



REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 07 March 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT COMMITTEE 7th MARCH, 2019

Application Ref: 18/0848/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 4, 5, 6, 7, 8, 9, 10, 11, 14 and 16 of Planning Permission 13/14/0580P.

At: Land to the East of Windermere Avenue Colne

On behalf of: McDermott Homes Ltd

Date Registered: 14 December 2018

Expiry Date: 8 February 2019

Case Officer: Kathryn Hughes

Site Description and Proposal

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 1995 to seek confirmation of compliance with conditions on planning permission 13/14/0580P.

This application requests the discharge of condition numbers 4, 5, 6, 7, 8, 9, 10, 11, 14 and 16 on the Planning Permission. These conditions are listed below:

4) 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:-

i) 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

ii) 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.

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.

5) Notwithstanding any indication on the approved plans, prior to commencement of development a scheme for the disposal of foul and surface waters for the appeal site shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme for the site shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and should demonstrate the surface water run-off will

not exceed 155 l/s. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The drainage shall be provided in accordance with the approved details before the development is completed, and maintained and managed thereafter in strict accordance with measures agreed as part of the scheme.

6) Prior to the commencement of development the implementation of a programme of archaeological works shall be secured in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and reloading of plants and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding and fencing;
- v) wheel washing facilities;
- vi) measures to control the emission of noise, dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from construction works; and
- viii) location and details of site compounds.

8) Prior to the commencement of development full details of tree protection measures for any trees and hedgerows to be retained shall be submitted to the Local Planning Authority and approved in writing. The tree protection measures shall be implemented prior to the commencement of development and retained throughout the course of development until completion.

9) Prior to the commencement of development detailed proposals for the incorporation of features into the scheme including all recommended mitigation and ecological enhancement measures and those suitable for use by breeding birds and roosting bats, as detailed in Sections 5.4 and 5.6 of the 'Ecological Survey and Assessment' report prepared by ERAP Ltd (Consultant Ecologists) (October 2014), the Addendum Report on Great Crested Newts ref: 2014_263c and the Hedgerow and Ecological Addendum 2015 shall be submitted to and agreed in writing with the local planning authority. The agreed measures shall be permanently installed in accordance with approved details prior to the first occupation of the development hereby approved and retained thereafter.

No building shall be occupied until a detailed Habitat Protection, Creation, Enhancement and Landscaping Plan has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall: -

- i) Identify the areas of vegetation to be retained and protected throughout the construction phase;
- ii) The location, species and number of all proposed trees, shrubs and hedges;
- iii) The location of all existing and proposed grassed and hard surfaced areas;
- iv) The location and specification for all areas of new wildflower grassland and wetland habitats;
- v) Demonstrate the retention and creation of green links and habitat connectivity across the site;
- vi) Detail the measures to be applied to replant Hedgerow 1 (along Castle Road), as detailed in the Addendum: Hedgerow and Ecological Guidance, ERAP Ltd (Consultant Ecologists) (March 2015);

vii) Landscape planting schedules and specifications for the residential plots.

Trees and shrubs planted shall comply with BS.3936 (Specification of Nursery Stock) and shall be planted in accordance with BS.4428 (General Landscape Operations).

10) Prior to commencement of development a Landscape and Habitat Creation Management Plan, in accordance with Section 5.8 of the 'Ecological Survey and Assessment' report prepared by ERAP Ltd (Consultant Ecologists) (October 2014) and the Hedgerow and Ecological Addendum 2015, shall be submitted to and approved in writing by the local planning authority.

The Plan will cover ten years, and include long-term design objectives, management responsibilities and maintenance schedules for the following: -

- i) Existing and retained hedgerows, trees and wooded slopes;
- ii) New areas of woodland and the retained wooded copse;
- iii) New hedgerows and areas of supplementary and landscape planting;
- iv) The early delivery of structural elements of landscaping, including perimeter boundary treatments;
- v) Bird boxes;
- vi) Areas of public open space;
- vii) Retained, created and translocated (if relevant) areas of wildflower grassland and wetland; and,
- viii) Estate fabric e.g. footpaths, fences and signs.

The agreed Plan shall be implemented in full, in accordance with the timescales indicated in the approved scheme.

11) Prior to commencement of development a Management Plan providing full details for all of the non-adopted areas of the site, to include the timing of, provision, and a schedule of maintenance, shall be submitted to and agreed in writing by the local planning authority. The scheme shall include:

- i) A description of all areas and features to be managed;
- ii) The aims and objectives of the Management Plan;
- iii) The management actions, including monitoring;
- iv) The means by which the plan will be rolled forward annually;
- v) Monitoring and remedial / contingency measures triggered by monitoring;
- vi) Details of the personnel responsible for implementation of the plan and the means by which it will be funded.
- vii) The mechanism to be employed to ensure the areas are managed in perpetuity.

The maintenance of the non-adopted areas shall at all times thereafter be undertaken in accordance with the approved scheme.

14) A scheme for the management (including maintenance) of the open space areas, shall be submitted for approval to the local planning authority within twelve weeks of the commencement of development. The approved scheme for open space areas shall be carried out in full accordance with the agreed scheme before the first dwelling is occupied.

Subsequent management and maintenance of the open space areas shall be carried out in accordance with the approved scheme.

16) Prior to occupation a 'lighting design strategy' for the development shall be submitted to and approved in writing by the local planning authority.

The strategy shall be in accordance with guidance detailed in Section 5.7 of the 'Ecological Survey and Assessment' report prepared by ERAP Ltd (Consultant Ecologists) (October 2014).

Relevant Planning History

13/94/0084P - Outline: Application for Residential Development (9.8 acres) -Refused 25/04/1994. Appeal Dismissed, 21/12/1994.

13/95/0031P - Outline: Erect 87 detached dwellings (9.8 acres) – Withdrawn 24/02/1995.

13/98/0407P - Erect 78 houses and associated access roads – Withdrawn 13/04/1999.

13/99/0026P - Outline: Erect 78 houses and associated access roads - Refused 04/03/1999.

13/14/0580P - Outline: Major: (Access only from Skipton Old Road and Castle Road) Erection of up to 90 dwelling houses including estate roads, footways and open space provision – Refused 08/06/15. Appeal Allowed 28/09/16.

13/14/0581P - Outline: Major: (Access only from Skipton Old Road and Castle Road) Erection of up to 270 dwelling houses including estate roads, footways and open space provision – Refused 08/06/15. Appeal Dismissed 28/09/16.

18/0865/REM – Reserved Matters: Major: Erection of 82 dwellings and associated infrastructure (Appearance, Landscaping, Layout and Scale) – Pending.

Consultee Response

As necessary for each condition.

Public Response

None necessary.

Officer Comments

This application is made under article 21 of the Town and Country Planning (General Development Procedure) Order 1995 to seek confirmation of compliance with conditions on planning permission 13/14/0580P.

This application requests the discharge of condition numbers 4, 5, 6, 7, 8, 9, 10, 11, 14 and 16 on the Planning Permission.

4) 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:-

i) 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

ii) 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.

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.

An assessment has been submitted which indicates that the risk is low and therefore no mitigation measures are required and therefore this condition can be discharged.

5) Notwithstanding any indication on the approved plans, prior to commencement of development a scheme for the disposal of foul and surface waters for the appeal site shall be submitted to and approved in writing by the local planning authority. The surface water drainage scheme for the site shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and should demonstrate the surface water run-off will not exceed 155 l/s. Surface water must drain separate from the foul and no surface water will be permitted to discharge directly or indirectly into existing sewerage systems. The drainage shall be provided in accordance with the approved details before the development is completed, and maintained and managed thereafter in strict accordance with measures agreed as part of the scheme.

Details have been submitted. The drainage engineer has been requested to look at increasing the size of the storage tank to accommodate the additional volume of water. The drainage layout plan and flow calculations will need to reflect these changes to the modelled network. Additional clarifications regarding the pipe length discrepancies is also required

Therefore this condition can not be discharged at this time it is recommended that as this is a technical condition it should be delegated to the Planning, Building Control and Licensing Manager to discharge once satisfactory information has been provided subject to implementation.

6) Prior to the commencement of development the implementation of a programme of archaeological works shall be secured in accordance with a written scheme of investigation, including a timetable for the investigation, which has been submitted to and approved in writing by the local planning authority. The works shall be undertaken in accordance with the approved details. A written record of any archaeological works undertaken shall be submitted to the Local Planning Authority within 3 months of the completion of any archaeological investigation unless an alternative timescale for submission of the report is first agreed in writing with the Local Planning Authority.

Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The

approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) the parking of vehicles of site operatives and visitors
- ii) loading and reloading of plants and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding and fencing;
- v) wheel washing facilities;
- vi) measures to control the emission of noise, dust and dirt during construction;
- vii) a scheme for recycling/disposing of waste resulting from construction works; and
- viii) location and details of site compounds.

Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

8) Prior to the commencement of development full details of tree protection measures for any trees and hedgerows to be retained shall be submitted to the Local Planning Authority and approved in writing. The tree protection measures shall be implemented prior to the commencement of development and retained throughout the course of development until completion.

Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

9) Prior to the commencement of development detailed proposals for the incorporation of features into the scheme including all recommended mitigation and ecological enhancement measures and those suitable for use by breeding birds and roosting bats, as detailed in Sections 5.4 and 5.6 of the 'Ecological Survey and Assessment' report prepared by ERAP Ltd (Consultant Ecologists) (October 2014), the Addendum Report on Great Crested Newts ref: 2014_263c and the Hedgerow and Ecological Addendum 2015 shall be submitted to and agreed in writing with the local planning authority. The agreed measures shall be permanently installed in accordance with approved details prior to the first occupation of the development hereby approved and retained thereafter.

No building shall be occupied until a detailed Habitat Protection, Creation, Enhancement and Landscaping Plan has been submitted to and approved in writing by the Local Planning Authority.

The Plan shall: -

- i) Identify the areas of vegetation to be retained and protected throughout the construction phase;
- ii) The location, species and number of all proposed trees, shrubs and hedges;
- iii) The location of all existing and proposed grassed and hard surfaced areas;
- iv) The location and specification for all areas of new wildflower grassland and wetland habitats;
- v) Demonstrate the retention and creation of green links and habitat connectivity across the site;
- vi) Detail the measures to be applied to replant Hedgerow 1 (along Castle Road), as detailed in the Addendum: Hedgerow and Ecological Guidance, ERAP Ltd (Consultant Ecologists) (March 2015);
- vii) Landscape planting schedules and specifications for the residential plots.

Trees and shrubs planted shall comply with BS.3936 (Specification of Nursery Stock) and shall be planted in accordance with BS.4428 (General Landscape Operations).

Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

10) Prior to commencement of development a Landscape and Habitat Creation Management Plan, in accordance with Section 5.8 of the 'Ecological Survey and Assessment' report prepared by ERAP Ltd (Consultant Ecologists) (October 2014) and the

Hedgerow and Ecological Addendum 2015, shall be submitted to and approved in writing by the local planning authority.

The Plan will cover ten years, and include long-term design objectives, management responsibilities and maintenance schedules for the following:-

- i) Existing and retained hedgerows, trees and wooded slopes;
 - ii) New areas of woodland and the retained wooded copse;
 - iii) New hedgerows and areas of supplementary and landscape planting;
 - iv) The early delivery of structural elements of landscaping, including perimeter boundary treatments;
 - v) Bird boxes;
 - vi) Areas of public open space;
 - vii) Retained, created and translocated (if relevant) areas of wildflower grassland and wetland;
- and,
- viii) Estate fabric e.g. footpaths, fences and signs.

The agreed Plan shall be implemented in full, in accordance with the timescales indicated in the approved scheme.

Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

11) Prior to commencement of development a Management Plan providing full details for all of the non-adopted areas of the site, to include the timing of, provision, and a schedule of maintenance, shall be submitted to and agreed in writing by the local planning authority. The scheme shall include:

- i) A description of all areas and features to be managed;
- ii) The aims and objectives of the Management Plan;
- iii) The management actions, including monitoring;
- iv) The means by which the plan will be rolled forward annually;
- v) Monitoring and remedial / contingency measures triggered by monitoring;
- vi) Details of the personnel responsible for implementation of the plan and the means by which it will be funded.
- vii) The mechanism to be employed to ensure the areas are managed in perpetuity.

The maintenance of the non-adopted areas shall at all times thereafter be undertaken in accordance with the approved scheme.

Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

14) A scheme for the management (including maintenance) of the open space areas, shall be submitted for approval to the local planning authority within twelve weeks of the commencement of development.

The approved scheme for open space areas shall be carried out in full accordance with the agreed scheme before the first dwelling is occupied.

Subsequent management and maintenance of the open space areas shall be carried out in accordance with the approved scheme.

Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

16) Prior to occupation a 'lighting design strategy' for the development shall be submitted to and approved in writing by the local planning authority.

The strategy shall be in accordance with guidance detailed in Section 5.7 of the 'Ecological Survey and Assessment' report prepared by ERAP Ltd (Consultant Ecologists) (October 2014).

Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

Summary

Condition 4 required a contamination report to be submitted and approved. Details have been submitted which are acceptable and therefore this condition can be discharged.

Condition 5 required details of a scheme to dispose of foul and surface water to be submitted and approved. Details have been submitted which are acceptable at this stage and further information has been requested. Therefore this condition can not be discharged at this time it is recommended that as this is a technical condition it should be delegated to the Planning, Building Control and Licensing Manager to discharge once satisfactory information has been provided subject to implementation.

Condition 6 required details of a programme of archaeological works to be submitted and approved. Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

Condition 7 required details of a construction method statement to be submitted and approved. Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

Condition 8 required details of the tree protection measures to be submitted and approved. Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

Condition 9 required details of the mitigation and ecological enhancement measures to be submitted and approved. Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

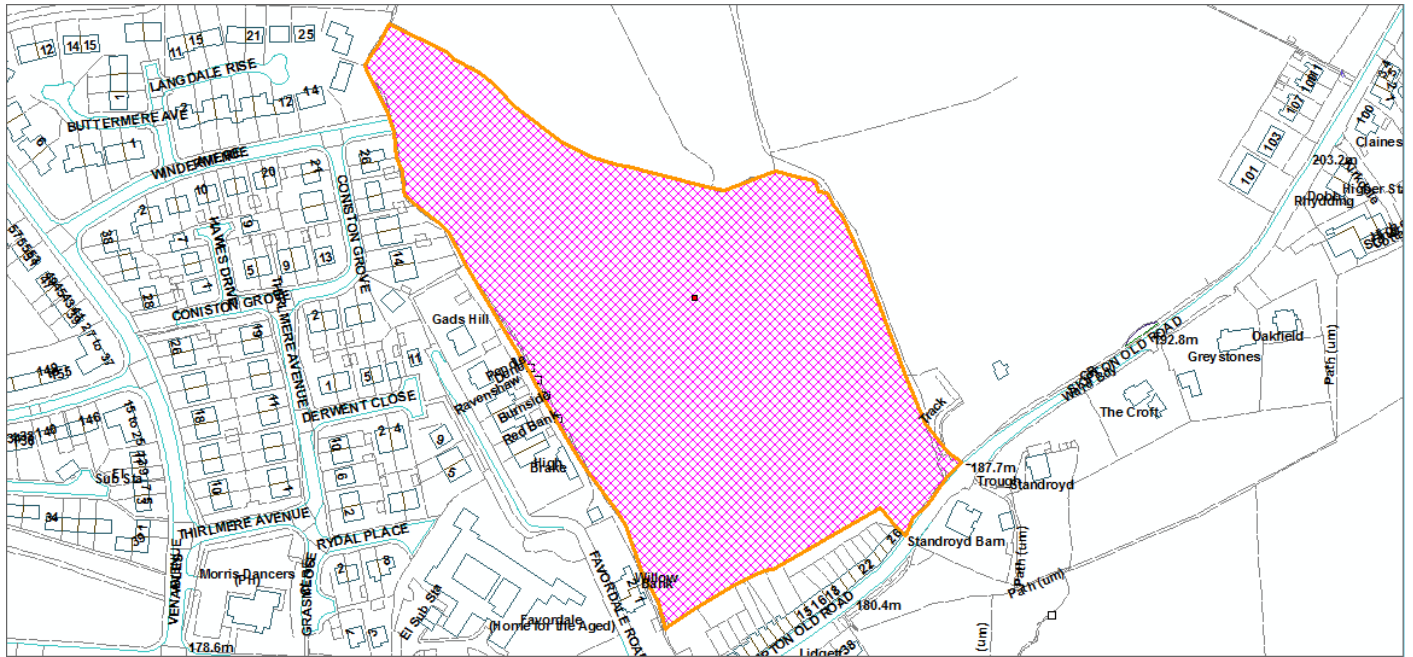
Condition 10 required details of a landscape and habitat creation management plan to be submitted and approved. Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

Condition 11 required details of a management plan for all non-adopted areas to be submitted and approved. Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

Condition 14 required details of a management and maintenance plan of the open space areas to be submitted and approved. Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

Condition 16 required details of a lighting design strategy to be submitted and approved. Details have been submitted which are acceptable and therefore this condition can be discharged subject to implementation.

RECOMMENDATION: Approve discharge of condition 4, approve discharge of conditions 6, 7, 8, 9, 10, 11, 14 and 16 subject to implementation



Application Ref: 18/0848/CND

Proposal: Approval of Details Reserved by Condition: Discharge of Conditions 4, 5, 6, 7, 8, 9, 10, 11, 14 and 16 of Planning Permission 13/14/0580P.

At: Land to the East of Windermere Avenue Colne

On behalf of: McDermott Homes Ltd

REPORT TO COLNE AND DISTRICT COMMITTEE ON 7th MARCH 2019

Application Ref: 18/0876/FUL

Proposal: Full: Major: Change of use from light industrial (Use Class B1) to ten residential apartments (Use Class C3).

At: 58-60 Brown Street West, Colne

On behalf of: Mossley Hill Investments Colne Ltd

Date Registered: 14 January, 2019

Expiry Date: 15 April, 2019

Case Officer: Kathryn Hughes

Site Description and Proposal

The site is a vacant industrial building located in a mixed commercial/residential area within the settlement boundary of Colne. The site is not designated for any specific use in the core Strategy.

The proposal is for a change of use of the industrial unit into ten residential units.

External alterations are proposed which include two personnel doors on the side elevation with steps and rails as well as four dormers to the front roofslope.

The adjoining business premises would remain.

Four car parking spaces are proposed together with cycle parking and a bin store to the side yard area.

Relevant Planning History

None.

Consultee Response

LCC Highways - Having considered the information submitted, together with observations on site on 31 January 2019 the Highway Development Support Section does not have any objections in principle regarding the proposed development at the above location, subject to the following comments being noted, and conditions being applied to any formal planning approval granted.

General

Plans of the existing floor layout show the first floor extending the full width of the block, whilst the proposed layout shows only the conversion of the front section of the building.

The red edge of the development on the Site Location Plans also extends around the full block. No information has been provided regarding the intended use of the rear section; please ask the applicant to clarify.

The site has a medium score in terms of accessibility to facilities and amenities, and has good links to the local public transport network, both bus and rail.

Given the development site's location within a residential area, where there is a high demand for limited on-street parking provision, together with its proximity to bus routes on Queen Street, Guy Syke and Rigby Street, plus a designated on-road cycle route (No 68), the developer should provide a construction method statement.

We also recommend that a condition is applied restricting the times of deliveries to ensure there is no conflict with traffic, both vehicular and pedestrian, at peak times.

Parking

The consultant appears to have misinterpreted Pendle Borough Council's Parking Standards in the Transport Note, as one parking space per three dwellings relates to sheltered housing. The application form states that the development would be Market Housing. For sites with a low accessibility score one parking space per single bed dwelling should be provided. This baseline can be reduced by 5 – 15% for sites which have a medium accessibility score. That would equate to eight spaces for this development, which would not be achievable given the size of the off-road parking area.

The maximum number of parking spaces that could be safely accommodated, whilst maintaining sufficient manoeuvring space to allow vehicles to enter and leave in forward gear, is four, as shown on the Car Park Layout plan. We recommend that these are allocated to ensure the efficient use of the limited off-road parking provision, and in the interest of highway safety. The spaces should be marked out prior to first occupation of any unit, particularly as daytime demand for on-street parking on the surrounding highway network is high, as noted during the site visit.

The car park surface has deteriorated in places and loose material is being carried onto the adjacent adopted footway. We therefore recommend that, prior to first occupation of any residential unit, the car park is re-surfaced in bound porous material. Any re-surfacing would need to be properly tied into the back of the adopted footway to Lancashire County Council's specification, details of which can be provided on request.

Cycle storage

We do not consider that the provision of Sheffield Stands is adequate cycle storage for this development. Pendle Borough Council's 'Car and Cycle Parking Standards' state that in flats/apartments secure provision should be provided within the development for cycles at the ratio of one per dwelling. This would equate to ten for the proposed development and only four have been indicated.

However, given the site's good links to the public transport network we would accept a reduction in this provision and recommend that no fewer than six secure, covered storage spaces should be provided.

A revised car park layout plan should be provided demonstrating that appropriate cycle storage can be accommodated on site. This is pertinent as the applicant has identified cycling in their Transport Note as a realistic means of transport to education and employment opportunities.

Subject to the satisfactory receipt of a revised car park layout we recommend that conditions are attached to any grant of planning permission relating to construction method statement, deliveries, car parking layout and cycle storage.

Lead Local Flood Authority - no objection to the proposed development, subject to the inclusion of a condition requiring submission of a surface water drainage scheme.

Highway matters:

Should the applicant intend to install any sustainable drainage systems or ordinary watercourses under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of these systems with the local highway authority. For the avoidance of doubt, the LLFA does not comment on the suitability for future highway adoption under Section 38 of the Highways Act 1980. This is for the Local Highway Authority to comment on.

The applicant would be encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the local highway authority should they have the potential to impact the public highway network and drainage infrastructure (existing or proposed).

United Utilities – 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. In line with these comments, we recommend a foul and surface water condition is attached to any approval notice.

Lancashire Fire & Rescue – Comments on requirements to satisfy Building Regulations Approved Document B, Part B5 'Access and facilities for the Fire Service'.

PBC Environmental Health – Request condition for contamination report.

Colne Town Council – Support the development in principle, however, would request that the view of the conservation officer is sought in regards to the design and scale of the dormers.

Public Response

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

- no problem with the building being re-used but there is a problem with parking in the area and 4 spaces for ten flats is not sufficient;
- the proposal could result in an extra ten or more vehicles – parking is already a problem in the area for businesses and residential;
- this area of Colne is primarily an industrial area and businesses are either dependant on customers who need to park close to their business or as in our case rely on materials being delivered by large vans or wagons. An increase in street traffic could lead to disruptions; and
- I also have concerns about the lack of green space or outside recreational areas.

Officer Comments

The main issues to be considered with this application are compliance with policy, principle of housing, impact on amenity, highway safety and parking.

1. Relevant Planning Policies

National Policies

Of relevance to this application is that there is a presumption in favour of sustainable development; that planning should proactively drive and support the development and; that efforts should be made to identify and meet housing, business and other development needs. In addition, the National Planning Policy Framework (NPPF) states that Local Authorities should approve applications where practical to do so and attach significant weight to the benefits of economic and housing growth.

The NPPF also states "This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise."

Paragraphs 67 of the National Planning Policy Framework (NPPF) sets out the requirement of local planning authorities to identify a supply of deliverable housing sites to provide their housing requirements over specific plan periods.

Pendle Local Plan

LIV1 sets out the position the Council is in in terms of housing supply and future needs. In order to ensure that there will be an adequate supply of land to meet our needs going forward Policy LIV 1 states:

To further encourage significant and early delivery of the housing requirement, proposals for new housing development will also be supported where they accord with other policies of the Core Strategy and are on:

Non-allocated sites within a Settlement Boundary where they are sustainable and make a positive contribution to the five year supply of housing land;

And until such time that the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development Policies:

Sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those identified in the Strategic Housing Land Availability Assessment (SHLAA).

This policy allows sites to come forward outside of settlements where they are sustainable.

SDP3 sets out the housing distribution for Pendle.

ENV1 states that the development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

ENV2 states all new development should viably seek to deliver the highest possible standards of design and meet future demands whilst enhancing and conserving our heritage assets.

ENV7 states that the sequential and exceptions tests set out in the National Planning Practice Guidance will be applied to direct development to areas with the lowest probability of flooding. This

policy seeks to direct development to appropriate places and to mitigate issues if sites are in vulnerable locations. Whilst the appeal site is not in a flood risk area there are issues relating to flooding and water management.

ENV7 requires all new developments to consider and address flood risk to the site and impacts developing the site may have downstream as well as the use of SuDS.

LIV3 states that in order to meet the housing needs of different groups in the community; the Council will encourage and support the provision of a range of residential accommodation. It gives "high" priority to the provision of "larger homes" and "medium" priority to the provision of "smaller homes of suitable tenures in accessible locations".

LIV4 sets the targets and thresholds required to contribute towards the provision of affordable housing. There is a nil requirement for this site.

LIV5 requires all new housing to be designed and built in a sustainable way in order to meet the needs of Pendle's population, create sustainable communities, increase the energy efficiency of new dwellings, reduce CO2 emissions and help to adapt to climate change. 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 on site with linkages to the surrounding countryside.

The following Replacement Pendle Local Plan policies are relevant to this application:

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

2. Principle of Housing

This proposal would create ten dwelling units within the settlement boundary of Colne and therefore the proposed development would make an acceptable contribution to meeting the Borough's housing needs by increasing the supply of housing land.

3. Impact on Residential Amenity

The nearest residential properties are 29-33 Brown Street West sited to the south with a separation distance of 14.5m as existing, 56 Brown Street West sited to the east with a separation distance of 10.5m as existing, 11-13 Hendly Court sited to the south east with a separation distance of 18m at an oblique angle as existing and 4 Queen Street sited to the north east with a separation distance of 19m at an oblique angle as existing. The remaining properties nearby and adjacent are of a commercial nature.

None of these properties would be unduly affected by the proposal.

The external alterations are relatively minor in nature and would not adversely impact on amenity.

In terms of lack of amenity/green space this site comprises of an existing stone built building with limited yard to the western side and therefore could not provide any garden/amenity space. Taking into account the surrounding area which is predominately terraced housing with rear yards and no off-street parking this is acceptable.

The proposed development would not unduly impact on residential amenity and the appropriate separation distances for the conversion have been provided and the proposal is acceptable in terms of policy.

4. Design and materials

There are some minor alterations to provide doors and stepped accessed into the site as well as four dormer windows on the front roofslope.

There are other dormers to the front roofslopes along Brown Street West and therefore these would not be out of character for the area in themselves. However, some slight changes would improve the overall design of the dormers and the materials proposed would need to be conditioned in order for these to be acceptable.

The agent has made appropriate changes to the dormers and materials will be clad in slate to match the existing roofslope. This is acceptable and accords with policy.

5. Drainage

The site is an existing building and the proposal is to continue the surfaced water discharge into the main sewer.

In line with the NPPF 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. Therefore the applicant needs 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.

LLFA has no objection to the proposed development, subject to the inclusion of a condition requiring submission of a surface water drainage scheme prior to commencement this would accord with policy ENV7.

5. Highway Issues/Parking

The existing access to the west of the building is used to access this site and will remain and this is acceptable in highway terms.

In terms of parking policy 31 sets out the maximum parking standards for new residential developments. The proposal would require a maximum of ten off-street parking spaces for the ten 1 bed dwelling units. Whilst the site is located outside of Colne Town Centre it is near to a main road which has bus stops located outside the Municipal Hall to the east and Bank House on the opposite side of the road. Colne Railway Station is located approximately 240m to the southwest.

The submitted plans indicate that four parking spaces can be accommodated within the site which taking into account the town centre location and accessibility of public transport this is acceptable. Six cycle stands are also proposed which will add to the sustainability of the site.

Taking into account that the site is an existing building with limited outside space and could be used for other B1a uses without providing any additional parking then this is acceptable.

In highway safety and parking terms the proposal is acceptable and accords with policy 31.

5. Summary

The proposed scheme of conversion to ten dwelling units is acceptable and would not adversely impact on residential amenity. The proposal would retain and re-use an existing building and create additional residential dwellings in an appropriate location.

Therefore subject to appropriate conditions being attached to the permission the proposal accords with policies LIV1, SDP3, ENV1, ENV2, ENV7, LIV3, LIV4, LIV5, policy 31 of the saved Replacement Pendle Local Plan.

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 use is appropriate in this location and the alterations proposed are minor in nature and would not unduly impact on the 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:

01 REV1, 02, 03, 04 REV1, 05 REV1, 06, 07 REV1 & 08.

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

3. Foul and surface water shall be drained on separate systems. Surface water shall be drained in accordance with the hierarchy of drainage options in national planning practice guidance. In the event of surface water discharging to public sewer, the rate of discharge shall be restricted to the lowest possible rate which shall be agreed with the statutory undertaker prior to connection to the public sewer.

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

4. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water 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 floor levels in AOD;

b) The drainage strategy should demonstrate that surface water run-off will not exceed the existing surface water runoff rate for the corresponding rainfall event.

c) A plan showing flood water exceedance routes, both on and off site;

d) Details of an appropriate management and maintenance plan for the surface water drainage scheme for the lifetime of the development.

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 and that there is no flood risk on or off the site resulting from the proposed development, reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system.

5. No development shall take place, including any works of demolition, until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

i) The parking of vehicles of site operatives and visitors

ii) The loading and unloading of plant and materials

iii) The storage of plant and materials used in constructing the development

iv) The erection and maintenance of security hoarding

vi) Details of working hours

vii) Measures to ensure that construction and delivery vehicles do not impede access to surrounding properties.

Reason: In the interest of highway safety.

6. The four dormers to the front roofslope shall be clad in slate to match the existing roof unless otherwise agreed in writing by the Local Planning Authority.

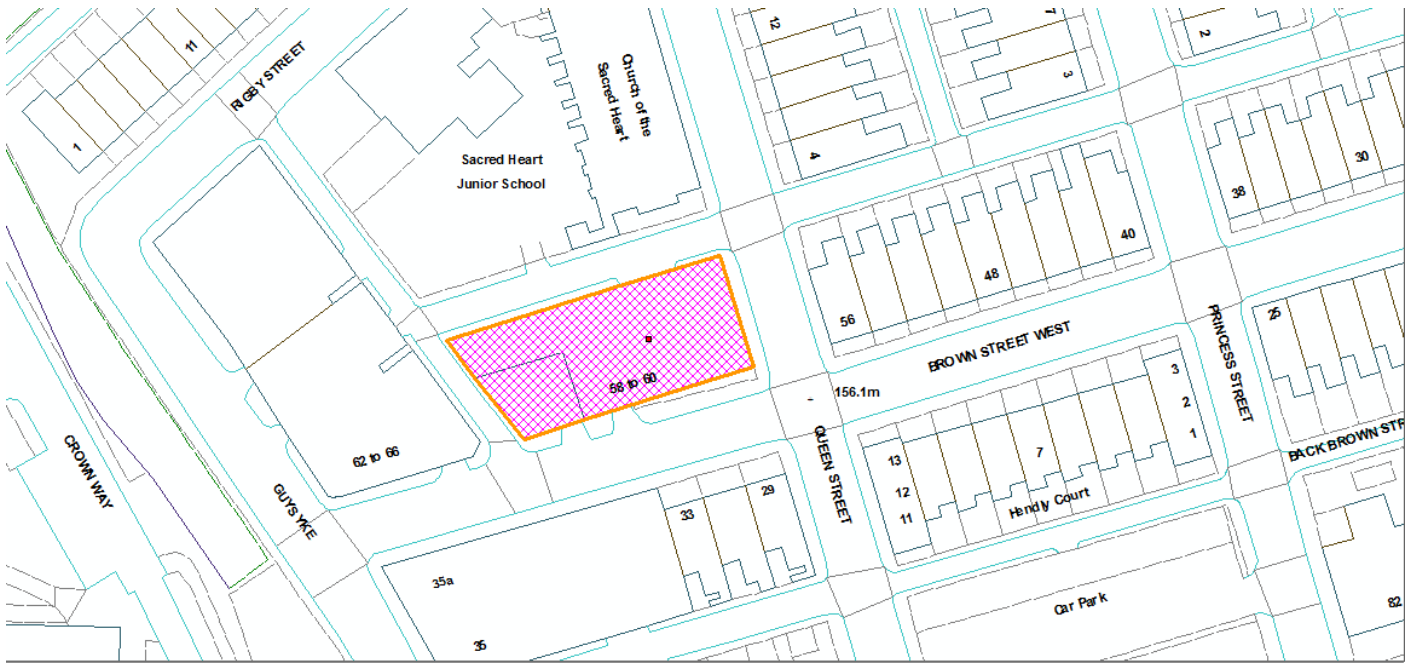
Reason: For the avoidance of doubt and to ensure a satisfactory appearance to the development.

7. The proposed development shall not be brought into use unless and until the car park and cycle stands shown on the approved plan 05 REV1 has been constructed, surfaced, sealed, drained and marked out in accordance with details and materials to be submitted to and agreed in writing by the Local Planning Authority. A minimum of four car parking spaces with turning areas and six cycle stands shall thereafter always remain unobstructed and available for parking and turning purposes.

Reason: To allow for effective use of the parking area and to ensure appropriate off-street parking and cycle storage is provided within the site.

8. Before any dwelling unit is occupied adequate waste containers shall be provided within the site.

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



Application Ref: 18/0876/FUL

Proposal: Full: Major: Change of use from light industrial (Use Class B1) to ten residential apartments (Use Class C3).

At: 58-60 Brown Street West, Colne

On behalf of: Mossley Hill Investments Colne Ltd

LIST OF BACKGROUND PAPERS

Planning Applications **NPW/MP**

Date: 21st February 2019