



REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND
REGULATORY SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 06th February, 2020

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE & DISTRICT COMMITTEE ON 6 FEBRUARY 2020

Application Ref: 19/0834/FUL

Proposal: Full: Major: Erection of 25 dwelling houses, changes to estate layout, proposed area of open space, surface water drainage system and stream diversion and changes to previously approved turning area and landscaping detail adjacent to site entrance (Amended Scheme).

At: Land to the North of The Meadows, Colne

On behalf of: Beck Developments

Date Registered: 5 December 2019

Expiry Date: 5 March 2020

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site comprises part of an approved residential development site with vehicular access from Red Lane. It is situated on the northern fringe of Colne. The site is a field that slopes from the south to the north towards Red Lane and is outside the settlement boundary. The site is bounded by houses on the south side and Sacred Heart school on its east. Great House Farm a Grade II listed building lies to the north of the site with a field on the western side.

The site is accessed from an existing approved vehicular access from Red Lane which has been implemented.

The land has an area of Green Belt land circa 1800 sq.m. within the site. The total site area equates to 2.75 hectares.

The application is submitted in full for the erection 25 no. dwellings which includes various house types. A parcel of land in the North West area of the site would be developed as open space and this includes the area of Green Belt.

The application is accompanied by a Planning Statement, Design & Access Statement, Heritage Statement, Ground Investigation Report, Ecological Survey, Tree Survey, Transport Statement and Travel Plan.

This application principally differs from the previously approved application on the following points:

- The mix of housetypes has been changed;
- The site layout of the plots and the estate road and access to the open space has changed;
- Two additional house plots;
- A revised watercourse along the western boundary;
- Reduction in open space;
- Amended turning area; and
- Changes to site landscaping.

Relevant Planning History

13/13/0529P – Outline: Major: Erection of seventeen dwellinghouses (Access only) - Withdrawn.

13/14/0154P - Full: Major: Erection of 36 dwelling houses with access from The Meadows - Refused 25th June, 2014.

13/14/0547P – Full: Major: Erection of 36 dwellings with access from The Meadows – Refused 26th February, 2015 – Appeal Dismissed on design grounds.

17/0362/FUL – Full: Major: Development of open land for the erection of 55 dwellings of mixed type, with vehicular access from Red Lane and pedestrian/cycle link to The Meadows, including provision of public open space and site drainage measures – Approved 4th October, 2017.

18/0063/CND – Discharge of Conditions 4, 7, 11, 13, 14, 19, 22 and 23 of Planning Permission 17/0362/FUL – Discharged 8th May, 2018.

18/0202/CND – Discharge of Conditions 8 and 9 of Planning Permission 17/0362/FUL – Discharged 17th August, 2018.

18/0783/VAR – Major: Variation of Conditions: Vary Condition 5 of Planning Permission 17/0362/FUL to extend timescales relating to open space management and maintenance – Approved 7th February, 2019.

19/0338/NMA – Non-Material Amendment: Alterations to driveway layouts for Plots 7 and 8 of the Planning Permission 17/0362/FUL – Approved 29th May, 2019.

19/0401/CND – Discharge of Condition 4 of Planning Permission 18/0783/FUL – Pending.

19/0338/NMA – Non-Material Amendment: Amend Planning Permission 17/0362/FUL to change position of glazed doors from left hand wall in Family room to right hand wall – Approved 14th August, 2019.

Consultee Response

LCC Highways – I have viewed the amended site layout 7280/P/002 Rev C and I would make the following comments.

1. A 2m wide service strip should be added around the first turning head (Road F on the S38 layout)
2. Footways should be added on both sides to the cul-de-sacs (Road B and C on the S38 layout)
3. Edge protection for vehicles at Plot 38 and 39 is required.
4. Include an adopted pedestrian link from the development to The Meadows

Should planning permission be approved, the amended plan should be sent to Lancashire County Council Highways Development Support email developeras@lancashire.gov.uk so that the Section 38 agreement can be updated.

LCC Education – requested a further contribution towards secondary and primary school places for 1 secondary school place resulting in a contribution of £24,185.16.

Lead Local Flood Authority – comments awaited.

United Utilities – No objection to the proposed development provided appropriate conditions are attached to any approval. A water main crosses the site which requires unrestricted access for operation and maintenance.

NHS East Lancashire Hospitals NHS Trust – Contribution of £35,084.00 requested towards direct impact on the provision of planned and acute healthcare caused by the proposed development.

Architectural Liaison Unit – recommends security measure to be incorporated into the design.

PBC Drainage – commented on the previous scheme that the land in question is very wet and has springs and watercourses in it and there has been flooding of existing properties on The Meadows. The existing properties must be protected from flooding when the development is completed and also temporary protection must be in place before the top soil is stripped. The properties are at present protected by a drainage ditch in the land to be developed. This ditch must be maintained or replaced with a similar approved system. The proposed properties must be protected from run off from higher land. Due to unusual circumstances relating to the site, it has been suggested that the surface water can be connected to the public SW sewer. I understand that this has been provisionally agreed with UU. However, the flow attenuation for the site must still be designed as it was connecting directly to a watercourse. This is because the SW sewer is only a short length before joining a culverted watercourse off site.

The design must include suitable access to the watercourses for maintenance purposes. Any modification of the existing watercourse may need approval of The Lead Local Flood Authority (LCC). There is also a private drain (or 2) running through the land which will have to be considered.

PBC Environment Officer - A tree on Plot 4 has been removed as this is close to the entrance to the site this needs to be reinstated so that it break up the development.

A maintenance plan for the site is also required. Subject to appropriate trees along the western edge this is acceptable.

Species list will need to be conditioned as well as the recommendations in the ecology report.

PBC Conservation Officer – Beyond the north west boundary of the site is Great House Farm, a Grade II listed building which lies adjacent to Red Lane. The proposed alterations to house types, plots and positions are unlikely to have any additional adverse impact on the setting of Greet House Farm over and above the approved scheme. As previously, the key criteria is that sufficient landscaping is retained and provided in the buffer zone between the Listed Building and the access road off Red Lane, and in the landscape strip at the southern end of the garden curtilage to Great House Farm. If this can be achieved successfully the setting of the Listed Building would be largely preserved.

Colne Town Council – No comments.

Public Response

Site and press notices posted and nearest neighbours notified by letter without response.

Officer Comments

The main issues for consideration are principle of development, Green Belt, design and layout, impact on amenity, trees/landscaping, ecology, impact on historic buildings, contaminated land, drainage and highways & parking.

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.

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 SDP3 sets out the location of new housing in the Borough in conjunction with SDP2 and LIV1.

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.

ENV4 seeks to promote sustainable travel as well as development impacts and accessibility and travel plans for major developments to mitigate any negative impacts.

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

Policy LIV1 sets out the requirement for housing to be delivered over the plan period. This policy allows for non-allocated sites within the Settlement Boundary as well as sustainable sites outside but close to a Settlement Boundary.

Policy LIV3 encourages the support and provision of a range of residential accommodation.

Policy LIV4 sets out the targets and thresholds to contribute towards the provision of affordable housing. Where the relevant target cannot be met a financial viability assessment should be provided to allow for negotiation and adjustment accordingly.

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 be built at a density appropriate to its 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

The following saved policies also apply:

Policy 4D of the Local Plan refers to the safeguarding of legally protected species.

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 111 states that all developments which generate significant amounts of movement to be supported by a Transport Statement and provide a travel plan.

Whilst paragraph 110 requires developments to incorporate facilities for charging plug-n and other ultra-low emission vehicles.

Paragraph 67 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements. The SHLAA was updated in support of the preparation of the Core Strategy.

Section 12 of the Framework deals with design and makes it clear that design is a key aspect of sustainable development. Paragraph 130 of the Framework states that "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions".

Paras 73 – 75 of The Framework expects that Councils meet their full objectively assessed housing needs and to annually update their supply of specific deliverable sites to meet a five year supply. Where there has been persistent under delivery a 20% buffer needs to be added to the 5 year supply.

Paragraph 141 indicates that once green belts have been established Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt including to provide opportunities for outdoor sports and recreation, visual amenity and biodiversity.

Paragraphs 143 and 144 indicates that inappropriate development is by definition harmful to greenbelt and development should not be approved unless in very special circumstances. Very special circumstances will not exist to justify development in green belt unless the potential harm is clearly outweighed by other considerations.

2. Principle of Development

The principle of housing development on the site has been established by the previous permission. There is a change in the house types and a slight increase in the number of units of the site which are referred to in detail in this section of the report.

Principle of Housing

The application site lies adjacent to but outside of the settlement boundary of Colne. Policy LIV1 allows for sites that are adjacent to settlements to be developed provided that they are sustainable developments.

The site is in a location that would comply with the locational principles set out in policy LIV1. The overall principle of development is therefore acceptable. That does not necessarily mean development on it would constitute sustainable development. The other material issues that the development brings up must be considered set against prevailing policy to determine if it is or is not sustainable development.

Policy LIV1 sets out the amount of new housing required to meet the Borough's Objectively Assessed Needs (OAN) over the plan period (2011-2030). It sets out the annual housing requirement and sets the housing numbers against which the provision of deliverable sites to meet the five year housing land supply will be assessed.

Until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Documents Policies then sustainable sites for housing developments outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, including those in the Strategic Housing Land Availability Assessment (SHLAA) will be supported.

In order to undertake the balancing exercise set out in Paragraph 34 of the NPPF and any wider balancing exercise pursuant to Paragraph 11, the wider benefits of the scheme need to be identified. The public benefits would be:

- Contribute towards the Council's five year housing land supply and assist in the longer term delivery of housing;
- Contribute towards national policy on increase housing;
- Provision of mixture of new housing;
- Provision of Open Space and new tree planting on site;
- Income from Council Tax;
- Employment for building trade and local tradesmen/businesses and the supply train; and
- Provision of Sustainable Drainage System.

Part 5 of the Framework deal with housing and the delivery of a choice of homes. This development would deliver 25 dwelling houses.

Housing Supply

The site is included in the SHLAA as a site that will contribute to the provision of housing to meet the needs of the Borough.

The SHLAA has been regularly reviewed to ensure it reflects the most up to date position on the available supply of housing, as required by the Framework. Each of the sites included in the SHLAA was individually appraised against a set of detailed criteria.

The Council's Authority's Monitoring Report (AMR) provides the latest position in terms of the five year supply of housing land. The AMR shows that the Council currently has a 4.6 year supply of housing land. The application site is included in the supply and makes a notable contribution.

Colne has a strategic importance that makes it a sustainable place in which to locate the additional market and affordable housing required. Furthermore the site is well related to the existing residential developments situated along the northern flank of Colne and to existing shops, schools, bus routes and local employment areas and thus would represent a sustainable form of housing development in terms of travel patterns and relationship to the major settlement of Colne.

Colne is a Key Service Centre in the M65 Corridor which is an area identified in policy SDP2 to accommodate the majority of new development and focus for future growth in the Borough.

The previous application for 55 dwellings approved in 2017 included all of this site and therefore the principle of housing on this site has been established it is purely the alterations to this scheme which are for consideration.

3. Green Belt

The scheme proposes the provision of community open space in the area. This needs to be assessed against policy and its conformity with the Framework. The fundamental aim of the policy is to prevent urban sprawl by keeping land permanently open. No buildings are proposed on this land and the landscaping plan for this area includes mown grass with trees, shrubs and hedges along the boundaries.

It would define the edge of the development and the green belt. This aspect of the proposal would maintain the openness of the green belt, provide open space for the enjoyment of the community and would be appropriate development.

An underground storage tank is proposed to be located within this area beneath the open space provision in order to provide water storage facilities for the drainage system. Whilst not ideal it would not undermine the fundamental aim of the openness of the Green Belt nor unduly impact on the provision of the open space and was accepted as part of the previously approved scheme.

4. S.106 Contributions and Viability

The Framework maintains the principle of creating sustainable, inclusive and mixed communities and calls for local planning authorities to set policies for meeting identified contributions. It is for the applicant to justify the need for a viability assessment and weight given if a matter for the decision maker having regard to all the circumstances in the case.

Policy LIV4 sets out the targets and thresholds for housing development in the Borough. There is no required within the M65 corridor.

LCC Education have requested a contribution towards secondary and primary school places for 1 secondary school place of £24,185.16. The Applicant has been informed of this and their agreement or otherwise will be reported to the meeting.

A contribution of £20,000 toward continuing the bus service 95 was for the previously approved scheme and was controlled by an appropriate condition.

5. Design & Layout

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. Policy ENV2 of the Local Plan seeks to achieve good quality design which is in conformity with the Framework.

The site has a social housing estate to the south interspersed with the modern development along The Meadows. To the north east is a primary school. From Colne the context of the site is heavily influenced by modern housing and the site is visually well related to this. It is not a site that is prominent from a townscape perspective from the southern directions.

The housing on The Meadows comprises bungalows on the northern side and two storey houses opposite laid out in a linear format. The properties are constructed in buff artificial stone with grey concrete tiles with various styles of roof pitches and fenestration. In all, the houses are traditional in form and appearance and represent a suburban housing estate.

The proposed two storey houses design would be similar to this in appearance and continue the urban design of house type currently evident on The Meadows which is acceptable in maintaining the existing character.

Materials proposed are artificial sandstone and concrete tiled roof with black upvc windows and doors which would relate to the nearby properties on The Meadows, except for plot 4 which sited near to the listed building and fronts the large detached stone properties on Red Lane could be enhanced by the use of natural materials.

The agent agreed that the building materials for plot 4 would be faced in natural stone with slate roofs which is more appropriate here.

Samples of appropriate materials have been approved and can be controlled by condition.

It would be important to define the fenestration of the houses and a recess for windows and doors in order to ensure that the houses have a high quality finish. This can be secured by condition.

The housing provision has been revised in order to provide a more varied layout and housetypes and the provision of appropriate site drainage. As with the previous scheme this maintains adequate separation distances to houses on The Meadows. This scheme improves the orientation of the houses toward the on-site open space provision with changes to the estate road layout making this more accessible.

The proposal offers an acceptable density of housing with a mix of housetypes to be constructed in appropriate materials which will complement the existing estate. Policy LIV5 requires all new housing to be designed and built in a sustainable way to order to meet the needs of the population, create sustainable communities, increase energy efficiency, reduce CO2 emissions and help to adapt to climate change.

There are a mixture of terrace, semi-detached and detached properties which provide an adequate mix of housing with larger detached houses along the Red Lane frontage and small units within the site.

Therefore the proposal in terms of design, materials and scale is acceptable in this location.

The housing development includes an area of open space which would be grassed and planted with trees. This area would provide an adequate level of open space for the site area.

The Council's Open Space Audit 2008 states that Vivary Bridge ward has a deficiency of play areas in the ward at -0.258. Policy 21 of the Local Plan seeks to improve upon deficiencies of open space in the Borough. In this case the provision of a grassed area would enhance this shortage and thus would be policy compliant. A maintenance agreement would need to be secured to ensure the open space it maintained and available in the future and this can be controlled by condition.

The site includes existing on-site landscaping along Red Lane, around Great House Farm and the open space as well to gardens of house plots. Each plot has adequate on-site parking provision by the means of driveways and garages to provide sufficient off-street car parking and there is an adequate amount of garden space allocated to each plot and arranged in an acceptable manner.

Additional landscaping to Plot 4, the boundaries with Great House Farm and along the western boundary adjacent to open countryside would help mitigate the scheme.

The design and layout of the proposal would raise no adverse policy issues and subject to appropriate conditions the proposal would be policy compliant.

6. 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 separation distance to the rear elevations are between 15.7 and 17.7m at an angle gable to rear which is acceptable.

The development therefore complies with the amenity standards set out in the Council's Design SPD.

7. Air Quality

The Council declared an Air Quality Management Area within the Borough (Colne) in April 2011 due to measured exceedances of the NO₂ annual mean air quality objective. The AQMA includes properties along Windsor Street and Skipton Road, between the junction with Windsor Street/Byron Road and Temple Street/Oak Street and Townley Street. The AQMA is some 0.7 miles from the entrance to the site, however, there is a strong likelihood that residents of the housing development would use these routes to other destinations going east on Windsor Street/Byron Road or west via North Valley Road.

The level of traffic that would be added onto the highway network which would affect the AQMA would be small. They would not have any detrimental impact on air quality that would lead to the conclusion that the development should be refused on air quality grounds.

No contribution to the Air Quality Management Action Plan would pass the test of being necessary and should not be required.

8. Ecology

Policy 4D of the Local Plan refers to the safeguarding of legally protected species. Paragraph 118 of the Framework requires LPAs to conserve and enhance biodiversity by refusing planning permission where significant harm resulting from a development cannot be avoided, mitigated or compensated for.

The application is supported by an overall assessment of ecology contained in an Extended Phase 1 Habitat Survey and Protected Species Survey carried in December 2016. It notes *that a sparse line of mature trees run in a north westerly line parallel to the south west boundary of the site. Lines of trees can potentially provide a foraging route for bats however the end points and the fact that there are numerous dense groups and lines of trees in the locality which provide a more suitable habitat.* The survey concludes that these trees are not providing a habitat for bats and that the development would not impact on any bat population. Therefore overall, it is concluded that the development would be unlikely to have a detrimental effect on the conservation status of local bat populations.

The Habitat Survey has been undertaken to inform the impact on the land and wildlife. The site is dominated by improved/poor semi improved species-poor sheep grazed pasture. An intermittently wet ditch/defunct hedge line with mature trees is present towards the western boundary. In the south west corner a spring emerges and flows as a shallow ditch in a southerly direction to the southern site boundary. A mature beech tree at the southern end of the defunct hedge line supports a hole within the main trunk around 2.5m height. A line of mature trees extends along the northern boundary on Red Lane from Great House Farm to the school and includes sycamore, wych elm, horse chestnut, beech, Norway maple and birch and lime trees. The school has a wildlife area and is semi-formal garden with paths and include native trees and shrubs.

The survey also checked for evidence of great crested newts and water vole and concludes that the species are not evident in the area. The trees and shrubs on site have potential to support breeding birds. However the introduction of the open space provision and proposed landscaping plan would reduce these impacts. There are also said to be opportunities for other species to thrive such as Starlings and House Sparrow which tend to fare well following the introduction of new developments.

The proposed mitigation can be controlled by an appropriate condition.

9. Trees and Landscaping

The Arboricultural Assessment confirms that a number of trees will need to be removed as part of the proposals. The trees lost can be offset by the planting scheme proposed on the site and around the community open space subject to an additional tree for plot 4 at the entrance of the site this would be acceptable.

A landscaping scheme for the proposed development has previously been approved. This needs to be amended so that it softens the appearance of the site. Details and specifications can be controlled by an appropriate condition. This is acceptable and accords with policy.

10. Flood Risk, Foul and Surface Water and Water Supply.

Policy ENV7 of the Pendle Local Plan does not allow for development that would be at risk of flooding or would increase the risk of flooding elsewhere. The site is located within Flood Zone 1.

A drainage scheme has previously been submitted and approved showing that the surface water drainage is proposed to enter the main surface water sewer system via the Sustainable Drainage System rather than drain into the culvert which passes under the community centre. United Utilities and Lead Local Flood Authority have accepted this provided the run-off rate can be controlled to an acceptable level. This would need to be controlled by condition.

A Flood Risk Assessment has been submitted and found to be acceptable subject to conditions. The development would not adversely pose a concern of flood risk in the area provided the run-off rate can be controlled to an acceptable level. This would be controlled by the condition mentioned previously.

The site would have a full drainage system installed and this would drain all of the hard surfaced areas. A storage tank would be accommodated on the site to manage the run-off rate at an appropriate level.

Comments on the amended scheme are awaited from LLFA and subject to no adverse comments this is likely to be accepted subject to appropriate conditions.

11. Contaminated Land

A Desk Study Report was submitted with the previous application and concluded that there would be relatively low risk from contamination at the site. A land contamination condition was attached to planning permission 17/0362/FUL and discharged.

12. Historic Buildings

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 Planning (Listed Buildings and Conservation Areas) act 1990 („the Act“) states in section 16:

In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Harm to assets is not precluded from happening but this needs clear and convincing justification. If there is substantial harm or loss of a grade II listed building the justification for that should be exceptional.

Less than substantial harm to a designated asset should not be allowed unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefit that outweighs that harm unless the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

There would be public benefit to the development in terms of economic activity and potentially securing the future use of the building.

Great House Farm a Grade II listed building is located to the north of the site on Red Lane. This building is enclosed with a timber fence and mature trees. The setting of the building is thereby defined by the boundary treatment and land contained within the garden of the building.

A Heritage Statement has been undertaken which assesses the potential impact of the proposed development on the significance of the Heritage Asset. The enclosed garden of Great House Farm is now seen as providing the setting for the historic building, with the trees screening it, particularly to the south and east sides. The setting is thus considered to be effectively domestic and to have been previously degraded through loss of the associated farm buildings to the west and the construction of modern buildings to the east.

From the western approach the listed building will retain its aspect onto open fields. The proposed houses along the western boundary of the site would be set back behind a buffer of open space with new planting, which will lessen their visual prominence when seen across open fields from Red Lane. Subject to appropriate landscaping and materials of the houses on this part of the site this would visually soften the boundary with open countryside.

With mitigation measures and attention to detail at the site boundaries any adverse effect on the setting of the listed building, and hence on the significance of the heritage asset, could be minimised.

The proposed changes would not result in harm to the designated heritage assets of the listed building and its setting. In accordance with para 192 of the Framework the significance of the heritage asset will be sustained and enhanced. The development would also satisfy the tests set out in paragraph 195 - 197 of the Framework.

In accordance with Section 66 of the Planning (Listed Buildings and Conservation) Act 1990, special regard has been made to the desirability of preserving the special historic or architectural interest of the building. The proposal does not materially affect the special historic or architectural interest of the building and as such accords with local and national policy requirements.

13. Highways & Parking

The site is accessed off Red Lane.

Adequate provision for off-site parking is proposed by providing driveways and/or single and double garages for each plot.

Contributions towards the continuation of the local bus service where secured as part of the previous permission.

The requirement for electric vehicle charging should also be provided on the site in line with paragraph 105 of the National Planning Policy Framework and this can be controlled by an appropriate condition.

LCC Highways have requested some minor changes to the site layout to improve accessibility around the site. The pedestrian link to The Meadows also needs to be reinstated.

LCC Highways have not objected to the proposed scheme and have advised of conditions that should be attached to any grant of planning permission these have been considered and included below where appropriate.

A contribution towards the continuing the 95 bus service has been agreed, however, the contribution for the highway works on North Valley have been disputed and are not considered necessary for this scheme as other developments along North Valley have already contributed towards these improvements.

Subject to appropriate conditions the proposal would not unduly impact on highway safety and would provide sufficient off-street parking within the site.

13. Planning Balance

In terms of harm this is less than significant and the benefits set out above would outweigh this. The impacts on landscape and the setting of the town would be acceptable. In terms of the development plan the development would conform to the provisions of the Part 1 Pendle Local Plan.

Pendle does not currently have a five year supply of housing. Therefore the provisions of paragraph 11 of the Framework, as detailed above, are applicable. Essentially the requirement is to consider the development in the context of the development plan and weigh the provisions of paragraph 11. This states that development should be approved unless the harm significantly and demonstrably outweighs the benefits assessed against the policies in the Framework taken as a whole. The development would not have impacts that would significantly and demonstrably outweigh the benefits.

14. Conclusion

The proposed development would be acceptable in terms of housing development on this site and subject to clarification in sections, would not adversely impact on amenity, ecology, air quality, the listed building or Green Belt. The design, materials and layout and proposed open space are acceptable and details of landscaping, contamination, drainage, highway requirements and contributions can be controlled by appropriate conditions.

Adequate off street parking has been provided and the highway network can accommodate the additional vehicular traffic that will arise from this development.

The proposal therefore accords with local and national policy subject to appropriate conditions.

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 housing development would accord with Local Planning Policy and would

be compliant with the guidance set out in the Framework, subject to compliance with planning conditions. 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 amended layout plan and no adverse comments from LLFA on drainage issues

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:

2820/P/001 A, 7280/P/02 Revision ?, 7280/P/102 B, 7820/P/064, 7820/P/065, 7820/P/048, 7820/P/047, 7820/P/051, 7820/P/052, 7820/P/052??, 7820/P/053, 7820/P/054, 7820/P/055, 7820/P/056, 7820/P/058, 7820/P/059, 7820/P/060, 7820/P/061, 7820/P/062, 7820/P/063, 7820/P/066, 7820/P/067, 7820/P/068 and 7820/P/069.

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

3. No part of the development hereby approved shall take place until a Planning Obligation pursuant to section 106 of the Town and 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 a contribution towards education provision.

Reason: In order to ensure that the development has sufficient education places to serve the development.

4. Prior to commencement of this part of the development, a plan and written-brief detailing the proposed phasing of the site shall have been submitted to and approved in writing by the Local Planning Authority. Development shall not commence unless and until the scheme has been submitted and approved. Such detailing shall include details of the works involved in each phase and how each phase is to be completed in terms of the completion of roads, building operations, foul and surface water sewers and landscaping, and each phase shall be substantially completed before the next successive phase of the development is commenced. The approved scheme shall thereafter be carried out in strict accordance with the plan and brief.

Reason: To secure the proper development of the site in an orderly manner.

5. A revised scheme for the management (including maintenance) of the amended open space area shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this decision. 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.

6. The development shall be carried out in full accordance with the final details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water

sustainable drainage scheme submitted and approved in writing by the local planning authority on the 17th August, 2018.

The scheme shall be fully 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 to ensure that there is no flood risk on or off the site resulting from the proposed development

7. The maintenance and management of the Surface Water Drainage Scheme shall be carried out in full accordance with the details submitted and agreed in writing by the Local Planning Authority on the 17th August, 2018 prior to the commencement of development and this scheme shall thereafter be implemented prior to the occupation of the first dwelling.

The plan shall be implemented in full 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 sustainable drainage system shall be managed and maintained in accordance with the approved details.

Reason: To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the 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.

8. The development shall be carried out in full accordance with the Construction Code-of-Practice method statement submitted and approved in writing by the Local Planning Authority on the 8th May, 2018.

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 phase(s).

9. No construction work shall be carried out on the site outside the hours of 8:00 and 17:00 on weekdays and 8:00 - 12:00 on Saturdays.

Reason: In the interests of residential amenity and to safeguard local residents from noise and disturbance.

10. The development shall be carried out in full accordance with the scheme for the off-site highway works to facilitate the development submitted to and approved by the Local Planning Authority on the 8th May, 2018. The development shall thereafter be carried out in accordance with the approved details prior to the occupation of the first dwellinghouse.

Reason: To ensure the site can accommodate the development without causing a hazard to other road users.

11. The new estate road shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level to each plot before any development commences on that plot. The final wearing course shall be completed to each plot within 2 years of the substantial completion of each plot or within one week of the substantial

completion of the final house on site whichever shall occur first unless another timescale is agreed in writing by the Local Planning Authority. If an alternative timescale is agreed the completion of the highway shall be undertaken in strict accordance with the agreed timescale.

Reason: To ensure that satisfactory access is provided to the site before construction of the development hereby permitted commences.

12. The framework Travel Plan reference J341/FTP must be implemented in full in accordance with the timetable within it unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for a minimum of 5 years.

Reason: To ensure that the development provides sustainable transport options.

13. Prior to first occupation the garages, driveways and communal 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 that the development does not lead to an increase in flood risk in the area.

14. Prior to first occupation each dwelling shall have an electric vehicle charging point.

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

15. The development shall be carried out in full accordance with the samples of the materials submitted to and approved in writing by the Local Planning Authority on the 8th May, 2018.

Plot 4 shall be faced in natural stone and slate roof.

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

Reason: To ensure a satisfactory form of development in the interest of visual amenity of the area.

16. Windows and doors shall be set back from the external face of the walls of the units by at least 75mm in depth.

Reason: To ensure a satisfactory form of development.

17. The garages hereby permitted shall not at any time be used for any purpose which would preclude their use for the parking of a motor car.

Reason: To ensure that there is adequate off-street parking provision within the site to prevent on-street car parking that would be inimical to highway safety.

18. The development shall be carried out in full accordance with the scheme for protective fencing, BS 5837: 2012 erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, as approved by the Local Planning Authority on the 8th May, 2018.

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.

19. Notwithstanding the previously approved landscaping plan, the development hereby permitted shall not be commenced until a revised detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority for this part of the development. The scheme shall be submitted at a scale of 1:200 and 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 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.

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

20. 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.

Note:

Informatives

1. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
2. The grant of planning permission will require the applicant to enter into a Section 38/278 Agreement, with Lancashire County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact Lancashire County Council, Highway Development Control email – lhscustomerservice@lancashire.gov.uk in the first instance to ascertain the details of such an agreement and the information to be provided.
3. Response does not grant permission to carry out works to an ordinary watercourse: For the avoidance of doubt, this response does not grant the applicant permission to carry out works to an ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

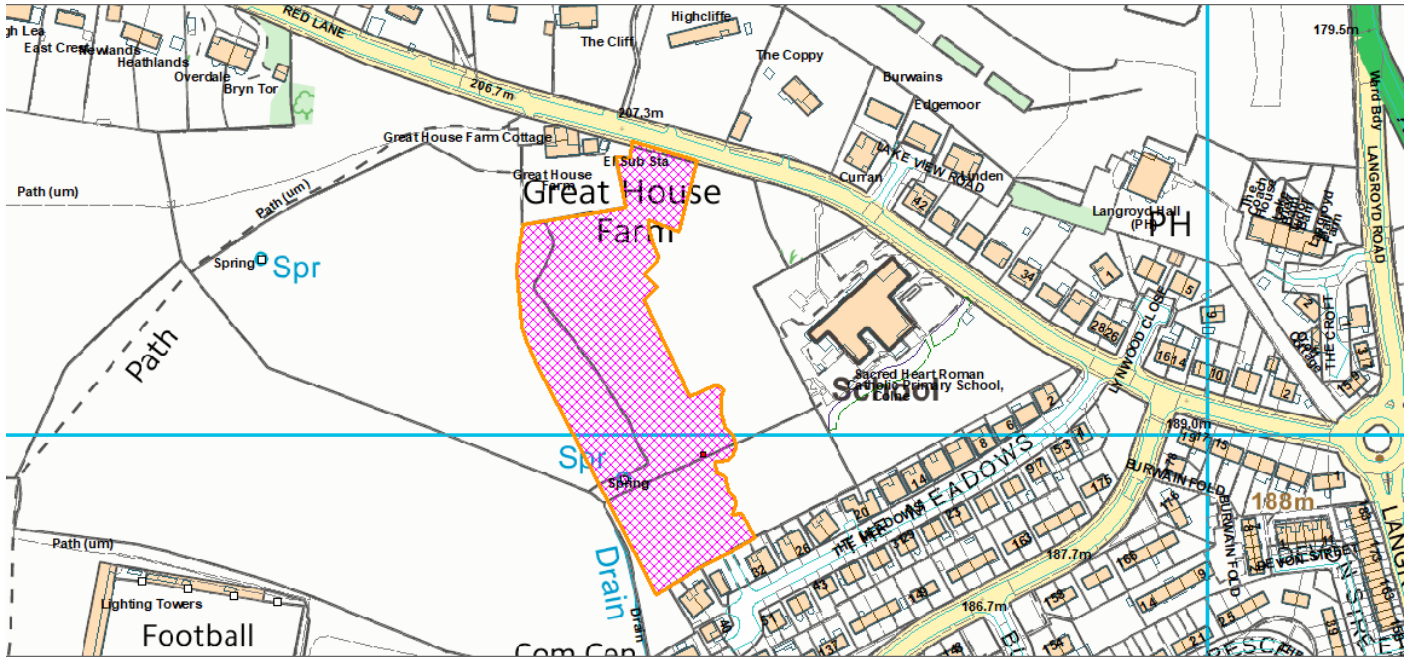
4. The following security measures should be incorporated into the design:-
 - All external doors, including patio, bi-folding, French doors etc. must be certified to PAS 24:2016 standards or an alternative accepted security standard, such as LPS 1175. Where access to dwellings can be gained via an

interconnecting door set from the garage, this door set must also be certified to PAS 24:2016 or an alternative accepted security standard. This is a requirement of Building Regulation Approved Document Q.

- All ground floor and other accessible windows must be certified to PAS 24:2016 security standards. Those that abut public areas should also include key operated window ‘restrictors’ to reduce the opportunity of ‘sneak-in’ type thefts.

- Boundary treatments should be sufficient height and design to deter intruders. A height of 1.8m close boarded fencing is recommended for securing rear gardens. Where side access is required to the rear of the houses then access should be restricted by introducing a 1.8m lockable gate as close to the front building line as possible to promote natural surveillance. The gate should be capable of being locked from both sides and this side access area should be well-lit.

- The layout should promote natural surveillance by varying the orientation of the dwellings and allowing clear views across open space. Recesses should be avoided as they provide places of concealment and can restrict natural surveillance.



Application Ref: 19/0834/FUL

Proposal: Full: Major: Erection of 25 dwelling houses, changes to estate layout, proposed area of open space, surface water drainage system and stream diversion and changes to previously approved turning area and landscaping detail adjacent to site entrance (Amended Scheme).

At: Land to the North of The Meadows, Colne

On behalf of: Beck Developments

REPORT TO COLNE & DISTRICT COMMITTEE 6th FEBRUARY, 2019

Application Ref: 19/0862/ADV

Proposal: Advertisement Consent: Display of 1 x freestanding non-illuminated advertisement.

At: Colne Cricket Club, Byron Road, Colne

On behalf of: Mr R McDermott

Date Registered: 25 November 2020

Expiry Date: 12 August 2019

Case Officer: Kathryn Hughes

Site Description and Proposal

The application site is located at Colne Cricket Club opposite the highway entrance to an area of land with permission for residential development.

This application seeks consent to erect a non-illuminated advertisement board measuring 2.35m x 1.22m x 0.2m depth standing 0.8m above ground level. The overall size of the sign would be 2.867 sq.m.

Under deemed consent the height of the sign is restricted to 4.6m and the overall size to 2sq.m as it would be less than 10m from the highway.

Relevant Planning History

None.

Windermere Avenue Development:

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) – Approved.

Consultee Response

LCC Highways – No objection on highway grounds subject to an informative.

Colne Town Council – We feel the proposed panel is too tall and of an overbearing character in a residential area. We would reference the previous rejection of the oversized Totem signage at The Morris Dancers and request that a consistent approach is taken to reject this proposal.

Public Response

Nearest neighbours notified by letter without response.

Officer Comments

Policy

Policy SUP 4 sets out general principles that ensure effective designing of public places.

The issues to consider in this application are Impact on Amenity and Highway Safety.

Amenity

The Town and Country Planning (control of Advertisements) (England) Regulations 2007 sets out the provision for Miscellaneous temporary advertisements under Class 3 and the fallback position is that a sign up to 4.6m high and with an overall size of 2 sq. m. if it is sited less than 10m from the highway would be deemed consent i.e. would not require advertisement consent.

The proposed sign would have an overall height of 3.3m with a size of 2.867sq.m. which is larger than the size which would be allowed under deemed consent in this position.

The signage would be sited on a commercial premises opposite a public house on a main road albeit there are residential properties in the area there would be limited impact on amenity and therefore this is acceptable on amenity grounds.

Highway safety

The signage scheme would not adversely impact on highway safety and therefore is acceptable in this aspect.

Summary

Reference has been made to the signage scheme across Byron Road at the Morris Dancers Public House, each scheme must be considered on its own merits. However, this was for an illuminated Totem sign which is of a different nature to this proposal which is not illuminated and an information board which would be in situ for a limited period of 2 years and 7 months.

This Totem sign which was refused has an overall height of 5.025m x 1.82m and was internally illuminated.

This sign has an overall height of 3.3m x 1.22m and is not illuminated.

The Totem was subsequently approved with a total height of 2.6m and 1.5m wide on submission which is not that dissimilar to this proposed sign which is of a different character and will not be illuminated. It is proposed to be in situ for a temporary period of around two and a half years whilst the development takes place.

The signage scheme proposed here is acceptable and would not unduly impact on amenity or highway safety.

Reason for Decision

The signage scheme is acceptable and would not adversely impact on amenity or highway safety.

RECOMMENDATION: Approve

Subject to the following conditions:

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

PL/01 1:1250, PL01 1:500,

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

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the land entitled to grant permission.

Reason: Condition imposed by the Regulations.

3. No advertisement shall be sited or displayed so as to -
 - a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

Reason: Condition imposed by the Regulations.

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

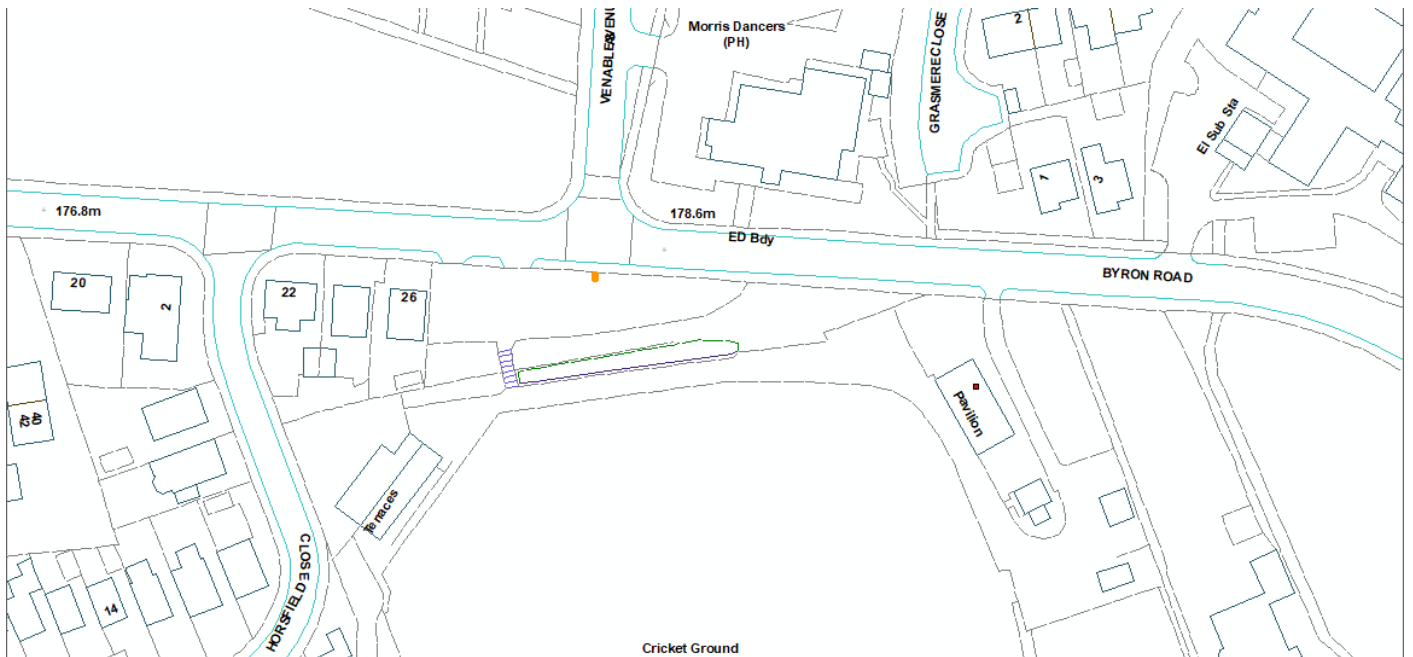
Reason: Condition imposed by the Regulations.

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: Condition imposed by the Regulations.

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in condition that does not endanger the public or impair visual amenity.

Reason: Condition imposed by the Regulations.



Application Ref: 19/0862/ADV

Proposal: Advertisement Consent: Display of 1 x freestanding non-illuminated advertisement.

At: Colne Cricket Club, Byron Road, Colne

On behalf of: Mr R McDermott

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/MP

Date: 23rd January 2020