

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING SERVICES
MANAGER

TO: DEVELOPMENT MANAGEMENT COMMITTEE

DATE: 1st June 2016

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 01 JUNE 2016

Application Ref: 13/16/0054P

Ref: 19286

Proposal: Outline: Major: Residential development (5.07Ha) of upto 148 dwelling houses with access from Long Ing Lane and new access via footpath 10 (Access only) (Re-Submission).

At: FORMER BARNSAY SHED AND ADJ FIELD LONG ING LANE
BARNOLDSWICK

On behalf of: Mr R Sutton

Date Registered: 24 February 2016

Expiry Date: 25 May 2016

Case Officer: Alex Cameron

Site Description and Proposal

At a meeting of West Craven Committee on 10th May 2016 the decision to refuse this application was referred as a recommendation to this Committee as the decision represented a significant risk of costs.

The application site is located to the east of the settlement Barnoldswick and to the south of Long Ing Lane. The west/southwest boundary of the site is formed by the Leeds Liverpool canal with the Silentnight factory beyond, then open land to the south and east of the site with to the north west the land rising up to both isolated farm properties and a residential area. Approximately half of the site, to the north east west side falls within the settlement boundary and is designated as protected employment land. This was the former site of Barnsay Mill.

This is an outline application for a residential development of up to 148 houses. Only the access is to be considered as part of this application. The vehicular access would be taken from two existing access points onto Long Ing Lane.

Relevant Planning History

13/81/0987P - Change of use of weaving shed to warehouse, construction of new vehicular access and vehicle park and construction of two overhead conveyor bridges at Barnsay Mill. Approved.

13/90/0619P - Outline: use of land for Business (B1), general industry (B2) and storage distribution, Barnsay Mill site. Refused.

13/93/0175P - Outline: industrial building of approximately 250,000 sq ft on the site of the former Barnsay Mill. Approved.

13/93/0381P - Reserved matters of 13/93/0175P. Approved.

13/00/0411P - Outline: Use of land for B1 (Business), B2 (General Industrial) & B8 (Storage or Distribution) development. Approved.

13/07/0242P - Reserved Matters: Major: Erection of 2000sqm B1, 9300sqm B2 and 1100sqm B8 of industrial floorspace and formation of access road, parking and landscaping. Approved. This development has been implemented. The area of the consent covers that of the current planning application.

Consultee Response

LCC Lead Local Flood Authority - No objection subject to conditions requiring the submission and implementation of a surface water drainage scheme and management and maintenance plan, details of surface water pollution prevention, the carrying out of further investigations on the culvert proposed for surface water discharge. Detailed comments:

Surface water drainage:

The applicant intends to discharge surface water to an ordinary watercourse. Whilst other preferable runoff destinations should be considered first, namely infiltration to ground, it is noted that the Flood Risk Assessment does indicate that infiltration based SuDS techniques are unlikely to prove feasible for this site. For this reason, the Lead Local Flood Authority considers discharge to an ordinary watercourse to be acceptable, subject to sufficient evidence of permeability testing for the site and subject to an appropriate point of discharge being identified.

Flood risk: Section 4.0 of the FRA indicates that there is a significant risk of flooding along the south western boundary of the site should the canal infrastructure fail during the lifetime of the development. The FRA suggests that the main reason for this is that the topography of this area is generally at a level below that of the canal. Whilst it is noted that the probability of an infrastructure failure is likely to be relatively low, the LLFA feels that the potential impact that this may have on the development would be significant. It is also noted from Section 4.5 of the FRA, that the south west corner of the site is also shown to experience a medium to high probability of surface water flooding. Therefore, it is anticipated that some flooding may occur within this area during medium to high intensity rainfall periods.

For the reasons stated above, the LLFA would strongly recommend that any residential development is avoided within this area of the site, unless appropriate flood alleviation measures are put in place by the developer to sufficiently reduce the risk of flooding to property and / or infrastructure.

Section 5.2 of the FRA indicates that the existing surface water sewer and culverted watercourse located through the centre of the site, will need to be diverted via a green corridor located between the south side of the proposed access road and the Leeds and Liverpool Canal. It is noted from the FRA, that this culvert will be upsized to 450mm dia in size, in order to match the largest existing pipe along the watercourse. It is also noted that further investigations are planned on the existing culvert to ensure that all live connections are accounted for and that the culvert is sufficiently sized to cope with the estimated flows through the site.

Whilst it is encouraging to see that the developer intends to increase the capacity of the culvert, the applicant would still need to provide appropriate hydrological calculations at Reserved Matters, to adequately demonstrate that the proposed culvert is sufficiently sized to cope with existing flows, along with any additional flow generated from the development site, without resulting in flooding on or off site. The application would also need to provide details of any investigations carried out on or off site for the purpose of assessing the capacity, condition and discharge point of the downstream section of the culvert.

Section 5.3 of the FRA indicates that there is an existing 225mm dia culvert located on the eastern boundary of the site. This is believed to be fed by a series of existing land drains in and around the development site. Following an assessment of this culvert, the FRA has concluded that the existing pipe does not have sufficient capacity to cope with flows generated during higher magnitude rainfall events and therefore, it is suggested that in its present state the limited capacity of the culvert may lead to surface water flooding at this location. Furthermore, whilst it is believed that the culvert emerges close to the southern corner of the site, it is noted that the discharge point to the watercourse or canal has yet to be identified.

The LLFA is concerned by this and notes that section 5.4 of the FRA indicates that the applicant intends to connect a new 150mm dia filter drain to the culvert to intercept overland flows along the north eastern boundary of the site. This is a mitigation measure proposed by the developer to reduce the risk of surface water flooding from the adjacent higher land. Should the culvert be unable to drain sufficiently, either due to its capacity or due to its condition or outfall, then we feel that the risk of flooding to the site would be high and therefore, this would potentially be grounds for an objection.

It is noted however, that the FRA recommends for further investigations to be carried out on the culvert and for discussions to be held with the adjoining landowner regarding the prospect of 'day lighting' the culvert to increase its capacity and to reduce the risk of flooding to the site. As an engineered solution has been proposed by the applicant, the LLFA feels that an objection is not required at this stage.

In regards to the 150mm filter drain mentioned above, the LLFA would like to clarify that the peak runoff rate for the 1 in 1 year, 1 in 30 year and 1 in 100 year rainfall event (+30% allowance for climate change), should not exceed the peak greenfield runoff rate for the same event. The same principle would apply for all surface water drainage systems that are required for the purpose of disposing surface water to an ordinary watercourse.

Whilst it is noted that estimated greenfield run off rates and attenuation volumes have been provided within the FRA, the LLFA would require detailed calculations to be provided at Reserved Matters, in order to confirm the details provided are appropriate for the site. A formal detailed surface water drainage strategy would also need to be submitted to and approved in writing by the local planning authority, prior to the commencement of any development. This is to ensure that the proposed development can be adequately drained without resulting in an increased flood risk on or off site.

It is noted from the preliminary surface water drainage layout (attached as Appendix K of the FRA), that the applicant intends to build within 8 metres of a watercourse. Construction within 8 metres of any watercourse is not advised as access for maintenance purposes is restricted and it has the potential to pose an undue flood risk to structures. It is therefore advised that the applicant modifies the proposed surface water drainage layout to ensure that no structures are constructed within 8 metres of a watercourse.

Whilst it is evident from the Flood Risk Assessment that various SuDS techniques have been considered for the site, the LLFA recommends for the applicant to also explore the use of other SuDS features in order to further reduce the rate and volume of surface water draining from the site. Please note that some SuDS features may require certain permitted development to be removed from land on or within close proximity to where it is located. It is advised that the Local Planning Authority take note of this and if minded to approve, an appropriate informative is attached to the formal Decision Notice.

LCC Highways - No objections in principle to the proposed housing development providing the recommendations referred to in this report are provided.

The current planning application is concerned with the principle and access to the site only and as such only provisional highway comments have been made regarding the internal layout of the site

This housing application is to replace the commercial planning application 13/07/0242P for B1, B2 and B8 use. As part of planning application 13/07/0242P, the Highway Development Control Section commented that they would not raise an objection where the commercial development generated in the region of 200 vehicles using the site each day. The Transport Assessment shows that the new housing development will generate significantly more than 200 vehicle movements per day. The traffic movements created by a residential development are outbound in the AM peak and inbound in the PM peak, this would be opposite to the direction of traffic created by

industrial units. This change in direction would have an impact on the way the traffic signals operate by changing the demand on the arms, especially in the AM peak. The traffic signals should be subject to a capacity analysis (LinSig) and mitigation offered if capacity is seen to be reduced.

With the information available the Development Support Section is of the opinion that the proposed housing development will have a severe impact on the traffic signals at the B6283/Rainhall Road by increasing queue lengths and delays at the junction at the detriment to highway safety and congestion. The Development Support Section therefore recommends the applicant provides a scheme to provide "MOVA" at the signals, through a section 278 agreement with Lancashire County Council.

The proposed housing development will generate more pedestrian movements from the site towards the centre of Barnoldswick to access the local facilities. To support sustainable forms of transport and aid social inclusion the Development Support Section is of the opinion that the existing traffic signals at the B6283/Rainhall Road should be redesigned to be more pedestrian orientated by removing the barriers, relocating the traffic signal posts and providing facilities for mobility impaired and partially sighted etc. The Development Support Section therefore recommends the applicant provides an improvement scheme the traffic signals at the B6283/Rainhall Road, through a section 278 agreement with Lancashire County Council.

Contributions should also be made for public footpath improvements and road narrowing at the corner with Long Ing Lane and Coates Avenue to support sustainable forms of transport and aid social inclusion.

The development should have a negligible impact on highway safety in the immediate vicinity of the site providing the proposed traffic signal improvements are provided; a 3.5m cycle path is provided for the frontage of the site with Long Ing Lane and to continue round the bend to link with the footway on Coates Lane and continues into the northern access; the northern access is suitable for a twin axel refuse vehicle and the proposed build out is provided at the corner with Long Ing Lane and Coates Avenue.

The Lancashire County Council tendered bus service review date the 8th March 2016 indicates bus service B1/B2 Barnoldswick Town Services will operate with minor some tweaks to the timetable, where additional funding can be secured through a section 106 contribution, the current service could remain.

The two bus stops near the site to be upgraded to quality bus stops with shelters to support social inclusion and the promotion of sustainable forms of transport.

This development is in excess of our Travel Plan submission threshold. We would therefore request that a Framework Travel Plan covering all elements of the development should be submitted prior to any development commencing and that this be secured by a condition of planning.

Due to increased traffic flows generated by the development, to aid highway safety, to support sustainable transport and improve social inclusion within the vicinity of the site, the Highway Development Control Section recommends a highway contributions towards: -

To support sustainable transport and improve social inclusion, upgrade the two bus stops, estimated costs £10,000 per bus stop and £1,000 per bus shelter for commuted sums to cover future maintenance.

To support sustainable transport a contribution to support bus service B1/B2 Barnoldswick Town Services.

A contribution of £6,000 to enable Lancashire County Council Travel Planning team to provide a range of Services Section as described in 2.1.5.16 of the Planning Obligations in Lancashire paper dated September 2008.

Various improvements to definitive footpaths 13-1-FP-10, 13-1-FP-7, cycle route 68 and Bridle way 13-1-BW-10 as detailed in the report.

LCC Education - An education contribution is not required at this stage in relation to the application above. However a recalculation would be required at the point at which the application is considered for decision. It is therefore the responsibility of the planning authority to inform LCC at this stage and request a recalculation in order to obtain a definitive figure. There may be a request for a contribution from the LCC Highways and Sustainable Transport teams in relation to the proposal. However, the level of such a contribution has not yet been determined, and will be submitted in due course.

Environment Agency - No objection subject to a contaminated land condition.

United Utilities - No objection subject to foul and surface water drainage conditions.

Yorkshire Water - A water supply can be provided under the terms of the Water Industry Act, 1991.

There are private water supply pipes and fire hydrants present within the site boundary, including the

existing supply pipe to Higher Barnsley Farm. Any private supply pipes and fire hydrants which are no longer required will need to be disconnected from the YW public main infrastructure. The costs are unlikely to be excessive. Refer to United Utilities (North West Water) for sewerage comments.

Natural England - No adverse comments.

PBC Environmental Health - The noise assessment indicates that noise from the nearby industrial site will be mitigated by appropriate glazing and ventilation which reduces noise levels to or near to the recommended limits. We recommend in addition that layout of the properties is revised to minimise the number of openings contributing to elevated noise levels within the properties. Please attach contaminated land and construction method conditions.

Canal and River Trust - To ensure that the proposed works do not have a detrimental impact on the canal and its infrastructure, we recommend a condition requiring details of proposed foundations to be submitted. Should the scheme proceed as per the indicative layout, the scheme will fail to fully address the waterfront location as the indicative layout turns its back on the canal, exposing side elevations and parking bays which fail to enhance the waterway corridor. We also note the Applicants intention to reduce the visual impact of the development upon the canal with a proposed green buffer separating the development from the canal.

However, we considered that this visual buffer could be strengthened by widening the buffer strip and incorporating extra vegetation. Therefore, we recommend that the Applicant amends the indicative layout in order to re-orientate the proposed housing so that they face the canal and strengthen the canal side buffer strip. Such amendments to the scheme will help to ensure that the development is visually attractive and suitably landscaped when viewed from the canal as required by paragraph 58 of the NPPF.

Furthermore, we note that no pedestrian or cycle links are proposed from the application site to the canal towpath. The towpath provides a sustainable transport link, offering future residents a car free transport option and opportunities for leisure, recreation and exercise. Therefore, we recommend that the site is connected to the towpath and welcome future discussions to finalise this matter.

During construction and operation of the site, the Trust would require the works, handling, storage and disposal of waste generated by construction and operation to be carried out in accordance with relevant legislation and regulatory requirements. Potential contamination of the waterway and ground water from wind blow, seepage or spillage at the site should be avoided.

We note that the Environmental report / phase 1 survey included in the application has recorded and assessed habitats and species found within or adjacent to the site and requires that further survey work is required during the spring / summer to allow further assessment to be made.

We would recommend this approach and advise that the updated assessment considers the impact of the proposed development on the canal ecology, this should include direct impact as well as impact through potential pollution or run-off that may enter the canal during construction of the access route.

Public Response

Press and site notices have been posted and 68 neighbours notified. The notification period expires on 7th April. The following responses objecting the proposed development have been received:

The surrounding roads are not adequate to accommodate the additional traffic that would be generated by the development.

The bridge over the canal is not strong enough to accommodate additional traffic that would be generated by the development and construction vehicles.

The increase in traffic would adversely impact on highway safety in relation to the children's play area opposite the site.

The development would increase on-street parking in the area.

The site is vulnerable to flooding.

The development would increase the risk of flooding on adjacent farmland.

The existing single track access road though the site is heavily used by walkers, farm vehicles and milk tankers. This would be incompatible with housing proposed adjoining the access road. This would adversely impact upon the operation of Rainhall Farm.

The development would put more pressure on already busy local services and infrastructure.

There is insufficient shopping provision in the area.

A large variety of birds, bats and other wildlife use the site and would be harmed by the development.

A water course runs from the former landfill site on Ben Lane past our property and though the site and disruption to this may cause us problems.

Concerns were raised on the previous application by the Canal and River trust in relation to the effect of ground works on the canal.

Building on green field sites should not be allowed.

The development may undermine adjacent properties.

The area is allocated for employment use and falls beyond the settlement boundary of Barnoldswick and is not acceptable for development.

The development of this employment site for housing is inappropriate when viewed against the original plan for industrial use and the longer term benefit of potential employment choice within Barnoldswick.

Only one car parking space is shown for each dwelling, this is insufficient.

The land is structurally unsound as there is a tunnel to Rainhall Rocks running under it. There is monitoring of methane at the filled tip running through Rainhall Rocks and out into the site. What effect would the proposed building have if the water course is changed.

The proposal is an inappropriate overdevelopment of the site.

Harm to view from adjacent properties.

The land to the north and south of the farm track should be used for screening as in the previous industrial unit permission.

The target noise level in the noise survey is too low and will give an inadequate level of acoustic attenuation, which could lead to noise complaints being made against the adjacent Silentnight factory.

Officer Comments

As this is an outline application for access only the only matters to be considered in details at this stage are the provision of access and the principle of the development.

Policy

Pendle Local Plan Part 1: Core Strategy

Policy SDP1 takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 sets out the roles each settlement category will play in future growth. Barnoldswick is a key service centre which provide the focus for future growth and will accommodate the majority of new development.

Policy SDP3 identifies housing distribution in West Craven Towns as 18% of the total required in the Borough over the Plan lifetime.. The total housing requirement for Pendle is 5662 which equates to 298 units per annum. The amount of development proposed here is not disproportionate to the amount Barnoldswick could expect to accommodate over the 15 year plan period.

Policy ENV1 of the Local Plan seeks to ensure a particularly high design standard that preserves or enhances the character and appearance of the area and its setting. It states that the impact of new developments on the natural environment, including biodiversity, should be kept to a minimum.

Policy ENV2 of the Pendle Local Plan Part 1 identifies the need to protect and enhance the heritage and character of the Borough and quality of life for its residents by encouraging high

standards of quality and design in new development. It states that siting and design should be in scale and harmony with its surroundings.

Policy ENV7 does not allow development where it would be at risk of flooding and appropriate flood alleviation measures will be provided and/or would increase the risk of flooding elsewhere.

Policy LIV1 sets out the housing requirement identified in Policy SDP3 above. At the present time sites have not yet been allocated in The Pendle Local Plan Part 2: Site Allocations and Development Policies.

Policy LIV4 sets targets and thresholds for affordable housing provision. For 15 or more dwellings in West Craven towns this is 5%.

Policy LIV5 states that layout and design should reflect the site surroundings, and provide a quality environment for its residents, whilst protecting the amenity of neighbouring properties. Provision for open space and/or green infrastructure should be made in all new housing developments.

Replacement Pendle Local Plan

Policy 4D (Natural Heritage - Wildlife Corridors, Species Protection and Biodiversity) States that development proposals that would adversely impact or harm, directly or indirectly, legally protected species will not be permitted, unless shown to meet the requirements of The Conservation (Natural Habitats, &c.) Regulations 1994.

Policy 22 (Protected Employment) This policy states that it is concerned with re-using employment premises in an attempt to reduce the amount of greenfield land required for employment.

Policy 31 of the Replacement Pendle Local Plan sets out the maximum parking standards for development.

National Planning Policy Framework ("the Framework")

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Paragraph 47 of the Framework requires local planning authorities to identify a supply of deliverable housing sites to provide five years' worth of their housing requirements.

Principle of Housing

The application site falls partially within the settlement boundary of Barnoldswick. Although approximately half of the site falls outside of the settlement boundary, taking its proximity to the settlement and its services and facilities into account it is a sustainable location for the proposed housing development.

Pendle Borough Council has demonstrated in the Strategic Housing Land Availability Assessment a five-year supply of deliverable housing sites, this includes sites that fall outside of settlement boundaries. Although this site has not been included in this assessment, it would contribute towards the delivery of the Council's five-year housing supply and this weighs strongly in its favour.

The north western part of the site falls within a protected employment area. This is the former site of Barnsay Mill and has had a number of permission granted over the past 20 years for

redevelopment for industrial use. There has been a technical start on site to implement the development which remains extant. The area covered by the industrial consent covers that now proposed for development.

Therefore, the principle of the proposed development is acceptable.

Affordable Housing Provision

Policy LIV4 sets a target of 5% affordable housing for developments of this scale in this location. The applicant has indicated that a proportion of affordable housing will be provided on site, this details and level of this provision are to be dealt with at the reserved matters stage.

Visual Amenity

The proposed development would appear as a natural extension of the existing settlement between the Silentnight factory and Rainhall Crescent. Concerns have been raised by the Canal and River Trust regarding the relationship of the housing with the canal on the indicative plan, however this is merely indicative and their issues would be addressed at the reserved matters stage. Subject to appropriate design, materials and landscaping, which would be considered at the reserved matters stage, the proposed development would not result in an unacceptable impact on the character and visual amenity of the area in accordance with policies ENV2 and LIV5.

Residential Amenity

Adequate separation distances could be provided between the proposed housing and existing housing to the north east.

The Silentnight factory to the west has the potential to cause noise that could affect the amenity of residents of the proposed development. A noise assessment has been submitted with the application addressing this potential impact. The assessment concludes that internal noise levels can be made acceptable with glazing and ventilation to offer soundproofing of potentially affected dwellings. A representative of Silentnight has raised concerns regarding the interpretation of the noise readings in the report and that an unacceptable impact may result irrespective of the proposed mitigation, which could impact on the operation of the factory.

Environmental Health have assessed this and advised that, although noise levels are likely to be very close to maximum acceptable levels at the closest properties, changes to the indicative layout could ensure that there would be no unacceptable impacts on the proposed development and therefore no adverse impact on the operation of the Silentnight factory.

Further statements have been received addressing the differences in interpretation of predicted noise levels by the applicant's and Silentnight's noise consultants. This relates to the level of the additional noise that needs to be factored into the modelling.

However irrespective of this difference in interpretation it is clear that with a suitable layout and design, acceptable noise levels and hence levels of amenity can be ensured for occupants of the proposed housing. Those elements would be considered at the reserved matters stage.

Therefore, the proposed development is acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

Ecology

A phase 1 walkover survey of the site has identified that the site is likely to be used by protected species including bats and breeding birds. However, the impacts these and other wildlife can be

acceptably mitigated by further survey work which would potentially influence the layout and phasing of the development. This would be considered at the reserved matters stage.

Open Space

Policy LIV5 requires that provision for public open space and/or green infrastructure is made in all new housing developments. The applicant indicative plans show potential public open space areas running through the site, details of the type and extent of public open space would be considered at the reserved matters stage.

Drainage and Flood Risk

A number of concerns have been raised regarding drainage and flooding. A flood risk assessment has been submitted with the application and both the Environment Agency and Lead Local Flood Authority have raised no objection to the development on the basis of this. Further investigations of the culvert proposed for surface water discharge is required to establish its capacity and what works may be required to ensure that it is adequate and full details of the surface water drainage scheme will need to be submitted. The indicated layout may also need to be revised at the reserved matters stage to move properties out of an area at risk of flooding from the canal. However, these are matters of detail and design that can be appropriately resolved at the reserved matters stage rather than matters that affect the principle of the acceptability of the development from a drainage and flooding point of view.

United Utilities have also raised no objections to the principle of provision of foul drainage for the development.

Concerns were raised at the first Committee meeting in April relating to a culvert called 'the Bowker drain' which it was suggested runs somewhere under the site. An investigation report of the Bowker drain has been submitted, this concludes that the drain is located on the opposite side of the Canal from the site and the development would therefore not directly impact upon it. It is also thought to be improbable that the existing 300mm diameter culvert running through the site from Little Cut has a direct connection to the Bowker drain. Additional on-site investigation in the form of a CCTV survey has been recommended during the detailed design stage to evaluate connectivity and structural stability of the on-site culvert structure and any additional mitigation that may be required.

Therefore, subject to appropriate conditions, the proposed development would not be at unacceptable risk of flooding or unacceptably increase the risk of flooding off-site and is therefore acceptable in terms of drainage and flood risk.

Highways

Acceptable visibility would be provided at the proposed access to the site and its use would not result in an unacceptable highway safety impact.

Concerns have been raised regarding the level of car parking proposed and impacts on the access road to Higher Barnsay Farm. With the density proposed adequate parking provision could be made, full details of car parking provision would be provided at the reserved matters stage. The comments appear to assume that the access road would remain at its current single track width. This is a matter that would be resolved at reserved matters stage but there are no known reasons why the width of the track could not be increased. The internal road layout shown is indicative at this stage and would be considered fully at reserved matters.

Concerns have also been raised regarding the ability of the surrounding road infrastructure to cope with additional traffic generated by the proposed development both during and after construction.

Planning permission was been granted in 2007 for an industrial/warehouse development on this site and that development has been technically started and therefore is extant. The transport statement submitted with this application states that the proposed development would be likely to have less impact on the highway than the previous permission in terms of trip generation and clearly would have a significantly lower number of goods vehicles trips.

However LCC Highway's response states that due to the nature of and direction of traffic flows from the proposed residential development, it would be likely to have a severe impact on the traffic signals at the B6283/Rainhall Road by increasing queue lengths and delays at the junction at the detriment to highway safety and congestion. Therefore, LCC Highways have stated that it is necessary for the developer provide a contribution towards the provision of MOVA signals at that junction. However there needs to be a more detailed analysis of the junction requirements using LinSig or a similar model. That should be undertaken to inform what form of improvements may be necessary.

The development would also result in increased public transport demand. The Lancashire County Council tendered bus service review date the 8th March 2016 indicates bus service B1/B2 Barnoldswick Town Services will operate with some minor tweaks to the timetable. A contribution to maintain the current bus service would offset this impact of the development.

Off-site highway works are also requested for alterations to the road and footway to the front of the site.

Discussions are ongoing regarding these contributions, an update will be made to Committee.

Subject to off-site highway works and contributions that would acceptably offset its impacts, the proposed access is acceptable in principle terms of highway safety.

Other issues

Concerns have been raised regarding the ability of local services and facilities to cope with any increase in demand as a result of this development. In relation to school provision LCC Education have raised no objection and have not requested any contribution towards school provision. The Council's housing supply targets are based on projections of future population growth and demographic changes in the Borough, projections are also used by public service providers to plan and prepare for the public services needed for demographic and population changes.

A query was raised regarding the ownership of the access track to Higher Barnsay Farm that runs through the site. Land registry plans have been submitted demonstrating that the section which runs through the application site is within the applicant's ownership.

Summary

The proposed access and principle of the development are acceptable, it is therefore recommended that the approval of the application is delegated to the Planning, Building Control and Licencing Manager subject to the finalising of the s106 agreement.

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 the following conditions:

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale 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 access, appearance, landscaping, layout and scale (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: 07.113 01A, 07.113 08E.

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

4. 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, in consultation with the Lead Local Flood Authority.

1. 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 +30% allowance for climate change), 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 peak greenfield runoff rate for same event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- c) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of 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.

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.

5. No development hereby permitted shall be occupied unless and until the sustainable drainage scheme for the site has been completed in accordance with the submitted details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reason: To ensure that the drainage for the proposed development can be adequately maintained and to ensure that there is no flood risk on- or off-the site resulting from the proposed development or resulting from inadequate the maintenance of the sustainable drainage system.

6. 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 appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development, to 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.

7. No development shall commence unless and until details of how surface water and pollution prevention will be managed during each construction phase have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies.

8. No development shall take place until further investigations are carried out to establish the location, capacity, condition and discharge point of the culvert referred to in Section 5.3 of the

FRA (Ref: '15196'; Dated: 'October 2015'; By: 'David Emmott'). The surface water drainage strategy and FRA should be revised to accommodate findings as appropriate. Prior to commencement of development, the revised surface water drainage strategy should be submitted to and approved by the Local Planning Authority in consultation with Lancashire County Council in their role as Lead Local flood Authority.

Reason: To ensure that the watercourse does not pose a flood risk, on-site or off-site.

9. No part of the development shall be commenced unless and until a Construction Code-of-Practice has been submitted to and approved in writing by the Local Planning Authority. The code shall include details of the measures envisaged during construction to manage and mitigate the main environmental effects of the relevant phase of the development. The submitted details shall include within its scope but not be limited to:
- a) A programme of works including phasing, hours of operation and measures for the control of traffic to and from the site, and within the site, during construction.
 - b) The areas and methods of loading and unloading of plant and materials.
 - c) The areas for the storage of plant and materials.
 - d) Methods for dust control and suppression including asbestos controls and undertaking of regular dust monitoring including when dust monitoring and dust control/suppression are to be implemented.
 - e) Details of wheel-washing facilities including location
 - f) Details, including likely vibration and noise levels at site boundaries, of the piling operations.
 - g) Measures related to construction and demolition waste management
 - h) Pollution prevention to include odour suppression, temporary drainage measures, control on re-fuelling activities and measures such as cut-off trenches to control gas migration.
 - i) Soil resource management including stock-pile management
 - j) Compliance with BS5228: Part 1 1997 to minimise noise
 - k) Measures to ensure that vehicle access of adjoining access points are not impeded.
 - l) Measures to ensure that there is no burning of waste.
 - m) Demolition Management Plan/Programme
 - n) Location and details of site compounds
 - o) Hoarding details during construction
 - p) An overall Construction Monitoring programme, to include reporting mechanisms and appropriate redress if targets/standards breached
 - q) Vibration monitoring to be carried out for the construction period.
 - r) Noise-monitoring to be carried out for the construction period.
 - s) A Construction and Demolition-Waste minimisation Strategy.
 - t) A Construction-Risks Education plan/programme
 - u) Parking area(s) for construction traffic and personnel
 - v) Routeing of construction vehicles

The Construction Code-of-Practice should be compiled in a coherent and integrated document and should be accessible to the site manager(s), all contractors and sub-contractors working on site. As a single point of reference for site environment management, the CCP should incorporate all agreed method statements, such as the Site Waste Management Plan and Demolition Method Statement. 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).

10. Prior to the commencement of development the applicant shall have submitted to and have agreed in writing by the Local Planning Authority a method statement which sets out in detail the method, standards and timing for the investigation and subsequent remediation of any contamination which may be present on site. The method statement shall detail how:-
- a) an investigation and assessment to identify the types, nature and extent of land contamination affecting the application site together with the risks to receptors and potential for migration within and beyond the site will be carried out by an appropriately qualified geotechnical professional (in accordance with a methodology for investigations and assessments which shall comply with BS 10175:2001) will be carried out and the method of reporting this to the Local Planning Authority; and
 - b) A comprehensive remediation scheme which shall include an implementation timetable, details of future monitoring and a verification methodology (which shall include a sampling and analysis programme to confirm the adequacy of land decontamination) will be submitted to and approved in writing by the Local Planning Authority.

All agreed remediation measures shall thereafter be carried out in accordance with the approved implementation timetable under the supervision of a geotechnical professional and shall be completed in full accordance with the agreed measures and timings, unless otherwise agreed in writing by the Local Planning Authority.

In addition, prior to commencing construction of any building, the developer shall first submit to and obtain written approval from the Local Planning Authority a report to confirm that all the agreed remediation measures have been carried out fully in accordance with the agreed details, providing results of the verification programme of post-remediation sampling and monitoring and including future monitoring proposals for the site.

Advisory Notes:

- (i) Where land identified as having the potential to be contaminated is undergoing redevelopment, a copy of the leaflet entitled 'Information for Developers on the investigation and remediation of potentially contaminated sites' will be available to applicants/developers from the Council's Contaminated Land Officer. The leaflet will be sent to the developer by request.
- (ii) Three copies of all contaminated land reports should be sent to the Local Planning Authority.
- (iii) This condition is required to be fully complied with before development is commenced. Failure to comply with the condition prior to commencement of work may result in legal action being taken.

Reason: In order to protect the health of the occupants of the new development and/or in order to prevent contamination of the controlled waters.

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 the proposed foundations and excavations 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 agreed details.

Reason: In order to determine the impact of the works on the canal infrastructure.

13. 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.

14. 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 plans and the vehicular turning space shall be laid out and be available for use before the development is brought into use and maintained thereafter.

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

15. The new estate road for the 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.

16. No part of the development hereby approved shall commence unless and until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning 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 and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

17. The development shall not commence unless and until a Traffic Management Plan for the construction works has been submitted to be approved in writing by the Local Planning Authority. The Traffic Management Plan shall include:
- o The parking of vehicles of site operatives and visitors;
 - o Loading and unloading of plant and materials used in the construction of the development;
 - o Storage of such plant and materials;
 - o Wheel washing facilities;
 - o 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)
 - o Routes to be used by vehicles carrying plant and materials to and from the site;

o 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.

- 18.** No development shall commence unless and until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.

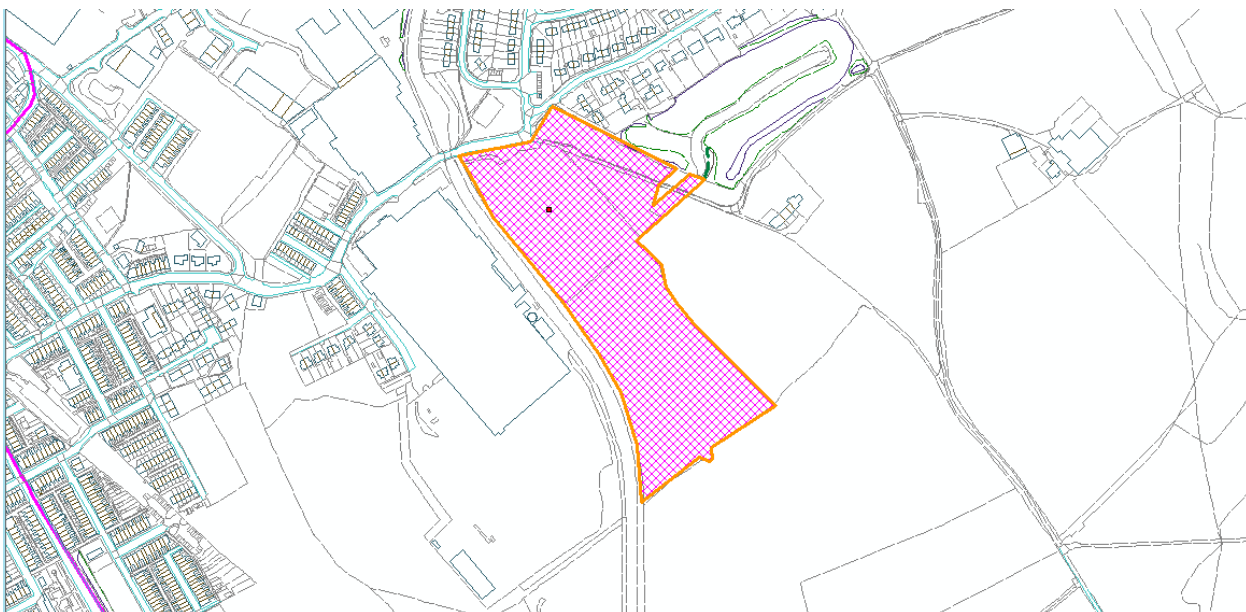
Reason: In the interest of highway safety.

- 19.** No development shall commence until a Framework Travel Plan has been submitted to, and approved in writing by, the Local Planning Authority. The provisions of the Framework Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.

The Framework Travel Plan must include a schedule for the submission of a Full Travel Plan within a suitable timeframe of first occupation, the development being brought into use or other identifiable stage of development.

Where the Local Planning Authority agrees a timetable for implementation of a Framework or Full Travel Plan, the elements are to be implemented in accordance with the approved timetable unless otherwise agreed in writing with the Local Planning Authority. All elements shall continue to be implemented at all times thereafter for as long as any part of the development is occupied or used for a minimum of at least 5 years.

Reason: To ensure that the development provides sustainable transport options



Application Ref: 13/16/0054P

Ref: 19286

Proposal: Outline: Major: Residential development (5.07Ha) of upto 148 dwelling houses with access from Long Ing Lane and new access via footpath 10 (Access only) (Re-Submission).

At: FORMER BARNSAY SHED AND ADJ FIELD LONG ING LANE
BARNOLDSWICK

On behalf of: Mr R Sutton

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE ON 1 JUNE 2016

Application Ref: 13/16/0058P

Proposal: Full: Change of use of WC building to hot food takeaway (A5) including external alterations and installation of flue.

At: PUBLIC CONVENIENCES COLNE ROAD BRIERFIELD NELSON BB9 5HW

On behalf of: Mr R Patel

Date Registered: 15 February 2016

Expiry Date: 11 April 2016

Case Officer: Neil Watson

This application has been referred to the Development Management Committee as Brierfield and Reedley Committee were minded to refuse this application on the following grounds:

1. Road safety issues including lack of parking; and
2. Proximity to a children's facility.

The site lies within the town centre and has centrally located car parks available. The premises are not required to have its own off-street parking provision. Parking on double yellow lines can be enforced by the relevant authority.

There is a children's facility located nearby, however, as this time there is no specific policy relating to the proximity of hot food takeaways and children's facilities.

Site Description and Proposal

The application site is a single storey stone built building under a modern profiled tiled roof. It has steel front doors with the facing material being a combination of render and stone.

The building is set back from the road. Adjacent to it on the north side is a grade 2 listed building that functions as Brierfield Town Hall.

Immediately abutting the building on the south site is a recreation area for children associated with the building on the west of the site. This area is an enclosed yard with a metal gate.

Consultee Response

Environmental Health

H34 - Sound Insulation

A scheme for the sound insulation of odour control equipment referred to in condition **H32** set out below shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented in full accordance with the approval scheme prior to the permitted use being commenced. The approved sound insulation works shall thereafter be maintained in efficient working order.

Note

- Regard shall be had of the following: DEFRA Guidance on the control of Odours and Noise from Kitchen Extraction Systems.

Reason: To protect the amenities of occupiers of adjoining and nearby properties.

Odour

H32 - Odour Extraction

Fumes, vapours and odours shall be extracted and discharged from the premises in accordance with a scheme (which shall incorporate grease and carbon filters and discharge at roof ridge level) to be submitted to and approved in writing by the Local Planning Authority before the use is commenced. The approved scheme shall be fully implemented before the permitted use is first commenced and shall be maintained in efficient working order thereafter

Note

Regard shall be had of the following: DEFRA Guidance on the control of Odours and Noise from Kitchen Extraction Systems.

Reason: To ensure that odours outside the premises are minimised in the interests of the amenity of occupiers of nearby properties

Conservation Officer

The building lies immediately adjacent to the Grade 2 listed Brierfield Town Hall. Though it is well set back from the frontage of the Town Hall it can be clearly seen in views of the listed building from the main road, and therefore makes some contribution to its setting. The main heritage significance of the Town Hall lies in its imposing front elevation, which is particularly prominent and together with the landscaped frontage and civic open space adds local character and distinctiveness at the heart of the town centre.

NPPF 132 notes that significance can be harmed or lost by development within the setting of a heritage asset. Para 137 advises LPAs to look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.

The disused WC building is unsightly and run down and currently makes no positive contribution to the setting of the listed building. There would be clear benefits from some improvements to its appearance, though care would need to be taken with materials and signage. The appearance of the unit would be improved by reinstating with natural stone to match the existing stone present on the front elevation. The proposed shop windows and door if simply detailed in dark grey framing would be an improvement on the current front elevation and would improve the buildings contribution to the setting of the listed building. The flue would be better painted in a matt dark grey to reduce its visual impact.

LCC Highways

Having considered the above application the Highways Development Control Section is of the opinion that the proposal would have a detrimental impact on highway safety in the immediate vicinity of the site and, therefore, object to this application on the grounds of highways safety.

The applicant has not provided information nor indicated where customer parking would be. There's a No Waiting At Any Time restriction on Colne Road, together with bollards restricting access to the front of the site. Whilst there is the public car park to the rear customers may not

wish to use this, particularly during the winter months/bad weather. This could then result in inconsiderate/unsafe parking behaviour on Colne Road itself and within the areas immediately in front and to the side of the Town Hall.

Lancashire Constabulary

Advise that security measures should be put in place including: Intruder alarm, restricted rear access, fixing of tables, CCTV etc.

Public Response

One comment has been received objecting to the application on the following grounds:

I strongly object to the Full Planning Application for the Change of use of the WC building to a hot food takeaway including external alterations and installation of flue on the grounds that it is:

- 1) immediately next to a Grade Two Listed Building and will lower the tone of the area,
- 2) it will cause parking issues in the centre of the town particularly near to the bus stop,
- 3) it will cause more detritus strewn around the town,
- 4) there are more than enough hot food takeaways in the town why do we require another.

Officer Comments

The application site lies in the retail town centre designated for Brierfield. Policy WRK 4 of the Core Strategy prioritises the location of retail uses. The first priority is for them to be located in town centres. As the development is in a town centre it is compliant with the local plan in terms of the principle of its location.

The development would improve the appearance of the run down building provided the materials to be used in the shop front are muted and reflect the traditional building materials surrounding. The application form proposes slate for the roof and stone for the walls with windows and doors being grey UPVC. The proposals for the roof and walls are acceptable but the window and door details need to be submitted for approval.

A stack is proposed to dissipate cooking smells. There are no neighbours nearby that would be affected by this. The stack however needs to be a dark grey colour and not a galvanised colour. If it is dark coloured it would blend into the background but if it is galvanised it would look garish.

The application form does not state the proposed opening times. The unit could be open during the day but its main use is likely to be in the evening. There is a children's facility adjacent. That has a gate separating it from the premises. With the main use likely to be at night there should not be a conflict of uses.

The building is in a commercial area with the nearest residential premises being at the back of the car park to the rear. The juxtaposition between the two would not be likely to cause a disturbance even if the car park was used late at night for customers. There would be no reason to restrict opening hours.

There are objections from the county council on highway grounds. The concern is that people would cause a nuisance by parking to the front. However there is a public car park that abuts the site to the rear. This would serve the unit and be accessible for customers. The use is a town centre one in a town centre. There would not be likely to be severe impacts on highway safety and with there being a car park adjacent to serve the site there are no highway grounds that would lead to the application being unacceptable.

The building is set back from the highway between two buildings. The town hall is grade 2 listed. The impact of the development of this needs to be assessed. The building is run down and improvements to its physical appearance would enhance the area. The physical works proposed would be of benefit to the heritage asset. Set against this would be the implications for the building in terms of advertisements that could be displayed. These themselves could have an impact on the area. The balance here is that the adverts would need to be below the eaves height and the building is considerably set back from the highway meaning views into it are restricted to a narrow vantage point. On balance even with the potential impacts of the adverts the impact on the heritage asset would be neutral with the external improvements that would occur to its current run down appearance.

Reason for Decision

The development lies within a town centre and complies with policy WK 4 of the adopted Core Strategy. The development would not have a detrimental impact on nearby uses or on the listed building. The development is therefore acceptable.

RECOMMENDATION: Approve

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: PC/BR, 6025/02, 6025/03, 6025/04, 6025/05.

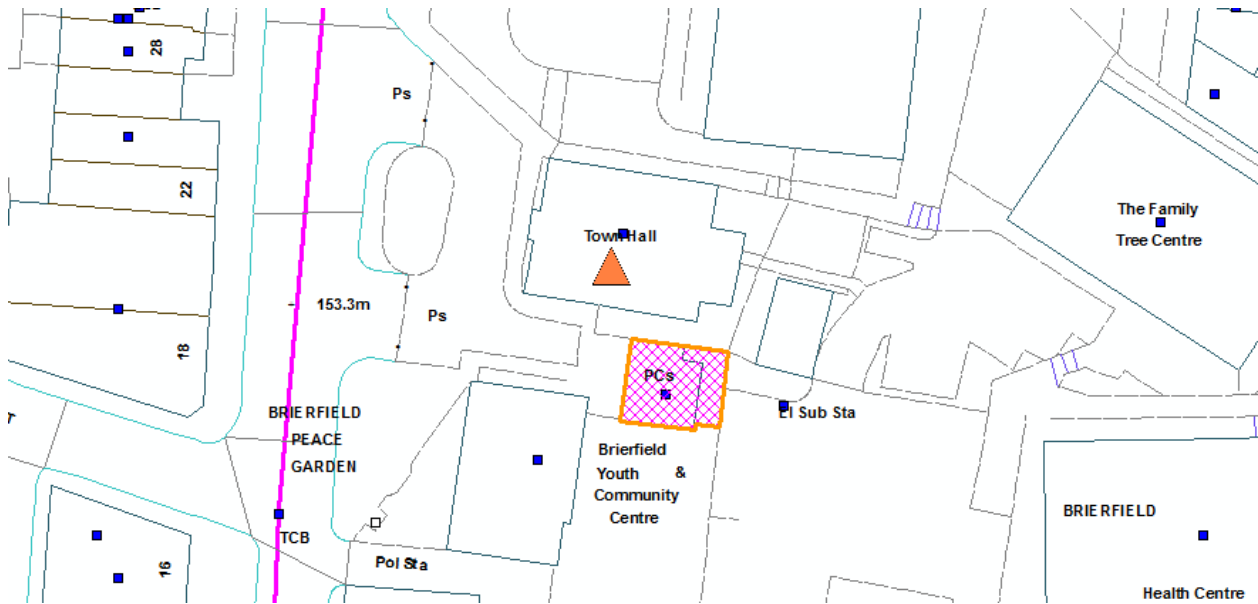
Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development samples of the materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plan(s) and specification) shall have been submitted to and approved in writing by the Local Planning Authority. This shall include details of the colour of the extraction flue which shall be coloured dark grey as well as the materials and colours proposed for the windows and doors. The development thereafter shall at all times be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in the interest of the amenity of the area and the protection of the setting of the adjacent grade 2 listed building.

4. Prior to the installation of any odour control equipment a scheme detailing the proposed method of sound insulation the equipment and the proposed method of dealing with fumes, vapours and odours shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the system is to be maintained. Once approved only the approved equipment shall be installed and the system shall be maintained in accordance with the approved details.

Reason: Reason in order to protect the amenity of the nearby environment



Application Ref: 13/16/0058P

Proposal: Full: Change of use of WC building to hot food takeaway (A5) including external alterations and installation of flue.

At: PUBLIC CONVENIENCES COLNE ROAD BRIERFIELD NELSON BB9 5HW

On behalf of: Mr R Patel

LIST OF BACKGROUND PAPERS

Planning Applications

NW/HW

Date: 17th May 2016