

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

TO: WEST CRAVEN COMMITTEE

DATE: 7th JANUARY 2020

Report Author: Kathryn Hughes
Tel. No: 01282 661711
E-mail: kathryn.hughes@pendle.gov.uk

Former Wardle Storey Buildings Earby

PURPOSE OF REPORT

As requested by the Committee to provide an update with regards to the current position regarding work on the two sites.

RECOMMENDATIONS

- (1) It is recommended that the owner of the site is requested to regularise the external works carried out to the North Block and the ground floor flat in the North Block in terms of Flood Risk issues and that the approved parking is provided to accommodate the occupiers of the South Block. All outstanding conditions for both blocks should be submitted for discharge by the 7th January 2020.

REASONS FOR RECOMMENDATIONS

- (1) In order to ensure that adequate car parking is provided for both sites, that the external alterations carried out are regularised and that none of the flats are occupied until the approved car parking has been provided and that the access and ground floor flat do not increase the risk of flooding.

A report was submitted to West Craven Committee on the 4th December, 2018 no further progress has been made since then.

Background

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

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

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

Relevant Planning History

South Block

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

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

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

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

17/0204/OTD - Permitted Development Notification: Proposed change of use from offices (B1a) to 18 self-contained apartments on three floors – Prior Approval not required.

North Block

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

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

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

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

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

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

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

Issues

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

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

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

Parking

Both sites have provision for off-street parking. The North Block has internal parking for 8 vehicles whilst the South Block proposed an external car park for 16 vehicles. Both schemes require the parking to be provided prior to occupation. The South Block has a number of units which have been occupied for some time and at the most recent site visit the car parking provision had still not been provided.

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

See Appendices attached for:

Approved parking plan for South Block.

North Block Approved elevation plan

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

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

Flooding Issues

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

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

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

Recommendation

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

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

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

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

IMPLICATIONS

Policy: None

Financial: None

Legal: None arising directly from the report.

Risk Management: None arising directly from the report.

Health and Safety: None arising directly from the report.

Sustainability: None arising directly from the report.

Community Safety: None arising directly from the report.

Equality and Diversity: None arising directly from the report.

LIST OF BACKGROUND PAPERS

None.

NPW/KH

Date: 19th December, 2019