

## **Policy and Resources Committee Update Report 20<sup>th</sup> August 2020**

### **20/0035/REM Site of Former Barnsay Shed, Long Ing Lane, Barnoldswick**

PBC Environmental Health - The suggested remedial measures should satisfy our concerns.

PBC Environment Officer - There is a reliance on small trees that are relatively short lived throughout the site. I think there is room for some larger species throughout the site. I also think there is potential for some wildflower seeded areas, in particular the southern elevation of sheet 3. It would be nice to see some other species added to the street trees such as Turner's Oak.

#### **Officer Comments**

Environmental Heath have assessed the submitted revised noise report and are satisfied that the proposed mitigation measures would acceptably protect the residential amenity of the occupants of the proposed housing.

The Council Environment Officer has made comments on the proposed landscaping scheme requesting some minor alterations in the mix and size of trees proposed and some windflower planting. The applicant has agreed to those changes and asked that they be controlled by the addition of a landscaping scheme condition.

The applicant has also provided the following additional details, supported by a notated drainage plan, in response to the concerns raised by West Craven Committee in relation to drainage:

Firstly, in relation to storage, the Plan confirms that the surface water outfall will remain in the same place on the Leeds Liverpool Canal. This is subject to the approval of the Canal and Rivers Trust and it is proposed that stored water is to be released to a 40 l/s, which is the equivalent of greenfield run off rates. The excess surface water runoff (over and above 40 l/s) water will be stored in pipes under the development, which will be adopted by United Utilities.

As you will be aware the bowker drain under the site is very old and effectively no longer functioning. It is for this reason that the fields are storing holding water at the lowest lying points (South East) and not because it is a natural storage feature. There are legal powers that compel landowners to undertake works that maintain the flow of a watercourse (Section 25 of the Land Drainage Act). It is therefore proposed to create a cut off drain which will replace the bowker drain and feed the water into a land drain, which takes the water around the site, and ultimately into the existing culvert. The culvert is also proposed to be repaired, at the cost of the applicant. However, as this is third party land, we would be reliant upon notice being served as noted above.

As addressed in the report, acceptable drainage and flood risk is ensured by the conditions of the existing outline permission and the additional condition

recommended for this reserved matters application, however, these details should provide additional clarity for the Committee.

Subject to additional conditions for a landscaping scheme and to ensure the mitigation proposed in the noise report is implemented the details of the reserved matters are acceptable and the application is therefore recommended for approval.

### **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 details submitted accord with Local Planning Policy and the guidance set out in the Framework, subject to compliance with planning conditions. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

### **RECOMMENDATION: Approve**

1. This notice constitutes an approval of matters reserved under Condition 2 of Planning Permission No.13/16/0054P and does not by itself constitute a planning permission.

**Reason:** The application relates to matters reserved by Planning Permission No. 13/16/0054P.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 19-03-L01, 19-03-P07 Rev A, 19-03-P01 Rev A, 19-03-P03 Rev A, 19-03-P05 Rev A, 19-03-P04 Rev A, 19-03-P02 Rev A, 19-03-5S01, Barnoldswick - Level Differences (received 12/05/2020).

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

3. Prior to the commencement of above ground works involved in the erection of the external walls of the development samples of external materials / finishes of the walls, roofs, windows and doors shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved materials.

**Reason:** These materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development to preserve the significance of the Conservation Area.

4. A scheme for the management (including maintenance) of the public open space areas shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the first dwelling. The management arrangements shall be implemented in accordance with approved scheme before the first dwelling is occupied and the public open spaces shall thereafter be managed in accordance with the approved scheme.

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

5. The development shall only be carried out in strict accordance with the recommendations of the Preliminary Ecological Appraisal ref: 80-217-r1-1. Prior to the commencement of the development a scheme of ecological mitigation measures in accordance with the recommendations of the recommendations of the Ecological Appraisal shall have been submitted to and approved in writing by the Local Planning Authority. The approved mitigation scheme shall be implemented prior to the occupation of the first dwelling, or in accordance with phasing to be agreed as part of the scheme, and maintained thereafter.

**Reason:** To ensure protection and enhancement of ecology.

6. Should a surface water outfall be proposed to the adjacent canal as part of the drainage scheme the outfall/s shall not be implemented unless and until Otter and Water Vole surveys of the section of the canal adjacent to the site have been submitted to and approved in writing by the Local Planning Authority. Any mitigation measures recommended by the surveys reports shall be fully implemented prior to the implementation of the fallouts and maintained thereafter.

**Reason:** To ensure protection of the habitats of Otters and Water Voles.

7. No development shall take place on the site until a scheme for the replacement of the watercourses referred to in section 3.4.3.1 and 3.4.3.2 of drainage report C20280 Revision A (dated 19 December 2019) has been agreed in writing with the local planning authority and implemented in full.

**Reason:** To ensure there is no flood risk on or off the site resulting from the proposed development.

8. Prior to the commencement of works to form the estate road a vehicle restraint barrier assessment for the carriageway adjacent to the canal shall have been submitted to and approved in writing by the Local Planning Authority. Any vehicle restraint barrier found to be necessary shall be installed in accordance with the approved assessment prior to the occupation of the first dwelling, or an alternative timescale that has been approved in writing by the Local Planning Authority, and maintained at all times thereafter.

**Reason:** In the interests of highway safety.

9. The development shall be carried out in strict accordance with the Noise Mitigation Scheme ref: P19-681-R03v1 July 2020. The noise mitigation measures for each dwelling identified in the scheme shall be fully installed prior to the occupation of that dwelling and thereafter maintained in accordance with the Noise Mitigation Scheme.

**Reason:** To ensure that the adjacent industrial use does not unacceptably impact upon the residential amenity of occupants

- 10.** The development shall not commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. an outline specification for ground preparation;
- d. all proposed boundary treatments with supporting elevations and construction details;
- e. all proposed hard landscape elements and pavings, including layout, materials and colours;
- f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

The approved scheme shall be implemented in its entirety within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

**Reason:** To ensure that the development is adequately landscaped so as to integrate with its surroundings.