

**REPORT FROM: PLANNING, ECONOMIC DEVELOPMENT AND  
REGULATORY SERVICES**

**TO: WEST CRAVEN COMMITTEE**

**DATE: 30<sup>th</sup> March 2021**

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## **PLANNING APPLICATIONS**

### **PURPOSE OF REPORT**

To determine the attached planning applications.

## **REPORT TO WEST CRAVEN COMMITTEE 30<sup>th</sup> MARCH 2021**

**Application Ref: 21/0012/FUL**

**Proposal:** Full: Major: Erection of 15 dwelling houses and new access.

**At:** Land at the Junction with Greenberfield Lane, Gisburn Road, Barnoldswick

**On behalf of:** Opulwood Developments

**Date Registered:** 11.01.2021

**Expiry Date:** 12.04.2021

**Case Officer:** Charlotte Pinch

### **Site Description and Proposal**

The application is to be decided at committee as it is a major application and has received in excess of 3 objections.

The site comprises an area of open, maintained grassland, roughly 0.58 hectares in size. It is located adjacent to, but outside of the settlement boundary of Barnoldswick. To the north is Greenberfield Lane with commercial / farm buildings and dwellings opposite, to the west are the rear of dwellings fronting Gisburn Road, to the south is a garage colony and to the east is open land.

Outline planning permission (access, layout and scale) for 20 houses was granted on this site at appeal in 2017. Full planning permission for 17 houses was granted on this site at appeal in 2020.

This application is a full planning application for 15 houses with a revised layout and house types since the previous application.

All the properties would be detached, comprising of 10no. 4 bedroom properties and 5no. 5 bedroom properties. The proposed houses would be finished in re-constituted stone, natural slate roof tiles, UPVC windows and composite doors.

### **Relevant Planning History**

16/0382/RES – Outline: Erection of 20 dwellings - Refused

16/0597/OUT - Outline: Major: Erection of twenty dwelling houses and construction of access road from Greenberfield Lane (Access, Layout and Scale) (Re-Submission) - Appeal allowed.

19/0025/FUL - Full: Major: Erection of 17 dwelling houses and new access – Appeal allowed.

### **Consultee Response**

#### **LCC Highways**

The development site has been the subject of previous planning applications for the erection of houses and creation of a new access, the most recent ones being 13/19/0025/FUL for 17 houses and 16/0597/OUT for 20 houses, both of which were allowed at appeal. Therefore the principle of development on this site has been established.

Having considered the information submitted, the Highway Development Support Section does not have any objections regarding the proposed development at the above location, subject to the following comments being noted, and conditions and note being applied to any formal planning approval granted.

The red edge of the development site needs amending to include the verge on Gisburn Road where a pedestrian crossing will be provided, so that this can be controlled by condition. It should also be extended to show the existing site boundary at the proposed access to include the section of Greenberfield Lane which will need to be widened and included in the adopted highway network.

### **New access**

The formation of the new vehicle access from Greenberfield Lane to the development site would need to be carried out under a legal agreement (Section 278) with Lancashire County Council as the highway authority. Works should include, but not be exclusive to, the construction of the access to an appropriate standard, including a minimum width of 5.4m, 6m radius kerbs, tactile paved dropped pedestrian crossings on Greenberfield Lane, re-location of the highway gully and a street lighting assessment and design.

Construction of the new access would also require the widening of the carriageway on Greenberfield Lane to an appropriate standard and being dedicated as part of the adopted highway network through the relevant legislation (Sections 278 and 38).

If planning approval is granted the developer is advised to contact Lancashire County Council as soon as possible to start the Section 278 process.

No visibility splay details have been submitted. Visibility splays of 2.4m x 25m x 1m in both directions at the new access should be shown on the site layout plan, which will also be controlled by condition.

### **Off-site highway improvements**

The construction of tactile paved dropped pedestrian crossings on Gisburn Road would need to be carried out under the Section 278 works, although this would require United Utilities' permission for the construction of the crossing on the eastern side of Skipton Road.

### **Internal layout**

The internal layout, including the internal spine estate road and turning head, has been amended from that previously approved at appeal for planning application reference 13/19/0025/FUL. Therefore a swept path analysis should be provided to demonstrate that a twin axle refuse wagon can still enter and leave the site in forward gear.

Whilst the internal estate roads and footways would not be considered for adoption they should still be constructed in accordance with the county council's 'Specification for the Construction of Estate Roads'. As the internal roads and footways would remain private the developer should provide details of the proposed arrangements for the future management and maintenance of the road. These should include the establishment of a private management and maintenance company.

No street lighting columns are indicated on the plan. A street lighting assessment and design should be provided.

### **Car & cycle parking provisions**

Given the site's limited accessibility to local amenities and facilities, and the likely reliance on private motor vehicles, we recommend that maximum parking standards, as outlined in Pendle Borough Council's Car & Cycle Parking Standards, are applied to this site. That is, three spaces for dwellings with four and above bedrooms.

The following comments are made based on the Proposed Site Plan (Drawing 2479.2.001) and Site Plan Boundary Treatments (Drawing No 2479/2/13).

Ten out of the fifteen proposed dwellings would have in-line parking for three vehicles. There are concerns that this style and level of off-road parking would lead to an increase in vehicle manoeuvres and may instead lead to some vehicles being parked on the road. Whilst this may be more convenient for residents it would narrow the carriageway width and/or cause an obstruction if vehicles were parked partly on the footway. In addition, any vehicles from Plots 7, 8, 9 and 12 parking on the road would obstruct the turning head, which should be kept free from vehicles.

#### **Plots 1 - 4**

The parking layout is acceptable.

**Plots 5 - 7 and 12 -15** - Taking the previous comments into account, the highway authority recommends that the dwellings are set further back into the plots and the parking widened so that two vehicles can park side by side with the third space being in tandem. (Similar to Plot 4.)

#### **Plots 9-11**

At 3m the manoeuvring space proposed is sub-standard. To access perpendicular parking a minimum manoeuvring distance of 6m should be provided (Manual for Streets). The only way to achieve this with the site layout submitted would be to move the dwellings 3m further back into the plots. This would also allow two side by side parking spaces to be provided, which is the preferred layout. However, the dwellings would then encroach into the UU sewer easement. The applicant should advise how they intend to address this issue.

#### **Plot 8**

Given the constricted plot layout, and the UU sewer easement at the rear of the plot it would not be possible to revise the parking layout as suggested for Plots 9-11. This raises concerns that vehicles would park within the turning head, as highlighted earlier. The alternative may be to swap Plot 8 and the Open Space, which should allow a more acceptable parking layout to be provided. Or reduce the number of bedrooms to three so that only two parking spaces would need to be provided.

Recommendations in the borough council's parking standards are that at least two secure cycle spaces should be provided for residential properties where two or more bedrooms are to be provided. As no garages are proposed, covered, lockable cycle storage should be provided within each domestic curtilage.

Electric vehicle charging points should be installed for each dwelling prior to first occupation to support the use of sustainable forms of transport.

#### **General**

Given the development site's location near the junction with Gisburn Road, on a bus route and close to the bus turning circle, plus Greenberfield Lane providing access to neighbouring residential and commercial properties and leisure facilities, a Construction Method Statement, including plan, would need to be submitted.

### LCC Schools

An education contribution is not required at this stage in regards to this development.

### Yorkshire Water

No objections.

### United Utilities

No objections, subject to the application of suitable surface water and foul water drainage conditions.

### LCC Lead Local Flood Authority

No objection to the proposed development, subject to the inclusion of suitable conditions, with regard to sustainable drainage schemes, construction phase surface water management plan and an operation and maintenance plan.

### NHS East Lancashire

Planning application 21/0012/FUL, Land at the Junction with Greenberfield Lane, Gisburn Road, Barnoldswick, Lancashire is seeking to secure permission for the construction of 15 new dwellings. These dwellings will support a population increase of 35 new residents (assuming an average of 2.3 people per dwelling) all of whom will need to access health services.

It follows that without the provision of additional facilities and services it will not be possible to accommodate the health impact of the development within the existing provision which is available.

Whilst the Trust will, in due course, be able to obtain funding to meet the needs of the population which arises from the development, this funding will not be in place for approximately three years. Once in place, the funding will not be provided retrospectively, and as such the impact on the Trust for the initial period will not be met from any alternative source of funding.

We therefore request a contribution for this development in the sum of £25,598.

### Lancashire Constabulary

No objection.

## **Public Response**

Letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- Busy junction and road off Greenberfield Lane, with vehicles and pedestrians.
- Greenberfield Lane is not wide enough to accommodate extra traffic
- Parked vehicles often obscure views when entering and exiting the junction.
- Loss of trees, hedgerows and habitats for wildlife.
- Loss of garden area for existing houses to allow for the development
- The trees already removed were not dead.
- Houses will not be affordable for local residents.

## **Officer Comments**

### **Policy**

Section 38A of the Planning and Compulsory Purchase Act 2004 requires that when determining planning applications regard has to be had to the development plan the application must be determined in accordance with the Plan unless material considerations indicate otherwise.

#### **Local Plan Part 1: Core Strategy**

Policy SDP1 (Presumption in Favour of Sustainable Development) the decision maker will take a positive approach to development, working proactively with the applicants to jointly find salutation, to secure development that improves the economic, social and environment conditions in the area.

Policy SDP2 (Spatial Development Principles) seeks to prioritise new development within settlement boundaries, particularly to serve a localised catchment in local service centres such as Earby.

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) requires development to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 (Achieving Quality in Design and Conservation) states that all new development should seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving heritage assets. The proposals compliance with this policy is addressed in the design and amenity sections.

Policy ENV7 (Water Management) 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. The proposal's compliance with this policy is addressed in the drainage and flood risk section.

Policy LIV1 (Housing Provision and Delivery) sets out the housing requirements for 2011 to 2030 and how this will be delivered. It allows for sustainable development outside of settlements to come forward until the part 2 plan has been approved.

Policy LIV3 (Housing Needs) provided guidance on the housing needs in order to provide a range of residential accommodation.

Policy LIV4 (Affordable Housing) sets out the targets and thresholds required to contribute towards the provision of affordable housing.

Policy LIV5 (Designing Better Places to Live) requires that layout and types of development reflect the site and the surroundings, to meet borough-wide requirements for housing stock.

#### **Replacement Pendle Local Plan**

Policy 16 (Landscaping in New Development) requires that developments provide a scheme of planting which is sympathetic to the area.

Policy 31 (Parking) which is a saved Policy within the Replacement Pendle Local Plan requires that new developments provide parking in line with the levels set out in Appendix 1 of the RPLP.

#### **National Planning Policy 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 the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Section 2 of the Framework refers to achieving sustainable development. Paragraph 11 states that plans and decision should apply a presumption in favour of sustainable development, part (d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies within the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Section 12 of the Framework relates to design and makes it clear that design is a key aspect of sustainable development. Paragraph 130 of the Framework states that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.

### **Principle of the Development**

Policy LIV1 of the Pendle Local Plan: Part 1 Core Strategy states that until the Council adopts the Pendle Local Plan Part 2: Site Allocations and Development policies then sustainable sites outside but close to a Settlement Boundary, which make a positive contribution to the five year supply of housing land, will encourage significant and early delivery of the housing requirement.

This site is a sustainable location abutting the settlement of Barnoldswick it is acceptable in terms of accessibility to local services and facilities in the settlement. Two previous applications for dwellings on this land were approved at appeal in 2017 and 2020, this establishes that the acceptability of the principle of a residential development of the scale proposed on this site.

The principle of the proposed residential development is acceptable in accordance with Policy LIV1.

### **Design**

The design of the proposed development consists of all detached two storey houses. The land itself is not overly prominent in public views, set behind the existing building line of Gisburn Road. The existing retained landscaping and landscaped public open space area to the north and south east side of the development would acceptably soften its visual impact from the north, south and east.

The development would be somewhat inward facing with plots 1 and 2 backing onto Gisburn Road. Taking into account that this point of Gisburn Road marks a transition between terraced housing with a strong street frontage and housing that is set further back from the road behind walls and hedges, it is not essential in design terms for that strong street frontage to be continued in this development.

In this case the development of the land would not result in an unacceptable loss of open countryside, it would constitute the rounding off of development in the area, rather than representing an unacceptable incursion in to the rural landscape. The proposed layout retains a sense of space with the proposed landscaping and open space and design of the dwellings. The development would also not adversely impact upon the setting of the listed building Lane Ends Farmhouse.

The proposed development is acceptable in terms design, visual amenity and landscape impact in accordance with Policies ENV1, ENV2 and LIV1.

## **Residential Amenity**

The orientation and layout of the proposed development ensures adequate separation distances between the proposed dwellings and surrounding houses. The development would not result in unacceptable impacts upon the residential amenity of occupants of surrounding properties and would ensure an acceptable degree of residential amenity for future occupants. The development is acceptable in terms of residential amenity in accordance with Policy ENV2.

## **Highways and Access**

The principle of development in this location and the access has been established as part of previous applications and appeals, however the internal layout of the site and parking arrangements have been altered since the previous application. Whilst no formal objection has been raised to this, there are a number of alterations required to the proposal in order to be acceptable.

The red edge of the site needs to be altered to include the proposed pedestrian crossing on Gisburn Road and the access onto Greenberfield Lane. The visibility splays out of the site access also need to be shown on the plans, in addition to a swept path analysis for the turning area inside the site, to ensure this is suitable for refuse vehicles.

Moreover, revisions to the layout of the site and the types of properties requires additional parking provision. As such, 10 of the 15 dwellings have parking in line of 3 vehicles. This is a large proportion of the dwellings to have such a parking arrangement, which can result in additional manoeuvring of vehicles amongst properties and more on street parking for ease. As such, it has been requested that the parking layout is re-configured to mitigate these problems.

Discussions have been undertaken between the LPA and the agent regarding the highways amendments required, however suitable amended plans have not yet been received. As such, the recommendation for this application is to delegate the granting of consent, subject to the submission of adequate highways related amendments.

## **Drainage and Flood Risk**

A Flood Risk and Drainage Impact Assessment has been provided to address any potential issues associated with the proposals. The site lies within Flood Zone 1 and is therefore low risk. The report advises that a suitably designed drainage scheme should also be able to mitigate and reduce any possible future incidences of both pluvial and fluvial flooding.

The Lead Local Flood Authority and United Utilities have advised that the development is acceptable in terms of drainage and flood risk subject to appropriate drainage conditions. The development is acceptable in terms of drainage and flood risk in accordance with policy ENV7.

## **Ecology and Trees**

Concerns have been raised relating to impacts of ecology. The submitted ecology survey adequately demonstrates that the proposed development would not result in unacceptable impacts upon protected species and ecology subject to a condition requiring that its mitigation recommendations are adhered to, including a Water Vole Survey and bat friendly lighting throughout the development.

The applicant has provided a tree survey to account for the presence of protected trees adjacent to the site (TPO No.4 1990). The survey advises that the three protected trees adjacent to the



junction of Greenberfield Lane and Gisburn Road have now been felled due to their poor and unsafe condition. A condition will be applied to secure suitable landscaping and planting across the site.

The plans also show root protection details for the trees to be retained on the south and east boundaries to ensure they are not harmed during development. This can be controlled by condition to ensure that the proposed measures are correctly installed and maintained throughout the construction.

## **Open Space**

Policy LIV5 requires all proposals for residential units to provide on-site open space. The development provides two areas of public open space in the north and south eastern corner of the site. This combined with the overall layout and acceptable landscaping is acceptable in accordance with Policy LIV5. It is necessary to attach a condition to ensure adequate management and maintenance of the open space.

## **Affordable Housing**

The development falls within the threshold set out in Policy LIV4 for the provision of affordable housing at a level of 5%. However, the requirement for affordable housing provision was omitted from the allowed appeal for 20 dwellings and the subsequent appeal for 17 dwellings. Taking into account the fall-back position of the existing permissions, without such a requirement, and in the interest of consistency in relation to this specific site, it is not recommended that a requirement for affordable housing provision be imposed in relation to this application.

## **NHS Contribution Request**

Planning legislation allows for conditions to be placed on developments to make them acceptable. It also provides for the possibility of payments being made through section 106 agreements for infrastructure affected by a development. The law surrounding this is as follows:  
Section 106 of the 1990 Act provides as follows:

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106C as “a planning obligation”), enforceable to the extent mentioned in subsection (3)—

- (a) restricting the development or use of the land in any specified way;
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;
- (c) requiring the land to be used in any specified way; or
- (d) requiring a sum or sums to be paid to the authority (or, in a case where section 2E applies, to the Greater London Authority) on a specified date or dates or periodically.

(2) A planning obligation may—

- (a) be unconditional or subject to conditions;
- (b) impose any restriction or requirement mentioned in subsection (1) (a) to (c) either indefinitely or for such period or periods as may be specified; and
- (c) if it requires a sum or sums to be paid, require the payment of a specified amount or an amount determined in accordance with the instrument by which the obligation is entered into and, if it requires the payment of periodical sums, require them to be paid indefinitely or for a specified period....”

The relevant parts of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (“the CIL Regulations”) are as follows:

- (1) This regulation applies where a relevant determination is made which results in planning permission being granted for development.
- (2) A planning obligation may only constitute a reason for granting planning permission for the development if the obligation is—

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

Section 216(1) of the Planning Act 2008 together with Regulation 59 of the CIL Regulations requires charging authorities to apply CIL payments to “supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure”.

Section 216(2) defines “infrastructure” as follows:

“infrastructure” includes—

- (a) roads and other transport facilities,
- (b) flood defences,
- (c) schools and other educational facilities,
- (d) medical facilities,
- (e) sporting and recreational facilities, and
- (f) open spaces”

The request for contributions for health care services does in my view overall fit into a category of infrastructure that could, if necessary to make the development acceptable, fall within a category of infrastructure that can be funded through a section 106 agreement. However that does not mean to say that the contribution being requested meets the tests set out in the CIL Regulations detailed above.

Case law is clear that planning permissions cannot be bought or sold hence any sum to be paid to a planning authority must be for a planning purpose which should in some way be connected with the land in which the developer is interested.

The issue for Committee is whether the funding has a direct connection to the development and whether this would be fairly and reasonably related in scale and kind to the development. Robust evidence is required to support a request for a contribution. In London for example a model has been produced which attempts to provide robust and up to date evidence on the need for a contribution. The model is referred to as the HUDU model. This looks at the specific circumstances of each development in its own location reflecting the population characteristics of the area. The evidence supplied with this request does not in my view go far enough to support the view that the impacts of the individual development is directly related to healthcare deficiencies. A flat rate is applied to all developments which will inevitably result in some developers over providing and some underproviding. The model does not factor in demographic modelling of the area and does not for example look at any percentage of the population that may move into the developments and that they are already resident in the area thus not increasing the demand on services. Whilst more accurate evidence could be provided were the model to be finessed as it stands it is not sufficiently robust to prove the level of contribution fairly reflects the impact the development would have on acute services.

This is an important issue that will arise in other developments in the Borough. In order to get an independent view on this we have obtained Counsel’s opinion on this. That advice is legally privileged but supports the view that the evidence is not sufficiently robust to be able to support a requirement for the contribution requested. That is also supported by advice from Counsel that other Councils have had.

Committee are therefore recommended not to require a contribution as the evidence is not robust enough to confirm that the funding is directly enough related to the development and is fairly and reasonably related in scale and kind to the development.

## **Education Provision**

Thorough assessment of the proposal by Lancashire County Council Education Authority deemed there is sufficient capacity in the area to accommodate additional school pupils, without the requirement for an education contribution. Therefore, no objections are raised.

### **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 development accords with the Local Plan and National Planning Policy Framework. 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. The proposed development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**Reason:** In order to comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (As Amended).

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 2479-1-002, 2479-1-003, 2479-1-004, 2479-1-001, 2479-2-011, 2479-2-009, 2479-2-007, 2479-2-006, 2479-2-005, 2479-2-002, 2479-2-013, 2479-2-012, 2479-2-010, 2479-2-001, 2479-2-008 and 2479-2-003.

**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 the external materials and finished to be used in the construction of the dwellings 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. Development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in the interest of visual amenity of the area.

4. The window openings shall be set back from the external face of the wall to a depth of at least 70mm.

**Reason:** To ensure a satisfactory appearance to the development.

5. Prior to any above ground works, a detailed landscaping scheme must be submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

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

f. the proposed arrangements and specifications for initial establishment maintenance and long-term maintenance of all planted and/or turfed areas.

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

**Reason:** To ensure appropriate landscape design and in the interests of the visual amenities of the area.

6. No ground clearance, changes of level or development or development related work shall commence until protective fencing in full accordance with BS 5837:2012 'Trees in relation to design, demolition and construction. Recommendations' has been erected around each tree/tree group or hedge to be retained on the site or on immediately adjoining land. No work shall be carried out on the site until the written approval of the Local Planning Authority has been issued confirming that the protective fencing is erected in accordance with this condition. Within the areas so fenced, the existing ground level shall neither be raised nor lowered. Roots with a diameter of more than 25 millimetres shall not be severed. There shall be no construction work, development or development-related activity of any description, including service runs, the deposit of spoil or the storage of materials, within the fenced areas. The protective fencing shall thereafter be retained and maintained during the period of construction. All works involving excavation of soil, including foundations and the laying of services within the recommended distance calculated under BS 5837:2012 of the trees to be retained on the site, shall be dug by hand and in accordance with a scheme of works which has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of works.

**Reason:** To ensure that trees to be retained within and adjacent to the site are protected during the course of the development works.

7. No development shall commence until a final, detailed surface water sustainable drainage scheme for the site has been submitted to, and approved in writing by, the local planning authority.

The detailed sustainable drainage scheme shall be based upon the site-specific flood risk assessment submitted and the sustainable drainage principles set out in the National Planning Policy Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems. No surface water shall be allowed to discharge to the public foul sewer(s), either directly or indirectly. The detailed sustainable drainage scheme shall include, as a minimum:

a) Final sustainable drainage plans, appropriately labelled to include:

- i. A final surface water drainage layout plan showing all pipe and structure references, dimensions and design levels;
- ii. A plan identifying the areas contributing to the surface water drainage network, including surface water flows from outside the curtilage as necessary;
- iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
- iv. Flood water exceedance routes in accordance with Defra Technical Standards for Sustainable Drainage Systems;
- v. Finished Floor Levels (FFL) in AOD, with adjacent ground levels for all sides of each building; and

vi. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and deliver suitably clean water to sustainable drainage components;

b) A full set of sustainable drainage flow calculations for the surface water drainage network. The calculations must show the full network design criteria, pipeline schedules and simulation outputs for the 1 in 1 year, 1 in 30 year and 1 in 100 year return period, plus an additional 40% allowance for climate change and an additional 10% allowance for urban creep. Surface water run-off must not exceed a maximum rate of 5l/s.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings.

**Reason:** To ensure that the proposed development can be adequately drained, to ensure that there is no flood risk on or off the site resulting from the proposed.

8. 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. These details shall be implemented thereafter.

**Reason:** To ensure that the construction phase(s) of development does not pose an undue flood risk on site or elsewhere and 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.

9. No building hereby permitted shall be occupied until a Verification Report and Operation and Maintenance Plan for the lifetime of the development, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority.

The Verification Report must demonstrate that the sustainable drainage system has been constructed as per the agreed scheme (or detail any minor variations), and contain information and evidence (including photographs) of details and locations (including national grid reference) of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an final 'operation and maintenance manual' for the sustainable drainage scheme as constructed.

Details of appropriate operational, maintenance and access requirements for each sustainable drainage component are to be provided, with reference to published guidance, through an appropriate Operation and Maintenance Plan for the lifetime of the development as constructed. This shall include arrangements for adoption by an appropriate public body or statutory undertaker, and/or management and maintenance by a Management Company and any means of access for maintenance and easements, where applicable. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

**Reason:** To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems.

10. 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:

- i) The parking of vehicles of site operatives and visitors
- ii) The loading and unloading of plant and materials
- iii) The storage of plant and materials used in constructing the development
- iv) The erection and maintenance of security hoarding
- v) Wheel washing facilities
- vi) Measures to control the emission of dust and dirt during construction
- vii) A scheme for recycling/disposing of waste resulting from clearance and construction works
- viii) Details of working hours
- ix) Timing of deliveries
- x) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.

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).

11. No other part of the development shall be commenced until all the highway works to facilitate construction traffic access have been constructed in accordance with a scheme which shall be submitted to and approved by the Local Planning Authority.

**Reason:** To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.

12. No dwelling hereby permitted shall be occupied unless and until a scheme for all highway works to facilitate access to the site from Greenberfield Lane, including visibility splays of 2.4m x 25m in both directions and the creation of new pedestrian footways to Greenberfield Lane and pedestrian crossing point on Gisburn Road, has been submitted to and approved in writing by the Local Planning Authority. The new access, visibility splays, footways and associated works shall be constructed in accordance with the approved details before any dwelling hereby approved is first occupied. Thereafter land within the visibility splays shall be permanently maintained free from obstructions within the splays in excess of 1 metre in height above the height at the centre line of the adjacent carriageway.

**Reason:** To ensure that the access can be achieved to a suitable standard to enable vehicles to enter and leave the premises in a safe manner without causing a hazard to other road users.

13. No dwelling hereby approved shall be occupied unless and until details of a maintenance plan for the future management and maintenance of the public open space as shown on approved drawing No. 2479-2-001 have been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the timescales and work required to be carried out on the site. The open space shall then be provided in its entirety prior to the occupation of any dwelling hereby approved and maintained in accordance with the agreed plan thereafter.

**Reason:** To ensure that the site is maintained in an appropriate manner.

14. Prior to first occupation each dwelling shall have a secure cycle storage facility.

**Reason:** For the promotion of sustainable forms of transport.

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

**Reason:** To encourage sustainable travel.

16. Prior to first occupation of the development details of the proposed arrangements for future management and maintenance of the proposed roads and footways within the development shall be 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 a private management and maintenance company has been established.

**Reason:** To ensure that the internal roads and footways serving the development are completed and thereafter maintained to an acceptable standard in the interest of residential/highway safety.

17. Prior to first occupation of any approved dwelling the parking area associated with that dwelling, as shown on the approved plans, shall be constructed, laid out and surfaced in bound porous materials. The parking area shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

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

18. The recommendations detailed in the Preliminary Ecological Appraisal undertaken by Pennine Ecological dated December 2020, shall be carried out prior to any above ground works at the site. Any further necessary mitigation measures identified should be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further development. The development shall subsequently be implemented entirely in accordance with the approved details. Thereafter, unless otherwise agreed in writing by the Local Planning Authority, the mitigation measures shall be permanently maintained and retained in accordance with the approved details.

**Reason:** To protect natural species and their habitats.

## **INFORMATIVE**

For the avoidance of any doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found at [www.lancashire.gov.uk/flooding](http://www.lancashire.gov.uk/flooding).

**Application Ref:** 21/0012/FUL

**Proposal:** Full: Major: Erection of 15 dwelling houses and new access.

**At:** Land at the Junction with Greenberfield Lane, Gisburn Road, Barnoldswick

**On behalf of:** Opulwood Developments

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 22<sup>nd</sup> March 2021