

West Carven Area Committee Update Report 05th October 2021

21/0571/REM – land off Cob Lane

PBC Environment Officer – No objection to the amended plans.

Officer Comments

Amended plans have been received revising the landscaping scheme in response to the Environment Officer's comments and revising the rear boundaries of the gardens to maintain an undisturbed 5m buffer to the stream.

This fully resolves the remaining issues in relation to landscaping and ecology impacts, the recommendation is therefore changed to 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 submitted reserved matters are acceptable in all relevant regards. 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 1 of Planning Permission No.17/0691/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission No. 17/0691/OUT.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: A3502-PL01, A3502-PL02, A3502-PL03, A3502-PL04, A3502-PL05, 243-REL-XX-XX-DR-L-3001 P1, 243-REL-XX-XX-DR-L-4001 P1, 243-REL-XX-XX-DR-L-4002 P1 – Received 30/09/2021, A3502-E-01 P1.

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 and roofs shall be submitted to and approved in writing by the Local Planning Authority, notwithstanding any induction on the approved plans, forms and documentation the materials of the roof shall be natural slate. The development shall thereafter be carried out in strict accordance with the approved materials.

Reason: To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the adjacent Listed Building.

4. Prior to the occupation of the first dwelling details of the long term management and maintenance of the areas of public open space shall have been submitted to and approved in writing by the Local Planning Authority. The open space shall thereafter at all times be managed and maintained as such in accordance with the approved details.

Reason: To ensure the open space is adequately managed and maintained in the interest of the visual amenity of the area and to protect the significance of the adjacent Listed Building.

5. The landscaping scheme hereby approved 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.

6. Prior to the occupation of each dwelling the car parking area for that dwelling shall be laid out and surfaced in accordance with the approved plans, the car parking area shall at all times thereafter remain free from obstruction and available for car parking purposes.

Reason: to ensure adequate off-street car parking provision is provided and maintained in the interest of highway safety.

21/0590/FUL – Fernbank Mill

LCC Highways – Following the submission of amended plans and additional details:

There is no objection to the proposal. Request the following conditions: construction traffic management, off-site highway works for new site access and associated dropped kerb crossing points with tactile paving on Fernbank Avenue, road and footpath construction, visibility splays, parking and manoeuvring, cycle storage and electric vehicle charging and a note relating to highway works.

Officer Comments

Amended plan have been submitted addressing LCC Highways concerns, these alter the application site and include a small piece of additional land at the access to the site, this requires neighbours to be re-notified.

The amendments also alter the proposals for drainage, they do not leave space for a surface detention pond and so an underground storage is now proposed. The

drainage consultees have also been consulted on this change. However, it is a technical matter and does not alter the fundamental principle of the approach to the surface water drainage as detailed in the Committee report.

The recommendation therefore remains to Delegate Grant Consent, including any conditions necessary, subject to there being no objection from the Lead Local Flood Authority and the expiry of the neighbour notification period taking into account any additional comments received.

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 is acceptable in terms of design, amenity, highways impacts and all other relevant regards. 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: 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: TBC

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 hereby approved samples of the external materials of the walls and roof the development, including their colour and finish shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity.

4. There shall be no external storage within the application site unless otherwise approved in writing by the local planning authority. Any external storage thereafter shall at all times be carried out only in strict accordance with the approved details.

Reason: In the interests of visual amenity.

5. The development shall be carried out and operated in strict accordance with the recommendations of the ecological appraisal rev 1 August 2021. Prior to the commencement of the use of the development a scheme of ecological mitigation and enhancement measures shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented in accordance prior to the commencement of the use of the development or an alternative timescale approved as part of the scheme.

Reason: To ensure the protection and enhancement of ecology and protected species habitats.

6. Prior to the commencement of the use of the building hereby approved details of any external lighting of the building and site shall have been submitted to and approved in writing by the Local Planning Authority. The details shall include the type, size, wattage, location, intensity, direction and timing of illumination of the lighting and shall include lighting of the diverted public right of way. Any external lighting shall at all times be in strict accordance with the approved details and the diverted public right of way shall be illuminated at all times outside of daylight hours.

Reason: In the interest of residential amenity, public safety and to preserve the habitat of protected species.

7. No development shall commence unless and until a construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. It shall provide for:

- 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) Routing of delivery vehicles to/from site
- x) Timing of deliveries
- xi) Measures to control construction noise and vibration

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

8. With 3 months of commencement a scheme for the site access and off-site highway works shall be submitted to and approved by the Local Planning

Authority. The works shall include the following and be implemented prior to the first trading of the site.

a) New site access and associated dropped kerb crossing points with tactile paving on Fernbank Avenue.

Reason: In the interest of highway safety.

9. The use of the development hereby approved shall not commence unless and until the site access road and the footpath links have been hard surfaced, drained, lit and marked out in accordance with the approved plans.

Reason: In order to ensure that there is adequate site access in the interests of the safety of users of the highway.

10. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) there shall not at any time in connection with the development hereby permitted be erected or planted or allowed to remain upon the land measured 2.4 metres back from the give way line of the site access road to a point 25 metres in both directions to the nearside kerb of the estate road, any building, wall, fence, hedge, tree, shrub or other device higher than one metre above the carriageway.

Reason: To ensure adequate visibility at the site access.

11. The use of the development hereby approved shall not commence unless and until the car parking and service yards and manoeuvring areas have been hard surfaced and marked out in accordance with the approved plans. The car park shall be made available at all times that the premises are in use for the parking of staff and visitors' cars. The service yards shall be made available at all times for the loading/unloading of goods and the manoeuvring of large vehicles.

Reason: In order to ensure that there is adequate car parking provision, loading/unloading and manoeuvring areas clear of the public highway in the interests of the safety of users of the highway.

12. No part of the development hereby approved shall be brought into use until secured covered cycle storage and electric vehicle charging point has been provided in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority, the secured covered cycle storage and electric vehicle charging point shall be retained thereafter.

Reason: So that the development provides for the needs of cyclists and provides a choice of modes of transport.

13. No development shall commence unless and until 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 has been submitted to and approved in writing by the Local Planning Authority. 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 in order to prevent contamination of the controlled waters.

14. The use of the development hereby approved 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.

15. Notwithstanding the provisions of Article 3 and part 7 of the second Schedule of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) there shall be no new upper floor window openings installed in the east facing elevation of the building hereby approved without express planning permission first being obtained from the Local Planning Authority.

Reason: To ensure an adequate level of privacy to the adjacent residential properties.

16. The use of the building and land hereby permitted shall be confined to that of Class E(g)(ii) & (iii) and uses ancillary to those uses only and for no other purpose, including any other use within Class E of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended). The land within the application site not occupied by buildings shall not be used for the storage of goods, materials, equipment, commercial vehicles, or commercial refuse associated with the use.

Reason: In the interest of residential amenity and to protect the vitality and viability of Barnoldswick town centre.