



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

**TO:** WEST CRAVEN COMMITTEE

**DATE:** 9<sup>th</sup> MAY 2023

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## PLANNING APPLICATIONS

### PURPOSE OF REPORT

To determine the attached planning applications.

## REPORT TO WEST CRAVEN COMMITTEE ON 09 MAY 2023

**Application Ref:** 22/0577/FUL

**Proposal:** Full: Major: Erection of 47 dwellings with associated access and landscaping, change of use of Brook Shed engine house to a community use (Use Class F2(b)), demolition of the chimney stack and north elevation of the former weaving shed, boiler house elevation, partial sections of the north elevation of the former weaving shed and water tank.

**At:** Site of Former Brook Shed, New Road, Earby

**On behalf of:** Gleeson

**Date Registered:** 24/08/2022

**Expiry Date:** 13/02/2023

**Case Officer:** Alex Cameron

### **Site Description and Proposal**

The application site is a former mill site now demolished but for the engine house, chimney and walls fronting New Road. The site is located within Earby Conservation Area, New Cut flows to the west with terraced housing opposite, there are commercial properties and terraced houses across New Road to the north, terraced houses to the east and a domestic garden and cricket ground to the south.

The proposed development was originally for the erection of 48 dwellings with the partial retention of the chimney and wall fronting New Road. To resolve issues with dwellings being located in flood zone 3b the plans have been amended to 47 dwellings with the full demolition of the chimney and boundary wall. The engine house would be retained and changed to community use.

The proposed housing consists of 8 four bedroom detached houses, 7 three bedroom detached houses, 30 three bedroom semi-detached houses and 2 two bedroom semi-detached houses. The proposed materials are buff and red brick, concrete tile roofs and uPVC windows and doors.

### **Relevant Planning History**

None

### **Consultee Response**

**PBC Environmental Health** – Request conditions for contaminated land and a construction method statement

**Environment Agency** – Satisfied that the layout has been amended so that the built development is outside of flood zone 3b, however, object as the Flood Risk Assessment does not adequately demonstrated that the development would not increase off site flood risk.

**Lead Local Flood Authority** – No objection subject to conditions for accordance with the Flood Risk Assessment, drainage strategy, construction surface water management, drainage operation and maintenance, verification report.

**Yorkshire Water** – A water supply can be provided, request conditions be attached for separate foul and surface water drainage, surface water drainage details, protection of sewers.

**LCC Education** – An education contribution is not required.

**East Lancashire NHS Trust** – Request a contribution to meet the needs of the population which arises from the development, for the first three years of the occupation of the development.

### **Public Response**

Site and press notices posted and nearest neighbours notified. Responses received objecting on the following grounds:

- Pendle is over subscribed for new houses.
- Inadequate services and infrastructure to support new houses.
- Inadequate employment in the area.
- There are bats living within the site and a full bat survey should be carried out.
- The site is a wildlife haven.
- Badgers may access the site during the construction phase and mitigation should be put in place.
- The number of houses should be reduced to allow for more green areas.
- Risk from contamination on the site.
- Highway safety impacts of additional traffic using the junction of New Road and Skipton Road.
- Impact on the Conservation Area.
- The chimney and boiler house should be kept as they are.

### **Officer Comments**

#### **Policy**

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

The following Local Plan policies are relevant to this application:

Policy SDP2 identifies Earby as a 'Local Service Centre' which play a supporting role to the Key Service centres and accommodate levels of development to serve a localised catchment.

Policy SDP3 indicates that new housing provision and distribution will be guided by the settlement hierarchy within the policy. Rural Pendle (inc. Kelbrook) is expected to account for 12% of the Borough's supply over the plan period. It should be noted that this figure is not a fixed limit, it is a representation of the projected housing distribution.

Policy ENV1 requires developments to make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments.

Policy ENV2 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. The proposal's compliance with this policy is addressed in the design and amenity sections.

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. The proposal's compliance with this policy is addressed in the drainage and flood risk section.

Policy LIV1 sets out the housing requirements for 2011 to 2030 and how this will be delivered.

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

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

Policy LIV5 requires all new housing to be designed and built in a sustainable way. New development should make the most efficient use of land and built at a density appropriate to their location taking account of townscape and landscape character. Provision for open space and/or green infrastructure should be made in all new housing developments.

### **Principle of the Development**

The site is a sustainable location for new housing development within the settlement of Earby, with essential services facilities and public transport within walking distance. The principle of the development is therefore acceptable in accordance with policies SDP2 and LIV1. The proposed development also involves changing the use of the boiler house to a community use withing Use Class F2b a hall or meeting place for the principal use of the local community. This is an acceptable accessible location for such use.

### **Design and Heritage Impact**

The site is located within Earby Conservation Area and although the vacant nature of the overall site is of some detriment to the character and appearance of the Conservation Area the engine house, chimney and remaining walls do contribute to its significance. The loss of the chimney and remaining walls would cause harm to the significance of the Conservation Area and result in the loss of a non-designated heritage asset. The harm to the significance of the Conservation Area would be less than substantial and therefore must be weighed against the public benefits of the development. The development would result in economic and social benefits from the provision of housing, it is also proposed to convert the engine house to community use, which would have public benefits and heritage benefits in terms of securing the future of that heritage asset. Furthermore, the development of this vacant site as a whole would be beneficial to the character and appearance of the area.

The applicant has demonstrated that the financial viability of the development is limited and the developable area has been limited from what was originally proposed due to the restrictions of part of the site being in flood zone 3b. This has resulted in it becoming unviable to retain the chimney within the development.

Taking the above factors into account the harm to the significance of the Conservation Area and loss of the non-designated heritage asset would be outweighed by the benefits of the development.

The proposed dwellings would be of a design similar to other new dwellings in the area, the layout would front the canal and New Road

the dwellings are proposed to be finished in a mixture of buff and red brick with upvc fenestration, whilst this is acceptable in the centre of the site the materials of the frontage along New Road should be finished in natural stone, timber fenestration, slate roofs and roof verges without upvc caps. This can be ensured by condition.

With conditions in place to ensure the above the development is acceptable in terms of design and heritage impact in accordance with policies ENV1 and ENV2.

### **Residential Amenity**

There is a ground floor habitable room window in the side of No.31 Mostyn Avenue which is faced by the front elevations of plots 23 & 24, the layout has been amended to relocation those plots 15m from the side of No.31. Although this is below the 21m distance recommended by the Design Principles SPD, taking into account that such relationships are characteristic of the area the separation distance is acceptable.

There are ground and second floor habitable room windows in the side elevation of No.34 Green End Avenue which are faced by plots 44 & 45 separated by approximately 14m, taking into account that the ground floor is across the highway, the higher position of the second floor window and that such relationships are characteristic of the area the separation distance is acceptable.

The separation distances between windows of other surrounding properties and within the site are over 21m.

Windows in the rear elevations of plots 11, 16 and 22 face blank two storey elevations of adjacent plots separated by less than the 12m recommended by the Design principles SPD. However, taking into account that the ground floor rooms are served by other windows in the front elevations this would not result in unacceptable levels of natural light and overbearing impacts.

The proposed development would provide an acceptable level of privacy for all adjacent residents and the residents of the site and would not result in any unacceptable loss of light or overbearing impacts. The proposed development is therefore acceptable in terms of residential amenity in accordance with policies ENV2 and LIV5.

### **Landscaping**

A proposed landscaping scheme has been submitted with the application and is acceptable.

### **Ecology**

Concerns have been raised that the site may be used by badgers, an ecology survey has been submitted with the application and found no evidence of use by badgers for foraging commuting or occupation and so no mitigation is proposed. Irrespective of whether specific mitigation is proposed the developer would have responsibilities under the Wildlife and Countryside Act in relation to such protected species if badgers were to begin using the site.

The ecology survey identified that the site has potential for use by bats as a roosting a foraging habitat and a bat activity survey has been undertaken, this identified a common pipistrelle day roost

in the northern boundary wall of the site, this is proposed to be demolished, destroying the roost and as such will require a licence from Natural England separate to this planning application.

Mitigation is proposed in the form of bat boxes which will be installed prior to the works taking place and if necessary, bats captured by a suitably qualified ecologist and relocated to the boxes. Taking into account the low conservation significance of the roost the proposed mitigation is acceptable there is no reason to consider that a licence would not be granted.

In addition to the bat boxes to mitigate the loss of the day roost additional boxes are recommended throughout the development to provide mitigation for the loss of foraging area and enhancement.

Subject to conditions to ensure that the recommendations of the ecology survey and bat survey are complied with the proposed development is acceptable in terms of its ecology impact.

### **Open Space**

The proposed development would include green infrastructure in the form of the retention of buffer to the river which would be maintained as a wildflower meadow, and public space with bench adjacent to New Road. Taking into account the limited viability of the site this is an acceptable open space / green infrastructure provision.

### **Highways**

The proposed access would provide adequate visibility and the development would not result in unacceptable impacts upon the surrounding highway network in terms of vehicular access.

LCC Highways have advised that off-site highway works are necessary to support pedestrian and cycle access to and from the site by reducing traffic speeds with the introduction of physical traffic calming on New Road and pedestrian enhancements on the upper section of New Road leading to Green End Road.

A Traffic Regulation Order is also necessary for the east side of the new access to ensure acceptable visibility.

Some minor revisions are required to the layout of plots 14, 21, 22 and 23 to provide adequate car parking. All other plots would have adequate off-street car parking in accordance with the parking standards set out in the Replacement Pendle Local Plan.

Subject to conditions and amended plans addressing the above the development is acceptable in highway terms.

### **Drainage**

The Environment Agency have advised that they are satisfied that the layout has been amended so that the built development is outside of flood zone 3b, however, they have maintained their objection as the Flood Risk Assessment does not adequately demonstrate that the development would not increase off site flood risk.

The EA have requested further information to address this and it is being prepared by the applicant.

### **Contributions**

## Affordable Housing

Policy LIV4 requires affordable housing be provided for new development of 15 or more dwelling in West Craven Towns at a rate of 5%. However, such planning obligations cannot be required where they would result in a development not being viable. The applicant has demonstrated that an affordable housing obligation would unacceptably impact upon the viability of the development. Therefore, no affordable housing is required to be provided by the development.

## Healthcare

A request has been made from East Lancashire Hospitals NHS Trust for a contribution towards the cost of healthcare interventions it calculates will be generated by the residents of the dwellings in the first three years of their occupation, for which there is a funding gap.

In terms of health service contributions there are a number of concerns about the request and justification for those requests. 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.

We have also raised a concern about the timing of funding and that developments can take several years in order to come to fruition. From the information supplied to us it appears that once a development is known about then financing is included in the next budgetary year. The issue therefore is that if developments take several years to come forward and they are included in financial planning after year 1 then the developer would be paying for services already funded in the standard funding formulae.

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 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.

Committee are therefore recommended not to require a contribution to the NHS 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.

## **Conclusion**

It is recommended that the approval of the application, including any conditions necessary, be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the withdrawal of the Environment Agency's objection and revised plans to address LCC Highways' comments.

## **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 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: Delegate Grant Consent**

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, and notwithstanding any indication on the approved plans or forms, 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 Conservation Area.

4. Notwithstanding any indication on the approved plans or forms, the windows and doors in the front elevations of the plots fronting New Road shall be of timber construction, details of the windows and doors including paint colours shall have been submitted to and approved in writing by the Local Planning Authority prior to their installation. Thereafter the windows and doors shall be maintained in accordance with the approved details and any replacement windows or doors shall be in accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the Conservation Area.

5. Notwithstanding any indication on the approved plans or forms, the roof verges of the plots fronting New Road shall not use uPVC verge caps, prior to their installation details of the

verge, soffit and fascia materials and finishes of those plots shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter they shall be maintained in accordance with the approved details and any replacement shall be in accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the Conservation Area.

Prior to their installation details of any new windows and doors to be installed in the boiler house building shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the windows and doors shall be maintained in accordance with the approved details and any replacement windows or doors shall be in accordance with the approved details.

Reason: To allow the Local Planning Authority to control the external appearance of the development to protect the significance of the Conservation Area.

6. The window openings shall be set back from the external face of the wall. Unless otherwise agreed in writing by the Local Planning Authority the depth of reveal shall be at least 70mm.

Reason: To ensure the continuation of a satisfactory appearance to the development.

7. 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.

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

Reason: To ensure the landscaped areas are adequately managed and maintained in the interest of the visual amenity of the area and to protect the significance of the Conservation Area.

9. 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:

- a) The parking of vehicles of site operatives and visitors
- b) The loading and unloading of plant and materials
- c) The storage of plant and materials used in constructing the development
- d) The erection and maintenance of security hoarding
- e) Wheel washing facilities
- f) Measures to control the emission of dust and dirt during construction
- g) Measures to control noise and vibration

- h) A scheme for recycling/disposing of waste resulting from demolition and construction works
- i) Details of working hours
- j) Routing of delivery vehicles to/from site
- k) Timing of deliveries
- l) Measures to ensure that construction and delivery vehicles do not impede access to neighbouring properties.
- m) Control of burning onsite

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

10. The boiler house shall be used for uses falling within Use Class F2(b) only and for no other use including other uses within Use Class F2.

Reason: In order to protect the vitality and viability of the town centre.

11. 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 prevent contamination of the controlled waters.

12. 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 (February 2023 / 30581/FRA/SRG / Gleeson).

The measures shall be fully implemented prior to occupation 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 in consultation with the Lead Local Flood Authority.

Reason: To ensure satisfactory sustainable drainage facilities are provided to serve the site.

Notes:

- 13: 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 (February 2023 / 30581/FRA/SRG / Gleeson) 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 and shall be limited to a maximum peak flow rate of 12l/s.

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 + 45% climate change allowance, with an allowance for urban creep;
  - iii. 1% (1 in 100-year) annual exceedance probability event + 50% climate change allowance, with an allowance for urban creep

Calculations must be provided for the whole site, including all existing and proposed surface water drainage systems.

- 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 existing and 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 the final drainage layout with the flood levels and depths overlaid. 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.

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 method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to 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 entering 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.

Reason: 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 surface water flood risk on-site or elsewhere during any construction phase.

14. The occupation 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 the maintenance, operational and access requirement for all SuDS components and connecting drainage structures, including all watercourses and their ownership;
- 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 surface water 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.

15. The occupation 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 surface water 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.

16. Within 3 months of commencement a scheme for the construction of the site access and the off-site works of highway mitigation has been submitted to, and approved by, the Local Planning Authority. Works shall include, but not be exclusive to the following and shall be constructed prior to the first occupation of any dwelling:

- the construction of the access to New Road to an appropriate standard, including a minimum width of 5.5m and radius kerbs
- buff coloured tactile paved dropped pedestrian crossings both sides of the access,
- construction of 2m wide footways both sides of the access to tie in with the existing footway network
- re-location of the highway gully out of the access
- a street lighting assessment

- the introduction of a Traffic Regulation Order for No Waiting At Any Time (double yellow lines) to the East of access for a distance of 48m from the centre line of the access
- construction of a dropped pedestrian crossing with buff coloured tactile paving on the North side of New Road opposite the new access to aid pedestrian movements to/from local facilities and amenities
- construction of vehicular crossings on New Road to Plots 5 & 6
- reinstatement of footway on New Road, including full height kerbs, to the East of Plot 1 (approx 48m)
- construction and provision of physical traffic calming features on New Road
- pedestrian enhancements on the upper section of New Road leading to Green End Road
- reinstatement of footway, including full height kerbs, outside 21a New Road (approx 8m)
- upgrade existing pedestrian crossings on the corner of Brook Street with New Road to include buff coloured tactile paving
- upgrades to the existing bus stop outside 25-29 Colne Road (Jade Palace) to include raised bus borders and a new bus shelter.

Reason: In order to satisfy the Local Planning Authority that the final details of the highway scheme/works are acceptable before work commences on site in the interests of highway safety and pedestrian and cycle accessibility.

17. Within 3 months of commencement full engineering, drainage, street lighting and constructional details of the road and footways have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the visual amenities of the locality and users of the highway.

18. Within 3 months of commencement details of the proposed arrangements for future management and maintenance of the proposed estate road and footways within the development have been submitted to and approved by the local planning authority.

The estate road and footways 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; to ensure a satisfactory appearance to the highways infrastructure serving the approved development; and to safeguard the users of the highway and the visual amenities of the locality.

19. The internal estate roads shall be constructed in accordance with the approved engineering details and to at least base course level prior to first occupation of any dwelling, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the estate road is acceptably constructed in the interest of highway safety.

20. Prior to occupation of the first dwelling visibility splays measuring 2.4m back from the centre line of the access and extending 48.8m Eastbound and 47.9m Westbound on the nearside carriageway edge shall be provided at the new access onto New Road, as shown on the

approved plans. Nothing shall be erected, retained, planted and/or allowed to grow at or above a height of 0.9m above the nearside carriageway level which would obstruct the visibility splay. The visibility splays shall be maintained free from obstruction at all times thereafter for the lifetime of the development.

Reason: In the interest of highway safety to ensure adequate inter-visibility between highway users at the site access.

21. Prior to first occupation of the dwellings on Plots 1 to 6 the highway boundary wall fronting onto New Road shall be reduced and permanently maintained at a height not greater than 0.9m above the nearside carriageway level.

Reason: To ensure adequate visibility for the drivers of vehicles entering and leaving Plots 5 and 6.

22. Prior to first occupation of any dwelling the driveways shall be constructed in a porous bound material and the garages constructed and shall thereafter always remain available for the parking of domestic vehicles associated with the dwelling.

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

23. Prior to first occupation of each dwelling secure, covered cycle storage shall be provided at a ratio of two cycle spaces per dwelling in accordance with the approved plans and maintained thereafter.

Reason: To ensure adequate provision for sustainable transport.

24. Prior to the first occupation each dwelling shall have an electric vehicle charging point. Charge points must have a minimum power rating output of 7kW, be fitted with a universal socket that can charge all types of electric vehicle currently available.

Reason: To ensure adequate provision for sustainable transport

Note:

The grant of planning permission will require the applicant to enter into an appropriate legal agreement (Section 278), with Lancashire County Council as the Highway Authority prior to the start of any development. For the avoidance of doubt works shall include, but not be exclusive to the works outlined in Condition 2. The applicant should contact the county council for further information by telephoning the Development Control Section (Area East) on 0300 123 6780 or by email on [developeras@lancashire.gov.uk](mailto:developeras@lancashire.gov.uk), in the first instance to ascertain the details of such an agreement and the information to be provided, quoting the relevant planning application reference number.

**Application Ref:** 22/0577/FUL

**Proposal:** Full: Major: Erection of 47 dwellings with associated access and landscaping, change of use of Brook Shed engine house to a community use (Use Class F2(b)), demolition of the chimney stack and north elevation of the former weaving shed, boiler house elevation, partial sections of the north elevation of the former weaving shed and water tank.

**At:** Site Of Former Brook Shed, New Road, Earby

**On behalf of:** Gleeson

## REPORT TO WEST CRAVEN COMMITTEE 9<sup>TH</sup> MAY 2023

**Application Ref:** 23/0067/REM

**Proposal:** Reserved Matters: Major: Erection of 30 no. dwellings (Appearance, Landscaping, Layout and Scale) of Planning Permission 19/0815/OUT.

**At:** Land to the North East of Meadow Way, Skipton Road, Barnildswick

**On behalf of:** Tabley Homes (Barnoldswick) Ltd

**Date Registered:** 02/02/2023

**Expiry Date:** 04/05/2023

**Case Officer:** Laura Barnes

### **Site Description and Proposal**

The application is a Reserved Matters application for the appearance, landscaping, layout and scale for the erection of 30 dwellings. The application site is outside the settlement boundary, within the Open Countryside. The principle of development has been established through a planning appeal (reference APP/E2340/W/20/3250622).

The proposed elevation plans indicate that the buildings are to be constructed of natural stone walls with blue slate roofs. They are to have UPVC windows, doors and rainwater goods.

### **Relevant Planning History**

17/0465/OUT: Outline: Major: Residential development of 5.44ha (Access only).  
Refused

18/0248/OUT: Outline: Major: Residential Development 3.40 ha (Access only) (Re-Submission).  
Refused

18/0011/AP/REFUSE / APP/E2340/W/18/3209573:  
Outline: Major: Residential Development 3.40 ha (Access only) (Re-Submission)  
Dismissed

19/0815/OUT: Outline: Major: Residential Development (1.48ha) (Access only).  
Refused

20/0005/AP/REFUSE / APP/E2340/W/20/3250622:  
Outline: Major: Residential Development (1.48ha) (Access only).  
Allowed

### **Consultee Response**

Lancashire LLFA

*Initial comments 08/02/2023*

The Lead Local Flood Authority has no comments to make on the above application, as no information regarding surface water drainage has been submitted as part of the application.

The Lead Local Flood Authority recommend no decision is made on the above application until a surface water sustainable drainage scheme for the phase, pursuant to condition 10 of the associated outline planning permission 19/0815/OUT (APP/E2340/W/20/3250622) has been submitted to, and approved in writing by, the Local Planning Authority. Our position will remain unchanged until this information has been provided.

#### *Further comments 13/03/2023*

The Lead Local Flood Authority has no objection to the above application subject to the inclusion of the following conditions, in consultation with the Lead Local Flood Authority:

#### Condition 1 – Verification Report of Constructed Sustainable Drainage System

The occupation 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 surface water 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.

#### Informatives

##### Informative 01 – Connection to Public Sewer

The applicant will require an agreement with the appropriate Water and Sewerage Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

##### Informative 02 – Appropriate Legal Agreement

The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principle agreement(s) should be submitted to the Local Planning Authority.

#### Lead Local Flood Authority - Site-Specific Advice

The following advice is provided to inform the applicant and the Local Planning Authority of our expectations at the discharge of conditions stage:

The Lead Local Flood Authority makes note to the applicant of the conditions applied to the outline approved application and the requirement to provide a discharge rate of 6.8l/s, therefore the applicant should reflect this throughout the drainage strategy, flow control and calculations when submitting the final detailed design.

In addition to this on the submitted drainage layout drawing, there is conflicting information as to the ultimate discharge location of surface water, the layout depicts that surface water will connect to an existing surface water sewer that ultimately connects to a watercourse, however an annotation on the drawing states that surface water will connect to the combined sewer system, the applicant should ensure these inaccuracies are addressed at the final detailed design stage and ensure that the discharge location is inline with the submitted and approved details at outline stage.

The applicant should ensure that an allowance for urban creep has been incorporated in to the design of the development and associated calculations and any relevant alterations associated are incorporated.

The Lead Local Flood Authority makes note to the applicant, given the proposed connection to the existing surface water sewer from the development, for an appropriate legal agreement as the connection point is outside of the red edge boundary of the development, as well as an agreement with the water and sewage company, as stated by the applicant.

At discharge of condition stage, it is the expectation of the Lead Local Flood Authority that sufficient attention to detail regarding both the surface water during construction phase as well as the management and maintenance of the sustainable drainage system. As a guide the following examples of evidence are what the Lead Local Flood Authority would expect to be provided.

#### Construction Surface Water Management Plan

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.

#### Management and Maintenance Plan

The details of the plan to be submitted for approval shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to 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 entering 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.

If the applicant wishes to discuss any aspects of this response with the Lead Local Flood Authority, they can do so through our planning advice service.

#### Lead Local Flood Authority – General Advice

The Lead Local Flood Authority's general advice is provided through the Lancashire SuDS Pro-forma and accompanying guidance. All applications for major development are expected to follow this guidance and submit a completed SuDS pro-forma.

#### What this response DOES NOT cover

This response does not cover highway drainage, matters pertaining to highway adoption (s38 Highways Act 1980) and/or off-site highway works (s278 Highways Act 1980). Should the applicant intend to install any sustainable drainage systems under or within close proximity to a public road network (existing or proposed), then they would need to separately discuss the use and suitability of those systems with the relevant highway authority.

The applicant is encouraged to discuss the suitability of any overland flow routes and/or flood water exceedance with the relevant highway authority should they have the potential to impact the public highway network and/or public highway drainage infrastructure (either existing or proposed).

#### Environment Agency

##### *Initial comments 09/02/2023*

We have no objection to the development as proposed but would like to draw applicant's attention to the foul drainage issue:

We have reviewed the plans but no details of foul drainage have been provided.

According to hierarchy of drainage options set out in the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020), the foul drainage would be expected to drain to the public main sewer on this site.

##### *Additional comments 14/03/2023*

We have reviewed the following documents in so far as they relate to the remit of the Environment Agency:

- Drainage Strategy (drawing ref: 2299-SCE-00-00-DR-C-0001\_P02, dated 10 March 2023)
- Drainage Construction Details (drawing ref: 2299-SCE-00-00-DR-C-0002\_P01, dated 10 March 2023)
- Drainage Strategy & Maintenance Document (ref: 2299 – Skipton Road, Barnoldswick Rev: P02, dated March 2023)

We are now satisfied that the additional information addresses the queries outlined in our previous response (ref: NO/2023/115055/01-L01, dated 9 February 2023). We therefore have no objection to the proposed development.

#### Canal & River Trust

The Canal & River Trust own and manage the Leeds & Liverpool Canal. The proposed development site is located to the south west of the canal. The red line boundary is separated from the waterway by Coates Lane.

In line with the aims of Policy ENV1 from the adopted Core Strategy 'Protecting and Enhancing Our Natural and Historic Environments' we request that consideration should be given towards

minimising the potential visual intrusion of development onto the rural setting of the canal, which also affects the setting of neighbouring heritage assets including Greenfield Bridge on Coates Lane.

The proposed landscaping between Coates Lane and the canal should help to reduce the visual impact of the scheme as viewed from the waterway. We request that full planting details should be provided, so as to ensure that new species will complement the local environment and will effectively screen the development. Details could be reserved through the use of appropriately worded conditions.

#### *Surface Water Drainage*

We request that details of the proposed surface water management for the site, including details of any sustainable drainage systems proposed, should be provided prior to the commencement of development on site. Such detail could be reserved through the use of an appropriately worded condition.

#### *Discharge to the Canal*

We note that paragraph 5.9 of the Flood Risk Assessment submitted with the outline application highlights that Surface Water Discharge to the canal is being considered. In our capacity as landowner, we wish to remind the applicant that any discharge to the canal would require the consent of the Trust, and would need to be designed to ensure that it did not adversely impact on navigation.

We advise that surface water management of the site should utilise oil interceptors prior to any surface water drainage going into the canal, in order to limit the runoff of hydrocarbons from the new roads on site to the waterway. We also advise that details of any surface water management scheme for the site should include a long-term management plan for the maintenance of the SUDs swales, the attenuation and the oil interceptor shown.

Should the applicant wish to discharge surface water to the canal, then agreement from the Trust would be required. We request that the applicant makes suitable enquiries on this, prior to the submission of a reserved matters application, in order to ascertain whether such a solution will be acceptable and achievable. Enquiries should be made to [utilitiesenquiry@canalrivertrust.org.uk](mailto:utilitiesenquiry@canalrivertrust.org.uk)

The applicant should be aware that the Trust is not a statutory drainage authority, and is not obliged to accept discharges to the network.

#### *Impacts on Coates Lane Culvert*

An existing watercourse lies in proximity to the site, which runs under the canal via a culvert at Coates Lane. Should surface water discharge from site be intended to enter this existing watercourse, then we request that appropriate detail is required to confirm that the culvert has appropriate capacity to accommodate any additional discharge. Without sufficient capacity, additional discharges into the culvert could impact the structural integrity of this structure, increasing the risk to the stability of land below the canal.

Land stability is a material planning consideration, as highlighted by paragraph 174 (part e) of the NPPF.

We therefore advise that the provision of the drainage details requested above are also required to ensure that the final surface water drainage scheme is designed to prevent any harmful flows to the culvert.

#### Natural England

Natural England has no comments to make on this reserved matters application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland, ancient and veteran trees which you can use to assess any impacts on ancient woodland or trees.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process.

We advise local planning authorities to obtain specialist ecological or other environmental advice when determining the environmental impacts of development. We recommend referring to our Site of Special Scientific Interest Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

### LCC Highways

*Initial comment dated 07/03/2023*

The submitted documents, Eddisons Transport Statement dated February 2023 and plans Tabley Homes 'Adoptable highways plan' HH/SRB/AHP/02 Rev E, 'Boundary treatment plan' HH/SRB/BTP/01 Rev E, 'Waste management plan' HH/SRB/WMP/01 Rev F, Colour site layout HH/SRB/CSL/02 Rev F have been reviewed and the following comments are made.

Application 19/0815/OUT for outline with access on Skipton Road for 30 new dwellings was refused and subsequently allowed at appeal reference E2340/W/20/3250622.

The appeal decision includes highway related conditions numbered 8 (Site access), 15 (Construction site access), 16 (Off-site highway works), 17 (Estate road built to adoptable standards), 18 (Estate street phasing) and 20 (EV charging) at all dwellings.

### Layout

Previously a pedestrian and cycle link onto Meadow Way was investigated and discounted due to landownership issues. A link onto Coates Lane was the alternative method of providing connectivity internally for pedestrians and cyclists onto the unclassified road network and canal which carries Pennine cycleway 68.

An amendment is requested to provide a 3m wide link from the estate road to Coates Lane, the boundary treatment on Coates Lane should be kept below 1m for 20m to both sides of the link. The link is to be paved and drained for the first 3m where it joins Coates Lane to avoid any loose debris from being deposited onto the highway and measures to prevent vehicle access are required in the form of bollards or a cycle friendly barrier. A footway should be provided alongside the carriageway fronting plots 5-8 and 14-16.

The main estate road carriageway should be widened from 4.8m to 5.5m. Refuse vehicles will have difficulty negotiating 4.8m wide carriageway estate roads with on-street parking which will occur.

The turning head adjacent plot 5 needs enlarging to allow the refuse wagon to turn, rather than the smaller fire tender.

Plots 1, 4, 8-14, 19-21, 28-30 will need to move their refuse bins to the estate roadside on collection days because the refuse wagon will not enter a private drive. Additional areas of hardstanding should be provided to allow the receptacles to be stored to avoid them being stored on the footway.

The proposed hedges parallel to estate road are requested to be removed as these are likely to cause an obstruction to the visibility splays at the driveways.

#### Parking

There are 11 x 3 bedroom and 19 x 4 bedroom dwellings proposed. Plot types N and T have integral garages which are a minimum of 3m x 6m which accords with the standards to provide a single car space and cycle parking provision. Plot type V has a separate double garage – no floor plans submitted, plot type J and Q have separate single garages – no floor plans submitted. Plot type D and T have no garages, these plots will require an external secure, covered cycle store.

Condition 20 of the outline decision requires all dwellings will require an electric vehicle charging point.

The overall parking provision across the site is considered acceptable.

#### Conclusion

Subject to the amendments described above being included on amended drawings, there is no objection to the proposal. The following conditions are requested.

1. Each dwelling shall have a secure, covered cycle store.

#### *Further comments 14/04/2023*

The amendments which had previously been requested have been addressed.

No details of the proposed cycle stores have been submitted – this can be covered by the condition below.

The internal pedestrian/cycle link between Plot 3 and Coates Lane will remain private and its management and maintenance will need to be covered by condition. This can be included in the condition for the management/maintenance of the public open spaces.

A scheme for the pedestrian/cycle link with Coates Lane, including barriers, can be covered by condition.

The following, or similarly worded conditions, should be applied to any formal approval.

#### Conditions

1. Within 3 months of the start of development details of the proposed arrangements for the future management and maintenance of the public open spaces and pedestrian/cycle link between the estate and Coates Lane shall be submitted to and approved by the local planning authority. These should include the establishment of a private management and maintenance company. The open spaces and pedestrian/cycle link shall be maintained in accordance with the approved management and maintenance details thereafter. Reason: To ensure that the open spaces and pedestrian/cycle link are completed and thereafter maintained to an acceptable standard in the interest of residential amenity and highway safety.
2. Notwithstanding the plans submitted, prior to occupation of the first dwelling the internal pedestrian and cycle link between the estate and Coates Lane shall be constructed in accordance with a scheme to be approved by the local planning authority to include details of construction, surfacing, drainage and barriers at its junction with Coates Lane and shall be maintained in perpetuity. Reason: In the interests of highway safety.
3. Prior to first occupation of Plots 28, 29 and 30 secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter. Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

#### Yorkshire Water

##### *Water Supply*

A water supply can be provided under the terms of the Water Industry Act 1991

##### *Waste Water*

Refer to United Utilities

#### Growth Lancashire – Heritage Consultants

##### The site

The site is a plot of undeveloped agricultural land to the immediate south of the Leeds and Liverpool Canal. It is bound to the southeast by trees and a hawthorn hedge and to the northwest by a low stone wall. To the immediate west is late C20 development and to the east open, undeveloped land. The site adjoins existing modern development to the southwest, which is laid out in dense cu-de-sacs. The undeveloped site and boundaries contribute to the verdant, isolated and rural setting of the identified heritage assets, and harm has been identified through development of the site.

Therefore it is essential to mitigate this harm as far as possible, in accordance with the Act and paragraph 195 of the NPPF.

##### Planning History

I note that the Council has refused a number of outline applications relating to this site. Application 18/0248, which involved the residential development of a larger 3.4ha site, was refused in July 2018 and subsequently dismissed at Appeal (4 Feb 2019). A subsequent residential scheme (application 19/0815/OUT) on a smaller site (1.48ha) was also refused (7 Feb 2020) on

the impact on the significance of a number of heritage assets which run along the Leeds and Liverpool canal. The subsequent Appeal in this case was approved on 20 October 2020. The Inspector in his decision considered the impact of the housing site on those heritage assets, which lie largely to the north of the site and whilst he accepted that there would be some likely harm to the setting of the group, as a whole, the harm fell within the less than substantial bracket and could be mitigated by robust landscaping to the north and western boundaries. Impacts on local NDHA's and the landscape setting were also fully considered. The issue therefore revolved around the planning balance and the public benefits generated by the scheme, which the Inspector felt outweighed the less than substantial harm.

The current application is the reserved matters to the previous approved outline permission.

#### The proposal

The proposal is for the appearance, landscaping, layout and scale of the approved 30 dwellings on land to the northeast of Meadow Way. The scheme involves a fairly standard, sub-urban layout and includes planted boundaries along the northern boundary and onto Coates Lane. An area of POS including an attenuation pond lies in the north-western corner of the site.

A landscaping plan and planting schedule and specification is included in the scheme details.

#### Assessment

As discussed in the previous applications and Appeals the site will form a new north edge to the built development of the settlement and will be prominent from a number of listed buildings. The grade II listed Greenfield Bridge Number 156, due to its raised position overlooks the site, and existing development (on Meadow Way) is already visible in this location. The grade II listed Greenberfield Farmhouse is oriented with the principal elevation facing towards the site, and there is likely to be intervisibility between the site and the asset. There may be some visibility from the grade II listed

Lock but the general topography will limit views.

Historic England's advice on setting is contained in its Planning Note 3 (second edition) entitled *The Setting of Heritage Assets* (2017), which describes the setting as the surroundings in which a heritage asset is experienced, and explains that this may be more extensive than its immediate curtilage and need not be confined to areas which have public access. The Planning Note states that "where that experience is capable of being affected by a proposed development (in any way) then the proposed development can be said to affect the setting of that asset." HE also states that, although a setting is not a heritage asset in itself, its importance lies in what it contributes to the significance of the heritage asset or to the ability to appreciate that significance.

The open space and planting to the northwest of the site should help to mitigate impacts on heritage assets, and it is positive that the existing boundary to the south of the site will be retained, except for the removal of hedgerow to form access. I note the amount of proposed hedgerow removal and design and materials for access are not included in the submission, these details should be provided to enable full assessment of impact. The planting buffer to the north of the site is also welcomed in terms of reducing harm to the listed buildings through additional screening. The retention of existing trees in this context is also important.

Seeing new housing in this rural edge of settlement context will further erode the open rural setting currently afforded to the group of heritage buildings. However as the harm is to the setting only, the loss of significance will be somewhat limited. Whilst I feel it will be hard to disguise the site and eliminate the visual harm caused by extending the housing boundary northwards I do agree that any harm to the significance of the heritage assets, has to be considered to be low. This harm falls within consideration under P.202 of the NPPF and as such will need to be weighed in the LPA's planning balance. Whilst it is not for me to undertake that balancing exercise I see no reason (on heritage grounds) why the LPA would come to a different conclusion from the previous Inspector on this matter.

Visual harm can be mitigated by using appropriate facing materials and appropriate Conditions should be used to secure that suitable natural stonework and roofing slate are used.

In summary, the proposal, and in particular the provision of landscaped boundaries to the north and west appear to mitigate some of the harm caused to the rural 'setting' to those nearby heritage assets. Some visual harm will however remain and this should be regarded as being at the low end of the 'less than substantial' scale.

#### 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.

The impact on the significance of heritage, which lies close to this site was fully considered by the previous Planning Inspector in his 2020 decision and the harm weighed against the public benefits of the scheme. If in undertaking its duty the LPA consider that when and applying appropriate weight to the 'less than substantial' harm a positive balance can be achieved then the proposal would meet the requirements of Chapter 16 of the NPPF and be in accordance with policies ENV 1 and ENV 2 of the Pendle Core Strategy.

#### Pendle Council Environment Officer

The landscaping plan and planting strategy contain all the details to ensure this development is appropriately landscaped.

#### United Utilities

United Utilities wish to make the following comments regarding the proposal detailed above.

#### DRAINAGE

In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the surface water should drain in the most sustainable way. Further to our review of the submitted documents, Drawing 2299-SCE-00-00-DR-C-0001, Rev P02 - Dated 09/03/23, we can confirm the proposals are not acceptable to United Utilities. This is because we have not seen robust evidence that that the drainage hierarchy has been thoroughly investigated

and the proposals are not in line with the Non-Statutory Technical Standards for Sustainable Drainage Systems.

No Comprehensive drainage strategy produced in conjunction with the above.

The applicant can discuss the above with Developer Engineer, Gulshan Seetulparsad, by email at [wastewaterdeveloperservices@uuplc.co.uk](mailto:wastewaterdeveloperservices@uuplc.co.uk).

Advice is also offered on water pipelines and waste water pipelines.

## **Public Response**

Nearest neighbours have been notified, a site & press notice displayed, multiple comments have been received from members of the public raising the following issues:

- Protecting the Grade II Listed Greenberfield Locks is of paramount importance
- The ecology of the area will not be improved, as stated in the application documentation
- The Greenberfield area is the highest part of the canal and should be left untouched
- This is going to lead to further development of the site
- Strain on local infrastructure such as doctors, dentists, schools and public transport
- Regular flooding and subsidence issues are already experienced by local residents, this will be exacerbated
- The proposed area of natural drainage is not enough
- The existing network for surface water drainage is already struggling to cope and has collapsed with the existing Meadow Way development being put onto it
- Water supply to Fairways, Lockhouse and service block for the canal are fed directly under the site
- A fire hydrant will also need to be considered
- Overlooking
- The Enjoyment of gardens and private spaces will be lost
- Breach of Human Rights Act Protocol 1, Article 1 which would mean the proposed development cannot have the right to quiet enjoyment of their property
- Loss of light
- Concerns regarding traffic joining B6252
- Boundary planting to the northern edge is broken where an access road is present, this gap will mean the development is visible from Greenberfield Locks
- The material should be real natural stone, not artificial natural stone
- Plots 4, 10, 11 and 21 should be bungalows to reduce the impact to the northern boundary
- This is not a development of 3 and 4 bedroom properties – House Type V has 5 bedrooms
- The mews houses should be switched to being adjacent to Meadow Way the lowest part of the site
- No indication of the boundary treatment along the southern boundary
- Bradstone should not be used as it goes black eventually
- Issues with parking on Coates Lane and the bridges
- Tractors are dangerous travelling up and down Greenberfield Lane to local farms
- Is the pylon going to have moved with wires underground?
- Can the construction process be controlled so that it does not result in an unacceptable impact upon existing neighbouring properties?

- Adverse effect upon Skipton Road because two storey dwellings will be more visible than the existing Meadow Way

## **Officer Comments**

### **Policy**

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

Policy SDP1 (Presumption in Favour of Sustainable Development) takes a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy SDP2 (Spatial Development Principles) sets out a hierarchy of settlements in order of preference for future growth.

Policy ENV1 (Protecting and Enhancing our Natural and Historic Environments) seeks to protect and enhance sites such as SSSIs, Special Areas of Protection, Local Nature Reserves, habitats and species of principal importance.

Policy ENV2 (Achieving Quality in Design and Conservation) 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 ENV4 (Promoting Sustainable Travel) sets out the Council's intentions for supporting sustainable transport.

Policy ENV5 (Pollution and Unstable Land) seeks to minimise air, water, noise, odour and light pollution and to address the risks from contaminated land.

Policy ENV7 (Water Management) follows the sequential assessment set out in National Policy, it also sets out requirements for surface water runoff and water quality.

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

Saved Policy 31 sets out the maximum parking standards for development.

#### **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 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.

The Design Principles Supplementary Planning Document (SPD) applies to extensions and sets out the aspects required for good design.

### **Principle of Development**

The principle of residential development on this site has been established by the appeal being allowed under application reference 20/0005/AP/REFUSE / APP/E2340/W/20/3250622. This was an outline application for up to 30 dwellings. It is noted that comments from members of the public have been received in relation to the principle of development. However, the principle of the units has been established through permission and the necessary assessment was made in relation to access at this stage.

## **Scale & Appearance**

The scale of the proposed development is thirty, two storey dwellings which are approximately 8.5m in height. The majority of the proposed dwellings are detached with either three, four or five bedrooms and there is to be one terrace row (mews) made up of three dwellings. Each dwellings is to have a private garden and either a driveway or garage for the off-road parking of vehicles. The proposed materials include natural coursed stone walls with natural blue slate roofs. The windows are to be UPVC double glazed in 'Painswick' colour and the front doors are to be composite material in a matching colour. Fascias, soffits and rainwater goods are to be black UPVC.

The southern boundary of the site, which is closest of the existing dwellings on Meadow Way and Green Bank, is to be a 1.8m high close boarded fence. The existing boundary stone wall to the western boundary is to largely remain, with one opening created to form a pedestrian link through to Coates Lane. To the northern boundary a comprehensive landscaping scheme has been put forward, as with the boundary to the east with Skipton Road.

To the western end of the site there is to be an attenuation pond which is to be surrounded by a landscaping scheme including a wildflower meadow.

The applicant has submitted a Building for a Healthy Life Assessment as part of the Design & Access Statement. The conclusions of this assessment are concurred with. Overall, the proposed development is of a scale and appearance which would assimilate with the surrounding environment and accords with Policy ENV2 of the Local Plan Part 1: Core Strategy.

## **Layout**

The proposed layout is designed around a central spine road with private driveways taken off this to the north and south. The layout has been designed so that it is outward facing, with active frontages onto the attenuation pond and onto Skipton Road. The overall design is in keeping with the layout of the existing Meadow Way development. The proposed development makes use of the connection with the Leeds & Liverpool Canal for recreation and leisure opportunities in the form of a pedestrian link through to Coates Lane and onto the canal, directly through the site. As a result of the pedestrian links through the site, this will create leisure and recreation opportunities for residents via active transport.

The applicant has been asked for details of the retaining walls which are labelled on the proposed layout. These are being prepared and an assessment of this will be made upon receipt of the information. As such, delegated powers are sought to grant consent, subject to the submission of details regarding the retaining walls and a satisfactory outcome of the assessment of this information.

Subject to this, the proposed design, scale and layout of the dwellings would be acceptable, in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

## **Landscaping**

The proposed landscaping plan which has been submitted indicates a strong tree belt to the northern boundary of the site, which is currently open. This is made up of native species and includes a hedgerow in addition to individual trees. This continues around the side to the west in the area immediately surrounding the attenuation pond. To Skipton Road the intention is to retain the existing trees and supplement these with the proposed landscaping scheme. It is proposed to retain much of the on-site hedges and all existing trees along the boundaries to provide an underlying green structure to the development. The key aim is to retain and reinforce the existing boundary hedges around the perimeter of the site as a way of helping screen and secure the development.

The Council's Environment Officer has reviewed the proposed landscaping scheme along with the planting schedule. They have noted the huge emphasis which has been put on using native species, particularly in relation to the proposed hedgerow. The use of wildflowers is also positive and will assist in softening the edges of the site. The applicant has submitted an assessment of Bio-diversity Net Gain stating that it achieves the necessary threshold in this regard, mainly due to the native hedgerows. At the time of determining the application, there is no legal requirement for a Biodiversity Net Gain Assessment to have been undertaken, this has not been requested by the Council but offered voluntarily by the applicant.

The proposed landscape arrangement to the north of the site would provide an effective screen in views from the north, particularly from the Leeds & Liverpool Canal. Over time, this would establish and would soften the edge of the development from the wider open countryside.

The Council's Heritage Consultants have also reviewed the landscaping scheme in relation to the nearby Listed assets and have concluded that there would be 'less than substantial harm' to them. As such, paragraph 202 of the Framework requires a balancing exercise to be undertaken which looks at the public benefits of the scheme. Here, there would be major public benefit in the form of a boost to the Council's housing land supply, construction jobs and the associated economic benefit which the dwellings would bring. When this is balanced against the harm to the heritage assets the benefit outweighs the harm. As such, the proposals accord with paragraph 202 of the Framework and Policy ENV1 of the Local Plan: Part 1 Core Strategy in this regard.

## **Impact on Residential Amenity**

The principle of up to thirty dwellings on this site has been established through the planning appeal. Now that the detailed layout has been submitted, an assessment can be made of the impact which this will have upon the existing residential dwellings on Meadow Way and Green Bank.

Turning firstly to the property known as Fairways, accessed off Coates Lane. Originally the layout indicated that Plot 3 would be the opposite way around in terms of the garage and dwelling. However, following a modification to the proposed plan, the garage is now closest to the existing dwelling, rather than the proposed plot 3 dwelling. There is a distance of at least 11.9m between the rear of the conservatory at Fairways and the side of the proposed garage at Plot 3. Given that

the proposed garage is single storey in height and is not habitable accommodation, the distance of 11.9m would not result in an unacceptable impact upon the occupants of either the proposed dwelling or the existing property. The dwellings at Plot 3 is further from the dwelling at Fairways and there are no habitable room windows which look directly towards habitable room windows at Fairways. There is a distance of 20m between the rear elevation of the main part Fairways (excluding the conservatory) and the dwellings at Plot 1. This reduces to 13m between the conservatory and the single storey outrigger at Plot 1. However, given the positioning and orientation of the properties and the proposed boundary treatment of a 1.8m high close boarded fence, the proposed dwellings at Plot 1 would not have an unacceptable impact upon Fairways. Of the two first floor rear elevation windows at Fairways, one is obscurely glazed and serves a bathroom. The other is serving a bedroom and is positioned such that it would not result in direct overlooking between the dwellings.

In terms of the impact of Plot 1 on No. 35 Meadows Way, there is an offset of 5m between the side elevation of No. 35 and the side of the dwelling at Plot 1. Although there are two side elevation windows to Plot 1 (house type T), these are at ground floor level and the boundary treatment of a 1.8m high close boarded fence would ensure that there is no unacceptable impact upon the neighbouring dwelling.

In relation to No. 30 Meadow Way, there is to be a 2.5m separation distance between the properties here and there are no side elevation windows proposed to Plot 30 (house type D). Although Plots 28-30 are set forward of the building line from the existing dwelling at 30 Meadow Close, this would not result in an unacceptable overbearing effect due to the boundary treatment and the 2m offset between the dwellings.

The closest dwelling on Green Bank to the proposed dwellings is No. 24, which is positioned on the turning head at the end of Green Bank. There is a separation distance of 16m between the rear elevation of No. 24 and the rear of Plot 22. However, the only window to the rear of Plot 22 is a first floor bathroom window. This could be obscurely glazed and secured by condition. Although Nos. 26 and 22 are both bungalows, No. 24 is a two storey dwelling. As such, the positioning of Plot 22 to the rear of the existing two storey dwelling would not result in an unacceptable overbearing impact. There is a separation distance of 16m and a mature tree on the boundary between the dwellings. Therefore, the proposed development would not result in an unacceptable impact upon the existing dwellings at Nos. 21, 26, 24 and 22 Green Bank. In relation to the other properties on Green Bank which share a boundary with the application site, these are either positioned at an angle which would mean proposed principal windows are not facing existing dwellings directly or they are positioned to be at least 21m away. As such, there would be no unacceptable impact in this regard.

Turning now to the positioning and fenestration of each of the proposed dwellings, consideration will now be given to the impact which they would have on each other, in terms of neighbouring amenity. Plot 1 has one ground floor side elevation window which faces towards Plots 2 and 3. However, given the boundary treatment between the dwelling, of a 1.8m high close boarded fence although the separation distance is 13m this would not result in an unacceptable impact. Plots 2 and 3 would each have a first floor bathroom window to the side elevation. These are not habitable rooms, so there is no need to protect these in terms of obscure glazing.

Whilst there is a first floor bathroom window to Plot 4 to the rear elevation, there are no side elevation windows to Plot 5. As such, there would be no unacceptable neighbouring amenity issue here. Plots 5 & 6 are off-set at an angle which would mean there was no opportunity for overlooking. There is a first floor bathroom window to the side of Plot 6 and Plot 7 which face each other, given that these are bathrooms there would be no need to protect these with obscure glazing.

There is a side elevation window to Plot 9, which faces the rear of Plot 8. This is to serve a bathroom so again, it is not a habitable room. There are no side elevation windows to the side of Plot 9 which faces Plot 10. Although the separation distance between the plots on either side of the private driveway serving Plots 9, 10, 11, 12 and 13 is 11.6m at its closest, the plots are off-set at an angle such that this would not result in direct overlooking.

Plots 11 and 12 are each to have a first floor bathroom window facing each other. Given that these windows serve a bathroom at each property, this would not result in an unacceptable impact because bathrooms are not habitable rooms. Although there would be a side elevation first floor window to Plot 13, there isn't one proposed to Plot 12. Therefore, there would be no unacceptable neighbouring amenity issue. Plots 13 and 14 are offset at an angle which would mean there is no unacceptable impact in relation to loss of privacy. There is a first floor bathroom window to each side of Plots 14 and 15, these would not require obscure glazing due to them being for a bathroom and not habitable accommodation.

There is sufficient distance between the sides of Plots 15 and 16 for this not to result in an unacceptable neighbouring amenity issue. Plots 16 and 17 each have a bathroom window to the side elevation. Given the windows serve bathrooms there is no need for obscure glazing here. There is sufficient separation distance between the front of Plot 17 and the side of Plot 18 for this not to result in an unacceptable neighbouring amenity issue. Plots 18 and 19 each have a side elevation first floor bathroom window which faces each other, there would be no need for obscure glazing to the bathrooms given that they are not habitable rooms. Plots 19 and 20 are arranged so that there would be no side elevation windows facing each other.

Plot 20 and Plot 21 will not require obscure glazing to the bathrooms because they are not habitable rooms. Plots 22 and 23 are set at such an angle that there would not be any unacceptable overlooking between the properties. The windows to the sides of Plots 23 and 24 are off set such that obscure glazing would not be necessary. Although Plot 24 is to have a side elevation window serving the single storey outrigger to the rear of the dwelling, this side window is at ground floor level. As such, the boundary treatment proposed would mitigate any unacceptable neighbouring amenity issue here.

Plots 25 and 26 are arranged perpendicular to each other and with a 13m separation distance. As such, there would be no unacceptable neighbouring amenity issue here. There are no side elevation windows serving Plot 27 which would face towards Plot 26, as such there would be no unacceptable neighbouring amenity issue. Although Plots 26 and 27 are set forward within the plot than the mews Plots 28-30 the car parking is to the front of the mews dwellings. As such, it would not impact unacceptably on the street scene or upon neighbouring amenity. Here would be no unacceptable impact upon the occupants of either Plot 27 or Plot 28 as a result of the fenestration.

Overall in terms of neighbouring amenity, the proposed development is acceptable and accords with Policy ENV2 of the Local Plan: Part 1 Core Strategy and the Design Principles SPD.

## **Highways**

The principle of access has been established at the outline stage of the application process. The site is to have one point of vehicular access off Skipton Road, with a pedestrian link through to Coates Lane. The intention is for the main estate road through the centre of the site to be made up to an adoptable standard.

Each plot has been checked to ensure an appropriate level of car parking is provided. The proposed development accords with Policy 31 of the Replacement Local Plan in this regard.

The Highways Authority have recommended three conditions, relating to cycle storage, bollards to either end of the pedestrian link and management / maintenance of the pedestrian link.

## **Drainage**

The applicant has submitted a surface water drainage strategy which differs in terms of the discharge rate from that of the strategy proposed at the outline stage of the process. However, an amended scheme is in the process of being worked up, which would involve the same rate of discharge as that proposed in the outline application. The Canal & River Trust and the Lead Local Flood Authority have not objected to the scheme. Conditions have been suggested by each of the consultees. United Utilities have responded to the consultation stating that an investigation of the surface water hierarchy needs to be evidenced. The applicant has advised that they have this information from borehole sampling which they have undertaken when working up the proposals for the attenuation pond. However, this evidence will need to be submitted and reviewed by the statutory consultees before a decision can be made. As such, delegated powers are sought to grant consent, subject to the satisfactory outcome of the further drainage information.

## **Summary**

The recommendation here is for the approval of the application, and any conditions necessary, be delegated to the Planning, Economic Development and Regulatory Services Manager subject to the satisfactory outcome of the drainage strategy and details of the retaining structures being acceptable.

## **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 policy. 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. This notice constitutes an approval of matters reserved under Condition 1 and 2 of Planning Permission 19/0815/OUT and does not by itself constitute a planning permission.

Reason: The application relates to matters reserved by Planning Permission 19/0815/OUT.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan HH.SRB.SLP.01 Rev A, Proposed Site Layout HH.SRB.CSL.01 Rev K and HH.SRB.CSL.02 Rev K, Proposed Boundary Treatment Plan HH.SRB.BTP.01 Rev F, Adoptable Highways Plan HH.SRB.AHP.01 Rev F, Landscaping Plan HH.SRB.LP.01 Rev F, Materials Plan HH.SRB.MP.01 Rev E, Storey Height Plan HH.SRB.SHP.01 Rev F, Waste Management Plan HH.SRB.WMP.01 Rev F, Street Scenes / Sections HH.SRB.SS.01 Rev D, House Type D HH.SRB.HT.D, House Type J HH.SRB.HT.J, House Type N HH.SRB.HT.N, House Type Q HH.SRB.HT.Q, House Type T HH.SRB.HT.T, House Type V HH.SRB.HT.V

Reason: In the interests of clarity and proper planning

3. Notwithstanding any indication on the approved plans and application form, prior to the commencement of above ground works involved in the erection of the external walls of the development, samples of the external materials to be used in the construction of the walls, roof verges, fascias and soffits, rain water goods, pipes and flues, windows and door materials and finishes, window reveals and drainage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter times be carried out in strict accordance with the approved materials.

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

4. The occupation 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 surface water 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.

5. Within 3 months of the start of development details of the proposed arrangements for the future management and maintenance of the public open spaces and pedestrian/cycle link between the estate and Coates Lane shall be submitted to and approved by the local planning authority. These should include the establishment of a private management and maintenance company. The open spaces and pedestrian/cycle link shall be maintained in accordance with the approved management and maintenance details thereafter.

Reason: To ensure that the open spaces and pedestrian/cycle link are completed and thereafter maintained to an acceptable standard in the interest of residential amenity and highway safety.

6. Notwithstanding the plans submitted, prior to occupation of the first dwelling the internal pedestrian and cycle link between the estate and Coates Lane shall be constructed in accordance

with a scheme to be approved by the local planning authority to include details of construction, surfacing, drainage and barriers at its junction with Coates Lane and shall be maintained in perpetuity.

Reason: In the interests of highway safety.

7. Prior to first occupation of Plots 28, 29 and 30 secure, covered cycle storage for at least two cycles shall be provided in accordance with a scheme to be approved by the Local Planning Authority and permanently maintained thereafter.

Reason: To ensure that the development provides the infrastructure to support sustainable forms of transport.

8. Prior to the commencement of development on site a method statement shall be submitted to the Local Planning Authority for written approval which shall include the following:

- i) the parking of vehicles of site-operatives and visitors
  - ii) loading and unloading of plant and materials
  - iii) storage of plant and materials used in constructing the development
  - iv) the erection and maintenance of security hoardings including decorative displays, where appropriate
  - v) wheel-washing facilities
  - vi) measures to control the emission of dust and dirt during construction
  - vii) a scheme for re-cycling/disposing of waste resulting from demolition and construction works
- the development shall proceed strictly in accordance with that method statement.

The development shall be carried out in accordance with the method statement.

Reason: In the interest of the amenity of the area during construction work.

### **Informatives**

#### 1. Connection to Public Sewer

The applicant will require an agreement with the appropriate Water and Sewerage Undertaker to connect to the public sewerage system, alongside any Section 104 agreements for the adoption of the proposed surface water sustainable drainage system.

#### 2. Appropriate Legal Agreement

The proposed outfall may require a legal agreement with a third party to access and construct the outfall in addition to any permission(s) from flood risk management authorities. Evidence of an in-principal agreement(s) should be submitted to the Local Planning Authority.

**Application Ref:** 23/0067/REM

**Proposal:** Reserved Matters: Major: Erection of 30 no. dwellings (Appearance, Landscaping, Layout and Scale) of Planning Permission 19/0815/OUT.

**At:** Land to the North East of Meadow Way, Skipton Road, Barnildswick

**On behalf of:** Tabley Homes (Barnoldswick) Ltd

## REPORT TO WEST CRAVEN COMMITTEE 9<sup>TH</sup> MAY 2023

**Application Ref:** 23/0211/FUL  
**Proposal:** Full (Major): Erection of a new concrete slurry store  
**At:** Wedacre Farm, Skipton Road, Gisburn  
**On behalf of:** Mr D White  
**Date Registered:** 06/04/2023  
**Expiry Date:** 06/07/2023  
**Case Officer:** Laura Barnes

### **Site Description and Proposal**

The application site relates to a piece of land which forms part of the land holding relating to Wedacre Farm. The farm is accessed via the A59 to the north. Wedacre Farmhouse is a Grade II Listed Building.

The application seeks planning permission for an agricultural slurry store which is to measure 41.9m in diameter, a wall height of 8m with a conical cover extending to a height of 13.4m. The store is to have a cubic capacity of 11,036 cubic metres. The footprint of the structure is to be 1,379 sqm. It is to be constructed of a pre-cast concrete panel wall structure with UPVC membrane cover stretched over a central pole. The proposed slurry store is located to the south east of the existing farm complex. The farm comprises 214 hectares of pasture land and productive meadow. The store is to be dug into the ground by 3m. The proposed slurry store is to be located 120m to the south east of the Listed Farmhouse.

### **Relevant Planning History**

None relevant

### **Consultee Response**

#### LCC Highways

Having reviewed the information and drawings submitted, the above proposal raises no highway concerns. Therefore, the Highway Development Control Section would raise no objection to the proposal on highway safety grounds.

#### Ribble Valley Borough Council

#### Response Awaited – case officer Ben

#### Environment Agency

Development involving sludge or slurry - Advice to applicant

The proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010.

The applicant should also ensure the proposed development supports compliance with:

- The Reduction and Prevention of Agricultural Diffuse Pollution (England)

Regulations 2018 known as Farming Rules for Water (FRfW),

- The Environmental Permitting (England and Wales) Regulations 2016 (EPR)
- The Nitrate Pollution Prevention Regulations 2015 (NVZ)

Environmental good practice advice is available in The Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by DEFRA).

Any agricultural development that will result in an increase in cattle numbers or water usage may adversely impact the storage of waste waters, slurry and other polluting matter.

The applicant is advised to consider both the proposed development and existing on-farm slurry and manure storage to ensure compliance with the regulations (SSAFO, FRfW, EPR, NVZ).

As a condition of SSAFO, you must notify the Environment Agency of a new, reconstructed or enlarged slurry store, silage clamp or fuel stores at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction. Please note the Environment Agency must be informed of your proposals in addition to any application for planning permission. Upon completion of the work, the applicant must contact the Environment Agency Agriculture Team to arrange for the new slurry facility to be inspected before it is brought into use. Any proposals for earth-banked slurry lagoons will require an impermeable clay base to a minimum depth of one metre. To ensure compliance with SSAFO, applicants will need to provide us with details of percolation tests to demonstrate that the ground conditions at the base of the lagoon are appropriate. Where permeability tests show that the soil or underlying ground is not suitable, it will be necessary to use a synthetic material or import impermeable soils to act as a liner for the lagoon. The earth banked walls will also need sampling as sufficient clay soils (not less than 20% and no more than 30% clay content) are required to make the banks stable. The lagoon should be sited sufficiently far away from any watercourses and land drains.

If the applicant intends to apply for a grant under the Farming Investment Fund – Slurry Infrastructure grant the proposed development must also fully comply with the grant scheme rules, found at - Slurry Infrastructure grant. In this case the SSAFO notification to the Environment Agency will be satisfied by the submission of the grant application form.

Further guidance:

Storing silage, slurry and agricultural fuel oil

Protecting our water, soil and air

Site selection, design and construction:

[https://www.ciria.org/CIRIA/CIRIA/Item\\_Detail.aspx?iProductCode=C759F&Category=FREEPUBS](https://www.ciria.org/CIRIA/CIRIA/Item_Detail.aspx?iProductCode=C759F&Category=FREEPUBS)

## **Public Response**

Nearest neighbours have been notified, a site and press notice have been displayed, without response. The publicity expires on 9<sup>th</sup> May 2023. In this case delegated powers are sought to grant permission subject to the publicity expiry period.

## **Officer Comments**

### **Policy**

Policy ENV1 (Protecting and enhancing Our Natural & Historic Environments) seeks to ensure that development makes a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environment.

Policy ENV2 (Achieving Quality in Design and Conservation) 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 SDP1 (Presumption in Favour of sustainable Development) echoes the approach in National Policy which seeks to use a positive approach and find solutions towards achieving sustainable development.

### 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. Part 6 of the Framework concerns supporting a prosperous rural economy. It supports sustainable growth and expansion of all types of businesses. The encouragement of growth is predicated on the conversion of existing buildings and well-designed new buildings.

Development in the Open Countryside Supplementary Planning Guidance (SPG)

### **Principle of Development**

The land is already within agricultural use and the proposed development would assist in meeting some of the objectives set out in The Reduction and Prevention of Agricultural Diffuse Pollution (England) Regulations 2018, by providing 6 months of slurry storage. The farm business itself is a long established, which currently has 500 Danish Red dairy cows plus an additional 100 head of dry cows. The land holding involved in this operation is 214 hectares.

The proposal is for an agricultural building, upon agricultural land. The principle of this is acceptable subject to design, heritage, amenity and landscape / visual impact.

### **Landscape Impact and Visual Amenity**

The site is located on a currently open area of land to the east of the existing cluster of buildings. There is a public right of way running through the farmyard which connects into another right of way travelling south towards Flush Beck. There is another public right of way which runs in an east-west direction through the farmyard in front of the Grade II Listed Farmhouse. The proposed container would be partly screened in long distance views because of the drumlin topography in this area but also by the Big Covert plantation to the east and the Bawden Plantation to the south east. As such, although short range views of the area would change in the area immediately adjacent to the farmyard, this would not have an unacceptable effect upon users of the public right of way due to the existing cluster of farm buildings which the proposed container is to be sited amongst.

The proposed use is acceptable in landscape and visual amenity terms in accordance with Policy ENV2 of the Local Plan: Part 1 Core Strategy.

## **Design & Heritage**

Views of the proposed development from the Listed Farmhouse Building would be in the context of the existing agricultural buildings which are extensive modern portal frame structures. There are existing slurry structures within the farmyard albeit the proposed one would be larger in scale.

The proposed building is to be constructed of a concrete block base wall with a UPVC cover. The cover would serve to prevent rain water getting into the store and would also trap ammonia from getting into the atmosphere. The footprint of the store is circular, with a conical roof having its apex to the centre of the structure.

In terms of the impact upon the Listed Building, the proposed development would be read in the context of the existing agricultural structures. Therefore the impact upon the Listed Building would be neutral. As such, the proposed development accords with paragraph 202 of the Framework and Section 66 of the Planning (Listed Building & Conservation Areas) Act 1990.

## **Residential Amenity**

The proposed development is to be sited to the south east of the farmhouse and further from the dwelling than the existing agricultural buildings. The proposed development would not come within an unacceptable distance (400m) of any other residential properties which are not associated with the farming operation at Wedacre Farm.

As such, the proposed building would not result in an unacceptable neighbouring amenity issue.

## **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 scale and visual amenity, thereby complying with Local Plan policies. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

## **RECOMMENDATION: Delegated powers to grant consent subject to publicity expiry**

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: Location Plan: TS392-3 (scale: 1:5000), Proposed Site Plan: TS396-3, Proposed Elevation Plan, Roof Plan & Floor Plan: TS396-1

**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.

**Application Ref:** 23/0211/FUL

**Proposal:** Full (Major): Erection of a new concrete slurry store

**At:** Wedacre Farm, Skipton Road, Gisburn

**On behalf of:** Mr D White

**Date Registered:** 06/04/2023

## **LIST OF BACKGROUND PAPERS**

Planning Applications

**NPW/MP**

**Date:** 12th May 2023