

West Craven Area Committee Update 28th March 2017

16/0653/FUL – Dalesview Park, Salterforth

The Agent has provided additional information with regard to highways and LCC Education contribution requests.

With regards to the access, details have been provided which show that the visibility splays requested by LCC Engineers are achievable. Therefore should permission be granted, a condition can be added in relation to these works.

Regarding the education contribution request, it has been confirmed that the park rules limit occupancy for residents over the age for 45. Children under the age of 18 are not permitted to reside in any capacity. As such an education contribution in this instance would not be appropriate.

Additional public comments have also been received, raising the following objections;

- The applicant is using arguments which are not substantiated and likely false to support the submission, which the Council should not be misled by.
- Development constitutes sprawl and would be a blight on the landscape
- Reference to the homes as mobile when connected to mains services. Use of this term is to sidestep regulations
- Applicant refers to the homes as being affordable and helping to meet local need but will likely be occupied by those with homes elsewhere
- If permission is granted it should be conditioned that they are sold as affordable housing to local people.
- Buildings cannot be considered sustainable due to their construction in comparison to new build homes.
- Reliance on private vehicle and increased air pollution
- Pedestrian improvements offered are a token gesture accounting for type of person who will occupy the site
- Issues of low water pressure
- Council have not assessed or ascertained what proportion of units on site are used as main residences
- Council should protect the countryside and resist applications such as this
- Disagree with findings of the LVIA and Planning Statement
- Proposal conflicts with Policies, including ENV, ENV2, ENV5 and LIV1 to 5

These points are noted and in the main covered in the original report. Reference to the term 'affordable' in this sense is simply the applicant's terminology and opinion when comparing the proposal to other forms of housing. The development here is for properties which would be sold on the open market. It has not been applied for, nor subsequently considered, on the basis of affordable units as defined in the National Planning Policy Framework. It would therefore not be appropriate to limit the proposal by condition in this regard.

17/0001/OUT - Land To The West Of Birtwistle Court, Kelbrook Road, Barnoldswick

The report for this application states that an education contribution is required. This section of the report was included in error, no education contribution is necessary for this application.

LCC Highways - The existing highway network surrounding the site is considered to have a good accident record and indicates there is no underlying issue regarding highway safety which the proposed development would exacerbate.

From observations on site the available sight lines over the existing adopted highway from the private road onto Kelbrook Road area fully compliant with the recommendations in Manual for Streets 1 and 2.

From observations on site the current access off Kelbrook Road onto the private road is appropriate for the size and number of vehicles using the road although facilities for pedestrians are recommended as detailed below.

As part of the site access onto the private road, the sight lines of 2.4 x 43m to be provided in a southern direction, measured from the centre of the new site access onto existing private road.

The sight lines to the north of the junction to be 2.4x33m, measured from the centre of the new site access onto existing private road.

The applicant should provide accurate details of the required sight line requirement, before determining the application, ensuring the entire sight line requirement is fully over land fully within the applicant's control.

From observations on site and the information provided on the applicant's site location plan the sight line requirement is fully achievable over the applicants land.

The Highway Development Control Section is of the opinion that the applicant should provide a 2m wide footpath for the full frontage of the site with the private access road and Kelbrook Road and around the northern radius in the interest of highway safety. This is to facilitate additional and existing pedestrian movements around the development and this footpath will also aid sustainable transport and social inclusion. The footpath provision along Kelbrook road would also aid any future development to the south and also provide a link with public right of way 13-1-FP30 and bridle way 13-1-BW35, on the opposite side of the road.

As part of the footpath works along Kelbrook Road dropped kerbs will be required on both sides of the existing access to allow pedestrians to cross over to the bus stop opposite the junction.

The footpath works along Kelbrook Road (the off-site works) will need to be constructed under a section 278 agreement of the 1980 Highways Act.

The proposed development should have a negligible impact on highway safety in the immediate vicinity of the site, providing the recommended footpath improvements are provided and the recommended sight lines onto the private road are provided.

Please attach the following conditions: wheel washing, access and turning, estate road construction, visibility splays, off-site highway works, highway survey, traffic management plan.

LCC Highways have requested a condition for a survey of the adjacent highway before and after the construction of the development and for the developer to return the road to its pre-construction condition. This would not be a reasonable condition to attach as it could not be ensured that any damage to the road is as a direct result of the development rather than other general wear and tear and as such would fail the tests of an acceptable planning condition set out in the Framework.

The recommendation remains to delegate grant consent subject to the receipt of acceptable plans of the off-site highway works and visibility splays and the following revised conditions:

RECOMMENDATION: Delegate Grant Consent

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the appearance, scale, layout and landscaping of the site) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the appearance, scale, layout and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, 2686.

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

4. The new estate road for the approved development shall be constructed in accordance with the Lancashire County Council Specification for Construction of Estate Roads to at least base course level up to the entrance of the site compound before any development takes place within the site and shall be further extend before any development commences fronting the new access road.

Reason: To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative.

5. The development shall not commence unless and until a Traffic Management Plan for the construction works has been submitted to and approved in writing by the Local Planning Authority department. This shall include:-

- The parking of vehicles of site operatives and visitors;
- Loading and unloading of plant and materials used in the construction of the development;
- Storage of such plant and materials;
- Wheel washing facilities;
- Periods when plant and materials trips should not be made to and from the site (mainly peak hours but the developer to identify times when trips of this nature should not be made)
- Routes to be used by vehicles carrying plant and materials to and from the site;
- Measures to ensure that construction and delivery vehicles do not impede access to adjoining properties.

The development shall be carried out in strict accordance with the approved Traffic Management Plan.

Reason: to protect existing road users.

6. For the full period of construction, facilities shall be available on site for the cleaning of the wheels of vehicles leaving the site and such equipment shall be used as necessary to prevent mud and stones being carried onto the highway. The roads adjacent to the site shall be mechanically swept as required during the full construction period.

Reason: To prevent stones and mud being carried onto the public highway to the detriment of road safety.

7. The layout of the development shall include provisions to enable vehicles to enter and leave the highway in forward gear and such provisions shall be laid out in accordance with the approved plan and the vehicular turning space shall be laid out and be available for use before any development commences and maintained thereafter.

Reason: Vehicles reversing to and from the highway are a hazard to other road users, for residents and construction vehicles.

8. No part of the development shall be commenced unless and until the visibility splays measuring 2.4 metres by 43 metres in a northern direction have been provided, measured along the centre line of the proposed drive from the continuation of the nearer edge of the existing carriageway of the private access road. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

9. No part of the development shall be commenced unless and until the visibility splays measuring 2.4 metres by 33 metres in a southern direction have been provided, measured along the centre line of the proposed drive from the continuation of the nearer edge of the existing carriageway of the private access road. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.

Reason: To ensure adequate visibility at the street junction or site access in the interest of highway safety in accordance with Quality of Development Policy and Transport Policy in the Local Plan.

10. No dwelling hereby approved shall be occupied unless and until the off-site highway works shown in plan Nos. (to be confirmed) have been completed in strict accordance with the plans.

Reasons: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

11. Foul and surface water shall be drained on separate systems. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly. The development shall be completed in accordance with the approved details.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.

12. No development shall commence unless and until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:

- a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company
- b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
 - i. on-going inspections relating to performance and asset condition assessments
 - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other

arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;

c) Means of access for maintenance and easements where applicable.

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

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.

13. As part of any reserved matters application and prior to the commencement of any development, the following details shall be submitted to, and approved in writing by, the local planning authority. Surface water drainage scheme which as a minimum shall include:

a) Information about the lifetime of the development design storm period and intensity (1 in 30 & 1 in 100 year + allowance for climate change – see EA advice <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance and easements where applicable, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of flood levels in AOD;

b) The drainage scheme should demonstrate that the surface water run-off must not exceed the existing pre-development greenfield runoff rate. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

c) Any works required on or off-site to ensure the adequate discharge of surface water without causing flooding or pollution (which should include the refurbishment or removal of any existing watercourses, culverts, headwalls or unused culverts where relevant);

d) Flood water exceedance routes, both on and off site;

e) A timetable for implementation, including phasing where applicable;

f) Site investigation and test results to confirm infiltrations rates;

g) Details of water quality controls, where applicable.

h) Details of finished floor levels.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the risk of flooding to the proposed development, elsewhere and to future users and to ensure that water quality is not detrimentally impacted by the development proposal.

17/0117/REM – Land at Former Bank House, Applegarth, Barnoldswick

Three further comments received. Two from the same address objecting to the proposal and requesting that all previous comments regarding access via Applegarth should also be taken into account.

The residents of Applegarth believe that the work to make the access road up to an adoptable standard can not be carried out without their agreement. This is a condition on the Outline permission which the applicant is aware of.

One comment has been received supporting the proposal and the amended plans.

Amended plans have been received which address the concerns raised by the Environment Officer relating to protected trees and the shallow rear gardens and proximity to nearby residents.

The turning head has been revised and LCC as satisfied with the proposed layout.

The outstanding issues in the report have been satisfactory addressed and condition 2 can be amended to reflect the amended plans.