

## **Colne & District Area Committee Update Report – 6<sup>th</sup> December 2018**

**18/0613/FUL** - Full: 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 School, Keighley Road, Colne.

Amended plans received showing a dark oak cladding, increased tree planting to the northern boundary and 2.4m mesh fencing to the MUGA in Dark Green. These are all acceptable and addressed the concerns raised in the report.

The plans condition would need to be updated to reflect the amended and additional plans submitted.

### **Recommendation to Approve still stands subject to conditions.**

**18/0718/FUL** - 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

#### Additional consultee responses

United Utilities – Recommend foul and surface water drainage and management and maintenance conditions and note that a water main crosses the site which will require an access strip.

#### Additional notification responses

Responses received objecting on the following grounds:

- The only difference to the original application is three less parking spaces.
- The impact of losing the site goes against government policies on protecting the environment and green infrastructure.
- There are mature trees on this land which play their part in reducing carbon emissions in the area.
- The trees are the habitat of a large variety of wild birds, owls and bats. Urban living birds are decreasing due to habitat destruction.
- The trees also play their part in reducing the threat of flooding in the area.
- The development would exacerbate the problem of Colne Lane being used as a rat run.
- The junction of Bold Street / Colne Lane is treacherous to navigate due to parked vehicles on both roads and the camber of the road.
- In wintry weather Colne Lane, Bold Street and Essex Street become impassable, only Colne Lane is gritted and even then it is dangerous.
- This piece of land is of great value to the local community.
- The land provides a safe area for play and exercise at a time when the Government and Health services are concerned about the health and

wellbeing of the young i.e. obesity and respiratory illness caused by emissions into the environment.

- The development is not economically advantageous to the Council.
- No need for additional social housing in the area, the Council should investigate purchasing and renovating existing housing stock.
- The sale of the housing will not be profitable.
- The excavation works would cause a great deal of disruption in the area. What controls will be put in place and what guarantees will there be regarding damage to existing highway by heavy vehicles?
- The site is not easily accessible to refuse vehicles and larger delivery vehicles.
- What guarantees are there that the retaining wall to Colne Lane will be able to weight bare / be maintained?
- The style of housing proposed is not in keeping with the existing stone built terraced housing surrounding the site.
- The area of brownfield land at the bottom of Colne Lane would provide hundreds of homes without destroying this small piece of amenity land.
- The loss of open space has not been justified and is contrary to policies CNDP8 'Protecting Other Open Spaces' and CNDP13 'New Green Spaces' of the Draft Colne Neighbourhood Plan.

### Officer Comments

Concerns have been raised regarding compliance with the Draft Colne Neighbourhood Plan. This is in draft form and carries limited weight at this stage, however, it has been demonstrated that there is a surplus of amenity open space within the Waterside ward. There is equivalent or better amenity open space provision within acceptable walking distance at the bottom of Colne Lane in accordance with the policies of the Draft Colne Neighbourhood Plan.

The other comments relate to matters addressed in the Committee report or, in the case of comments relating to the profitability of the development, are not material to its determination. Taking the additional comments received into account they do not alter the recommendation of the report.

United Utilities have noted that a mains sewer crosses the site that this will not allow building over. The proposed layout plan show an easement for the sewer. This is controlled under separate legislation and therefore does not require any planning conditions to control. United Utilities requested conditions are covered by the drainage conditions in the recommendation.

The applicant has formally agreed the pre-commencement conditions with revisions to the tree protection condition.

It is recommended that the application is approved subject to the expiry of the publicity period on December 7<sup>th</sup>.

### **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 scheme of protection measures for the tree to be preserved on the site as detailed in drawing No. 6554 L(00)22 Rev 7 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- Details of protective fencing, in full accordance with BS 5837 : 2012
  - Measures to protect the tree during demolition works
  - Measures to protect the tree during the construction of the parking area within the root protection area as defined in BS 5837 : 2012
  - Construction details of the parking area within the root protection area as defined in BS 5837 : 2012, including tree root protection measures and details of permeability
  - Details of any changes to the fenced areas to enable the above works including the timing of those changes.
  - Measures to protect the tree if required during the construction of the foundations for the terraced properties.

No work shall be carried out on the site unless and until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Unless otherwise approved in writing by the Local Planning Authority, within the areas so fenced, the existing ground level shall be neither raised nor lowered and roots with a diameter of more than 25 millimetres shall be left unsevered. Other than that detailed in the approved scheme, there shall be no 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 be maintained during the period of construction in strict accordance with the approved scheme.

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 01<sup>st</sup> March to 31<sup>st</sup> 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.