: we are concerned about the drainage – both from the proposed building and MUGA pitch. Currently this area is a field and drains adequately;
- It seems a great shame to create this MUGA on a lovely green playing area. The drawings did not show height and type of fence or distance from our property;
- I sympathise with the school’s problems over lack of space – is it wise to continue to admit more pupils that the present structure can take?
- I find it difficult to understand how the plans can be seen as a valid and satisfactory solution to the school’s problems;
- The building will be visually detrimental to the openness of the area;
- There is no provision for car parking for the increased footfall and usage of the field;
- There is restricted access to the field and the existing temporary classrooms had to be lifted into the field by cranes over our property without permission or advance warning;
- We own six feet of land beyond our rear fence into the back land labelled as footpath on our deeds. In the past we have not objected to staff cars being parked there;
- The location and the design of the proposed development are very important given that it would be inside the Lidgett & Bents Conservation Area. This site is right next to The Lidgett Triangle and will be able to be seen from it. Given the Planning Inspector’s summing up at the Appeal for the Rough two years ago, it is vital that the value of the Triangle and its immediate environs are not eroded by poor development. The Lidgett & Beyond charity fights hard to maintain standards in the local area and objected, along with local Councillors, to the initial application for the extension at Claines, Skipton Old Road (refs 16/0759/HHO and 17/0045/HHO) before it was modified accordingly given its visibility from the Triangle and from other areas in the Conservation Area. The end result is a good design and an appropriate development in the Conservation Area;
- Lidgett & Beyond’s objection to this application is based on the formulaic, modular design of this building. Whilst we were not expecting something to be in a similar architectural style to the other/original school buildings, although that wouldn’t be such a bad thing, this proposed building is simply not good enough in either materials or design for the Conservation Area. From the perspective of the nearest local residents on Keighley Road, we understand that they will not be overlooked by windows in the proposed new building, but they will be significantly affected by its looming two-storey presence on rising ground. Hence, quality of design will be important for them, as well as having as much screening as possible to soften their outlook;
- Regarding the provision of a Multi-Use Games Area (MUGA) pitch and associated landscaping works, again, appropriate sensitivity of the design and choice of materials is necessary, not just choosing the cheapest possible solution.

Actions to consider:

- The Council's Heritage Officer, Rosemary Lyons, should appraise this application, as should Historic England.
- The current application should be refused on grounds of poor design and choice of materials in a Conservation Area
- To help the school's re-application process, it may be appropriate to approve an access-only application, with design reserved for a later date
- Perhaps approve an extension of the existing classrooms while a good design is developed for the site

Nine responses received supporting the scheme as follows:

- The school needs extending and improving. A new built building with a good size library and computers will benefit the children and a new playing/sport pitch is desperately needed as the sloped yard if not suitable;
- I am all too aware of the lack of space to accommodate the needs of the pupils. This is a fantastic opportunity for the school;
- In recent years the school has been oversubscribed resulting in some overcrowding and the school building is really no longer for purpose;
- I realise that the school is in a heritage and conservation area. I was brought up in the area and feel that the plans are the best for preserving the character of the area;
- The school building is in need of serious improvements and the building of a new Key Stage Two block would be of significant benefit to children now and in the future;
- The proposed new block coupled with a refurbishment of the existing building will enable the school to look forward positively and give the children and staff the teaching and learning environment they need and deserve;
- The school was building in 1840 for a capacity of 80 pupils and now has 187 on roll the small kitchen provides over 100 meals per day taken in the hall, which also acts as a classroom, and games hall. Dry rot, wet rot, woodworm, inadequate piping leads to regular leaks and breakdowns, plaster falling from damp walls and ceilings has led to the cloakroom, now library, being cited as a health hazard as well as insufficient toilets and condemning a classroom. The building is in a poor state of repair;
- I understand that the Diocese has set aside a realistic sum of money as they recognise that the school needs serious attention to provide a befitting learning environment for the benefit of future pupils.

Officer Comments

The main issues for consideration are impact on residential amenity, impact on conservation area/heritage assets, design and layout, loss of trees, drainage and highway issues.

1. Policy

The starting point for consideration of any planning application is the development plan. Policies which are up to date and which conform to the provisions of the National Planning Policy Framework ("the Framework") must be given full weight in the decision making process. Other material considerations may then be set against the Local Plan policies so far as they are relevant.

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in the NPPF (2018), taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Legislation

Section 72 of the Planning, Listed Buildings & Conservation Areas) Act 1990 states that when making planning decisions regard must be had to preserving or enhancing conservation areas.

Pendle Local Plan

The relevant adopted Pendle Local Plan Part 1: Core Strategy 2011 - 2030 policies for this proposal are:

Policy SDP1 requires the decision maker to take a positive approach in favour of sustainable development as set out in the National Planning Policy Framework (the Framework).

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

Policy ENV2 states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets.

Policy ENV7 consider the impacts of flood risk on and from new development.

Policy SUP3 seeks to delivery key development that will improve the educational and training opportunities in Pendle. In particular the Council will support the provision of improved primary education facilities where a need exists.

Replacement Pendle Local Plan

The following saved policy also applies:

Policy 31 'Parking' requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

National Planning Policy Framework

Paragraph 11 sets out the presumption on favour of sustainable development and what decision taking means in this respect.

Paragraph 32 states that all developments which generate significant amounts of movement to be supported by a Transport Statement and provide a safe and suitable access.

The Framework states that good design is a key aspect of sustainable development and is indivisible from good planning. Design is to contribute positively to making places better for people (para. 124). To accomplish this development is to establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live and responding to local character and history (para. 127). Design quality should be considered throughout the evolution and assessment of individual proposals (para.128).

Para 130 of the National Planning Policy Framework states that permission should be refused for development of poor design that fails to take the opportunities available for improving character and quality of an area and the way it functions. This paragraph is unqualified. If a development is poor in design it should be refused. There is no balancing exercise to be undertaken with other

sections of the Framework as poor design is not sustainable development and the requirement under paragraph 11 is to allow sustainable development to come forward.

Para 192 – 199 give guidance on assessing schemes which impact on heritage assets and how the impact on the significance of a designated asset should be attributed weight.

2. Impact on Residential Amenity

Policy ENV1 of the Local Plan states that housing development should reflect site surroundings and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties.

The proposed building has been positioned to take account of neighbouring properties on the southern side of the site. It would be set within the existing playing field and whilst it would have some impact in terms of being visible from neighbouring properties due to its size and location the scheme would not result in any overlooking or loss of privacy for these residents as no windows are proposed in the southern gable elevation.

The proposed classroom would be located 9m from residential gardens and 18.5m from the rear elevation of No. 299 Keighley Road and sited a minimum of 3m from the side boundary of No. 301 Keighley Road. These distances together with the set down into the land and no fenestration in the southern gable and high level windows in the eastern elevation would be sufficient to preserve the privacy and amenity of the surrounding properties.

The all-weather pitch would be sited 5.5m from the rear boundary of No. 297 and 15.5m from the rear elevation of that property. Taking into account the existing use of the land as playing field this is acceptable.

Further details regarding the fencing and surfacing proposed have been requested.

3. Impact on Conservation Area/Heritage Assets

As with all applications the statutory requirement is that the application must be determined in accordance with the development plan unless material considerations indicate otherwise. The consideration of the application must also be in accordance with primary legislation.

The Framework sets out the mechanism for how heritage assets need to be assessed in planning applications. Applicants must assess the significance of the heritage asset with the detail being proportionate to the importance of the asset. The particular significance of the asset needs to be assessed.

In making a decision on the application account needs to be taken of:

- The desirability of sustaining and enhancing the significance of the assets and putting them to a viable use consistent with their conservation.
- The positive contribution assets can make to sustainable communities
- The desirability of new development making a positive contribution to local character and distinctiveness

Great weight should be given to be given to the asset's conservation when the impact on the significance of a designated asset is considered. The more important the asset the greater that weight should be.

Harm to assets is not precluded from happening but this needs clear and convincing justification. Less than substantial harm to a designated asset should be weighed against the public benefits of the proposal.

A Heritage Statement has been undertaken which assesses the potential impact of the proposed development on the significance of the Heritage Assets. This concludes that there would be less than substantial harm to the heritage asset.

The building would be partially seen from Keighley Road, but would not be prominent in these views particularly as the amended plans reduce the overall height which will further reduce the visual impact from the road.

The building would be set down into the land by between 1.245m and 1.615m together with the changes to the roof slope which results in an overall reduction of 1.8m on the eastern gable nearest to the neighbouring properties and therefore reducing the impact on them and the conservation area.

Whilst the building would be visible from the public footpaths across the open fields of the Lidgett Triangle, it would be sited within the existing development 'envelope' around the edge of this open space, together with the other varied buildings already visible amongst trees around the perimeter. The building would be seen within this semi-rural landscape. The design and materials would need to respect this context. The Conservation Area Design and Development Guidance SPD emphasises the need for simple and robust forms, good quality and predominantly natural building materials, for buildings to be well detailed and to respect local character and distinctiveness.

The scheme as submitted is acceptable in terms of siting, scale and massing. There are some changes required to the design and materials which will improve the design and assist in reducing the prominence of the structure and result in a more acceptable building within the conservation area.

Windows and doors need to be recessed and this can be controlled by an appropriate condition.

Additional planting along the boundary has also been requested as this would provide more substantial screening and soften the impact of the building. Surfacing of the paths and all weather pitch are important in terms of materials and colour and this can also be controlled by an appropriate condition.

The all-weather pitch would not be overly intrusive in this setting bearing in the mind its existing use as a playing field subject to materials and details of fencing. The agent has been requested to provide these or they can be controlled by appropriate conditions.

The effects on the setting of the heritage assets would lead to harm to their significance. This harm would be less than substantial and as such should be weighed against the public benefits of the proposal.

- Improved educational facilities by providing additional accommodation and facilities to ensure the school is fit for purpose;
- Formation of MUGA;
- Enhanced planting to provide screening package;
- Future proofing the school;
- Employment for building trade and local tradesmen/businesses,

These benefits would achieve the public benefits required to outweigh the harm caused by the proposed scheme provided that there are changes to the design and materials and landscaping which can be achieved by amended plans or by conditions attached to any grant of permission.

This would assist in integrating the development into its context and preserving local distinctiveness.

4. Design & Materials

Whilst the proposed building would only be partially seen from views along Keighley Road; it would be visible from the open land to the rear. It would not be overly prominent as it would be viewed within the context of the existing school buildings.

Some changes to the design and materials have been requested in order to ensure that the building blends in especially when viewed from public footpaths to the rear. There is scope for additional tree planting and landscaping along this boundary which would help soften the building and provide screening from the public viewpoints to the rear.

Further details regarding the fencing and surfacing proposed have been requested.

The reduction in height and setting down into the land also helps to reduce the potential impact on neighbouring properties and the conservation area when viewed from public vantage points along the footpaths through Lidgett Triangle.

Taking this into account the proposal is acceptable in terms of visual amenity and would result in less than substantial harm to the Conservation Area subject to amended plans and appropriate conditions.

5. Trees

The Council's Environment Officer has supported the scheme and the loss of some trees on the site can be mitigated with a landscaping scheme which has the potential to provide more screening for the site and structure as well as the potential to improve this woodland area for the future which would be a benefit to the scheme.

6. Highways

In terms of parking although four additional classrooms are proposed there would be no increase in staff and pupils at the school. This proposal is to allow the existing school building to be reconfigured and refurbished and provide more suitable and appropriate education facilities for the pupils attending the school.

There is no further provision for parking proposed and no space to provide any and therefore this would as it is at present. This is acceptable.

Taking all relevant factors into account the proposed classrooms would be acceptable in highway terms.

7. Drainage

A drainage scheme would need to be provided and this can be controlled by an appropriate condition.

8. Conclusion

Whilst there are some changes required to attain an acceptable design standard these are achievable and would result in an acceptable scheme.

In terms of the planning balance it is clear that the substantial benefits of providing the improvements and additional facilities which are required to ensure the school can continue and progress and provide a vital community facility in the future. In my view this is a compelling and overriding factor that outweighs the less than substantial harm to the conservation area.

Subject to amendments to the design and materials this scheme would be acceptable in terms of national and local planning policy and is recommended for approval on this basis.

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. On balance the proposed development is acceptable in terms of policy, impact on amenity, highway safety, design and impact on the Conservation Area. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

8964 L01 P1, 8964 E01 P1, 8964 E02 P1, 8964 P01 P1, 8964 P02 P1, 8964 P03 A,
8964 P04 A, 8964 P05 P1, 8964 P06 P1,

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

3. Prior to the modular unit being installed on the site samples of all the materials to be used in the elevations, roof, windows, doors and rainwater goods of the proposed development shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the Local Planning Authority to control the external appearance of the development.

4. Prior to the multi-use games area being installed on the site samples of all the materials to be used in surfacing and fencing including colours shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the Local Planning Authority to control the external appearance of the development.

5. Prior to the paths being installed on the site samples of all the materials to be used in surfacing including colours shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order for the Local Planning Authority to control the external appearance of the development.

6. The windows and doors shall be recessed by at least 75mm unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to ensure an acceptable appearance of the development.

7. Foul and surface water shall be drained on separate systems.

Reason: To secure proper drainage and to manage the risk of flooding and pollution.

8. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards 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.

The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

9. Notwithstanding the submitted landscaping plan, the development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:
 - 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 hard landscape elements and pavings, including layout, materials and colours;
 - e. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas;
 - f. all boundary treatments between properties and to the boundary of the site including fencing, walls and hedgerows.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

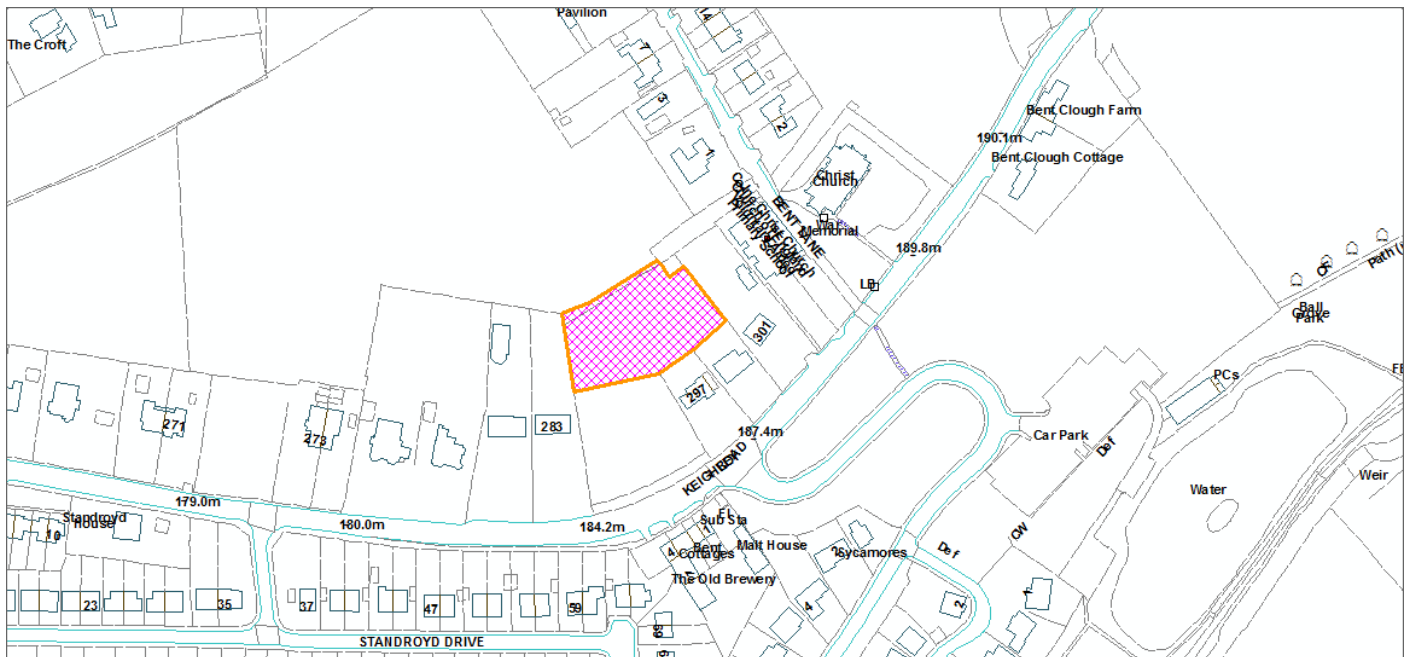
Reason: To ensure that the development is adequately landscaped so as to integrate with its surroundings and retains existing trees and hedgerows where possible.

10. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837: 2012 has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no

work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved by the Local Planning Authority, prior to the commencement of works.

Reason: To prevent trees or hedgerows on site from being damaged during building works.



Application Ref: 18/0613/FUL

Proposal: Demolition of modular classroom and erection of a two storey education building (Use Class D1) Floor Area 396 sq.m.), provision of a Multi-Use Games Area (MUGA) pitch and associated landscaping works.

At: CHRIST CHURCH C OF E SCHOOL BENT LANE COLNE BB8 7AA

On behalf of: The School Governors

COLNE AND DISTRICT COMMITTEE REPORT 06 DECEMBER 2018

Application Ref: 18/0718/FUL

Proposal: Full: Major: Erection of 15 residential units including 9 dwelling houses and 6 apartments with 26 car parking spaces (resubmission).

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

On behalf of: Cawder Construction

Date Registered: 17/09/2018

Expiry Date: 17/12/2018

Case Officer: Alex Cameron

Site Description and Proposal

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

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

An application on this site was refused planning permission in October for the reasons of unacceptable design and that the applicant had failed to justify the loss of open space. This is a revised application with the following changes:

- The proposed apartment block has been amended adding windows to the previously blank south gable elevation and part blank east elevation and relocating windows in the north facing elevation to take account of the existing street lighting column.
- An existing tree on the west side of the site is now proposed to be retained new trees proposed to be planted to the rear of Essex Street and in the gardens of two plots.
- A reduction in the number of car parking spaces proposed from 29 to 26.
- The application site has been altered to remove the strip of land to the rear of Essex Street.
- An additional justification statement has been submitted addressing the loss of open space.

Relevant Planning History

18/0361/FUL - Full: Major: Erection of 15 residential units including 9 dwelling houses and 6 apartments with 29 car parking spaces. Refused.

Consultee Response

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

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.

We recommend that car parking spaces 7 and 8 should be extended to a minimum length of 11m to ensure that two vehicles can be parked in tandem without encroaching into the manoeuvring area.

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.

LCC Education - An education contribution is not required at this stage in regards to this development.

PBC Environmental Health – Please attach standard contaminated land condition.

Lead Local Flood Authority – No objection subject to foul and surface water drainage conditions.

Colne Town Council - Consider the amended design to be much improved. In principle, we support the building on brownfield sites but would like to see more landscaping on the SW corner of the site (triangle area)

Public Response

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

- None of the concerns have been addressed in the resubmission of this development.
- Loss of a community green space.
- Destruction of habitat.
- Highway safety concerns.
- Other sites should be considered first.

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 acceptable in locational terms and accords with policy LIV1.

An application for planning permission was refused in a decision notice dated 21/8/18. Whilst each planning application must be determined on its own planning merits the Council needs to be consistent in making planning decisions. Applications that are submitted and are the same as a previous application should be determined in the same way.

The previous application was refused due to impacts on design and loss of open space. The applicant has altered the scheme design and submitted further information on open space. In order to lead to a position for the application to be approved Committee should satisfy itself that there have been material changes in planning circumstances. If Committee are not satisfied that there

have been changes in planning circumstances, of sufficient weight to lead to a different outcome, then the application should be refused.

Design

The design of the development has been revised from the refused development to resolve the issues raised relating to the design of the proposed flats. Blank and plain elevations have been altered to contain windows and this better reflects the style of development surrounding. 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. The design of the proposed development acceptably resolves the reason for refusal of the previous application and would not harm the visual amenity of the area. The scheme's design is now 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

Paragraph 97 of the Framework states that existing open space should not be built on unless it meets certain circumstances, these include where an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements

The applicant has submitted a report addressing the loss of the open space.

This includes details of decisions made by Colne and District Committee in September 2014 and the Council's Executive in October 2014 to declare sites, including this one, as surplus to requirements and of Council's Executive in December 2017 to dispose of this site. A decision to dispose however is not a planning one and on its own should be given no planning weight.

The report demonstrates that there is a substantial surplus of amenity space within Waterside ward and that the site represents a little over 3% of total available provision within the ward. It comprises less than 5% of the surplus of provision in the ward.

The report submitted with this application clearly demonstrates that this area of open space is surplus to requirements.

There is a sizeable surplus of open space in the ward. The nearest open space is found contiguous with the site to the south. The land on the opposite side of Colne Lane to the west is open space and there is a play area 90m to the south west. Residents in the area have the ability to access different forms of open space in the area. The loss of this open space would not result in residents not having access to open space. There is a large amount and variety available in the area.

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.

LCC Highways' concerns relating to the retaining wall were resolved in the previous application with the submission of a section plan showing the proposed foundation details. LCC Highways were satisfied with that subject to an advisory note.

The Applicant has confirmed that the plan also relates to this development but the final details of the foundations may be subject to change subject to site investigations prior to the development being carried out.

The plan satisfactorily demonstrates that the proposed development can be accommodated without unacceptable risk to the stability of the retaining wall. A condition is necessary for the final details to be submitted and approved

An acceptable level of car parking provision is proposed and the proposed development is acceptable in highway terms in accordance policies 31 and ENV4.

The applicant has responded to the concerns expressed in the last application about the taking in of the "back street" into the site boundary. The revised application site does not include the track to the rear of the houses. An indication is made on the proposed layout plan that a strip could be "tarmacked with agreement of all owners", however, that land is not within the applications site and so any such works would not form part of this development.

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

A Flood Risk Assessment has been submitted with the application and concludes that the development could be accommodated without resulting in unacceptable flood risks. The proposed development is acceptable in terms of drainage and flood risk.

Trees and Ecology

There are six mature trees on the site five of which are proposed for removal.

An ecology survey has been submitted, this found no signs of suitability for bat roosting within any of the trees or buildings on the site. The survey concludes that the site is likely to provide foraging opportunities for bats, but there would remain significant foraging opportunity in the woodland immediately bordering the site to the south and as such it is not anticipated that this will have any significant long-term impact on foraging bats.

The trees offer bird nesting and foraging opportunities which will be lost, however it is not anticipated that it will have any significant long-term impact on foraging birds as any assemblage using the site will only have site level value. Impacts on breeding birds can be mitigated with a condition requiring clearance work is carried out outside of the bird breeding season or checks are carried out prior to commencing.

The ecology survey recommends mitigation measures to offset ecological impacts of the development. A condition is necessary to ensure that appropriate mitigation measures are implemented.

There is not scope within the development to fully replace the existing trees to be removed, however, balanced against the social and economic benefits of the provision of affordable housing, the loss of the existing trees is acceptable.

Summary

It is recommended that the approval of the application is delegated to the Planning Building Control and Licencing Manger subject to the agreement of pre-commencement conditions by the Applicant.

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: 6554 L(00)20 Rev 4, 6554 L(00)22 Rev 7, 6554 L(1-)20 Rev 6, 6554 L(1-)21 Rev 5, 6554 L(1-)22 Rev 5, 6554 L(1-)23 Rev 5, 6554 L(2-)20 Rev 7, 6554 L(2-)21 Rev 7, 6554 L(2-)22 Rev 6, 6554 L(2-)23 Rev 6, 6554 L(2-)24 Rev 6, 6554 L(2-)25 Rev 6.

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. No dwelling hereby approved shall be occupied unless and until a detailed landscaping scheme 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. No ground clearance, demolition, changes of level or development or development-related work shall commence unless and until protective fencing, in full accordance with BS 5837 : 2012 has been erected around the tree to be preserved on the site as detailed in drawing No. 6554 L(00)22 Rev 7. No work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. Unless details of works are submitted to and approved in writing by the Local Planning Authority there shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction.

The proposed car parking area and all other works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2012) of the tree to be retained on the site, shall be dug by hand and in accordance with a scheme of works, including details of measures protected the roots of the tree

from being harmed by the car parking area, which shall be submitted to and approved by the Local Planning Authority prior to the commencement of those works.

Reason: To protect the existing tree to be retained as essential elements in the development.

7. No development shall commence unless and until the final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include, as a minimum:

a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change see EA advice Flood risk assessments: climate change allowances'), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

b) The drainage scheme should demonstrate that surface water run-off must not exceed the existing pre-development runoff rate for the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) A site layout plan showing overland flow routes and flood water exceedance routes, both on and off site – these must be directed away from property and critical infrastructure;

d) Site investigation and test results to confirm infiltrations rates. If infiltration is shown to be a viable option for the disposal of surface water, then this should then be used as the primary method for disposing of surface water from the site. Disposal via a public surface water sewer will only be considered where infiltration is proved to be unsuitable.

e) Details of an appropriate management and maintenance plan for the lifetime of the sustainable drainage system.

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.

Reason: To ensure that the proposed development can be adequately drained, ensure that there is no flood risk on or off the site resulting from the proposed development, ensure that water quality is not detrimentally impacted by the development proposal and reduce the flood risk to the development as a result of inadequate maintenance.

8. No development shall commence until details of how surface water and pollution prevention will be managed during each construction phase 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 that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

9. 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.

10. 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.

11. The construction of the internal road shall not commence unless and until 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.

12. No dwelling hereby approved shall be occupied unless and 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. The construction traffic access shall be formed in accordance with the approved details prior to the occupation of the first dwelling.

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.

13. The construction of the internal road, footways and parking areas shall not commence unless and 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.

14. 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.

15. 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.

16. 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.

17. 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.

18. 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.

19. The construction of the internal road shall not commence unless and until 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.

20. The development shall not commence unless and until details of the foundations of the seven dwellings to the south end of the site, including cross sections through the foundations and retaining wall to the side of Colne Lane, 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 that the development does not unacceptably impact upon the stability of the retaining wall.

21. 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.

22. No part of the development shall 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 public amenity impact of the loss of mature trees from the site and the lack of provision for public open space.

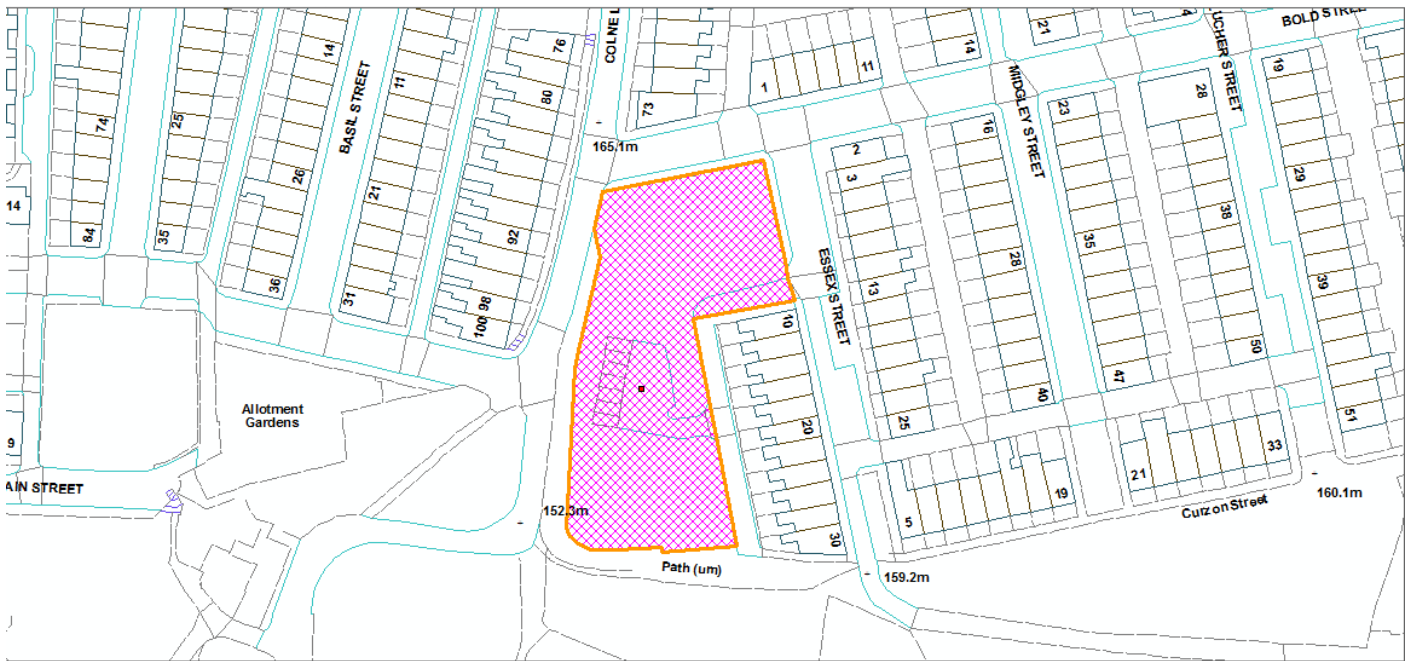
23. The development hereby approved shall be carried out in strict accordance with the recommendations of the Ecological Appraisal received 25/10/2018. The erection of the external walls of the development hereby approved shall not commence unless and until a scheme of ecological enhancement in accordance with the recommendations of the Ecological Appraisal received 25/10/2018, including timescales for implementation, has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the approved timescales. 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.

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 developer@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.

Before proceeding with the scheme preparation the developer should consult with Lancashire County Council's Bridges Section for detailed requirements relating to land arrangements, design, assessment, construction and maintenance of all existing or new highway structures included in, or affected by, the proposed scheme. For this purpose the term 'highway structure' shall include any retaining wall supporting land or property alongside the highway. The Bridges Section can be contacted by e-mail on Bridge.Engineering@lancashire.gov.uk; any correspondence should contain the planning application reference number.



Application Ref: 18/0718/FUL

Proposal: Full: Major: Erection of 15 residential units including 9 dwelling houses and 6 apartments with 26 car parking spaces (resubmission).

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 6TH DECEMBER 2018

Application Ref: 18/0749/PIP
Proposal: Permission in Principle: Erection of detached dwellinghouse and garage.
At: Land East of Carry Bridge Farm, Coal Pit Lane, Trawden
On behalf of: Mr Frank Timberlake
Date Registered: 26.10.2018
Expiry Date: 30.11.2018
Case Officer: Charlotte Pinch

Site Description and Proposal

This application is to be decided at committee as it has received more than three objections.

The application site is a piece of un-developed agricultural land, directly adjacent to Coal Pit lane, Colne. The site is located within the Open Countryside, 300 metres outside the settlement boundary of Colne.

The proposal is for the erection of a single detached dwelling and garage. The principle of residential development in this location is the only aspect to be considered as part of this application.

Relevant Planning History

None relevant.

Consultee Response

LCC Highways

Having considered the information submitted for the above application, together with observations during the site visit on 2 November 2018, the Highway Development Support Section makes the following comments. As no details of the development have been submitted at this stage our comments are only general ones.

Site access

Coal Pit Lane is an unclassified road subject to a maximum speed limit of 30mph outside the current field access, but changing to the national speed limit of 60mph across the development site's frontage.

Given this change in speed limits we recommend that a seven day traffic count is undertaken to establish the 85th percentile speeds needed to provide accurate visibility splays, although visibility splays of minimum dimensions 2.4m x 43m should be provided in both directions.

There is also a telegraph pole on site which will need re-locating if this is within the visibility splay to the east.

The existing gate is the only access to field at the moment. Any access to the development would also need to maintain suitable access into the field for use by

agricultural vehicles.

Sustainability

There is no footway nor street lighting for the first 137m from site access along Carry Lane towards Colne. Therefore there is likely to be a reliance on the use of private vehicles. The site also scores low in terms of accessibility by foot to public transport, primary schools and the nearest food shops.

General

As no details of the size of dwelling proposed have been submitted any off-road parking provision should be in line with Parking Standards for size of dwelling proposed. That is:

- 2 - 3 bedrooms - minimum of 2 spaces
- 4 bedrooms and above - minimum of 3 spaces.

Parking spaces should be of minimum dimensions 5m x 2.4m, or 3m if bounded by a fence or wall, or 3.2m if shared vehicle and pedestrian access. There should also be a minimum of 6m manoeuvring area.

The site layout should be such that vehicles can enter/leave in forward gear. Single garages should have minimum internal dimensions of 6 x 3m to count as one parking space.

The site access should be surfaced in bound porous material from the back edge of the carriageway on Coal Pit Lane for a minimum of 5m into the site.

From a highway safety point of view, if appropriate visibility splays can be achieved then we would not raise an objection.

United Utilities

Drainage Comments

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the applicant to consider the following drainage options in the following order of priority:

1. into the ground (infiltration);
2. to a surface water body;
3. to a surface water sewer, highway drain, or another drainage system;
4. to a combined sewer.

We recommend the applicant implements the scheme in accordance with the surface water drainage hierarchy outlined above.

Water Comments

If the applicant intends to obtain a water supply from United Utilities for the proposed development, we strongly recommend they engage with us at the earliest opportunity. If reinforcement of the

water network is required to meet the demand, this could be a significant project which should be accounted for in the project timeline for design and construction.

General comments

Where United Utilities' assets exist, the level of cover to the water mains and public sewers must not be compromised either during or after construction.

It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development.

Public Response

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

- Agricultural land, which has not been designated for residential development. This will undermine the Carry Bridge hamlet status.
- Will encourage future similar applications.
- Put further strain on the local road network.
- Would not result in a significant benefit for local businesses.
- Existing flooding problems on Coal Pit Lane and through the application site.
- Could result in the rest of the field being developed.
- Overlook No.4 and 6 Old Mill Drive.
- Will erode the character and tranquillity of the area.

Officer Comments

This is an application for a Permission in Principle ("PiP"). This is a form of planning application that has been specifically allowed to come forward as an alternative to normal planning applications.

The scope of permission in principle is limited to location, land use and the amount of development. A decision must be made in accordance with relevant policies in the development plan but based around the three factors. There is no other specific guidance about the way a PiP should be considered other than considering it based on existing prevailing planning policies.

A site that benefits from a PiP would then be subject of a further application for approval of technical details. It is regrettable that there has been no adequate guidance on what this would entail but in basic terms a Council can require any necessary details to be considered at the technical stage. The principle could not however be revisited at that stage.

Policy

Local Plan Part 1: Core Strategy

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

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

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

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

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Replacement Pendle Local Plan

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

National Planning Policy Framework

The site is located outside of a settlement boundary. Paragraph 78 of the Framework states:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby."

Principle of Development

Policy LIV1 deals with housing provision and delivery. It states that sustainable sites outside, but close to a settlement boundary, which make a positive contribution to the five year supply of housing land will be supported.

The application site is located within the Open Countryside, 300 metres from the edge of the Colne settlement boundary and the nearest bus stop. The proposed development would be directly adjacent to Carry Bridge Farm, within a small hamlet setting. The location does not give rise to landscape or other unacceptable impacts occurring. The relationship with Colne is such that the site would be considered to be in a sustainable location, this being reinforced by previous committee decisions regarding the proximity of sites to settlements. Therefore, in accordance with Policy LIV1, the principle of residential development on this site is acceptable.

Housing is an appropriate land use for the site and would not conflict with other land uses adjacent.

Reason for Decision

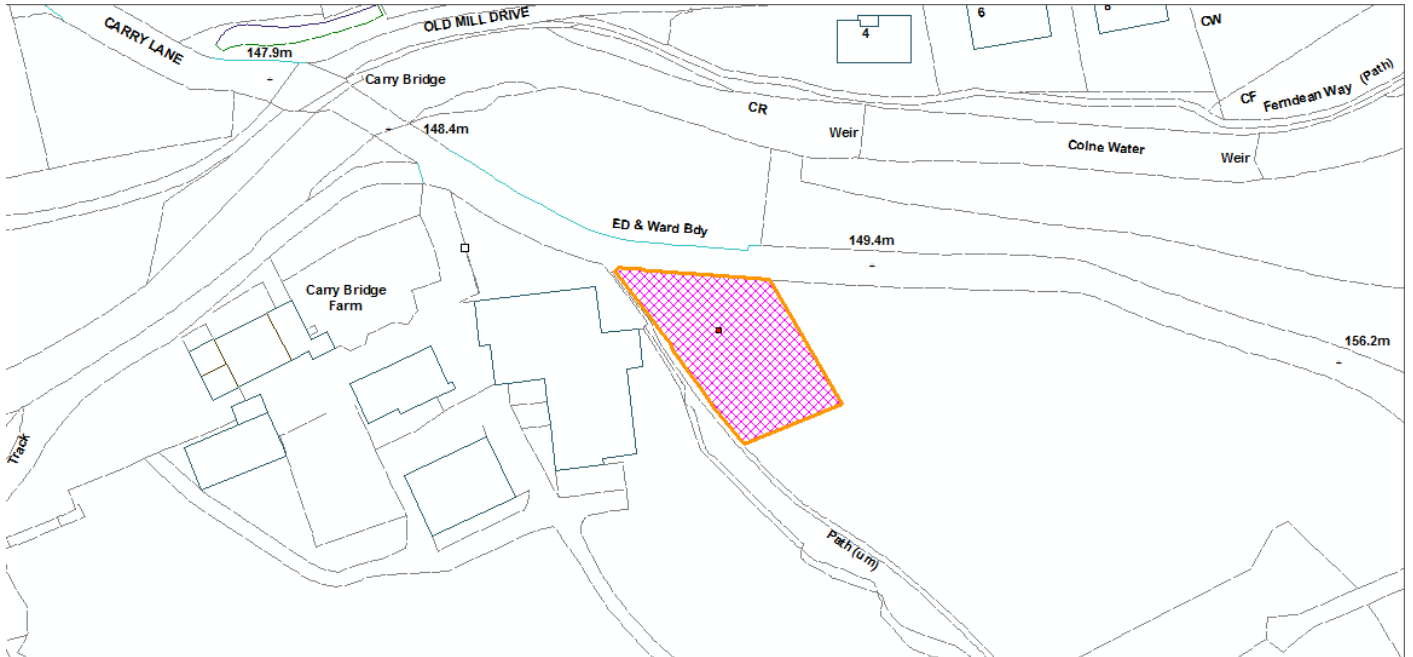
Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development is acceptable in principle. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

INFORMATIVE

As part of a technical details application the following information should be provided:

- Plans, including location plan, site plan, elevation and floor plans.
- Planning Statement.
- Drainage Scheme.
- Ecology Survey.
- Contamination Details.
- Landscaping Scheme.



Application Ref: 18/0749/PIP

Proposal: Permission in Principle: Erection of detached dwellinghouse and garage.

At: Land East of Carry Bridge Farm, Coal Pit Lane, Trawden

On behalf of: Mr Frank Timberlake

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 22nd November 2018