

Colne & District Committee – Update 3rd August 2022

22/0222/FUL Spring Gardens Mill

The applicant has supplied further information on the drainage strategy and the objection of the Lead Local Flood Authority has been withdrawn.

Drawings of the revised turning area are anticipated to be received before Committee and a verbal update will be given on this at Committee.

The comments of LCC have been sought about what improvements could be made to the junction. No response has been received to that. The junction has served this and other development unchanged and whilst any improvements would be welcome they would not justify refusal of the application. The matter can be dealt with an appropriate condition.

Concern was raised about the colour of materials. This is controlled in condition 3 s set out below.

3. Prior to the commencement of above any ground works involved in the erection of the development hereby approved samples of the external materials of the walls and roof, including their colour and finish shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity.

22/0350/FUL: Land adjacent to 37 Hollin Hall

An amendment is required to the condition regarding the public car parking area, to ensure that this work is undertaken prior to occupation of the dwellings. There is no requirement for this to be prior to commencement of above ground works. As such, the condition should read as follows:

14. Prior to first occupation of the dwellings hereby approved, details of the proposed arrangements for the future management and maintenance of the public car parking areas within the development shall be submitted to and approved in writing by the local planning authority. The public car parking areas shall thereafter be maintained in accordance with the approved management and maintenance details until such a time as a private management and maintenance company has been established or similar legal agreement made.

Reason: To ensure that the public car parking areas are completed and thereafter maintained to an acceptable standard in the interest of residential and highway safety.

An Ecological Survey has been undertaken and concludes the following:

'The site is assessed as low conservation value, no habitats within the site are Priority Habitat, and no protected species were observed. No significant

ecological constraints as a result of development proposals have been detected at the site.'

The report does identify that there is potential to create enhancements for biodiversity, via a post development biodiversity enhancement and management scheme particularly the installation of bird and bat boxes and planting of native hedge and trees to mitigate loss, within the proposed landscaping scheme. A condition relating to landscaping has been included but the addition of a condition relating to bat and bird boxes is necessary, as follows:

19. "Prior to the commencement of any above ground works 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 the Preliminary Ecological Assessment dated 26/07/2022 by Batworker Ecological Consultancy, 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.

Reason: *In the interests of providing biodiversity enhancements"*

Conditions relating to protecting the existing boundary trees and hedgerow on site are also required, as follows:

20. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2005) 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 protect the trees in the interest of the amenity of the area.*

21. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. 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.

Reason: *To prevent trees from being damaged during building works.*

Given the submission of additional detail in relation to ecology the recommendation is no longer delegated grant consent, but rather to “Approve subject to conditions”

A list of all the conditions are set out below, for completeness:

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:
 - Location Plan 6407
 - Elevation & Floor Plan – Type 1 6407-P03 Rev C
 - Elevation & Floor Plan – Type 2 6407-P04 Rev C
 - Proposed Lower Ground Site Plan 6407-P01 Rev D
 - Proposed Ground Floor Site Plan 6407-P02 Rev D
 - Street Scene Plan and Sections 6407-P05 Rev D

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

3. Samples of materials including descriptions, name of source/quarry shall be submitted to the Local Planning Authority for written approval prior to commencement of work on the site. The development shall be carried out using only the agreed materials.

Reason: In order that the Local Planning Authority can assess the materials in the interest of the visual amenity of the area.

4. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:
 - (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
 - (ii) No Surface water will be permitted to discharge to the public sewer network unless otherwise stated by the LPA;
 - (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
 - (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
 - (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

5. Prior to occupation of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the local planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
 - a. Arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a resident's management company; and
 - b. Arrangements for inspection and ongoing maintenance of all elements of the sustainable drainage system to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

Reason: To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

- 6.. All windows shall be set back from the external face of the walls by a minimum of 70mm.

Reason: To ensure a satisfactory appearance to the development in the interest of visual amenity.

7. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. 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 including the replacement trees for those which have been removed, and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
 - c. an outline specification for ground preparation;
 - d. all proposed boundary treatments with supporting elevations and construction details;
 - e. all proposed hard landscape elements and pavings, including layout, materials and colours;
 - f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its 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.

8. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site highway works has been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Highway Authority.

Reason: In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site.

9. No part of the development hereby approved shall be occupied until all the highway works have been constructed and completed in accordance with the scheme approved under Condition 8.

Reason: In order that the traffic generated by the development does not exacerbate unsatisfactory highway conditions in advance of the completion of the highway scheme/works.

10. No development shall take place, including any works of clearance, until a Construction Method Statement including site plan 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
- v) Wheel washing facilities and means of mechanical road sweeping
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from demolition and construction works
- viii) Details of working hours
- ix) Timing of deliveries to avoid peak traffic on the surrounding highway network
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

Reason: In the interest of highway safety.

11. Prior to occupation of the development hereby approved a visibility splay measuring 2.4m back from the centre line of the access from Hollin Hall and extending 25m to the nearside carriageway edge in both directions have been provided at the access, as shown on the approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splay. The visibility splay shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

12. The proposed development should not be brought into use unless and until the parking and manoeuvring areas shown on the approved plans have been constructed, laid out and surfaced in bound porous materials. The parking areas shall thereafter always remain available for the parking of domestic vehicles associated with the dwellings and the manoeuvring areas retained free from obstructions.

Reason: In order to ensure satisfactory levels of off-street parking are achieved within the site to prevent parking on the highway to the detriment of highway safety.

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

Reason: To ensure that the development provides the infrastructure for sustainable forms of transport.

14. Prior to first occupation of the dwellings hereby approved, details of the proposed arrangements for the future management and maintenance of the public car parking areas within the development shall be submitted to and approved in writing by the local planning authority. The public car parking areas shall thereafter be maintained in accordance with the approved management and maintenance details until such a time as a private management and maintenance company has been established or similar legal agreement made.

Reason: To ensure that the public car parking areas are completed and thereafter maintained to an acceptable standard in the interest of residential and highway safety.

15. Before any dwelling unit is occupied waste containers shall be provided and shall be stored within the car port of the property.

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

16. A Construction Method Statement shall be submitted to and be approved in writing by the Local Planning Authority prior to commencement of development. The Method statement must cover the topics detailed below, including:

- Parking of vehicles of site-operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoardings including decorative displays, where appropriate
- Hours of operation
- Construction site noise and vibration
- Control of Dust
- Wheel washing facilities
- A scheme for re-cycling / disposing of waste resulting from demolition and construction works

The development shall proceed strictly in accordance with that method

Reason: To protect the amenities of occupiers of adjoining and nearby properties and in the interests of highway safety.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must then be undertaken, which shall be submitted to and approved in writing by the Local Planning Authority. The site shall then be remediated in strict accordance with the approved scheme.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To identify contamination from previous uses, ensure any remediation is undertaken and safeguard future uses, occupiers and the environment beyond

18. The side elevation windows (closest to No. 37 Hollin Hall) of the development hereby permitted shall at all times be fitted with obscure glazing to at least level 4 or above unless otherwise agreed in writing by the Local Planning Authority. Any replacement glazing shall be of an equal degree or above. The window shall be hung in such a way as to prevent the effect of the obscure glazing being negated by way of opening.

Reason: To ensure an adequate level of privacy to adjacent residential properties.

19. Prior to the commencement of any above ground works 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 the Preliminary Ecological Assessment dated 26/07/2022 by Batworker Ecological Consultancy, 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.

Reason: In the interests of providing biodiversity enhancements

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the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and no work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. 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.

Reason: To prevent trees from being damaged during building works.

Informative

If during any stage of the development any miscellaneous substances, made ground or potentially contaminated ground that has not been previously identified and planned for in a report is uncovered, work in the area must stop immediately and the Environmental Health Department at the Borough of Pendle should be made aware. No work should continue until a contingency plan has been developed, and agreed with the local planning authority.