

## **Colne and District Committee Update Report 06<sup>th</sup> February 2025**

### **24/0306/FUL – Land to the North of Hargreaves Street**

#### **Additional Consultee Responses**

Lead Local Flood Authority (LLFA) – Maintain their objection due to lack of an acceptable surface water sustainable drainage strategy.

#### **Officer Comments**

Amended plans have been submitted to alter the materials of the dormers of units 10 and 11 to timber cladding and alter the parking and access arrangement of unit 1 to provide for a potential access to the north of the site. These changes are acceptable.

The LLFA have maintained their objections in response to the latest information submitted. The applicant has been given reasonable opportunity to address the objections but it appears that it may be necessary for the applicant to have further discussions with the LLFA via their planning advice service, outside of the planning application process, to resolve the objections. The recommendation is therefore changed to Refusal.

#### **RECOMMENDATION: Refuse**

For the following reason:

1: The applicant has failed to provide an acceptable surface water sustainable drainage strategy to demonstrate that surface water from the site can be acceptably drained and would not lead to an increase in the risk of off-site flooding contrary to policy ENV7 of the Pendle Local Plan Part 1: Core Strategy and paragraphs 181 and 182 of the National Planning Policy Framework.

### **24/0803/VAR - Land to the West of Garfield**

Amended plans have been received clarifying that the hedgerow to the front of the site is proposed to still be retained, the recommendation remains to approve subject to revised conditions to reflect the amended plans.

#### **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 variation is acceptable in all relevant regards. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

#### **RECOMMENDATION: Approve**

Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 23/11/2, 23/11/3, 23/11/14 – received 01/06/2023, 23/11/5, 23/11/6, 23/11/7, 23/11/8, 23/11/9, 23/11/10, 23/11/11, 23/11/12, 7122-S02E, S03F, 7122-P03B, 7122 – P01B, 7122 – P02B

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

2. Unless alternative materials have been submitted to and approved in writing by the Local Planning Authority, the external materials of the development shall be in accordance with those approved under the discharge of condition application 23/0651/CND.

**Reason:** To allow the Local Planning Authority to control the external appearance of the development in the interest of visual amenity.

3. The dwelling hereby approved shall not be occupied unless and until the car parking spaces shown on the approved plans have been surfaced in a bound material and made available for car parking purposes. The spaces shall thereafter at all times be maintained free from obstruction and available for car parking purposes.

**Reason:** to ensure adequate car parking provision in the interest of highway safety.

4. Prior to first occupation of the first dwelling hereby approved that part of the internal access road extending from the entrance gates for a minimum distance of 5m into the site shall be hard surfaced in bound porous material.

**Reason:** In the interest of highway safety to prevent loose surface material from being carried on to the public highway, where it could pose a hazard to road users.

5. Unless alternative materials have been submitted to and approved in writing by the Local Planning Authority, the development shall be carried out only in strict accordance with the Construction Method Statement approved under discharge of conditions application 23/0651/CND.

**Reason:** In the interest of residential amenity and highway safety.

6. The development shall be carried out in strict accordance with the mitigation recommendations of the previously submitted Preliminary Ecological Appraisal.

**Reason:** To ensure that the development preserves and enhances the ecology of the site.

7. Notwithstanding the provisions of Article 3 and parts 1 and 2 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development as specified in Classes A & E of Part 1 and Class A or Part 2 of that Order shall be carried out without express planning permission first being obtained from the Local Planning Authority.

**Reason:** To enable the Local Planning Authority to control any future development on the site in order to preserve the openness of the Green Belt

8. Unless an alternative landscaping scheme has been submitted to and approved in writing by the Local Planning Authority, the approved landscaping scheme (Drawing No. S03F) shall be implemented in its entirety prior to the end of the first planting season following substantial completion of each phase of the development to which it is associated. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

**Reason:** In the interest of visual amenity and to preserve the setting of the adjacent Listed Buildings.

9. There shall be no alterations to the levels of the site unless and until additional level or section plans detailing any alterations to land levels within the site, including details of any retaining walls proposed, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in strict accordance with the approved details.

**Reason:** In the interest of visual amenity and to ensure that trees to be preserved on site are not harmed.

10. Unless otherwise approved in writing by the Local Planning Authority no ground clearance, changes of level or development or development-related work shall commence until protective fencing, in full accordance with BS 5837 : 2012 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. 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 service runs, 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 ensure that the trees are suitably protected throughout the construction process.

11. 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) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
  - (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.

12. No development hereby approved shall commence until a scheme for the construction of the site access, including any off-site works of highway improvement, has been submitted to, and approved by, the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason:** In order to ensure that the final details of the highway scheme/works are acceptable before work commences on site.

13. Prior to first occupation of the first dwelling visibility splays measured 2.4m back from the centre line of the access and extending 43m in both directions on the nearside carriageway edge on Keighley Road shall be provided 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 splays. The visibility splays shall be maintained free from obstruction 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.

14. Prior to first occupation of each individual plot the vehicular access shall be constructed to an appropriate standard and the driveway paved in a bound porous material.

**Reason:** In the interest of highway safety to ensure adequate vehicular access to the plot and to prevent loose surface material from being carried on to the public highway.

15. All windows and balconies in the south elevation shall be fitted with anti-reflective glazing the specification of which shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of approved anti-reflective specification.

**Reason:** In the interest of visual amenity.

16. All windows in the east gable side elevations of Plot 1, both gable side elevations of Plots 2 and the west gable side elevation of Plot 3 shall at all times be glazed only with obscure glass of a type and degree of obscurity to be first agreed in writing by the Local Planning Authority prior to its installation. Any replacement glazing shall be of an equal degree of obscurity to that which was first approved. The window(s) shall be hung in such a way so as to prevent the effect of obscure glazing being negated by way of opening.

**Reason:** To ensure an acceptable level of privacy for the occupants of the dwellings.

17. Privacy screens of at least 1.8m in height from the floor level of the terraces shall be erected to both sides of the terrace of plot 2 and the west side of the terrace of plot 3 prior to the occupation of each dwelling in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The screens shall thereafter be maintained in strict accordance with the approved details.

**Reason:** To ensure an acceptable level of privacy for the occupants of the dwellings.

Note: Informative Note The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278 short form), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to: • the construction of the access to an appropriate standard, including the re-location of any highway gullies necessary, • the existing dropped kerbs within the bus box carriageway markings adjacent to the access shall be reinstated to full height. The applicant should be advised to contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk) , in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.