

Barrowford & Western Parishes Committee – Update 8th June 2022

22/0131/FUL – Churchill Way, Brierfield

Since the publication of the committee report, a noise assessment has been submitted and reviewed by the Council. This concludes that the impact of the proposed development upon nearby receptors would be no greater than the existing background noise. As such, there would be no unacceptable impact upon the neighbouring dwelling in this regard.

Recommendation: Approve, subject to 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:

Location Plan – HEAP/02 Dwg 01

Proposed Footpath Plan – HEAP/02 Dwg 02

Proposed Site Plan - HEAP/02 Dwg 03

Proposed Floor Plans – HEAP/02 Dwg 05

Proposed Elevations Sheet 1 – HEAP/02 Dwg 06

Proposed Elevations Sheet 2 – HEAP/02 Dwg 07

Proposed Site Sections – HEAP 02/Dwg 08

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

3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written permission of the Local Planning Authority.

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.

4. Before the development hereby approved is first brought into use the site access road shall be hard surfaced and marked out as indicated on the approved plan to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety

5. 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 both the car park access and service vehicle access road to a point 43 metres in both directions to the nearside kerb of the access road, any building, wall, fence, hedge, tree, shrub or other device higher than one metre above the carriageway.

Reason: In the interests of highway safety

6. Before the development hereby approved is first brought into use the car, cycle, motorcycle parking, electric vehicle charging and service yards and manoeuvring areas shall be completed and marked out as indicated on the approved plan to the satisfaction of the Local Planning Authority. 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, as shown on the swept path analysis.

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.

7. Prior to the first occupation of the development hereby approved a scheme for the provision of bat boxes and barn owl boxes shall have been submitted to, approved in writing by the local planning authority and fully implemented thereafter.

Reason: To ensure protection of the habitat of bats and barn owls which are protected under the Wildlife & Countryside Act, 1981.

8. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

9. The development permitted by this planning permission shall be carried out in accordance with the principles set out within the site-specific flood risk assessment (4th November 2021 / EVY0945 / EdenvaleYoung – Revision A)

The measures shall be fully implemented prior to the first use of the development and 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 ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy

Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

10. No development shall commence in any phase until a detailed, final surface water sustainable drainage strategy for the site has been submitted to, and approved in writing by, the Local Planning Authority.

The detailed surface water sustainable drainage strategy shall be based upon the site

- specific flood risk assessment and indicative surface water sustainable drainage strategy submitted and sustainable drainage principles and requirements 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), directly or indirectly. The details of the drainage strategy to be submitted for approval shall include, as a minimum;
 - a) Sustainable drainage calculations for peak flow control and volume control for the:
 - i. 100% (1 in 1-year) annual exceedance probability event;
 - ii. 3.3% (1 in 30-year) annual exceedance probability event + 40% climate change allowance.
 - iii. 1% (1 in 100-year) annual exceedance probability event + 40% climate change allowance.
 - b) Final sustainable drainage plans appropriately labelled to include, as a minimum:
 - i. Site plan showing all permeable and impermeable areas that contribute to the drainage network either directly or indirectly, including surface water flows from outside the curtilage as necessary;
 - ii. Sustainable drainage system layout showing all pipe and structure references, dimensions and design levels; to include all proposed surface water drainage systems up to and including the final outfall;
 - iii. Details of all sustainable drainage components, including landscape drawings showing topography and slope gradient as appropriate;
 - iv. Drainage plan showing 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 connecting cover levels to confirm minimum 150 mm+ difference for FFL;
 - vi. Details of proposals to collect and mitigate surface water runoff from the development boundary;
 - vii. Measures taken to manage the quality of the surface water runoff to prevent pollution, protect groundwater and surface waters, and delivers suitably clean water to sustainable drainage components;

c) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltrations rates and groundwater levels in accordance with BRE 365.

d) Evidence that a free-flowing outfall can be achieved. If this is not possible, evidence

of a surcharged outfall applied to the sustainable drainage calculations will be required.

e) Evidence of an agreement in principle with the third party to connect to the off site surface water body.

The sustainable drainage strategy shall be implemented in accordance with the approved details.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site in accordance with the Paragraphs 167 and 169 of the National Planning Policy

Framework, Planning Practice Guidance and Defra Technical Standards for Sustainable Drainage Systems.

11. No development shall commence until a Construction Surface Water Management Plan, detailing how surface water and stormwater will be managed on the site during construction, including demolition and site clearance operations, has been submitted to and approved in writing by the Local Planning Authority. The details of the plan to be submitted for approval shall include for each phase, as a minimum:

a) Measures taken to ensure surface water flows are retained on-site during the construction phase(s), including temporary drainage systems, and, if surface water flows are to be discharged, they are done so at a restricted rate that must not exceed the equivalent greenfield runoff rate from the site.

b) Measures taken to prevent siltation and pollutants from the site into any receiving groundwater and/or surface waters, including watercourses, with reference to published guidance.

The plan shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

Reasons: To ensure the development is served by satisfactory arrangements for the disposal of surface water during each construction phase(s) so it does not pose an undue flood risk on-site or elsewhere during any construction phase in accordance with Paragraph 167 of the National Planning Policy Framework.

12. The commencement of use of the development shall not be permitted until a site specific Operation and Maintenance Manual 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 in writing by the Local Planning Authority.

The details of the manual to be submitted for approval shall include, as a minimum:

- a) A timetable for its implementation;
- b) Details of SuDS components and connecting drainage structures, including watercourses and their ownership, and maintenance, operational and access requirement for each component;
- c) Pro-forma to allow the recording of each inspection and maintenance activity, as well as allowing any faults to be recorded and actions taken to rectify issues;
- d) The arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme in perpetuity;
- e) Details of financial management including arrangements for the replacement of major components at the end of the manufacturer's recommended design life;
- f) Details of whom to contact if pollution is seen in the system or if it is not working correctly; and
- g) Means of access for maintenance and easements.

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, and to ensure that the sustainable drainage system is subsequently maintained pursuant to the requirements of Paragraph 169 of the

National Planning Policy Framework.

13. The commencement of use of the development shall not be permitted until a site specific verification report, pertaining to the surface water sustainable drainage system, and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority.

The verification report must, as a minimum, demonstrate that the surface water sustainable drainage system has been constructed in accordance with the approved drawing(s) (or detail any minor variations) and is fit for purpose. The report shall contain information and evidence, including photographs, of details and locations (including national grid references) of critical drainage infrastructure (including inlets, outlets, and control structures) and full as-built drawings. The scheme shall thereafter be maintained in perpetuity.

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, and to ensure that the development as

constructed is compliant with the requirements of Paragraphs 167 and 169 of the National Planning Policy Framework.

14. Prior to the commencement of development, details of a sustainable surface water drainage scheme and a foul water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The drainage schemes must include:

- (i) An investigation of the hierarchy of drainage options in the National Planning Practice Guidance (or any subsequent amendment thereof). This investigation shall include evidence of an assessment of ground conditions and the potential for infiltration of surface water in accordance with BRE365;
- (ii) A restricted rate of discharge of surface water agreed with the local planning authority (if it is agreed that infiltration is discounted by the investigations);
- (iii) Levels of the proposed drainage systems including proposed ground and finished floor levels in AOD;
- (iv) Incorporate mitigation measures to manage the risk of sewer surcharge where applicable; and
- (v) Foul and surface water shall drain on separate systems.

The approved schemes shall also be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

15. Prior to occupation of the proposed development, the drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason: To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution.

16. The development hereby permitted shall not be commenced until a detailed landscaping scheme has been 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 that the development is adequately landscaped so as to integrate with its surroundings.

17. All works involving excavation of soil, including foundations and the laying of services, within the recommended distance calculated under the BS 5837 (2005) 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 by the Local Planning Authority, prior to the commencement of works.

Reason: To protect the trees in the interest of the amenity of the area.

18. Unless approved in writing by the Local Planning Authority no ground clearance, demolition, or construction work shall commence until protective fencing, to BS 5837 : 2005 at least 1.25 metres high securely mounted on timber posts firmly driven into the ground has been erected around each tree/tree group or hedge to be preserved on the site or on immediately adjoining land, and 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. The fencing shall be located at least 1.00 metre beyond the protected area detailed in BS 5837. Within the areas so fenced, the existing ground level shall be neither raised nor lowered. Roots with a diameter of more than 25 millimetres shall be left unsevered. There shall be no construction work, development or development-related activity of any description, including the deposit of spoil or the storage of materials within the fenced areas. The protective fencing shall thereafter be maintained during the period of construction

Reason: To prevent trees from being damaged during building works.

19. The use of the buildings and land hereby permitted shall be confined to those of Class B2 of Schedule 1 and Class E(g)(ii) & (iii) of Schedule 2 of the Town and Country Planning (Use Classes) Order, 1987 (as amended) and uses ancillary to those uses only and for no other purpose, including any other use within Class E.

Reason: In order to control the type of development which is operated from this site in the interests of the amenity of neighbouring residential properties and in order to protect the vitality and viability of the town centre.

Informative

The applicant will require an environmental permit from the Environment Agency to discharge to the main river. Information on environmental permits is available at:

<https://www.gov.uk/topic/environmental-management/environmental-permits>

22/0211/LBC – Fence Gate Inn, Wheatley Lane Road, Fence

Comments have been received from Growth Lancashire, Heritage Consultants:

The proposal that has been submitted for listed building consent contains the following aspects: the erection of a fabric stretched canopy on the west façade of the public house. The canopy, at its largest dimensions is 13m by 15.57m in width, and 4.5m in height at the central pole. The proposal is largely independent of the historic building fabric. Indeed it should be noted that if the new canopy was totally separate and not touching the Listed Building it would not require LBC.

I note that the canopy is to be located on the side/rear set against parts of the building already altered and extended and of limited significance. Whilst the canopy because of its large size will still be noticeable on the left hand side of the building, given the temporary/lightweight nature of the canopy I do not feel this will result in any substantive harm or loss of significance to the listed building.

Because the scheme is for LBC only I cannot consider any issues relating to setting.

Conclusion / recommendation

As I am required to do so, I have given the duties imposed by s.66(1) of the P(LBCA) Act 1990 considerable weight in my comments. On the whole, given the nature of the proposal, its position and the fact that it can be easily removed, I would consider that the proposal would meet the statutory test 'to preserve' and would meet the requirements as laid down in Chapter 16 of the NPPF and Policy ENV1 and ENV2 of the Pendle Local Plan (2011-2030) Core Strategy.

This does not change the overall recommendation to approve Listed Building Consent.