



<b>REPORT FROM:</b>	<b>PLANNING, ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER</b>
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<b>TO:</b>	<b>POLICY AND RESOURCES COMMITTEE</b>
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<b>DATE:</b>	<b>16<sup>th</sup> SEPTEMBER, 2021</b>
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<b>Report Author:</b>	<b>Neil Watson</b>
<b>Tel. No:</b>	<b>01282 661706</b>
<b>E-mail:</b>	<b>neil.watson@pendle.gov.uk</b>

## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

**REPORT TO                    POLICY AND RESOURCES COMMITTEE**

**Application Ref:**        **21/0626/VAR**

**Proposal:**                Full: Variation of Condition: Vary Condition 2 (Plans) of Planning Permission 19/0801/FUL to substitute site layout, reposition housing plots and change materials

**At:**                        Land off Harrison Drive, Colne

**On behalf of:**           Barnfield Construction Ltd

**Date Registered:**      29th July 2021

**Expiry Date:**            28<sup>th</sup> October 2021

**Case Officer:**           Neil Watson

**Site Description and Proposal**

Planning permission was granted In February 2020 for the erection of 79 houses on land off Harrison Drive.

This application seeks to vary that application by altering the plans. The plans seek to vary the house types and designs.

There are pedestrian access points in each corner except the southern one which has a pedestrian access further east on Harrison Drive.

Access into the site is proposed via the demolition of one dwelling on Harrison Drive – number 62.

Under the constitution of the Council an application for housing which comprises of 60 or more units falls to be determined by the Policy & Resources Committee. The application is brought to Committee in order for Committee to be able to pass their comments and/or recommendations to Policy & Resources Committee for consideration.

The application relates to more than 60 houses and as such under the constitution of the Council it falls to be determined by the Policy & Resources Committee. It is brought to this Committee as a consultation for any comments to be relayed to Policy & Resources.

**Relevant Planning History**

Planning permission was approved for the development under application 19/0801/FUL.

## **Consultee Response**

LCC Highways: The loss of the link path to the north eastern corner of the site to the north eastern point of the estate road reduces the walkability within the site to the surrounding road network and is not supported. I would request that it is reintroduced into the design.

Colne Town Council: No objection but would ask that the footpath in the north east corner be re-instated.

## **Public Response**

One comment has been received at the time of writing this report. It is an objection based on:

Upset to see a proposed substation to be built close to their house.

Personal details given about the impact the substation would have on a member of the household's ability to sleep.

It will be an eyesore.

## **Officer Comments**

The application is made under section 73 of the Town & Country Planning Act 1990. This restricts the considerations that can be taken into account. It requires that consideration only be given to the conditions that the development should be granted with. This is because section 73 relates to development that is extant and that currently benefits from planning permission.

The highway issues, drainage and principle of development do not alter with this application.

The application seeks to amend the design of the development. It proposes to alter the layout of the plots along the boundaries of the site and to alter the individual designs within the plots.

- 1.1 The application seeks to vary the layout of the approved houses and to vary the designs accordingly. The application does not seek to install a substation. Although that is annotated on the plan as a future intention it does not form part of this application and must not be considered as a material planning consideration. The addition of a substation would need to be the subject of a separate process and any objections raised at the time would need to be considered on their own merits.
- 1.2 The application seeks to amend the layout whilst keeping the same general form an layout. None of the properties are brought to within 21 m of the windows of the existing

houses and the relationships to them are effectively the same as have been approved. There would be no detrimental impact on the living conditions of the occupants of any existing property.

- 1.3 The main changes are that two houses have been removed from the position where on the new layout a substation is annotated. Additional dwellings are proposed on the north side and north east corner where the design has been altered to provide housing in an arc around the corner. The footpath that was on the previous scheme has been re-routed around the north side of the houses. This would create a further walk of 45m to egress from the south west corner.
- 1.4 The houses two corner plots will have retaining structures in their rear gardens and will be built into the land on the north side. The height of the remaining houses along the eastern boundary will have floor levels slightly higher than existing ground level. The height will not result in an overbearing impact on the adjoin houses nor will it result in any unacceptable overlooking.
- 1.5 The broad design of the housing is very similar to the approved scheme. The main alterations are the materials. The amount of cladding is reduced and there is more extensive use of solar panels.
- 1.6 The land falls away steeply from the north east corner then gradually less steeply further south on the land. The proposed new house on the north east corner (plots 13 & 14) will be cut into the land.
- 1.7 The comments raised by LCC relating to the footpath link have been raised with the applicant. The applicant has indicated that there are significant level changes in the corner which makes putting a path in difficult and it would be steep or stepped. The access point has not been lost but instead of a direct link through the corner of the estate there is a footpath along the back of the houses allowing for a more gradual path down. As there is a link which only has a minor impact on convenience there are no objections to this amendment.
- 1.8 The other works on site for drainage, access open space etc are all as per the approved development under planning permission 19/0801/FUL. The plot layout and design changes do not adversely affect neighbouring properties and are fully acceptable in terms of design.

### **Reasons 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 application submitted accords with Local Planning Policy and 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: Approve**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 001/O, 003/G, 111/C, 122/B, 1213/B, 211/B, 212/C, 213/B, 221/B, 231/B, 232/B, 233/B, 234/B, 311/B

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

- 2 Prior to the commencement of any above ground works a scheme for the phasing of the development including provision of roads, sewers and other infrastructure shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in strict accordance with the approved scheme.

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

- 3 A scheme for the management (including maintenance) of the open space area shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling. The approved scheme shall thereafter be complied with at all times unless an alternative is agreed in writing by the Local Planning Authority and thereafter the alternative scheme shall at all times be complied with.

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

- 4 The first works on site shall be the formation of the access into the site for a distance of 30m from the running edge of public highway. The access shall be completed to base course level.

Reason: In order to ensure the site is serviced by a safe access in the interests of public highway safety.

- 5 The access shall be so constructed that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the adjoining edge of carriageway, to points 1.05 metres above ground level at the edge of the adjoining carriageway and 45 metres distant in each direction measured from the centre of the access along the nearside adjoining edge of carriageway prior to the commencement of any other works on site and thereafter be permanently retained.

Reason: In order to ensure satisfactory visibility splays are provided in the interests of highway safety.

- 6 No dwelling shall be occupied unless and until it is connected to a surface and

foul water disposal scheme. Details of the scheme shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The scheme shall provide for separate systems for the disposal of foul and surface effluent. The surface water shall discharge from the site at a maximum rate of 24.15l/s. 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 No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall include details of the location of site compounds, the method of ensuring that the local highway network is kept free of mud arising from the development, the suppression of dust and the measures to ensure residents are not disturbed by delivery vehicles waiting to enter the site. The development shall at all times thereafter be carried out in strict accordance with the approved method statement.

Reason: To ensure that adequate measures are in place to protect the environment during the construction phase(s).

- 8 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.

- 9 The floor levels of the dwellings shall be as set out on approved plan 20265-ODA-XX-XX-XX-AL-90-003 or alternatives to be agreed in writing by the Local Planning Authority.

Reason: The levels proposed are acceptable in order to safeguard the amenity of adjoining residential properties.

- 10 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.

- 11 Prior to the occupation of any dwelling a plan detailing the provision of car parking spaces and the allocation of those to individual houses shall be submitted to and approved in writing by the Local Planning Authority. The car parking shall thereafter be provided and completed in accordance with the approved plan and the spaces shall be retained for the parking of cars associated with each dwelling.

Reason: In order to ensure that each dwelling is provided with adequate off road parking in the interests of public highway safety.

- 12 Prior to the occupation of each dwelling it shall have an electric vehicle charging point provided to service it.

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

- 13 Prior to the commencement of work on any above ground development on any plot precise details of the materials to be used on all external surfaces on the development shall be submitted to and have been approved in writing by the Local Planning Authority. The development shall thereafter at all times be undertaken using the approved materials.

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

- 14 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.

- 15 Prior to the first occupation of any dwelling details of the landscaping for the site shall have been submitted to and approved in writing by the Local Planning Authority.

The approved scheme shall be implemented in its entirety 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.

- 16 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.

- 17 The footpaths around the site shall be lit in accordance with the approved layout scheme in accordance with a phasing scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to provide a safe environment.

- 18 Prior to the occupation of the first house hereby approved dropped kerbs shall be installed to serve 64 and 68 Harrison Drive.

Reason: In order to facilitate off road parking to compensate for the loss of on street parking caused by the traffic regulation order restrictions on Harrison Drive.